

# STATE OF NEW YORK

6223

2023-2024 Regular Sessions

## IN SENATE

April 4, 2023

Introduced by Sen. MAY -- 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 permitting certain registered pharmacy technicians to assist a licensed pharmacist in preparing prescriptions in certain facilities

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 or article thirty-six of the public health law, or a phar-  
14 macy owned and operated by such a facility, under the direct personal  
15 supervision of a licensed pharmacist employed [~~in~~] by such a facility or  
16 pharmacy. Such facility or pharmacy shall be responsible for ensuring  
17 that the registered pharmacy technician has received appropriate train-  
18 ing to ensure competence before he or she begins assisting a licensed  
19 pharmacist in compounding, preparing, labeling, or dispensing of drugs,  
20 in accordance with this article and article one hundred thirty-seven of  
21 this title. For the purposes of this article, direct personal super-  
22 vision means supervision of procedures based on instructions given  
23 directly by a supervising licensed pharmacist who remains in the immedi-  
24 ate area where the procedures are being performed, authorizes the proce-

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

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1 dures and evaluates the procedures performed by the registered pharmacy  
2 technicians and a supervising licensed pharmacist shall approve all work  
3 performed by the registered pharmacy technician prior to the actual  
4 dispensing of any drug.

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