



TO: The Professional Practice Committee

FROM: David H. Hamilton *David H. Hamilton*

SUBJECT: Proposed Amendment of Section 29.7 of the Rules of the Board of Regents and Section 63.14 of the Regulations of the Commissioner of Education Relating to the Practice Settings of Registered Pharmacy Technicians

DATE: December 4, 2025

AUTHORIZATION(S):

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SUMMARY

Issue for Decision

Should the Board of Regents amend section 29.7 of the Rules of the Board of Regents and section 63.14 of the Regulations of the Commissioner of Education relating to the practice settings of registered pharmacy technicians?

Reason for Consideration

Required by State statute (Chapter 543 of the Laws of 2025).

Proposed Handling

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

Procedural History

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on December 31, 2025. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

On April 25, 2021, Chapter 414 of the Laws of 2019 (Chapter 414) amended the Education Law by adding Article 137-A, which established and defined the profession of registered pharmacy technicians in New York State. Prior to this amendment, the State did not have a law recognizing the role of pharmacy technicians.

Chapter 414 permits registered pharmacy technicians to assist licensed pharmacists, under their direct personal supervision, in tasks such as compounding, preparing, labeling, or dispensing of medications pursuant to valid prescriptions or medication orders. Under the law, registered pharmacy technicians can also assist in the compounding, preparing, and labeling of medications in anticipation of a valid prescription or medication orders for patients of Article 28 facilities or patients of pharmacies owned and operated by such Article 28 facilities. These tasks must not involve the exercise of professional judgment, which remains the sole responsibility of the licensed pharmacist.

While Chapter 414 limited the practice settings for registered pharmacy technicians to Article 28 facilities and pharmacies owned and operated by them, Chapter 543 of the Laws of 2025, effective November 21, 2025, amends the Education Law by expanding the settings where registered pharmacy technicians can practice to any registered pharmacy while under the direct personal supervision of a pharmacist employed by such pharmacy.¹ It is anticipated that the expansion of registered pharmacy technicians' practice settings will improve the public's access to medications by potentially reducing delays in dispensing them. It is also expected to improve the public's access to other pharmacy services and to the workflow of pharmacies, including community pharmacies.

Proposed Amendments

The proposed amendment of section 29.7 of the Rules of the Board of Regents implements Chapter 543 by:

- eliminating the requirement that restricts registered pharmacy technicians' practice settings to facilities licensed in accordance with Article 28 of the Public Health Law (Article 28 facilities), or pharmacies owned or operated by such facilities; and
- expanding registered pharmacy technicians' practice settings to all registered pharmacies while under the direct supervision of licensed pharmacist employed in such a pharmacy.

¹ Under Chapter 543, all pharmacies that employ registered pharmacy technicians are responsible for ensuring that the registered pharmacy technicians have received appropriate training to ensure competence before they begin assisting a licensed pharmacist in compounding, preparing, labeling, or dispensing of drugs, in accordance with Articles 137-A and 137 of the Education Law. Additionally, Chapter 414 defines direct personal supervision as 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 requires the supervising licensed pharmacist to approve all work performed by the registered pharmacy technicians prior to the actual dispensing of any drug.

The proposed amendment of section 63.14 of the Commissioner's Regulations implements Chapter 543 by:

- expanding registered pharmacy technicians' practice settings to all registered pharmacies by replacing the word "facility" with the word "pharmacy," while under the direct supervision of a licensed pharmacist employed in such a pharmacy.

Related Regents Item

[May 2021: Proposed Amendments to Sections 29.2 and 29.7 of the Rules of the Board of Regents and the Title of Part 63 of the Regulations of the Commissioner of Education and Addition of Sections 63.14 and 63.15 to the Regulations of the Commissioner of Education Relating to the Licensure of Registered Pharmacy Technicians](https://www.regents.nysed.gov/meetings/2021/2021-05/professional-practice)
(<https://www.regents.nysed.gov/meetings/2021/2021-05/professional-practice>)

Recommendation

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

VOTED: That Section 29.7 of the Rules of the Board of Regents and Section 63.14 of the Regulations of the Commissioner of Education be amended, as submitted, effective December 16, 2025, as an emergency action upon a finding by the Board of Regents that such an action is necessary for the preservation of the public health and general welfare in order to timely implement the requirements of Chapter 543 of the Laws of 2025, which expands the settings where registered pharmacy technicians can practice while under the direct supervision of a pharmacist.

Timetable for Implementation

If adopted at the December 2025, the emergency rule will become effective December 16, 2025. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the April 2026 meeting, after the publication of the proposed amendment 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 April Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the February 2026 meeting. If adopted at the April 2026 meeting, the proposed amendment will become effective as a permanent rule on April 29, 2026.

Attachment A

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.

Attachment B

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The proposed rule is necessary to implement Chapter 543 of the Laws of 2025, which became effective November 21, 2025. This amendment eliminates the requirement that limits registered pharmacy technicians' practice settings to facilities licensed in accordance with Article 28 of the Public Health Law (Article 28 facilities), or pharmacies owned or operated by such facilities. Chapter 543 also expands registered pharmacy technicians' practice settings to all registered pharmacies while under the direct supervision of a licensed pharmacist employed in such a pharmacy by replacing the word "facility" with the word "pharmacy." It is anticipated that the expansion of registered pharmacy technicians' practice settings will improve the public's access to their medications by potentially reducing delays in dispensing them. Chapter 543 is also expected to improve the public's access to other pharmacy services and to support the work of pharmacies, including community pharmacies.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the April 2026 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the April 2026 meeting, would be April 29, 2026, the date the Notice of Adoption would be published in the State Register. However, Chapter 543 became effective November 21, 2025.

Therefore, emergency action is necessary at the December 2025 Regents meeting for the preservation of the public health and the general welfare in order to timely implement the requirements of Chapter 543 of the Laws of 2025, which expands the settings where registered pharmacy technicians can practice while under the direct supervision of a pharmacist.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the April 2026 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period prescribed in SAPA for State agency rule makings. However, since the emergency action will expire before the April Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the February 2026 Regents meeting.