

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the public health law, in relation to prescriber assistance in allowing unlicensed certified pharmacy technicians to assist in dispensing of drugs (Part __);

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

1 PART __

2 Section 1. The public health law is amended by adding a new section
3 280-d to read as follows:

4 § 280-d. Prescriber assistance. 1. Unlicensed assistants may be
5 employed in licensed pharmacies for purposes other than the practice of
6 pharmacy, including at least two unlicensed persons per pharmacist to
7 assist in the dispensing of drugs, provided, however, that a pharmacist
8 may obtain the assistance of up to four additional unlicensed persons
9 where such additional unlicensed persons are certified as pharmacy tech-
10 nicians by a nationally accredited pharmacy technician certification
11 program. Proof of certification for such individuals employed by a phar-
12 macy shall be maintained by the pharmacy and provided to state agencies
13 upon request. The department and state board of pharmacy shall consider
14 and may establish regulations permitting a pharmacist to obtain the
15 assistance of a greater number of unlicensed persons.

16 2. (a) The compounding, preparation, labeling, or dispensing of drugs,
17 in accordance with article one hundred thirty-seven of the education
18 law, in facilities licensed in accordance with article twenty-eight of

1 this chapter shall be performed by: (i) a licensed pharmacist, as
2 defined in article one hundred thirty-seven of the education law; (ii) a
3 pharmacy intern, under the direct supervision of a licensed pharmacist
4 as defined in article one hundred thirty-seven of the education law; or
5 (iii) under the direct supervision of a licensed pharmacist an individ-
6 ual who has received certification from a nationally accredited pharmacy
7 technician certification program may assist in the preparation and
8 dispensing of drugs including weighing, mixing, and measuring when prop-
9 erly trained. Proof of certification and training for such individuals
10 employed by a facility shall be maintained by the facility and provided
11 to state agencies upon request.

12 (b) A person employed in a facility licensed in accordance with arti-
13 cle twenty-eight of this chapter who directly assists licensed pharma-
14 cists to dispense prescriptions in such facility on the effective date
15 of this section shall be exempt from the certification requirement in
16 paragraph (a) of this subdivision if he or she submits evidence to, and
17 verified by, his or her employer, of a minimum of five (5) years of
18 employment in good standing in a pharmacy within the previous eight (8)
19 years, including eighteen consecutive months with a single employer.
20 Such evidence and verification shall be documented and maintained by the
21 facility and provided to state agencies upon request. Such individual
22 shall not be permitted to assist in the compounding of medications.

23 § 2. This act shall take effect immediately.