STATE OF NEW YORK

3286

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sens. THOMAS, JACKSON -- 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 restricting certain practices from remote supervision by licensed pharmacists

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

Section 1. Subdivision 1 of section 6841 of the education law, as added by chapter 414 of the laws of 2019, is amended to read as follows:

1. A registered pharmacy technician may, under the direct personal supervision of a licensed pharmacist, assist such licensed pharmacist, as directed, in compounding, preparing, labeling, or dispensing of drugs used to fill valid prescriptions or medication orders or in compounding, preparing, and labeling in anticipation of a valid prescription or medication order for a patient to be served by the facility, in accordance with article one hundred thirty-seven of this title where such tasks require no professional judgment. Such professional judgment shall only be exercised by a licensed pharmacist. A registered pharmacy technician may only practice in a facility licensed in accordance with article twenty-eight of the public health law, or a pharmacy owned and operated by such a facility, under the direct personal supervision of a licensed pharmacist employed in such a facility or pharmacy. Such facility shall be responsible for ensuring that the registered pharmacy technician has received appropriate training to ensure competence before he or she begins assisting a licensed pharmacist in compounding, preparing, labeling, or dispensing of drugs, in accordance with this article and article one hundred thirty-seven of this title. For the purposes of this article, direct personal supervision means supervision of procedures based on instructions given directly by a supervising licensed pharmacist who remains in the immediate area where the procedures are being performed, authorizes the procedures and evaluates the procedures performed by the registered pharmacy technicians and a supervising licensed pharmacist

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

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shall approve all work performed by the registered pharmacy technician prior to the actual dispensing of any drug. **No prescription shall be dispensed unless a licensed pharmacist has first verified in person:**

a. that the package to be handed or delivered to the patient or person authorized to act on behalf of the patient in fact contains the drug to be dispensed by the prescription;

b. whether or not the drug to be dispensed is packaged in a child-resistant container;

c. if a stock container is to be dispensed, whether such container is open; and

d. the quantity of the dosage units of the drug to be dispensed.

§ 2. This act shall take effect immediately.