STATE OF NEW YORK

8704

IN SENATE

July 9, 2020

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to permitting certain registered pharmacy technicians assisting in home infusion services through a home care agency to assist a licensed pharmacist in preparing prescriptions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 6841 of the education law, as added by chapter 414 of the laws of 2019, is amended to read as follows:

1. A registered pharmacy technician may, under the direct personal supervision of a licensed pharmacist, assist such licensed pharmacist, as directed, in compounding, preparing, labeling, or dispensing of drugs used to fill valid prescriptions or medication orders [~~or~~]**, and a registered pharmacy technician employed by a home infusion provider licensed as a pharmacy in New York, compliant with the United States Pharmacopeia General Chapter 797 standards for pharmaceutical compounding regarding sterile preparations, and providing home infusion services through a home care agency licensed under article thirty-six of the public health law, may assist a licensed pharmacist as directed** in compounding, preparing, and labeling in anticipation of a valid prescription or medication order for a patient to be served by the facility, in accordance with article one hundred thirty-seven of this title where such tasks require no professional judgment. Such professional judgment shall only be exercised by a licensed pharmacist. A registered pharmacy technician may only practice in a facility licensed in accordance with article twenty-eight of the public health law, [~~or~~] a pharmacy owned and operated by such a facility, **or in a registered pharmacy operated by a home infusion provider, compliant with the United States Pharmacopeia General Chapter 797 standards for pharmaceutical compounding regarding sterile preparations, and providing home infusion services through a home care agency licensed under article thirty-six of the public health law** under the direct personal supervision of a licensed pharmacist employed [~~in~~] **by** such a facility or pharmacy. Such facility **or pharmacy** shall be

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

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responsible for ensuring that the registered pharmacy technician has received appropriate training to ensure competence before he or she begins assisting a licensed pharmacist in compounding, preparing, labeling, or dispensing of drugs, in accordance with this article and article one hundred thirty-seven of this title. For the purposes of this article, direct personal supervision means supervision of procedures based on instructions given directly by a supervising licensed pharmacist who remains in the immediate area where the procedures are being performed, authorizes the procedures and evaluates the procedures performed by the registered pharmacy technicians and a supervising licensed pharmacist shall approve all work performed by the registered pharmacy technician prior to the actual dispensing of any drug.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that if chapter 414 of the laws of 2019 shall not have taken effect on or before such date then section one of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2019, takes effect. Effective immediately, the amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.