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:

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 and client related services 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 and client related services 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

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

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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: 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 under the supervision of a pharmacist in any setting.

§ 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 a general 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.

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

(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.

§ 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 general equivalency diploma.

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

(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.

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

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

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

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

§ 4. 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:

(a) 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; and

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

2. Exemptions for certified pharmacy technicians. 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 and examination requirements in section 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, provided, however, that such pharmacy technician shall not be permitted to assist in the compounding of medications.

3. Any person who is certified as a pharmacy technician on the effective date of this section shall be deemed a certified pharmacy technician for the purposes of this article, provided that he or she files an application with the department within six months of the effective date of this section.

§ 5. 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.

§ 6. This act shall take effect one year after it shall have become a law; provided, however, that effective immediately, the addition, 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.