

# STATE OF NEW YORK

2476

2023-2024 Regular Sessions

## IN ASSEMBLY

January 26, 2023

Introduced by M. of A. BRONSON, FAHY, SIMON, STECK, STIRPE -- read once  
and referred 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 Assem-  
bly, 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.