

# STATE OF NEW YORK

4611--B

2017-2018 Regular Sessions

## IN ASSEMBLY

February 3, 2017

Introduced by M. of A. ENGLEBRIGHT, WEPRIN, RAIA, McDONALD, HARRIS, PERRY, SKOUFIS, STECK, ORTIZ, GOTTFRIED, BENEDETTO, BLANKENBUSH, GARBARINO, LUPINACCI, SEPULVEDA -- Multi-Sponsored by -- M. of A. BUTLER, HAWLEY, LENTOL, LUPARDO, WALTER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the practice of registered pharmacy technician or certified pharmacy technician

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 two new sections  
2 6803-a and 6803-b to read as follows:

3 § 6803-a. Practice of registered pharmacy technician and use of title  
4 "registered pharmacy technician". Only a person registered or otherwise  
5 authorized under this title shall practice as a registered pharmacy  
6 technician or use the title "registered pharmacy technician". Practice  
7 as a registered pharmacy technician shall include providing pharmacy-re-  
8 lated services as defined in regulation under the supervision of a  
9 licensed pharmacist. Registered pharmacy technicians shall be subject  
10 to the provisions of subpart three of article one hundred thirty of this  
11 title. Registration as a pharmacy technician shall be required if the  
12 technician has access to prescription drugs and either directly assists  
13 licensed pharmacists to dispense prescriptions or medication orders, or  
14 has the authority to add to or modify prescription records.

15 § 6803-b. Practice of certified pharmacy technician and use of title  
16 "certified pharmacy technician". Only a person certified or otherwise  
17 authorized under this title shall practice as a certified pharmacy tech-  
18 nician or use the title "certified pharmacy technician". Practice as a  
19 certified pharmacy technician shall include providing pharmacy-related

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

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1 services as defined in regulation under the supervision of a licensed  
2 pharmacist. Certified pharmacy technicians shall be subject to the  
3 provisions of subpart three of article one hundred thirty of this title.  
4 Certification as a pharmacy technician shall be required if the techni-  
5 cian has access to prescription drugs, and either directly assists  
6 licensed pharmacists to dispense prescriptions or medication orders or  
7 has the authority to add to or modify prescription records, and (i) is  
8 employed by a pharmacy in a facility licensed in accordance with the  
9 provisions of article twenty-eight of the public health law except as  
10 provided in subdivision two of section sixty-eight hundred nine of this  
11 article; or (ii) is employed in a facility that is engaged in the  
12 compounding or preparation of drugs on behalf of facilities licensed in  
13 accordance with the provisions of article twenty-eight of the public  
14 health law, including, but not limited to, facilities authorized pursu-  
15 ant to section sixty-eight hundred thirty-one of this article; or (iii)  
16 is assisting in the compounding of medications as defined in regulation  
17 in any setting under the direct supervision of a pharmacist who is  
18 on-site and available at all times.

19 § 2. The education law is amended by adding two new sections 6805-a  
20 and 6805-b to read as follows:

21 § 6805-a. Requirements for registration as a pharmacy technician. To  
22 qualify for registration as a pharmacy technician, an applicant shall  
23 fulfill the following requirements:

24 (a) Application: file an application with the department.

25 (b) Education: have received a minimum of a high school or high school  
26 equivalency diploma, or be currently enrolled in a course of study lead-  
27 ing toward a high school or general equivalency diploma, except as  
28 otherwise provided by section sixty-eight hundred nine of this article.  
29 A diploma for a higher degree may be substituted for a high school or  
30 high school equivalency diploma.

31 (c) Age: be at least eighteen years of age, or at least seventeen if  
32 the applicant has received a high school or a high school equivalency  
33 diploma.

34 (d) Character: submit an attestation of good moral character that is  
35 satisfactory to the department which shall include a statement, under  
36 penalty of perjury, as to whether the applicant has been convicted of  
37 any offense defined in article one hundred seventy-eight or two hundred  
38 twenty of the penal law.

39 (e) Fees: pay a fee for an initial registration and for each triennial  
40 registration period thereafter. The triennial registration fee shall be  
41 one-half of the fee for initial registration. The fees collected shall  
42 be used by the department as needed for the implementation of, and ongo-  
43 ing activities required by, this section for the purpose of registering  
44 pharmacy technicians.

