

STATE OF NEW YORK

2025--A

Cal. No. 874

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. MAY, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to permitting certain registered pharmacy technicians assisting in home infusion services through a home care agency to assist a licensed pharmacist in preparing prescriptions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 6841 of the education law, as
2 added by chapter 414 of the laws of 2019, is amended to read as follows:
3 1. A registered pharmacy technician may, under the direct personal
4 supervision of a licensed pharmacist, assist such licensed pharmacist,
5 as directed, in compounding, preparing, labeling, or dispensing of drugs
6 used to fill valid prescriptions or medication orders or in compounding,
7 preparing, and labeling in anticipation of a valid prescription or medi-
8 cation order for a patient to be served by the facility, in accordance
9 with article one hundred thirty-seven of this title where such tasks
10 require no professional judgment. Such professional judgment shall only
11 be exercised by a licensed pharmacist. A registered pharmacy technician
12 may only practice in a facility licensed in accordance with article
13 twenty-eight of the public health law, or a pharmacy owned and operated
14 by such a facility, providing home infusion services through a home care
15 agency licensed under article thirty-six of the public health law under
16 the direct personal supervision of a licensed pharmacist employed [~~in~~]
17 by such a facility or pharmacy. Such facility or pharmacy shall be
18 responsible for ensuring that the registered pharmacy technician has

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 received appropriate training to ensure competence before he or she
2 begins assisting a licensed pharmacist in compounding, preparing, label-
3 ing, or dispensing of drugs, in accordance with this article and article
4 one hundred thirty-seven of this title. For the purposes of this arti-
5 cle, direct personal supervision means supervision of procedures based
6 on instructions given directly by a supervising licensed pharmacist who
7 remains in the immediate area where the procedures are being performed,
8 authorizes the procedures and evaluates the procedures performed by the
9 registered pharmacy technicians and a supervising licensed pharmacist
10 shall approve all work performed by the registered pharmacy technician
11 prior to the actual dispensing of any drug.

12 § 2. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law. Effective immediately, the amendment and/or
14 repeal of any rule or regulation necessary for the implementation of
15 this act on its effective date are authorized to be made and completed
16 on or before such effective date.