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:

Section 1. The education law is amended by adding a new section 6805-a to read as follows:

§ 6805-a. Requirements for registration and certification as a pharmacy technician. 1. Any person seeking to be employed as a pharmacy technician shall fulfill the following requirements in order to be registered as a pharmacy technician:

A. Application: file an application with the department;
B. Education: have received an education, including high school graduation or a general equivalency diploma (GED);
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 felony or drug related convictions; and
E. Fee: pay a registration fee established in regulation by the board of regents. Such fees shall be maintained in a dedicated fund to support the regulation of the professions by the department.

2. On or after the effective date of this section, no person shall act as a pharmacy technician unless registered by the board.

3. By January first, two thousand eighteen, to qualify to be a pharmacy technician, an applicant shall fulfill the following requirements in order to be certified as a pharmacy technician:

A. Application: file an application with the department;
B. Education: have received an education, including: (i) high school 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.
COMPLETION OF AN EDUCATION OR TRAINING PROGRAM, AS MAY BE APPROVED BY THE DEPARTMENT;
C. EXPERIENCE: HAVE EXPERIENCE SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER’S REGULATIONS;
D. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER’S REGULATIONS;
E. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;
F. 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 FELONY OR DRUG RELATED CONVICTIONS; AND
G. FEE: PAY A TRIENNIAL FEE ESTABLISHED IN REGULATION BY THE BOARD OF REGENTS. SUCH FEE SHALL BE MAINTAINED IN A DEDICATED FUND TO SUPPORT THE REGULATION OF THE PROFESSIONS BY THE DEPARTMENT.

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

5. A PERSON WHO QUALIFIES TO FUNCTION AS A CERTIFIED PHARMACY TECHNICIAN MUST, DURING EVERY TRIENNIAL REGISTRATION PERIOD, COMPLETE THIRTY HOURS OF CONTINUING EDUCATION TO REMAIN QUALIFIED TO ACT AS A PHARMACY TECHNICIAN. THE PHARMACY THAT EMPLOYS OR CONTRACTS WITH A PERSON TO ACT AS A PHARMACY TECHNICIAN SHALL VERIFY THAT THE PERSON MEETS THE CONTINUING EDUCATION REQUIREMENTS OF THIS SUBDIVISION.

6. FOR THE PURPOSES OF THIS SECTION:
A. "BOARD" SHALL MEAN THE STATE BOARD OF PHARMACY;
B. "PHARMACY TECHNICIAN" SHALL MEAN AN INDIVIDUAL DELEGATED DUTIES, TASKS OR FUNCTIONS BY A LICENSED PHARMACIST TO FULFILL THEIR DUTY OF PROVIDING HEALTH CARE PRODUCTS TO PATIENTS. CONSISTENT WITH REGULATIONS OF THE COMMISSIONER OF EDUCATION AND RULES OF THE BOARD OF REGENTS, PHARMACY TECHNICIANS SHALL BE SUBJECT TO THE SUPERVISION OF LICENSED PHARMACISTS AND SHALL HAVE NO INDEPENDENT AUTHORITY AND, IN ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT. UPON THE IMPLEMENTATION OF THE CERTIFICATION REQUIREMENTS SET FORTH UNDER SUBDIVISION THREE OF THIS SECTION, THE DEPARTMENT AND THE BOARD OF REGENTS SHALL CONSIDER AN ADJUSTMENT TO THE RATIO OF PHARMACY TECHNICIANS TO PHARMACISTS AND CONSIDER THE DELEGATED DUTIES, TASKS AND FUNCTIONS THAT MAY BE EXERCISED BY SUCH CERTIFIED PHARMACY TECHNICIANS PROVIDED, HOWEVER, PHARMACIES MAY ONLY BE ELIGIBLE FOR AN ADJUSTMENT OF THE RATIO OF PHARMACY TECHNICIANS TO PHARMACISTS AND CONSIDERATION OF THE DELEGATED DUTIES, TASKS AND
FUNCTIONS THAT MAY BE EXERCISED BY PHARMACY TECHNICIANS IN ACCORDANCE WITH REGULATIONS BY THE DEPARTMENT AND BOARD OF REGENTS IF ALL PHARMACY TECHNICIANS EMPLOYED BY THE REGISTERED PHARMACY ARE CERTIFIED PHARMACY TECHNICIANS;

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

S 2. This act shall take effect one year after the date on which it shall have become a law; provided, however, that subdivisions 1 and 2 of section 6805-a of the education law, as added by section one of this act, shall expire and be deemed repealed January 1, 2018. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of the provisions of this act on its effective date is authorized to be made on or before such effective date.