

STATE OF NEW YORK

9118

IN SENATE

May 10, 2022

Introduced by Sen. GOUNARDES -- 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 prohibiting certain chain pharmacies from establishing quotas for duties performed by pharmacists and pharmacy technicians

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

1 Section 1. Section 6808 of the education law is amended by adding a
2 new subdivision 3 to read as follows:

3 3. Chain community pharmacies; registration.

4 a. Definitions. For the purposes of this subdivision:

5 (1) "Chain community pharmacy" means a publicly traded company having
6 at least twenty pharmacies in New York state under the same ownership.

7 (2) Except as provided in paragraph d of this subdivision, "quota"
8 means a fixed number or formula related to the duties for which a phar-
9 macist or pharmacy technician license is required, against which the
10 chain community pharmacy or its agent measures or evaluates the number
11 of times an individual pharmacist or pharmacy technician performs tasks
12 or provides services while on duty.

13 b. Obtaining a registration. A chain community pharmacy shall be
14 registered as follows:

15 (1) The application shall be made on a form prescribed by the depart-
16 ment.

17 (2) The application shall be accompanied by a fee of one thousand
18 dollars.

19 c. Prohibition of quotas.

20 (1) No chain community pharmacy, as defined in paragraph a of this
21 subdivision, shall establish, implement or enforce any quota related to
22 the duties for which a pharmacist or pharmacy technician license is
23 required, including, but not limited to the following duties:

24 (A) Prescriptions filled.

25 (B) Services rendered to patients.

26 (C) Programs offered to patients.

27 (D) Revenue obtained.

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

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1 (2) No chain community pharmacy shall, through its employees, contrac-
2 tors, or third-parties, communicate the existence of any quota prohibit-
3 ed pursuant to this subdivision to any pharmacist or pharmacy technician
4 employed by such chain community pharmacy or with whom such chain commu-
5 nity pharmacy contracts for services.

6 d. Exceptions.

7 (1) Nothing in this subdivision shall prohibit a chain community phar-
8 macy from establishing policies and procedures that assist in assessing
9 the competency and performance of a pharmacist or pharmacy technician in
10 providing care to patients provided that any such policy or procedure
11 shall not include or employ a quota relating to the duties and services
12 described in subparagraph one of paragraph c of this subdivision.

13 (2) Nothing in this subdivision shall prohibit a chain community phar-
14 macy from establishing or implementing a fixed number against which such
15 chain community pharmacy or its agent measures or evaluates:

16 (A) The amount of revenue earned by a particular licensed chain commu-
17 nity pharmacy, provided such number not calculated in relation to, or
18 measured by, the tasks performed, or services provided by, individual
19 pharmacists or pharmacy technicians.

20 (B) The competence, performance, or quality of care provided to
21 patients by a pharmacist or pharmacy technician, provided such evalu-
22 ation does not include an assessment of any of the duties or activities
23 described in paragraph c of this subdivision.

24 (3) Nothing in this subdivision shall prohibit a chain community phar-
25 macy from employing any performance metric required by state or federal
26 regulators, provided such performance metric does not measure or evalu-
27 ate the duties or activities described in paragraph c of this subdivi-
28 sion.

29 § 2. This act shall take effect on the ninetieth day after it shall
30 have become a law.