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Office of the Professions

Interim Guidance Implementing Executive Order 202.90 Licensing of Temporarily-Licensed Pharmacy Technicians

February 12, 2021

[Temporarily-Licensed Pharmacist Technician Form](#) | [Online Supervising Pharmacist Site Log](#)

Executive Order 202.90¹ was signed by Governor Andrew Cuomo on January 12, 2021. It provides, in part, for the temporary licensure of Pharmacy Technicians for the sole purpose of administering the COVID-19 vaccine, under the direct supervision of a licensed pharmacist, and under certain conditions set forth expressly within the Executive Order, as well as subject to any additional qualifications required by the Commissioner of the New York State Department of Health (DOH), in consultation with the Commissioner of the New York State Education Department (SED).

Certification and Training Requirements

An individual seeking to practice as a Temporarily-Licensed Pharmacy Technician pursuant to Executive Order 202.90 must meet the following qualifications:

- Hold a professional certification as a Certified Pharmacy Technician (CPhT) from either the Pharmacy Technician Certification Board (PTCB) or National Healthcareer Association (NHA);
- Be of good moral character, as defined by SED and attested to by the applicant;
- Have completed hands-on immunization training in techniques, indications, precautions, contraindications and infection control practices through a practical training program that is approved by the Accreditation Council for Pharmacy Education (ACPE), which will include at minimum the American Pharmacist Association's (APHA) Pharmacy-Based Immunization Administration by Pharmacy Technicians 6-Hour Certificate Training Program, or equivalent as approved by the Department of Health;
- Hold a current certificate in basic cardiopulmonary resuscitation (CPR); and
- Have completed the NYSDOH COVID-19 Vaccine Training for Vaccinators immunization training modules found on the DOH's Learning Management System (LMS). Register [here](#) and the direct link to the modules are as follows:
 - [Module 1 - Background on COVID-19 Vaccines](#)
 - [Module 2 - COVID-19 Vaccine Considerations](#)
 - [Module 3 - COVID-19 Vaccine Administration](#)
 - [Module 4 - Shipping, Storage, and Handling](#)
- Anyone working at a Point of Dispensing site overseen by the DOH, and who will have access to patient data, must complete the [Privacy and Security of Health Information in New York State](#) module in LMS.

Additionally, in order to receive coverage from liability under the federal Public Readiness and Emergency Preparedness (PREP) Act, individuals administering the COVID-19 vaccine as a Temporarily-Licensed Pharmacy Technician under the laws of the state must complete a minimum of two hours of ACPE approved, immunization-related continuing pharmacy education during the relevant State licensing period(s).² Because this is a temporary license, it is recommended that this training be completed within the first six months after licensure.

¹Executive Order 202.90, January 12, 2021, available at <https://www.governor.ny.gov/news/no-20290-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

²Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing, United States Department of Health and Human Services, October 20, 2020, available at <https://www.hhs.gov/sites/default/files/prep-act-guidance.pdf>.

Scope of Practice

In furtherance of the goals of administering the COVID-19 vaccine in a safe and efficient manner, Temporarily-Licensed Pharmacy Technicians are hereby authorized to execute the following duties, **at all times under the direct personal supervision of a licensed pharmacist, regardless of practice setting:**

- A Temporarily-Licensed Pharmacy Technician may only practice at Points of Dispensing (POD) sites overseen or approved by DOH or local health departments and operated under the medical supervision of licensed physician, licensed physician assistant or certified nurse practitioner or in an appropriately registered pharmacy establishment;
- As directed by the overseeing pharmacist, a Temporarily-Licensed Pharmacy Technician may administer the COVID-19 immunization injection to patients pursuant to a non-patient specific order, where such task requires no professional judgment beyond that for which the Temporarily-Licensed Pharmacy Technician has received training pursuant to Executive Order 202.90;
- Temporarily-Licensed Pharmacy Technicians shall not engage or assist in any tasks other than the physical administration of the COVID-19 immunization. They are prohibited from engaging in tasks such as the reconstitution of the immunization(s) or compounding of the immunization(s) or other medications.
- Temporarily-Licensed Pharmacy Technicians practicing within a pharmacy setting can also engage in unlicensed personnel activities as defined in §29.7 (a)(21)(i) and will count towards the supervisory ratio. Further information regarding §29.7 can be found on SED's website here: [NYS Rules of the Board of Regents: Part 29 \(nysed.gov\)](#)

For purposes of this guidance, "**Direct personal supervision**" is defined as the 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 and authorizes the procedures being performed.

