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:

Section 1. The education law is amended by adding two new sections 6803-a and 6803-b to read as follows:

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

§ 6803-b. Practice of certified pharmacy technician and use of title "certified pharmacy technician". Only a person certified or otherwise authorized under this title shall practice as a certified pharmacy technician or use the title "certified pharmacy technician". Practice as a 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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services as defined in regulation under the supervision of a licensed pharmacist. Certified pharmacy technicians shall be subject to the provisions of subpart three of article one hundred thirty of this title. Certification as a pharmacy technician shall be required if the technician has access to prescription drugs, and either directly assists licensed pharmacists to dispense prescriptions or medication orders or has the authority to add to or modify prescription records, and (i) is employed by a pharmacy in a facility licensed in accordance with the provisions of article twenty-eight of the public health law except as provided in subdivision two of section sixty-eight hundred nine of this article; or (ii) is employed in 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, including, but not limited to, facilities authorized pursuant to section sixty-eight hundred thirty-one of this article; or (iii) is assisting in the compounding of medications as defined in regulation in any setting under the direct supervision of a pharmacist who is on-site and available at all times.

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

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

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

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

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

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

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

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

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

(b) Education: have received a minimum of a high school or a high school equivalency diploma. A diploma for a higher degree may be substituted for a high school or high school equivalency diploma.

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

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

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

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

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

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

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

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

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

§ 4. Following the implementation of the registration and certification requirements set forth in this act, the department of education and the state board of pharmacy shall consider an adjustment in the ratio of the registered and certified pharmacy technicians directly assisting a licensed pharmacist to dispense prescriptions and shall consider the delegated duties, tasks and functions that may be performed by such registered and certified technicians as set forth in regulations established by the commissioner of education. Registered and certified pharmacy technicians shall be subject to the direct supervision of licensed pharmacists and shall have no independent authority in accordance with regulations established by the commissioner of education.

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

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