



THE STATE EDUCATION DEPARTMENT/THE UNIVERSITY OF THE STATE OF NEW YORK/ALBANY, NY12234

BOARD OFFICE for PHARMACY
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March 2, 2022

Mr. Karl Williams
President, PSSNY
257 Washington Avenue Ext.
Albany, New York 12205

Re: Corporate Practice of the Profession of Pharmacy and Pharmacy Workplace Environments

Dear Mr. Williams,

This letter is in response to your letter dated February 23, 2022, regarding corporate practice of the professions and pharmacy workplace environments.

The Board of Regents (BOR) and State Education Department share your concerns regarding pharmacist workplace environments. At its January meeting, the BOR asked the Board of Pharmacy to opine on the matter further at its meeting on March 8, 2022. Additionally, the Department has been developing, and will seek Board input on, an electronic survey which will be shared with every New York registered pharmacist with an email address on file. The data from this workforce survey, in combination with the Board of Pharmacy's valuable feedback, will provide the BOR and the Department with the information needed to guide next steps.

As you note in your letter, the Office of the Professions does have a webpage that offers guidance on corporate practice of the professions. While your letter states that "[t]here is no legal exception for the profession of pharmacy," the profession of pharmacy does indeed have unique statutory provisions, which are explained below. Thus, the Department disagrees with your statement that "[t]here is no legal exception [to corporate practice] for the profession of pharmacy."

In general, licensed professionals are not permitted to set up a general business corporation to provide professional services. However, Article 137 of Education Law contains specific language allowing "corporations" and "firms" to register as pharmacies. This exception is implicitly or explicitly recognized in several sections of the Education Law; for example:

- "No person, firm, corporation or association shall possess drugs, prescriptions or poisons . . . unless registered by the department as a pharmacy, wholesaler, manufacturer or outsourcing facility" (Education Law § 6808 [1]); and
- "In the event that the owner of a pharmacy is not a licensed pharmacist, the pharmacy registration issued shall also bear the name of the licensed pharmacist having personal supervision of the pharmacy" (Education Law § 6808 [2] [c]).

This information is also referenced under the corporate entities for professional practice, introductory page, located here: [OP: Corporate Entities for Professional Practice \(nysed.gov\)](https://nysed.gov/OP/CorporateEntitiesforProfessionalPractice) Specifically, the initial paragraphs explain that “[t]here are a number of exceptions to the general rule prohibiting the practice of the professions by an entity that is not specifically established to provide professional services such as a professional services corporation. . . exceptions include entities established to offer optometry, ophthalmic dispensing, massage therapy, pharmacy, speech-language pathology and audiology services.”

In your letter, you acknowledge that the Department may not have the statutory authority to remedy all that PSSNY is seeking, which is correct. As these corporate practice exceptions are located in Law, a statutory amendment would be required to change those exceptions or allow the Department to issue regulations such as those you request. As you know, changes to Education Law require action by the State Legislature. Should PSSNY support a bill to address the pertinent sections of Education Law, the Department will be happy to provide any technical assistance requested by the Legislature.

Very truly yours,

A handwritten signature in black ink that reads "Dina Jazrawi". The signature is written in a cursive, flowing style.

Dina Jazrawi, PharmD
Executive Secretary

Cc: Board of Regents
Commissioner of Education
Deputy Commissioner for the Professions
Governor of the State of New York
Members, NYS Board of Pharmacy