

STATE OF NEW YORK

1090--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BRONSON, STECK, STIRPE, McDONALD, FAHY, GOTTFRIED, SIMON -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Subdivision 1 of section 6841 of the education law, as
2 added by chapter 414 of the laws of 2019, is amended to read as follows:
3 1. A registered pharmacy technician may, under the direct personal
4 supervision of a licensed pharmacist, assist such licensed pharmacist,
5 as directed, in compounding, preparing, labeling, or dispensing of drugs
6 used to fill valid prescriptions or medication orders or in compounding,
7 preparing, and labeling in anticipation of a valid prescription or medi-
8 cation order for a patient to be served by the facility, in accordance
9 with article one hundred thirty-seven of this title where such tasks
10 require no professional judgment. Such professional judgment shall only
11 be exercised by a licensed pharmacist. A registered pharmacy technician
12 may only practice in a facility licensed in accordance with article
13 twenty-eight of the public health law, or a pharmacy owned and operated
14 by such a facility, providing home infusion services through a home care
15 agency licensed under article thirty-six of the public health law under
16 the direct personal supervision of a licensed pharmacist employed [~~in~~]
17 by such a facility or pharmacy. Such facility or pharmacy shall be
18 responsible for ensuring that the registered pharmacy technician has
19 received appropriate training to ensure competence before he or she

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

LBD04800-02-2

1 begins assisting a licensed pharmacist in compounding, preparing, label-
2 ing, or dispensing of drugs, in accordance with this article and article
3 one hundred thirty-seven of this title. For the purposes of this arti-
4 cle, direct personal supervision means supervision of procedures based
5 on instructions given directly by a supervising licensed pharmacist who
6 remains in the immediate area where the procedures are being performed,
7 authorizes the procedures and evaluates the procedures performed by the
8 registered pharmacy technicians and a supervising licensed pharmacist
9 shall approve all work performed by the registered pharmacy technician
10 prior to the actual dispensing of any drug.

11 § 2. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law. Effective immediately, the amendment and/or
13 repeal of any rule or regulation necessary for the implementation of
14 this act on its effective date are authorized to be made and completed
15 on or before such effective date.