

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 959 Session of 2005

INTRODUCED BY RAFFERTY, STACK, ERICKSON, PUNT, ORIE, RHOADES, REGOLA AND C. WILLIAMS, OCTOBER 24, 2005

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, APRIL 26, 2006

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 and pharmacy technician trainees.

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 annually, 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. No registration for
26 a pharmacy technician may be issued if the applicant has been <—
27 convicted of an offense classified as a misdemeanor or felony in
28 IS UNFIT OR UNABLE TO PRACTICE UNDER SECTION 3(A)(2) OR HAS BEEN <—
29 CONVICTED OF AN OFFENSE DESCRIBED UNDER SECTION 3(A)(6) IN this
30 Commonwealth or another state. Regulations shall require that a

1 pharmacy technician MEET ALL OF THE FOLLOWING: <—

2 ~~(1) have a high school diploma or a high school equivalency~~ <—

3 ~~certificate or be working to achieve an equivalent diploma or~~

4 ~~certificate.~~

5 ~~(2) Except as set forth in subsection (g), have passed a~~

6 ~~board approved pharmacy technician certification examination.~~

7 (1) BE AT LEAST SEVENTEEN YEARS OF AGE. <—

8 ~~(3) (2) Have completed a board-approved training program for~~ <—

9 ~~pharmacy technicians.~~

10 ~~(4) (3) Have submitted a criminal history background check.~~ <—

11 (c) The board shall renew, revoke or suspend the

12 registration of pharmacy technicians pursuant to regulations

13 promulgated by the board. This subsection is subject to 2

14 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of

15 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial

16 review of Commonwealth agency action).

17 (d) Unless ordered to do so by a court, the board shall not

18 reinstate the registration of an individual whose registration

19 to practice as a pharmacy technician has been revoked or if the

20 individual IS UNFIT OR UNABLE TO PRACTICE UNDER SECTION 3(A)(2) <—

21 OR has been convicted of an offense classified as a misdemeanor <—

22 or felony in this Commonwealth or another state DESCRIBED UNDER <—

23 SECTION 3(A)(6). If an individual desires to practice after

24 revocation, the individual must apply for registration after a

25 five-year period in accordance with this section.

26 (e) Upon the submission of a written application, on forms

27 provided by it, the board shall MAY issue a temporary permit to <—

28 an applicant who has met all of the requirements of subsection <—

29 (b)(1) and who is eligible to take the examination provided for <—

30 in subsection (b)(2). The board shall issue only one temporary

1 permit to an applicant, and the temporary permit shall expire
2 one year after the date of issue. Issuance by the board of a
3 temporary permit shall authorize the applicant to perform the
4 duties of a pharmacy technician as defined in this act. Upon
5 expiration, the temporary permit shall be promptly returned by
6 the applicant to the board.

7 (f) A pharmacy technician shall wear a name tag that clearly
8 identifies the pharmacy technician with the title "registered
9 pharmacy technician." A holder of a temporary permit issued
10 pursuant to subsection (e) shall wear a name tag that clearly
11 identifies the temporary permit holder with the title "pharmacy
12 technician trainee."

13 ~~(g) The requirements of subsection (b)(2) shall not apply~~ <—
14 ~~and a registration shall be issued without examination to an~~
15 ~~applicant who has submitted an application for registration,~~
16 ~~accompanied by the required fee, within one year of the board's~~
17 ~~promulgation of final regulations required by this section and~~
18 ~~can demonstrate proof of practice as a pharmacy technician for~~
19 ~~at least three consecutive years immediately prior to the date~~
20 ~~of application for registration.~~

21 Section 3. The board shall promulgate the regulations
22 required by section 3.3 of the act within 18 months of the
23 effective date of this section.

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

28 Section 5. This act shall take effect immediately.