

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1754 Session of
2005

INTRODUCED BY DeLUCA, BEBKO-JONES, BIANCUCCI, BLACKWELL,
CALTAGIRONE, CURRY, GINGRICH, JAMES, SIPTROTH, STABACK,
WALKO, YOUNGBLOOD, KOTIK, PISTELLA, CASORIO AND GRUCELA,
JUNE 21, 2005

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 21, 2005

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 providing for
7 registration, qualifications and supervision of pharmacy
8 technicians.

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

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

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

15 * * *

16 (19) "Pharmacy technician" means an individual who is
17 registered with the State Board of Pharmacy as a pharmacy
18 technician and who may assist in the practice of pharmacy under
19 the immediate supervision of a licensed pharmacist after meeting
20 the requirements of this act and the regulations promulgated

1 pursuant to 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 which authorizes that individual to perform the duties
5 of a pharmacy technician under the immediate supervision of a
6 licensed pharmacist.

7 (21) "Immediate supervision" means a level of control which
8 assures that a pharmacist has the ultimate responsibility for
9 the accuracy, safety and patient outcome with respect to the
10 actions of pharmacy technicians and pharmacist interns and the
11 use of automation in all practice settings.

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) The board may promulgate
15 regulations governing the use of pharmacy technicians and the
16 duties of pharmacy technicians in pharmacies licensed by the
17 board. Regulations shall provide that pharmacy technicians be
18 responsible to and under the immediate supervision of a
19 pharmacist licensed by the board.

20 (b) A pharmacy technician shall register with the board
21 biennially, on a form prescribed by the board, and pay a
22 registration fee as determined by the board. The board may
23 promulgate regulations governing the registration of pharmacy
24 technicians and standards for recognition and approval of
25 training programs for pharmacy technicians. The regulations
26 shall require that a pharmacy technician:

27 (1) have a high school diploma or a high school equivalency
28 certificate or be working to achieve an equivalent diploma or
29 certificate;

30 (2) except as set forth in subsection (g), have passed a

board-approved pharmacy technician certification examination;
and

(3) have completed a board-approved training program for
pharmacy technicians.

(c) The board shall renew, revoke or suspend the
registration of pharmacy technicians pursuant to regulations
promulgated by the board. This subsection is subject to 2
Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial
review of Commonwealth agency action).

(d) Unless ordered to do so by a court, the board shall not
reinstate the registration of an individual whose registration
to practice as a pharmacy technician has been revoked. If an
individual desires to practice after revocation, the individual
must apply for registration no sooner than five years after
revocation in accordance with this section.

(e) Upon the submission of a written application, on forms
provided by it, the board shall issue a temporary permit to an
applicant who has met all of the requirements of subsection
(b)(1) and who is eligible to take the examination provided for
in subsection (b)(2). The board shall issue only one temporary
permit to an applicant, and the temporary permit shall expire
one year after the date of issue. Issuance by the board of a
temporary permit shall authorize the applicant to perform the
duties of a pharmacy technician as defined in this act. Upon
expiration, the temporary permit shall be promptly returned by
the applicant to the board.

(f) A pharmacy technician shall wear a name tag that clearly
identifies the pharmacy technician with the title "registered
pharmacy technician." A holder of a temporary permit issued

1 pursuant to subsection (e) shall wear a name tag that clearly
2 identifies the temporary permit holder with the title "pharmacy
3 technician trainee."

4 (g) The requirements of subsection (b)(2) shall not apply
5 and a registration shall be issued without examination to an
6 applicant who:

7 (1) has submitted an application for registration,
8 accompanied by the required fee, within one year of the board's
9 promulgation of final regulations required by this section; and

10 (2) demonstrates proof of practice as a pharmacy technician
11 for at least three consecutive years immediately prior to the
12 date of application for registration.

13 Section 3. The board shall promulgate the regulations
14 required by section 3.3 of the act within 18 months of the
15 effective date of this section.

16 Section 4. No person is required to register as a pharmacy
17 technician under section 3.3 of the act until 18 months after
18 the board has promulgated the regulations required by that
19 section.

20 Section 5. This act shall take effect immediately.