

S T A T E O F N E W Y O R K

7367--A

I N S E N A T E

May 2, 2012

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the registration and certification of pharmacy technicians; and providing for the repeal of certain provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section 6805-a
2 to read as follows:
3 S 6805-A. REQUIREMENTS FOR REGISTRATION AND CERTIFICATION AS A PHAR-
4 MACY TECHNICIAN. 1. ANY PERSON SEEKING TO BE EMPLOYED AS A PHARMACY
5 TECHNICIAN SHALL FULFILL THE FOLLOWING REQUIREMENTS IN ORDER TO BE
6 REGISTERED AS A PHARMACY TECHNICIAN:
7 A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;
8 B. EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING HIGH SCHOOL GRADU-
9 ATION OR A GENERAL EQUIVALENCY DIPLOMA (GED);
10 C. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;
11 D. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
12 MENT, WHICH SHALL INCLUDE A CRIMINAL BACKGROUND CHECK THAT INDICATES
13 THAT THE APPLICANT HAS NO FELONY OR DRUG RELATED CONVICTIONS; AND
14 E. FEE: PAY A REGISTRATION FEE ESTABLISHED IN REGULATION BY THE BOARD
15 OF REGENTS. SUCH FEES SHALL BE MAINTAINED IN A DEDICATED FUND TO SUPPORT
16 THE REGULATION OF THE PROFESSIONS BY THE DEPARTMENT.
17 2. ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, NO PERSON SHALL ACT
18 AS A PHARMACY TECHNICIAN UNLESS REGISTERED BY THE BOARD.
19 3. BY JANUARY FIRST, TWO THOUSAND SIXTEEN TO QUALIFY TO BE A PHARMACY
20 TECHNICIAN, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS IN
21 ORDER TO BE CERTIFIED AS A PHARMACY TECHNICIAN:
22 A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;
23 B. EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING: (I) HIGH SCHOOL
24 GRADUATION OR A GENERAL EQUIVALENCY DIPLOMA (GED); AND (II) SUCCESSFUL

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

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1 COMPLETION OF AN EDUCATION OR TRAINING PROGRAM, AS MAY BE APPROVED BY
2 THE DEPARTMENT;
3 C. EXPERIENCE: HAVE EXPERIENCE SATISFACTORY TO THE BOARD AND IN
4 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;
5 D. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN
6 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;
7 E. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;
8 F. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
9 MENT WHICH SHALL INCLUDE A CRIMINAL BACKGROUND CHECK THAT INDICATES THAT
10 THE APPLICANT HAS NO FELONY OR DRUG RELATED CONVICTIONS; AND
11 G. FEE: PAY A TRIENNIAL FEE ESTABLISHED IN REGULATION BY THE BOARD OF
12 REGENTS. SUCH FEE SHALL BE MAINTAINED IN A DEDICATED FUND TO SUPPORT THE
13 REGULATION OF THE PROFESSIONS BY THE DEPARTMENT.
14 4. ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, NO PERSON SHALL
15 ACT AS A PHARMACY TECHNICIAN UNLESS CERTIFIED BY THE BOARD PROVIDED,
16 HOWEVER, THAT STUDENTS ENROLLED IN ACCREDITED PROGRAMS OR STUDY IN PHAR-
17 MACY SHALL NOT BE REQUIRED TO REGISTER OR BE CERTIFIED AS A PHARMACY
18 TECHNICIAN IN ORDER TO COMPLETE PRACTICE REQUIREMENTS. SUCH STUDENTS
19 SHALL BE DIRECTLY SUPERVISED AT ALL TIMES, SHALL BE ALLOWED TO PERFORM
20 ONLY NON-JUDGMENTAL TASKS AND SHALL BE LIMITED TO PERFORMING THESE TASKS
21 FOR A PERIOD OF TIME, AS MAY BE DEFINED BY THE DEPARTMENT. IN ADDITION,
22 INDIVIDUALS ENROLLED IN PHARMACY TECHNICIAN EDUCATION OR TRAINING
23 PROGRAMS, AS MAY BE APPROVED BY THE DEPARTMENT, SHALL ALSO NOT BE
24 REQUIRED TO REGISTER OR BE CERTIFIED AS A PHARMACY TECHNICIAN, PROVIDED,
25 HOWEVER, THAT SUCH INDIVIDUALS SHALL BE SUBJECT TO A CRIMINAL BACKGROUND
26 CHECK THAT INDICATES THAT THE APPLICANT HAS NO FELONY OR DRUG RELATED
27 CONVICTIONS AND PROVIDED FURTHER THAT SUCH EXEMPTION FROM REGISTRATION
28 OR CERTIFICATION SHALL BE FOR ONLY TWO YEARS.
29 5. FOR THE PURPOSES OF THIS SECTION:
30 A. "BOARD" SHALL MEAN THE STATE BOARD OF PHARMACY;
31 B. "PHARMACY TECHNICIAN" SHALL MEAN AN INDIVIDUAL DELEGATED DUTIES,
32 TASKS OR FUNCTIONS BY A LICENSED PHARMACIST TO FULFILL THEIR DUTY OF
33 PROVIDING HEALTH CARE PRODUCTS TO PATIENTS. CONSISTENT WITH REGULATIONS
34 OF THE COMMISSIONER OF EDUCATION AND RULES OF THE BOARD OF REGENTS,
35 PHARMACY TECHNICIANS SHALL BE SUBJECT TO THE SUPERVISION OF LICENSED
36 PHARMACISTS AND SHALL HAVE NO INDEPENDENT AUTHORITY AND, IN ACCORDANCE
37 WITH THE REGULATIONS OF THE DEPARTMENT. UPON THE IMPLEMENTATION OF THE
38 CERTIFICATION REQUIREMENTS SET FORTH UNDER SUBDIVISION THREE OF THIS
39 SECTION, THE DEPARTMENT AND THE BOARD OF REGENTS SHALL ADJUST THE RATIO
40 OF PHARMACY TECHNICIANS TO PHARMACISTS AND CONSIDER THE SCOPE OF AUTHOR-
41 ITY THAT MAY BE EXERCISED BY SUCH CERTIFIED PHARMACY TECHNICIANS;
42 C. "CERTIFIED PHARMACY TECHNICIAN" SHALL MEAN AN INDIVIDUAL WHO HAS
43 SUCCESSFULLY FULFILLED THE REQUIREMENTS TO OBTAIN PHARMACY TECHNICIAN
44 CERTIFICATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.
45 S 2. This act shall take effect one year after the date on which it
46 shall have become a law; provided, however, that subdivisions 1 and 2 of
47 section 6805-a of the education law, as added by section one of this
48 act, shall expire and be deemed repealed January 1, 2016. Effective
49 immediately, the addition, amendment and/or repeal of any rule or regu-
50 lation necessary for the implementation of the provisions of this act on
51 its effective date is authorized to be made on or before such effective
52 date.