

4841--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 9, 2015

---

Introduced by M. of A. ENGLEBRIGHT, WEPRIN, RAIA -- Multi-Sponsored by  
-- M. of A. BUTLER -- read once and referred to the Committee on  
Higher Education -- recommitted to the Committee on Higher Education  
in accordance with Assembly Rule 3, sec. 2 -- 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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 OR CERTIFICATION AS A PHARMACY  
4     TECHNICIAN. 1. ANY INDIVIDUAL EMPLOYED IN A PHARMACY WHO DIRECTLY  
5     ASSISTS LICENSED PHARMACISTS TO DISPENSE PRESCRIPTIONS OR HAS AUTHORITY  
6     TO ADD OR TO MODIFY PRESCRIPTION RECORDS MAINTAINED IN THE PHARMACY  
7     COMPUTER SYSTEM AND WHO HAS ACCESS TO PRESCRIPTION DRUGS SHALL BE A  
8     REGISTERED PHARMACY TECHNICIAN.  
9     2. A REGISTERED PHARMACY TECHNICIAN SHALL FULFILL THE FOLLOWING  
10    REQUIREMENTS:  
11    A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT.  
12    B. EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING, AT A MINIMUM, A  
13    HIGH SCHOOL OR A GENERAL EQUIVALENCY DIPLOMA OR WHO IS ENROLLED IN A  
14    COURSE OF STUDY LEADING TOWARD A HIGH SCHOOL OR GENERAL EQUIVALENCY  
15    DIPLOMA.  
16    C. AGE: BE AT LEAST SEVENTEEN YEARS OF AGE.  
17    D. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
18    MENT, WHICH SHALL INCLUDE A CRIMINAL BACKGROUND CHECK THAT INDICATES  
19    THAT THE APPLICANT HAS NO DRUG-RELATED FELONY CONVICTIONS OR, IF THE  
20    APPLICANT HAS SUCH A CONVICTION, THAT NO CERTIFICATE UNDER ARTICLE TWEN-

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

LBD07058-05-6

TY-THREE OF THE CORRECTIONS LAW HAS BEEN ISSUED CONCOMITANTLY OR SUBSEQUENTLY TO THE APPLICANT HAVING SUCH CONVICTION; AND

E. FEE: PAY A TRIENNIAL REGISTRATION FEE ESTABLISHED IN REGULATION BY THE BOARD. SUCH FEE SHALL BE MAINTAINED IN A DEDICATED FUND TO SUPPORT THE REGULATION OF THE PROFESSIONS BY THE DEPARTMENT.

F. AS A CONDITION OF EMPLOYMENT AS A REGISTERED PHARMACY TECHNICIAN, AN INDIVIDUAL SHALL HAVE A CURRENT VALID REGISTRATION AS A PHARMACY TECHNICIAN ISSUED BY THE DEPARTMENT OR SHALL HAVE COMPLETED THE APPLICATION PROCESS. SUCH INDIVIDUAL SHALL PROVIDE EVIDENCE OF REGISTRATION OR EVIDENCE THAT THE APPLICATION HAS BEEN RECEIVED BY THE DEPARTMENT.

G. AN INDIVIDUAL EMPLOYED IN A PHARMACY AS OF THE EFFECTIVE DATE OF THIS SECTION WHO DIRECTLY ASSISTS LICENSED PHARMACISTS TO DISPENSE PRESCRIPTIONS, WHO MEETS THE QUALIFICATIONS SET FORTH IN THIS SECTION FOR REGISTERED TECHNICIANS WITH THE EXCEPTION OF HAVING A HIGH SCHOOL OR GENERAL EQUIVALENCY DIPLOMA, AND WHO SUBMITS EVIDENCE VERIFIED BY HIS OR HER EMPLOYER OF A MINIMUM OF FIVE YEARS OF EMPLOYMENT IN GOOD STANDING WITH THE EMPLOYER MAY BE ELIGIBLE FOR A WAIVER APPROVED BY THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD OF PHARMACY, UPON GOOD CAUSE SHOWN AS DETERMINED BY THE DEPARTMENT, FROM THE EDUCATIONAL REQUIREMENTS HEREIN.

