

# STATE OF NEW YORK

5584--A

2017-2018 Regular Sessions

## IN SENATE

April 18, 2017

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, 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 and  
8 client related services under the supervision of a licensed pharmacist.  
9 Registered pharmacy technicians shall be subject to the provisions of  
10 subpart three of article one hundred thirty of this title. Registration  
11 as a pharmacy technician shall be required if the technician has access  
12 to prescription drugs and either directly assists licensed pharmacists  
13 to dispense prescriptions or medication orders, or has the authority to  
14 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 and  
20 client related services under the supervision of a licensed pharmacist.  
21 Certified pharmacy technicians shall be subject to the provisions of  
22 subpart three of article one hundred thirty of this title. Certification  
23 as a pharmacy technician shall be required if the technician has access

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

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1 to prescription drugs, and either directly assists licensed pharmacists  
2 to dispense prescriptions or medication orders or has the authority to  
3 add to or modify prescription records, and (i) is employed by a pharmacy  
4 in a facility licensed in accordance with the provisions of article  
5 twenty-eight of the public health law; or (ii) is employed in a facility  
6 that is engaged in the compounding or preparation of drugs on behalf of  
7 facilities licensed in accordance with the provisions of article twen-  
8 ty-eight of the public health law, including, but not limited to, facil-  
9 ities authorized pursuant to section sixty-eight hundred thirty-one of  
10 this article; or (iii) is assisting in the compounding of medications  
11 under the supervision of a pharmacist in any setting.

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

14 § 6805-a. Requirements for registration as a pharmacy technician. To  
15 qualify for registration as a pharmacy technician, an applicant shall  
16 fulfill the following requirements:

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

18 (b) Education: have received a minimum of a high school or a general  
19 equivalency diploma, or be currently enrolled in a course of study lead-  
20 ing toward a high school or general equivalency diploma, except as  
21 otherwise provided by section sixty-eight hundred nine of this article.

22 (c) Age: be at least seventeen years of age.

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

28 (e) Fees: pay a fee for an initial registration and for each triennial  
29 registration period thereafter. The triennial registration fee shall be  
30 one-half of the fee for initial registration.

31 § 6805-b. Requirements for certification as a pharmacy technician. To  
32 qualify for certification as a pharmacy technician, an applicant shall  
33 fulfill the following requirements:

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

35 (b) Education: have received a minimum of a high school or a general  
36 equivalency diploma.

37 (c) Examination: pass an examination offered by a national certifying  
38 body that is satisfactory to the department, except as otherwise  
39 provided by section sixty-eight hundred nine of this article.

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

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

46 (f) Fee: Pay a fee for an initial certification and for each triennial  
47 certification period thereafter. The triennial registration fee shall be  
48 one-half of the fee for initial certification.

49 § 3. The education law is amended by adding a new section 6806-a to  
50 read as follows:

51 § 6806-a. Limited permit; certified pharmacy technician. 1. The  
52 department may issue a limited permit for employment as a certified  
53 pharmacy technician to an individual who has passed an examination  
54 offered by a national certifying body acceptable to the department and  
55 whose application for initial certification is pending with the depart-  
56 ment.

1     2. A limited permit shall have an expiration date of six months from  
2 the date of issue. Limited permits may be renewed once, for a period not  
3 to exceed two years, at the discretion of the department.

4     3. Nothing in subdivision one of this section shall be construed as  
5 requiring students enrolled in a full-time accredited program of study  
6 in pharmacy leading to a doctor of pharmacy degree to be certified or  
7 registered as pharmacy technicians.

8     § 4. The education law is amended by adding a new section 6809 to read  
9 as follows:

10    § 6809. Special Conditions. 1. Exemptions for registered pharmacy  
11 technicians. A person employed in a pharmacy who directly assists  
12 licensed pharmacists to dispense prescriptions on the effective date of  
13 this section, shall be exempt from the education requirements in section  
14 sixty-eight hundred five-a of this article if he or she:

15    (a) submits evidence of a minimum of five years of employment in good  
16 standing in a pharmacy, including eighteen consecutive months with a  
17 single employer, and such evidence is verified by the employer; and

18    (b) shows there is good cause to waive the educational requirements  
19 and such demonstration of good cause is satisfactory to the department,  
20 in consultation with the board of pharmacy.

21    2. Exemptions for certified pharmacy technicians. A person employed in  
22 a pharmacy who directly assists licensed pharmacists to dispense  
23 prescriptions in a facility licensed in accordance with article twenty-  
24 eight of the public health law on the effective date of this section,  
25 shall be exempt from the education and examination requirements in  
26 section sixty-eight hundred five-b of this article if he or she submits  
27 evidence, verified by his or her employer, of a minimum of five years of  
28 employment in good standing in a pharmacy within the previous eight  
29 years, including eighteen consecutive months with a single employer,  
30 provided, however, that such pharmacy technician shall not be permitted  
31 to assist in the compounding of medications.

32    3. Any person who is certified as a pharmacy technician on the effec-  
33 tive date of this section shall be deemed a certified pharmacy techni-  
34 cian for the purposes of this article, provided that he or she files an  
35 application with the department within six months of the effective date  
36 of this section.

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

48    § 6. This act shall take effect one year after it shall have become a  
49 law; provided, however, that effective immediately, the addition, amend-  
50 ment and/or repeal of any rule or regulation necessary for the implemen-  
51 tation of this act on its effective date are authorized and directed to  
52 be made and completed on or before such effective date; and provided  
53 further that the state education department shall, effective immediate-  
54 ly, be authorized to issue guidance and application forms to, and to  
55 receive and consider applications from, persons seeking to be registered  
56 or certified pursuant to this act.