STATE OF NEW YORK

7748

IN SENATE

February 13, 2020

Introduced by Sen. THOMAS -- 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 requiring additional licensed pharmacists to be on staff during any period in which more than two hundred prescriptions are dispensed

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

Section 1. Subdivision 2 of section 6808 of the education law is amended by adding two new paragraphs f-1 and f-2 to read as follows:

f-1. Pharmacy staffing. Every pharmacy, or pharmacy operated as a department of a larger commercial establishment, which dispenses over two hundred prescriptions in any fourteen hour period shall have at least two licensed pharmacists on staff for the entire time period during which such prescriptions are dispensed.

f-2. Daily logs. During compliance audits, a pharmacy must produce daily prescription logs detailing the on-duty pharmacists' hourly fills to an auditor. This log may be used as evidence that the pharmacy had the required number of pharmacists on duty in compliance with paragraph f-1 of this subdivision.

§ 2. Section 6808 of the education law is amended by adding a new subdivision 3 to read as follows:

3. A pharmacy shall not enforce policies that interfere with a pharmacist's professional duties or judgements in matters of pharmacy ethics or laws pertaining to the practice of pharmacy or the distribution of drugs or devices.

§ 3. The education law is amended by adding a new section 6808-c to read as follows:

§ 6808-c. Protection of pharmacists. A pharmacist may not be terminated or dismissed from employment for a refusal or failure to meet performance metrics or quotas relating to the number of prescriptions dispensed where the pharmacist determines that such practices would endanger patient safety or care.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law.

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

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