




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** Professional Practice Committee

**FROM:** David H. Hamilton 

**SUBJECT:** Proposed Amendment to Paragraph (8) of Subdivision (a) of Section 63.6 of the Regulations of the Commissioner of Education Relating to the Transferring of Prescriptions by Pharmacists

**DATE:** September 25, 2025

**AUTHORIZATION(S):**  

### **SUMMARY**

#### **Issue for Decision**

Should the Board of Regents amend paragraph (8) of subdivision (a) of section 63.6 of the Commissioner's Regulations relating to the transferring of prescriptions by pharmacists?

#### **Reason for Consideration**

Review of policy.

#### **Proposed Handling**

The proposed amendment will be presented to the Professional Practice Committee for recommendation to the Full Board for adoption as an emergency rule at the October 2025 Regents meeting. A copy of the proposed rule (Attachment A) and a statement of facts and circumstances justifying the emergency action (Attachment B) are attached.

## **Procedural History**

A Notice of Emergency Adoption and Proposed Rulemaking will be published in the State Register on October 22, 2025 for a 60-day comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background Information**

Prescriptions are typically filled by the pharmacy to which they are initially transmitted by the prescribing practitioner. However, there are circumstances that may require a prescription be filled by another pharmacy. These include situations when the original pharmacy is out of stock of a medication, the patient relocates, seeks a more convenient location, or finds more favorable pricing elsewhere.

A prescription transfer is the process by which the receiving pharmacy acquires from the original dispensing pharmacy all necessary information about the prescription, including, but not limited to, the drug name, strength, directions for use, and prescriber details.

Under current New York regulations, pharmacists may only transfer prescriptions at the express request and authorization of the patient or their designated representative. Moreover, the regulations limit each transfer to a single refill. Thus, if the patient wishes to continue filling their prescription at the new pharmacy, the pharmacist must either request another transfer from the originating pharmacy for each subsequent refill or contact the prescriber for a new prescription. These additional steps often result in prescription delays for patients and increased administrative burdens for pharmacies, pharmacists, and prescribers. New York's regulations limiting transfers to "one refill at a time" are more restrictive than the regulations in most other states, where pharmacists are generally permitted to transfer the entire prescription, including all remaining refills, in a single transaction.

The "one refill at a time" process has become particularly challenging following the recent closure of all Rite Aid locations across New York. Pharmacies have experienced a significant increase in prescription transfer requests, while prescribers will likely experience a corresponding surge in calls from both pharmacies and patients seeking new prescriptions.

Amending the current regulations to allow for the transfer of the entire prescription, including all authorized refills, would align New York with national standards. Such a change would also streamline the transfer process, improve patient access to medications, and significantly reduce the administrative burden on pharmacies, pharmacists, and prescribers.

## **Proposed Amendment**

To address these issues, the proposed amendment of paragraph (8) of subdivision (a) of section 63.6 of the Commissioner's regulations requires:

- originating pharmacies to transfer the entire prescription, including all refills remaining, to the receiving pharmacy;
- the originating pharmacy to deactivate the prescription once it has been transferred to another pharmacy;
- the originating pharmacy to maintain a record, either electronically or in writing, of the prescription transfer;
- the receiving pharmacy to maintain a record, either electronically or in writing, of the prescription transfer; and
- the receiving pharmacy to document the word "transfer" within the record either electronically or in writing and to record the original number of refills authorized and the number of valid refills remaining.

## **Related Regents Items**

Not applicable.

## **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That paragraph (8) of subdivision (a) of section 63.6 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 7, 2025, as an emergency rule, upon the finding that such action is necessary for the preservation of the public health and general welfare to immediately require that pharmacists and pharmacies transfer a patient's entire prescription, including all authorized refills.

## **Timetable for Implementation**

If adopted at the October 2025 Regents meeting, the emergency rule will become effective October 7, 2025. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the February 2026 Regents meeting, after publication in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. Because the emergency action will expire before the February 2026 Regents meeting, it is anticipated an additional emergency action will be presented for adoption at the December 2025 Regents meeting. If adopted at the February 2026 meeting, the proposed rule will become effective as a permanent rule on February 25, 2026.

## **Attachment A**

### AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6801, and 6810 of the Education Law

1. Subdivision (a) of section 63.6 of the Regulations of the Commissioner of Education are amended to read as follows:

(a) General Provisions.

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) . . .

(7) . . .