Administration

Post training completion, Temporarily-Licensed Pharmacy Technicians will be registered using the "Temporarily Licensed Pharmacy Technician (TLPT)" form issued by SED, which is available [above](#). This form contains attestations by both the Temporarily-Licensed Pharmacy Technician, the supervising pharmacist and any other pharmacists who may be overseeing the individual. Licensed pharmacists are permitted to supervise up to a total of four persons at once. These individuals may be either unlicensed assistants or Temporarily-Licensed Pharmacy Technicians.

The licensed pharmacist shall at all times and under all circumstances be responsible for the acts of a Temporarily-Licensed Pharmacy Technician occurring under the licensed pharmacist's supervision.

The signed and completed TLPT Form and copies of all accompanying documentation shall be kept on file within the registered pharmacy by the supervising pharmacist. These records must be retained by the registered pharmacy for a minimum of five years. These records will not be sent to SED or DOH but shall be made available to SED or DOH upon request at any point during the required retention period.

Upon completion of the TLPT Form, including its required attestations by the applicant, the supervising pharmacist and any other pharmacist(s) who may be overseeing the applicant, the Temporarily-Licensed Pharmacy Technician will be considered temporarily "licensed" for the limited purposes outlined in Executive Order 202.90.

In addition, within 24 hours of "licensure," each supervising pharmacist shall utilize the Online Supervising Pharmacist Site Log, available [above](#) to electronically submit to the Department a list of the Temporarily-Licensed Pharmacy Technicians who have been "licensed" to administer the COVID-19 immunization within their registered pharmacy establishment. Such log shall include each Temporarily-Licensed Pharmacy Technician's name, address, and date of birth, along with the licensed pharmacist's practice location.

The information completed on the TLPT Form and the data submitted on the Online Supervising Pharmacist Site Log are supervising pharmacist and site-specific. Additional forms and logs must be completed if a Temporarily-Licensed Pharmacy Technician works in multiple locations or changes supervisors or employers.

Restrictions

In the event that a Temporarily-Licensed Pharmacy Technician ceases to be under the supervision of a licensed pharmacist, the licensed pharmacist shall notify the SED by updating their Online Supervising Pharmacist Site Log within 24 hours of such separation.

Unauthorized practice or practice outside the scope of practice will subject an individual to the provisions of Sub Article 4 of Article 130 of the education law.

Temporary licensure as a "pharmacy technician" pursuant to EO 202.90 shall not entitle any individual to rights or licensing status except for those granted in the Executive Order and its successors and will only be effective for the effective period of such orders. Licensure as a Temporarily-Licensed Pharmacy Technician shall be separate and distinct from licensure of "Registered Pharmacy Technicians" pursuant to chapter 414 of the Laws of 2019. Temporary licensure under EO 202.90 does not entitle an individual to use the title "Registered

Pharmacy Technician” or to perform any Registered Pharmacy Technician duties not included within the Temporarily-Licensed Pharmacy Technician’s scope of practice as set forth herein.

Questions regarding Executive Order 202.90 and training requirements or POD practice settings should be directed to the Department of Health at covid19vaccine@health.ny.gov with the subject line "New Vaccinator Training."

Questions regarding the Temporarily-Licensed Pharmacist Technician form or Online Supervising Pharmacist Site Log submission requirements and pharmacy establishment practice settings should be directed to the State Education Department at pharmbd@nysed.gov