

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 854 Session of 2015

INTRODUCED BY DeLUCA, D. COSTA, KOTIK, THOMAS, McNEILL, COHEN,  
READSHAW, SCHLOSSBERG, FABRIZIO, LONGIETTI, PASHINSKI,  
GIBBONS, DEASY, BARRAR, MURT AND WATSON, MARCH 31, 2015

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 31, 2015

AN ACT

1 Amending the act of September 27, 1961 (P.L.1700, No.699),  
2 entitled "An act relating to the regulation of the practice  
3 of pharmacy, including the sales, use and distribution of  
4 drugs and devices at retail; and amending, revising,  
5 consolidating and repealing certain laws relating thereto,"  
6 further providing for definitions and for pharmacy technician  
7 registration, qualifications and supervision.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of September 27, 1961  
11 (P.L.1700, No.699), known as the Pharmacy Act, is amended by  
12 adding clauses to read:

13 Section 2. Definitions.--As used in this act:

14 \* \* \*

15 (19) "Pharmacy technician" means an individual who:

16 (i) is registered with the State Board of Pharmacy as a  
17 pharmacy technician; and

18 (ii) may assist in the practice of pharmacy under the  
19 immediate supervision of a licensed pharmacist after meeting the  
20 requirements of this act and the regulations promulgated under

1 this act.

2 (20) "Pharmacy technician trainee" means an individual who  
3 has been issued a temporary permit by the State Board of  
4 Pharmacy that authorizes the individual to perform the duties of  
5 a pharmacy technician under the immediate supervision of a  
6 licensed pharmacist.

7 (21) "Immediate supervision" means a level of control that  
8 assures that a pharmacist has the ultimate responsibility for  
9 accuracy, safety and patient outcome, regarding the actions of  
10 pharmacy technicians and pharmacy technician trainees and the  
11 use of automation in a practice setting.

12 Section 2. The act is amended by adding a section to read:

13 Section 3.3. Pharmacy Technician Registration,  
14 Qualifications and Supervision.--(a) (1) A pharmacy technician  
15 shall register with the board biennially on a form prescribed by  
16 the board and pay a registration fee established by the board by  
17 regulation. An individual must have an unrestricted registration  
18 from the board to practice as a pharmacy technician or a  
19 pharmacy technician trainee.

20 (2) A pharmacy technician shall be responsible to and under  
21 the immediate supervision of a pharmacist licensed by the board.

22 (3) A registration for a pharmacy technician may not be  
23 issued if the applicant is unfit or unable to practice under  
24 section 3(a)(2) or has been convicted of an offense described  
25 under section 3(a)(6) in this Commonwealth or another state.

26 (4) An applicant for pharmacy technician registration shall  
27 meet the following:

28 (i) Be at least seventeen years of age and have a high  
29 school diploma or equivalent.

30 (ii) Complete a board-approved training program for pharmacy

1 technicians.

2 (iii) Submit to a criminal history background check as  
3 required by the board.

4 (b) An individual currently practicing as a pharmacy  
5 technician on or before the effective date of this act shall not  
6 be required to comply with subsection (a)(4)(i) and (ii).

7 (c) (1) The board shall renew, revoke or suspend the  
8 registration of pharmacy technicians under regulations  
9 promulgated by the board.

10 (2) This subsection is subject to 2 Pa.C.S. Chs. 5 Subch. A  
11 (relating to practice and procedure of Commonwealth agencies)  
12 and 7 Subch. A (relating to judicial review of Commonwealth  
13 agency action).

14 (d) (1) Except as provided for in clause (2) or unless  
15 ordered to do so by a court of proper jurisdiction, the board  
16 may not reinstate the registration of an individual whose  
17 registration to practice as a pharmacy technician has been  
18 revoked or if the individual is unfit or unable to practice  
19 under section 3(a)(2) or has been convicted of an offense  
20 described under section 3(a)(6).

21 (2) If an individual desires to practice after revocation,  
22 the individual must apply for registration after the lapse of a  
23 five-year period and in accordance with this section and  
24 regulations.

25 (e) (1) Upon the submission of a board-approved written  
26 application, the board may issue a temporary permit to practice  
27 as a pharmacy technician to an applicant who has met the  
28 requirements of subsection (a)(1).

29 (2) The board shall issue only one temporary permit to an  
30 applicant and the temporary permit shall expire one year after

1 the date of issue.

2 (3) Upon expiration, the temporary permit shall be promptly  
3 returned by the applicant to the board.

4 (f) (1) A pharmacy technician shall wear a name tag that  
5 clearly identifies the pharmacy technician with the title  
6 "registered pharmacy technician."

7 (2) A holder of a temporary permit issued under subsection  
8 (e) shall wear a name tag that clearly identifies the temporary  
9 permit holder with the title "pharmacy technician trainee."

10 Section 3. No person is required to register as a pharmacy  
11 technician under section 3.3 of the act until one year after the  
12 board has promulgated final regulations.

13 Section 4. Within 18 months of the effective date of this  
14 act, the board shall promulgate final regulations to implement  
15 this act.

16 Section 5. This act shall take effect in 60 days.