(8) [Refill] Prescription transfers. Except for a prescription for a controlled substance under Article 33 of the Public Health Law, pharmacists at registered pharmacies may, at the express request and approval of a patient or a person authorized to act on behalf of the patient, transfer prescription information to, or accept a prescription transfer from, another registered pharmacy or a pharmacy authorized to do business in another jurisdiction, [for the exclusive purpose of providing one authorized refill per transfer,] subject to the requirements of this paragraph.

(i) A pharmacist at a registered pharmacy may transfer original prescription information required by section 29.7(a)(1) of this Title, to another pharmacy [for the purpose of providing one authorized refill per transfer,] provided that the original

prescription information is transferred directly from one pharmacist to another pharmacist. Such transfer of prescription information may be accomplished by oral or written communication or by electronic transmission. The pharmacist at a registered pharmacy who transfers original prescription information shall invalidate the prescription on file as of the date the prescription is transferred and maintain a record through either written communication or electronically of the following information:

- (a) the fact that an authorized [refill of the] prescription has been transferred;
- (b) the name, address and telephone number of the pharmacy to which [it] the prescription was transferred;

- (c) the name of the pharmacist receiving the prescription information;

- (d) the name of the pharmacist transferring the prescription information; and

- (e) the date of the transfer.

(ii) A pharmacist at a registered pharmacy may accept the original prescription [for the purpose of providing one authorized refill per transfer], provided that the original prescription information is transferred from one pharmacist to another pharmacist. The pharmacist at a registered pharmacy who accepts the original prescription information shall:

- (a) obtain all information required by section 29.7(a)(1) of this Title;

- (b) [produce a hard copy] maintain a record of such information [record] either through written communication or electronically and ensure that the term “[refill] transfer” appears on the written communication or in the electronic record [face of the hard copy]; and

(c) record the dates of original and most recent filling or transfer of the original prescription, the original number of refills authorized, the number of valid refills remaining, the transferring pharmacy's name and address, the original prescription number from which the prescription was transferred, the name of the pharmacist transferring the prescription, and the name of the pharmacist receiving the prescription transfer.

(iii) Systems providing for the electronic transfer of prescriptions shall not infringe on a patient's freedom of choice as to the provider of pharmaceutical care.

(iv) The record [hard copy] of the transferred prescription shall be maintained for a period of five years from the date of filling.

(v) A pharmacy utilizing automated data processing systems to transfer a prescription [refill] or to accept a prescription [refill] transfer shall satisfy the requirements of this subdivision and shall also meet the requirements of paragraph (9) of this subdivision if the pharmacy accesses a common electronic file or database used to maintain required personally identifiable dispensing information.

## **Attachment B**

### STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The proposed amendment will establish requirements that pharmacists and pharmacies must comply with to transfer a patient's entire prescription, including all authorized refills, which would align New York with national standards. This proposed change would streamline the transfer process and improve patient access to medications. Currently, prescriptions are typically filled by the pharmacy to which they are initially transmitted by the prescribing practitioner. However, there are circumstances that may require a prescription to be filled by another pharmacy. These include situations when the original pharmacy is out of stock of a medication, the patient relocates, seeks a more convenient location, or finds more favorable pricing elsewhere.

Presently, under New York's regulations, pharmacists may only transfer prescriptions at the express request and authorization of the patient or their designated representative. Moreover, these regulations limit each transfer to a single refill. Accordingly, if the patient wishes to continue filling their prescription at the new pharmacy, the pharmacist must either request another transfer from the originating pharmacy for each subsequent refill or contact the prescriber for a new prescription. These additional steps often result in prescription delays for patients and increased administrative burdens for both pharmacists and prescribers. Moreover, New York's regulations limiting transfers to "one refill at a time" are more restrictive than the regulations in most other States, where pharmacists are generally permitted to transfer the entire prescription, including all remaining refills, in a single transaction.

Addressing this “one refill at a time” issue has become more urgent following the recent closure of all Rite Aid locations across New York. Pharmacies have experienced a significant increase in prescription transfer requests, while prescribers may also be experiencing a corresponding surge in calls from both pharmacies and patients seeking new prescriptions.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after the expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the February 2026 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the February 2026 meeting, would be February 25, 2026, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the October 2025 meeting, effective October 7, 2025, for the public health and preservation of the general welfare to immediately require that pharmacists and pharmacies transfer a patient’s entire prescription, including all authorized refills, to address recent pharmacy closures. This change will streamline the prescription transfer process and improve patient access to medications.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the February 2026 meeting, which is the first scheduled meeting after the 60-day public comment period mandated by SAPA for state agency rulemaking. However, since the emergency action will expire before the



February Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the December 2025 Regents meeting.