

775--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. FUSCHILLO, GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee and committed to the Committee on Finance -- 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.

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

LBD01451-02-3

1 3. BY JANUARY FIRST, TWO THOUSAND SEVENTEEN, TO QUALIFY TO BE A PHAR-  
2 MACY TECHNICIAN, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS  
3 IN ORDER TO BE CERTIFIED AS A PHARMACY TECHNICIAN:

4 A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

5 B. EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING: (I) HIGH SCHOOL  
6 GRADUATION OR A GENERAL EQUIVALENCY DIPLOMA (GED); AND (II) SUCCESSFUL  
7 COMPLETION OF AN EDUCATION OR TRAINING PROGRAM, AS MAY BE APPROVED BY  
8 THE DEPARTMENT;

9 C. EXPERIENCE: HAVE EXPERIENCE SATISFACTORY TO THE BOARD AND IN  
10 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

11 D. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN  
12 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

13 E. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;

14 F. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
15 MENT WHICH SHALL INCLUDE A CRIMINAL BACKGROUND CHECK THAT INDICATES THAT  
16 THE APPLICANT HAS NO FELONY OR DRUG RELATED CONVICTIONS; AND

17 G. FEE: PAY A TRIENNIAL FEE ESTABLISHED IN REGULATION BY THE BOARD OF  
18 REGENTS. SUCH FEE SHALL BE MAINTAINED IN A DEDICATED FUND TO SUPPORT THE  
19 REGULATION OF THE PROFESSIONS BY THE DEPARTMENT.

20 4. ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, NO PERSON SHALL  
21 ACT AS A PHARMACY TECHNICIAN UNLESS CERTIFIED BY THE BOARD PROVIDED,  
22 HOWEVER, THAT A REGISTERED PHARMACY TECHNICIAN WHO SUBMITS EVIDENCE OF A  
23 MINIMUM OF FIVE YEARS OF EMPLOYMENT WITHIN THE LAST EIGHT YEARS AS A  
24 PHARMACY TECHNICIAN AT A PHARMACY MAY ACT AS A PHARMACY TECHNICIAN IF  
25 SUCH PERSON MEETS THE REQUIREMENTS FOR CERTIFICATION ESTABLISHED IN THIS  
26 SECTION, EXCEPT FOR EXAMINATION AND THE COMPLETION OF AN EDUCATION OR  
27 TRAINING PROGRAM, AND PROVIDED FURTHER THAT STUDENTS ENROLLED IN ACCRED-  
28 ITED PROGRAMS OR STUDY IN PHARMACY SHALL NOT BE REQUIRED TO REGISTER OR  
29 BE CERTIFIED AS A PHARMACY TECHNICIAN IN ORDER TO COMPLETE PRACTICE  
30 REQUIREMENTS. SUCH STUDENTS SHALL BE DIRECTLY SUPERVISED AT ALL TIMES,  
31 SHALL BE ALLOWED TO PERFORM ONLY NON-JUDGMENTAL TASKS AND SHALL BE  
32 LIMITED TO PERFORMING THESE TASKS FOR A PERIOD OF TIME, AS MAY BE  
33 DEFINED BY THE DEPARTMENT. IN ADDITION, INDIVIDUALS ENROLLED IN PHARMACY  
34 TECHNICIAN EDUCATION OR TRAINING PROGRAMS, AS MAY BE APPROVED BY THE  
35 DEPARTMENT, SHALL ALSO NOT BE REQUIRED TO REGISTER OR BE CERTIFIED AS A  
36 PHARMACY TECHNICIAN, PROVIDED, HOWEVER, THAT SUCH INDIVIDUALS SHALL BE  
37 SUBJECT TO A CRIMINAL BACKGROUND CHECK THAT INDICATES THAT THE APPLICANT  
38 HAS NO FELONY OR DRUG RELATED CONVICTIONS AND PROVIDED FURTHER THAT SUCH  
39 EXEMPTION FROM REGISTRATION OR CERTIFICATION SHALL BE FOR ONLY TWO  
40 YEARS.

