

The New York Medical Marijuana Program: Information for Doctors



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On July 7, 2014, Governor Cuomo signed a medical marijuana bill into law. After an eighteen month implementation process, New York's medical marijuana program was officially launched on January 7, 2016. The law expires in seven years unless renewed by the Legislature. Below is a summary of the provisions in the law that relate to healthcare providers.

What healthcare practitioners will be eligible to recommend medical marijuana for their patients?

Only physicians licensed to practice in New York State are allowed to recommend medical marijuana, although the Commissioner has the option of including nurse practitioners based on patient need and access.

What are the requirements for becoming a recommending physician?

Recommending physicians must:

- Be licensed and practicing in New York State;
- Be qualified to treat the serious condition for which medical marijuana is being recommended;
- Have completed a training course approved by the Department of Health (DOH), available here https://www.health.ny.gov/regulations/medical_marijuana/practitioner/
- Have emailed the course completion certificate as well as your state license number and Health Commerce System User ID to mmp@health.ny.gov

The course covers the following topics: the pharmacology of marijuana; contraindications; side effects; adverse reactions; overdose prevention; drug interactions; dosing; routes of administration; risks and benefits; warnings and precautions; and abuse and dependence. The course will cost \$249 to take and successful completion will provide 4.5 hours of CME credits.

How does the physician recommendation work?

Rather than write a prescription, the physician will issue a recommendation or certification that an eligible patient can obtain and use medical marijuana. The DOH has created an online form for practitioners to use in making a certification. A certification is good for one year (or less if the physician specifies a shorter time frame) or, if the person is deemed to be terminally ill, until their death. Once a patient has obtained a physician certification, s/he applies to the DOH for a patient registry card, which allows him or her to legally purchase and use medical marijuana obtained from a state-licensed dispensary.

For which serious conditions will I be able to recommend medical marijuana?

Under the new medical marijuana law, a physician can only recommend medical marijuana for a patient that has a serious condition as defined as: "having one of the following severe debilitating or life-threatening conditions: cancer, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, inflammatory bowel disease, neuropathies, Huntington's disease, or as added by the commissioner; and

(ii) any of the following conditions where it is clinically associated with, or a complication of, a condition under this paragraph or its treatment: cachexia or wasting syndrome; severe or chronic pain; severe nausea; seizures; severe or persistent muscle spasms; or such conditions as are added by the commissioner.” The Health Commissioner also has the ability to add other conditions at any time.

To whom can I recommend medical marijuana?

To make a recommendation for medical marijuana, your patient must have a serious medical condition as defined above, and you must be *caring for* the patient for whom you are making recommendation. *Caring for* is defined as having done a full assessment of the patient’s medical history and current medical condition. Physicians must also certify that they believe the patient will benefit from the use of medical marijuana and consult the prescription drug monitoring program (I-STOP) to review the patient’s controlled substances use history before issuing a recommendation. According to the New York State Department of Health, a patient’s certification must include the following information: “the authorized brand and form of the approved medical marijuana, the administration method, the dosage, and any limitations on the use of approved medical marijuana.” Physicians cannot issue a certification to themselves.

What are the dosing guidelines for medical marijuana?

A physician can certify a patient for a 30 day supply of medical marijuana or less. Practitioners must consider the form, method of ingestion, and dosage and include any such recommendations in the certification. If the practitioner has determined a specific dose or any limitations, these must be included on the patient’s certification. For ingestible forms, a single dose cannot exceed 10 mg of THC. Smoking is prohibited under the law, and the Health Commissioner must approve all forms of medical marijuana sold. Allowable modes of administration include vaporizing, oral forms (pills), and tinctures.

Are my patients and I protected from discrimination?

Yes. Under the law, patients, caregivers, and practitioners “shall not be denied any right or privilege, including but not limited to, they shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, solely for the certified medical use or manufacture of marijuana, or for any other action or conduct in accordance with this title.” Patients and practitioners are also protected under the human rights law (e.g., cannot be discriminated against in housing, employment, public accommodations).

Where can I get more information on the science behind medical marijuana?

- Visiting the Resource section of our website: <http://www.compassionatecareny.org/resources/>
- Conducting searches in PubMed Central: <http://www.ncbi.nlm.nih.gov/pmc/>
- Accessing a database of scientific research on medical marijuana: http://www.safeaccessnow.org/medical_professionals