



CHAIRMAN'S MEMORANDUM

NO. 8-98

May 26, 1998

**TO: SHERIFFS, JAIL ADMINISTRATORS, COMMISSIONERS OF CORRECTION,
MEDICAL COORDINATORS**

RE: Medication Procedures in Local Correctional Facilities

Section 6801 of the Education Law, in defining the practice of pharmacy, states that pharmacy is "... the preparing, compounding, preserving or dispensing of drugs, medicines, and therapeutic devices on the basis of prescription or other legal authority." Likewise, a pharmacy is defined as "any place, other than a registered store, in which drugs, prescriptions or poisons are compounded, preserved, dispensed or retailed, or in which such drugs, prescriptions or poisons are by advertising or otherwise offered for sale at retail." (Section 6802 Education Law)

In cases where large bulk stocks or supplies of medication are maintained at the facility, such a facility may be operating a pharmacy to which the requirements of the Education Law would apply. Physicians, Physician's assistants and nurse practitioners typically authorize such medication through the writing of a prescription, and the prescription is filled from stock supplies. Section 6803 of the Education Law states "only a person licensed or otherwise authorized under this article shall practice pharmacy or use the title 'pharmacist' or any derivative." There is no statutory authorization for nurses to fill prescriptions. Education Law requirements do not prohibit a physician from supplying his patients with such drugs as the physician deems appropriate, provided that such drugs are dispensed in a container labeled with the name of the patient and dispenser, directions for use, date of delivery and other information required by law (section 6807(b) of the Education Law), but such dispensing is limited to pharmacists and physicians.

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Delivery of Medication

Health care providers or correction officers can deliver medication in a correctional setting. "Delivery" means giving an individual a single unit of medication from a pharmacy-prepared and labeled container. This includes unit dose packages which are sometimes referred to as "blister packs." If prescribed liquid medication is available from the pharmacy in a single dose unit, this could be delivered by correction officers as well. An officer cannot dilute or mix liquid medication (e.g., mix in juice).

Health care providers cannot pour and label a unit of medication for a correction officer to deliver at a later date. An officer can only deliver medication from a pharmacy-prepared container.

Administration of Medication

Only authorized licensed health care providers can "administer" medication. The administration of medication would include activities which require distinguishing between various types and dosages of medications or medications ordered with specific parameters (e.g., hold medication if pulse less than 60; or give medication every four hours if necessary for pain).

Administration also includes substituting equivalent medications or executing a physician's telephone or written orders.

Medication administration is solely the function of authorized health care providers in a correctional setting.

Finally, no one, licensed or not, may administer or deliver medication prescribed and dispensed for one named individual to another individual.

Alan J. Croce
Chairman/Commissioner

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