41 5. A PERSON WHO QUALIFIES TO FUNCTION AS A CERTIFIED PHARMACY TECHNI-  
42 CIAN MUST, DURING EVERY TRIENNIAL REGISTRATION PERIOD, COMPLETE THIRTY  
43 HOURS OF CONTINUING EDUCATION TO REMAIN QUALIFIED TO ACT AS A PHARMACY  
44 TECHNICIAN. THE PHARMACY THAT EMPLOYS OR CONTRACTS WITH A PERSON TO ACT  
45 AS A PHARMACY TECHNICIAN SHALL VERIFY THAT THE PERSON MEETS THE CONTINU-  
46 ING EDUCATION REQUIREMENTS OF THIS SUBDIVISION.

47 6. FOR THE PURPOSES OF THIS SECTION:

48 A. "BOARD" SHALL MEAN THE STATE BOARD OF PHARMACY;

49 B. "PHARMACY TECHNICIAN" SHALL MEAN AN INDIVIDUAL DELEGATED DUTIES,  
50 TASKS OR FUNCTIONS BY A LICENSED PHARMACIST TO FULFILL THEIR DUTY OF  
51 PROVIDING HEALTH CARE PRODUCTS TO PATIENTS. CONSISTENT WITH REGULATIONS  
52 OF THE COMMISSIONER OF EDUCATION AND RULES OF THE BOARD OF REGENTS,  
53 PHARMACY TECHNICIANS SHALL BE SUBJECT TO THE SUPERVISION OF LICENSED  
54 PHARMACISTS AND SHALL HAVE NO INDEPENDENT AUTHORITY AND, IN ACCORDANCE  
55 WITH THE REGULATIONS OF THE DEPARTMENT. UPON THE IMPLEMENTATION OF THE  
56 CERTIFICATION REQUIREMENTS SET FORTH UNDER SUBDIVISION THREE OF THIS

1 SECTION, THE DEPARTMENT AND THE BOARD OF REGENTS SHALL CONSIDER AN  
2 ADJUSTMENT TO THE RATIO OF PHARMACY TECHNICIANS TO PHARMACISTS AND  
3 CONSIDER THE DELEGATED DUTIES, TASKS AND FUNCTIONS THAT MAY BE EXERCISED  
4 BY SUCH CERTIFIED PHARMACY TECHNICIANS PROVIDED, HOWEVER, PHARMACIES MAY  
5 ONLY BE ELIGIBLE FOR AN ADJUSTMENT OF THE RATIO OF PHARMACY TECHNICIANS  
6 TO PHARMACISTS AND CONSIDERATION OF THE DELEGATED DUTIES, TASKS AND  
7 FUNCTIONS THAT MAY BE EXERCISED BY PHARMACY TECHNICIANS IN ACCORDANCE  
8 WITH REGULATIONS BY THE DEPARTMENT AND BOARD OF REGENTS IF ALL PHARMACY  
9 TECHNICIANS EMPLOYED BY THE REGISTERED PHARMACY ARE CERTIFIED PHARMACY  
10 TECHNICIANS;

11 C. "CERTIFIED PHARMACY TECHNICIAN" SHALL MEAN AN INDIVIDUAL WHO HAS  
12 SUCCESSFULLY FULFILLED THE REQUIREMENTS TO OBTAIN PHARMACY TECHNICIAN  
13 CERTIFICATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

14 S 2. This act shall take effect one year after the date on which it  
15 shall have become a law; provided, however, that subdivisions 1 and 2 of  
16 section 6805-a of the education law, as added by section one of this  
17 act, shall expire and be deemed repealed January 1, 2017. Effective  
18 immediately, the addition, amendment and/or repeal of any rule or regu-  
19 lation necessary for the implementation of the provisions of this act on  
20 its effective date is authorized to be made on or before such effective  
21 date.