

1883--A

2015-2016 Regular Sessions

I N S E N A T E

January 15, 2015

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommended to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- 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 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 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-
21 TY-THREE OF THE CORRECTIONS LAW HAS BEEN ISSUED CONCOMITANTLY OR SUBSE-
22 QUENTLY TO THE APPLICANT HAVING SUCH CONVICTION; AND

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

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

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

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

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

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

35 A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT.

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

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

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

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

55 F. AS A CONDITION OF EMPLOYMENT AS A CERTIFIED PHARMACY TECHNICIAN, AN
56 INDIVIDUAL SHALL HAVE A CURRENT VALID CERTIFICATION ISSUED BY THE

1 DEPARTMENT OR SHALL HAVE COMPLETED THE APPLICATION PROCESS. SUCH INDI-
2 VIDUAL SHALL PROVIDE EVIDENCE OF CERTIFICATION OR EVIDENCE THAT THE
3 APPLICATION FOR CERTIFICATION HAS BEEN RECEIVED BY THE DEPARTMENT.

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

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

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

28 7. FOR THE PURPOSES OF THIS SECTION "BOARD" SHALL MEAN THE STATE BOARD
29 OF REGENTS.

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

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