STATE OF NEW YORK

5162

2019-2020 Regular Sessions

IN SENATE

April 11, 2019

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing the individuals authorized to perform tasks involving the dispensing of drugs

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

Section 1. Section 6807 of the education law is amended by adding a new subdivision 4 to read as follows:

4. (a) The compounding, preparation, labeling, or dispensing of drugs, in accordance with this article, in facilities licensed in accordance with article twenty-eight of the public health law, shall be performed by:

(i) a licensed pharmacist, as defined in this article; or

(ii) a pharmacy intern, under the direct supervision of a licensed pharmacist as defined in this article.

(b) Under the direct supervision of a licensed pharmacist, an individual who has received certification from a nationally accredited pharmacy technician certification program, if such program has been approved by the commissioner, and who is employed in a facility licensed in accordance with article twenty-eight of the public health law, or is employed in a pharmacy owned or managed by such a facility, may assist a licensed pharmacist in the preparation and dispensing of drugs including compounding, weighing, mixing, counting, pouring and measuring when properly trained. Proof of certification and training of such individual employed by a facility shall be maintained by the facility and provided to state agencies upon request. Such individual shall not exercise clinical judgment, including interpreting a prescription or medication order for therapeutic acceptability and appropriateness. Clinical judgment shall only be exercised by a licensed pharmacist. Direct supervision shall include final approval of all work performed by such individual prior to the actual dispensing of any drug.

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

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(c) A person employed in a facility licensed in accordance with article twenty-eight of the public health law who directly assists licensed pharmacists to dispense prescriptions in such facility on the effective date of this section shall be exempt from the certification requirement in paragraph (b) of this subdivision if he or she submits evidence to, and 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 evidence and verification shall be documented and maintained by the facility and provided to state agencies upon request. Such individual shall not be permitted to assist in the compounding of medications.

§ 2. This act shall take effect immediately.