45 § 6805-b. Requirements for certification as a pharmacy technician. To  
46 qualify for certification as a pharmacy technician, an applicant shall  
47 fulfill the following requirements:

48 (a) Application: file an application with the department.

49 (b) Education: have received a minimum of a high school or a high  
50 school equivalency diploma. A diploma for a higher degree may be substi-  
51 tuted for a high school or high school equivalency diploma.

52 (c) Examination: pass an examination offered by a national certifying  
53 body that is satisfactory to the department.

54 (d) Age: be at least eighteen years of age.

55 (e) Character: submit an attestation of good moral character that is  
56 satisfactory to the department which shall include a statement, under

1 penalty of perjury, as to whether the applicant has been convicted of  
2 any offense defined in article one hundred seventy-eight or two hundred  
3 twenty of the penal law.

4 (f) Fee: Pay a fee for an initial certification and for each triennial  
5 certification period thereafter. The triennial registration fee shall be  
6 one-half of the fee for initial certification. The fees collected shall  
7 be used by the department as needed for the implementation of, and ongo-  
8 ing activities required by, this section for the purpose of registering  
9 pharmacy technicians.

10 § 3. The education law is amended by adding a new section 6809 to read  
11 as follows:

12 § 6809. Special Conditions. 1. Exemptions for registered pharmacy  
13 technicians. A person employed in a pharmacy who directly assists  
14 licensed pharmacists to dispense prescriptions on the effective date of  
15 this section, shall be exempt from the education requirements in section  
16 sixty-eight hundred five-a of this article if he or she submits evidence  
17 of a minimum of five years of employment in good standing in a pharmacy,  
18 including eighteen consecutive months with a single employer, and such  
19 evidence is verified by the employer. Such individual must submit an  
20 application to the department within one year of the effective date of  
21 this section.

22 2. Exemptions for registered pharmacy technicians in article twenty-  
23 eight facilities. A person employed in a pharmacy who directly assists  
24 licensed pharmacists to dispense prescriptions in a facility licensed in  
25 accordance with article twenty-eight of the public health law on the  
26 effective date of this section, shall be exempt from the education  
27 requirements in section sixty-eight hundred five-a of this article, and  
28 shall not be subject to the requirements of section sixty-eight hundred  
29 three-b or sixty-eight hundred five-b of this article if he or she  
30 submits evidence, verified by his or her employer, of a minimum of five  
31 years of employment in good standing in a pharmacy within the previous  
32 eight years, including eighteen consecutive months with a single employ-  
33 er. Such individual must submit an application for registration as a  
34 pharmacy technician to the department within one year of the effective  
35 date of this section, and shall not be permitted to assist in the  
36 compounding of medications.

37 3. Exemptions for certified pharmacy technicians. An individual who  
38 meets the requirements for certification as a pharmacy technician on the  
39 effective date of this section, and who is certified by a national  
40 certifying body having certification standards acceptable to the commis-  
41 sion, may be certified for the purposes of this article, provided that  
42 such individual submits an application to the department within one year  
43 of the effective date of this section.

44 § 4. Following the implementation of the registration and certif-  
45 ication requirements set forth in this act, the department of education  
46 and the state board of pharmacy shall consider an adjustment in the  
47 ratio of the registered and certified pharmacy technicians directly  
48 assisting a licensed pharmacist to dispense prescriptions and shall  
49 consider the delegated duties, tasks and functions that may be performed  
50 by such registered and certified technicians as set forth in regulations  
51 established by the commissioner of education. Registered and certified  
52 pharmacy technicians shall be subject to the direct supervision of  
53 licensed pharmacists and shall have no independent authority in accord-  
54 ance with regulations established by the commissioner of education.

55 § 5. This act shall take effect eighteen months after it shall have  
56 become a law; provided, however, that effective immediately, the addi-

1 tion, amendment and/or repeal of any rule or regulation necessary for  
2 the implementation of this act on its effective date are authorized and  
3 directed to be made and completed on or before such effective date; and  
4 provided further that the state education department shall, effective  
5 immediately, be authorized to issue guidance and application forms to,  
6 and to receive and consider applications from, persons seeking to be  
7 registered or certified pursuant to this act.