

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, DEASY, BARRAR, MURT, WATSON AND GIBBONS, MARCH 31, 2015

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 12, 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 DIRECT AND IMMEDIATE PERSONAL supervision of a

1 licensed pharmacist after meeting the requirements of this act  
2 and the regulations promulgated under this act.

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

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

13 (21) "DIRECT AND IMMEDIATE PERSONAL SUPERVISION" MEANS: <--

14 (I) REVIEW BY THE PHARMACIST OF THE PRESCRIPTION OR DRUG  
15 ORDER PRIOR TO DISPENSING;

16 (II) VERIFICATION BY THE PHARMACIST OF THE FINAL PRODUCT;  
17 AND

18 (III) IMMEDIATE AVAILABILITY OF THE PHARMACIST ON THE  
19 PREMISES TO DIRECT THE WORK OF THE SUPERVISED INDIVIDUAL AND TO  
20 RESPOND TO QUESTIONS OR PROBLEMS.

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

22 Section 3.3. Pharmacy Technician Registration,

23 Qualifications and Supervision.--(a) (1) A pharmacy technician  
24 shall register with the board biennially on a form prescribed by  
25 the board and pay a registration fee established by the board by  
26 regulation. An individual must have an unrestricted registration  
27 from the board to practice as a pharmacy technician, or a <--  
28 TEMPORARY PERMIT TO PRACTICE AS A pharmacy technician trainee. <--

29 (2) A pharmacy technician AND A PHARMACY TECHNICIAN TRAINEE <--  
30 shall be responsible to and under the ~~immediate~~ DIRECT AND <--

1 IMMEDIATE PERSONAL supervision of a pharmacist licensed by the  
2 board.

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

7 (4) An applicant for pharmacy technician registration shall  
8 meet the following:

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

11 (ii) Complete a board-approved training program for pharmacy  
12 technicians.

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

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

18 (c) (1) The board shall renew, revoke or suspend the  
19 registration of pharmacy technicians, AND REVOKE OR SUSPEND <--  
20 TEMPORARY PERMITS FOR PHARMACY TECHNICIAN TRAINEES, under  
21 regulations promulgated by the board.

22 (2) This subsection is subject to 2 Pa.C.S. Chs. 5 Subch. A  
23 (relating to practice and procedure of Commonwealth agencies)  
24 and 7 Subch. A (relating to judicial review of Commonwealth  
25 agency action).

26 (d) (1) Except as provided for in clause (2) or unless  
27 ordered to do so by a court of proper jurisdiction, the board  
28 may not reinstate the registration of an individual whose  
29 registration to practice as a pharmacy technician has been  
30 revoked or if the individual is unfit or unable to practice

1 under section 3(a)(2) or has been convicted of an offense  
2 described under section 3(a)(6).

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

7 (e) (1) Upon the submission of a board-approved written  
8 application AND FEE, the board may issue a temporary permit to <--  
9 practice as a pharmacy technician TRAINEE to an applicant who <--  
10 has met the requirements of subsection ~~(a)(1)~~ (A)(3). <--

11 (2) The board shall issue only one temporary permit to an  
12 applicant and the temporary permit shall expire one year after  
13 the date of issue.

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

16 (f) (1) A pharmacy technician shall wear a name tag that  
17 clearly identifies the pharmacy technician with the title  
18 "registered pharmacy technician."

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

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

25 Section 4. Within 18 months of the effective date of this  
26 act, the board shall promulgate final regulations to implement  
27 this act.

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