3. ANY INDIVIDUAL EMPLOYED IN A PHARMACY LOCATED WITHIN A FACILITY LICENSED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW OR WHO IS EMPLOYED BY A FACILITY THAT IS ENGAGED IN THE COMPOUNDING OR PREPARATION OF DRUGS ON BEHALF OF FACILITIES LICENSED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND WHO DIRECTLY ASSISTS LICENSED PHARMACISTS TO DISPENSE PRESCRIPTIONS OR MEDICATION ORDERS OR HAS AUTHORITY TO ADD TO OR TO MODIFY PRESCRIPTION RECORDS MAINTAINED IN THE PHARMACY COMPUTER SYSTEM AND WHO HAS ACCESS TO PRESCRIPTION DRUGS SHALL BE A CERTIFIED PHARMACY TECHNICIAN. AN INDIVIDUAL WHO IS ASSISTING IN THE COMPOUNDING OF MEDICATIONS UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST SHALL BE A CERTIFIED PHARMACY TECHNICIAN IN ANY AUTHORIZED SETTING, INCLUDING, BUT NOT LIMITED TO, FACILITIES AUTHORIZED PURSUANT TO SECTION SIXTY-EIGHT HUNDRED THIRTY-ONE OF THIS ARTICLE.

4. A CERTIFIED PHARMACY TECHNICIAN SHALL FULFILL THE FOLLOWING REQUIREMENTS:

A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT.

B. EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING HIGH SCHOOL OR A GENERAL EQUIVALENCY DIPLOMA AND HAVE COMPLETED REQUIREMENTS NECESSARY TO QUALIFY FOR AND MAINTAIN CURRENT VALID CERTIFICATION STATUS, INCLUDING CONTINUING EDUCATION REQUIREMENTS AS MAY APPLY, FROM A NATIONALLY ACCREDITED INDEPENDENT CERTIFYING BODY INCLUDING BUT NOT LIMITED TO THE PHARMACY TECHNICIAN CERTIFICATION BOARD, THE INSTITUTE FOR THE CERTIFICATION OF PHARMACY TECHNICIANS, AND ANY OTHER NATIONALLY ACCREDITED INDEPENDENT CERTIFYING BODY AS MAY BE SATISFACTORY TO THE DEPARTMENT AND APPROVED IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSIONER.

C. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE.

D. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT WHICH SHALL INCLUDE A CRIMINAL BACKGROUND CHECK THAT INDICATES THAT THE APPLICANT HAS NO DRUG-RELATED FELONY CONVICTIONS OR IF THE APPLICANT HAS SUCH A CONVICTION, THAT NO CERTIFICATE UNDER ARTICLE TWENTY-THREE OF THE CORRECTIONS LAW HAS BEEN ISSUED CONCOMITANTLY OR SUBSEQUENTLY TO THE APPLICANT HAVING SUCH CONVICTION; AND

E. FEE: PAY A TRIENNIAL REGISTRATION FEE ESTABLISHED IN REGULATION BY THE BOARD. SUCH FEE SHALL BE MAINTAINED IN A DEDICATED FUND TO SUPPORT THE REGULATION OF THE PROFESSIONS BY THE DEPARTMENT.

1 F. AS A CONDITION OF EMPLOYMENT AS A CERTIFIED PHARMACY TECHNICIAN, AN  
2 INDIVIDUAL SHALL HAVE A CURRENT VALID CERTIFICATION ISSUED BY THE  
3 DEPARTMENT OR SHALL HAVE COMPLETED THE APPLICATION PROCESS. SUCH INDI-  
4 VIDUAL SHALL PROVIDE EVIDENCE OF CERTIFICATION OR EVIDENCE THAT THE  
5 APPLICATION FOR CERTIFICATION HAS BEEN RECEIVED BY THE DEPARTMENT.

