

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 968 Session of
2001

INTRODUCED BY CIVERA, DeLUCA, THOMAS, ALLEN, BARD, BARRAR,
BROWNE, CALTAGIRONE, L. I. COHEN, CURRY, DAILEY, FICHTER,
HALUSKA, HENNESSEY, HORSEY, JOSEPHS, KELLER, KENNEY,
LAUGHLIN, MARKOSEK, MELIO, MICOZZIE, PRESTON, SAYLOR,
SOLOBAY, STABACK, STEELMAN, E. Z. TAYLOR, TRELLO,
C. WILLIAMS, WILT AND YOUNGBLOOD, MARCH 14, 2001

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 14, 2001

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 defining "pharmacy technician" and "immediate supervision";
7 and providing for registration, qualifications and
8 supervision of pharmacy 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, amended December
13 20, 1985 (P.L.433, No.111), is amended by adding definitions to
14 read:

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

16 * * *

17 (14) "Pharmacy technician" means an individual who is
18 registered with the State Board of Pharmacy as a pharmacy
19 technician and who may assist in the practice of pharmacy under

1 the immediate supervision of a licensed pharmacist after meeting
2 the requirements of this act and the rules and regulations
3 promulgated pursuant to this act.

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

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

10 Section 3.3. Pharmacy Technician Registration,
11 Qualifications and Supervision.--(a) The board shall have the
12 power to adopt rules and regulations governing the use of
13 pharmacy technicians and the duties of pharmacy technicians in
14 pharmacies licensed by the board, provided that pharmacy
15 technicians be responsible to and under the immediate
16 supervision of a pharmacist licensed by the board and that the
17 ratio of pharmacy technicians to supervising pharmacists not
18 exceed two-to-one.

19 (b) A pharmacy technician shall be required to register with
20 the board biennially, on a form prescribed by the board, and pay
21 a registration fee as determined by the board. The board shall
22 have the power to adopt rules and regulations governing the
23 registration of pharmacy technicians and to determine and issue
24 standards for recognition and approval of training programs for
25 pharmacy technicians. Such rules and regulations shall:

26 (1) require that a pharmacy technician have a high school
27 diploma or a high school equivalency certificate or be working
28 to achieve an equivalent diploma or certificate; and

29 (2) have passed a board-approved pharmacy technician
30 certification examination.

1 (c) The board shall renew, revoke or suspend the
2 registration of pharmacy technicians pursuant to rules and
3 regulations promulgated by the board. All actions of the board
4 shall be taken subject to the right of notice, hearing and
5 adjudication and the right of appeal therefrom in accordance
6 with 2 Pa.C.S. (relating to administrative law and procedure).

7 (d) Unless ordered to do so by a court, the board shall not
8 reinstate the registration of a person to practice as a pharmacy
9 technician which has been revoked, and such person shall be
10 required to apply for registration after a five-year period in
11 accordance with this section, if such person desires to practice
12 at any time after such revocation.

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

16 Section 4. No person shall be required to register as a
17 pharmacy technician under section 3.3 of the act until 18 months
18 after the effective date of this section.

19 Section 5. This act shall take effect immediately.