

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 541

Session of
1989

INTRODUCED BY SALOOM, BILLOW, MORRIS, DALEY, VAN HORNE, McVERRY,
BISHOP, LAUGHLIN, TANGRETTI, B. D. CLARK, VEON, RICHARDSON,
HUGHES, GEORGE, DeWEESE AND RIEGER, FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 15, 1989

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 "support personnel"; requiring certain medical
7 practitioners to comply with the act; requiring the board to
8 register support personnel, regulate mail-order pharmacies
9 and certain contracts; and imposing restrictions on certain
10 contracts by licensed pharmacists.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

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

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

17 * * *

18 (12.1) "Support personnel" means any person employed by a
19 licensed pharmacist to assist in the operation of a pharmacy by
20 performing activities immediately preceding and immediately
21 following the filling of a prescription. The term shall not

1 include a person completing any internship requirements.

2 * * *

3 Section 2. The act is amended by adding sections to read:

4 Section 5.2. Standards for Certain Medical Practitioners.--

5 Any medical practitioner who dispenses prescriptions for a
6 profit shall comply with the provisions of section 4(a), (f),
7 (g), (h), (i) and (j) and the regulations promulgated by the
8 board.

9 Section 5.3. Annual Registration of Support Personnel.--The
10 board shall require that any licensed pharmacist who employs any
11 support personnel shall, within ten days of the date of
12 employment, register that person with the board. Annually
13 thereafter, the pharmacist shall be required to renew the
14 registration of the support personnel. The board shall
15 promulgate regulations to implement the provisions of this
16 section.

17 Section 3. Section 6(k) of the act is amended by adding
18 clauses to read:

19 Section 6. State Board of Pharmacy.--* * *

20 (k) The board shall have the power, and it shall be its
21 duty:

22 * * *

23 (7.1) To the extent permitted by Federal law to license,
24 regulate and require that all mail-order pharmacies doing
25 business within this Commonwealth employ a currently licensed
26 Pennsylvania pharmacist for all prescriptions dispensed in this
27 Commonwealth.

28 (7.2) To provide that no more than two support personnel
29 shall be subject to the supervision of one licensed pharmacist.

30 (7.3) To require that all contracts for the provision of

1 pharmaceutical dispensing services which are entered into or
2 renewed on or after the effective date of this clause contain
3 adequate provisions for the participation of other licensed
4 pharmacists and pharmacies which agree to comply with the
5 provisions and terms of the contract and that the beneficiaries
6 of the contract receive notice of such participation.

7 * * *

8 Section 4. Section 8 of the act is amended by adding a
9 clause to read:

10 Section 8. Unlawful Acts.--It shall be unlawful for:

11 * * *

12 (8.1) Any person, firm or corporation which is licensed as a
13 pharmacist in Pennsylvania to enter into or be a party to any
14 contract for the provision of prescription drugs when that
15 contract designates that particular pharmacist as a sole source
16 or prohibits the use of other licensed pharmacists for the
17 procurement of prescription drugs.

18 * * *

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