

AMENDMENT OF THE RULES OF THE BOARD OF REGENTS AND THE
REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6509, 6510 and 6511 of the Education Law and 207, 212, 6504, 6507, 6509 and Chapter 543 of the Laws of 2025

1. Subparagraph (ii) of paragraph (21) of subdivision (a) of section 29.7 of the Rules of the Board of Regents is amended to read as follows:

(ii) Limitations on assistance by a registered pharmacy technician and an unlicensed person.

(a) No pharmacists, employed by [a facility licensed in accordance with Article 28 of the Public Health Law or] a pharmacy [owned and operated by such a facility,] as defined in Article 137[-A] of Title VIII of the Education Law, shall obtain the assistance of more than two registered pharmacy technicians in the performance of licensed tasks within their scope of practice or four unlicensed persons in the performance of the activities that do not require licensure as set forth in clauses (i)(b)-(i) of this paragraph, the total number of such persons shall not exceed four individuals at one time. [No pharmacist not employed by a facility licensed in accordance with Article 28 of the Public Health Law or a pharmacy not owned and operated by such a facility, as defined in Article 137-A of Title VIII of the Education Law, shall obtain the assistance of more than four unlicensed persons in the performance of the activities set forth in clauses (i)(b)-(i) of this paragraph.] Pharmacy interns shall be exempt from such ratios, but shall be supervised in accordance with this Part and Part 63 of this Title. The pharmacist shall provide the degree of supervision of such persons as may be appropriate to ensure compliance with the provisions of this Part and Part 63 of this Title. Individuals

who are responsible for the act of placing drugs which are in unit-dose packaging into medication carts as part of an approved unit-dose drug distribution system for patients in institutional settings shall be exempt from such ratio, provided that such individuals are not also engaged in performing the activities set forth in clauses (i)(b)-(i) of this paragraph.

2. Paragraph (2) of subdivision of (b) of section 63.14 of the Regulations of the Commissioner of Education is amended to read as follow:

(b) Definition of the practice of registered pharmacy technician and use of the title:

(1) ...

(2) 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 pharmacy [facility], in accordance with Article 137 of the Education Law 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 28 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] pharmacy shall be responsible for ensuring that the registered pharmacy technician has received appropriate training to ensure competence before [he or she begins assisting] beginning to assist a licensed

pharmacist in compounding, preparing, labeling, or dispensing of drugs, in accordance with Articles 137-A and 137 of the Education Law. For the purposes of this section, 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 shall approve all work performed by the registered pharmacy technician prior to the actual dispensing of any drug.