6 G. A REGISTERED PHARMACY TECHNICIAN DIRECTLY ASSISTING LICENSED PHAR-  
7 MACISTS TO DISPENSE PRESCRIPTIONS WHO, AS OF THE EFFECTIVE DATE OF THIS  
8 SECTION, IS EMPLOYED IN A PHARMACY LOCATED WITHIN A FACILITY LICENSED IN  
9 ACCORDANCE WITH ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND WHO  
10 SUBMITS EVIDENCE, VERIFIED BY HIS OR HER EMPLOYER, OF A MINIMUM OF FIVE  
11 YEARS OF EMPLOYMENT WITHIN THE PREVIOUS EIGHT YEARS AS A REGISTERED  
12 PHARMACY TECHNICIAN IN GOOD STANDING AND WHO ATTEMPTED BUT DID NOT  
13 SUCCESSFULLY COMPLETE THE REQUIREMENTS NECESSARY TO QUALIFY FOR CERTIF-  
14 ICATION IN ACCORDANCE WITH THIS SECTION MAY CONTINUE TO BE EMPLOYED IN  
15 SUCH PHARMACY OR FACILITY WITHOUT BEING CERTIFIED IN ACCORDANCE WITH  
16 THESE PROVISIONS, PROVIDED THAT SUCH REGISTERED PHARMACY TECHNICIAN  
17 SHALL NOT BE PERMITTED TO ASSIST IN THE COMPOUNDING OF MEDICATIONS.

18 5. STUDENTS ENROLLED IN ACCREDITED PROGRAMS OF STUDY IN PHARMACY SHALL  
19 NOT BE REQUIRED TO REGISTER OR BE CERTIFIED AS PHARMACY TECHNICIANS.

20 6. STUDENTS ENROLLED IN PHARMACY TECHNICIAN EDUCATION OR TRAINING  
21 PROGRAMS LEADING TO CERTIFICATION, AS MAY BE APPROVED BY THE DEPARTMENT,  
22 SHALL NOT BE REQUIRED TO OBTAIN REGISTRATION OR CERTIFICATION AS A PHAR-  
23 MACY TECHNICIAN IN ORDER TO WORK IN A PHARMACY; PROVIDED, HOWEVER, THAT  
24 SUCH INDIVIDUALS SHALL BE SUBJECT TO A CRIMINAL BACKGROUND CHECK THAT  
25 INDICATES THAT THE APPLICANT HAS NO DRUG-RELATED FELONY CONVICTIONS; AND  
26 PROVIDED FURTHER THAT SUCH EXEMPTION FROM REGISTRATION OR CERTIFICATION  
27 SHALL BE LIMITED TO TWO YEARS. THE BOARD, IN ITS DISCRETION, MAY GRANT  
28 AN EXTENSION FOR ANY STUDENT ENROLLED IN AN APPROVED PROGRAM THAT  
29 EXCEEDS TWO YEARS.

30 7. FOR THE PURPOSES OF THIS SECTION "BOARD" SHALL MEAN THE STATE BOARD  
31 OF REGENTS.

32 8. FOLLOWING THE IMPLEMENTATION OF THE REGISTRATION AND CERTIFICATION  
33 REQUIREMENTS SET FORTH UNDER THIS SECTION, THE DEPARTMENT AND THE STATE  
34 BOARD OF PHARMACY SHALL CONSIDER AN ADJUSTMENT IN THE RATIO OF THE  
35 REGISTERED AND CERTIFIED PHARMACY TECHNICIANS DIRECTLY ASSISTING A  
36 LICENSED PHARMACIST TO DISPENSE PRESCRIPTIONS AND SHALL CONSIDER THE  
37 DELEGATED DUTIES, TASKS AND FUNCTIONS THAT MAY BE PERFORMED BY SUCH  
38 REGISTERED AND CERTIFIED TECHNICIANS AS SET FORTH IN REGULATIONS ESTAB-  
39 LISHED BY THE COMMISSIONER. REGISTERED AND CERTIFIED PHARMACY TECHNI-  
40 CIANS SHALL BE SUBJECT TO THE DIRECT SUPERVISION OF LICENSED PHARMACISTS  
41 AND SHALL HAVE NO INDEPENDENT AUTHORITY IN ACCORDANCE WITH REGULATIONS  
42 ESTABLISHED BY THE COMMISSIONER.

43 S 2. This act shall take effect one year after it shall have become a  
44 law; provided, however, that effective immediately, the addition, amend-  
45 ment and/or repeal of any rule or regulation necessary for the implemen-  
46 tation of this act on its effective date is authorized and directed to  
47 be made and completed on or before such effective date.