

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 454** Session of
2017

INTRODUCED BY DeLUCA, BAKER, McNEILL, D. COSTA, CALTAGIRONE,
GAINNEY, MILLARD, MURT, WATSON, MATZIE, FABRIZIO, YOUNGBLOOD,
PASHINSKI, D. MILLER, HARKINS, NEILSON, KORTZ AND DAVIS,
FEBRUARY 13, 2017

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 25, 2017

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 pharmacy
7 technician and pharmacy technician trainee registration,
8 qualifications and supervision.

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 (20) "Pharmacy technician" means an individual who:

17 (i) is registered with the board as a pharmacy technician;

18 and

19 (ii) may assist in the practice of pharmacy under the direct

1 and immediate personal supervision of a licensed pharmacist
2 after meeting the requirements of this act and the regulations
3 promulgated under this act.

4 (21) "Pharmacy technician trainee" means an individual who
5 has been issued a temporary permit by the board that authorizes
6 the individual to perform the duties of a pharmacy technician
7 under the direct and immediate personal supervision of a
8 licensed pharmacist.

9 (22) "Direct and immediate personal supervision" means:

10 (i) review by the pharmacist of the prescription or drug
11 order prior to dispensing;

12 (ii) verification by the pharmacist of the final product;
13 and

14 (iii) immediate availability of the pharmacist on the
15 premises to direct the work of the supervised individual and to
16 respond to questions or problems.

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

18 Section 3.3. Pharmacy Technician and Pharmacy Technician
19 Trainee Registration, Qualifications and Supervision.--(a) A
20 pharmacy technician shall register with the board biennially on
21 a form prescribed by the board and pay a registration fee
22 established by the board by regulation. An individual must
23 possess an unrestricted registration from the board to practice
24 as a pharmacy technician. The following shall apply:

25 (1) A pharmacy technician shall be responsible to and under
26 the direct and immediate personal supervision of a board-
27 licensed pharmacist.

28 (2) A registration for a pharmacy technician may not be
29 issued if the applicant is unfit or unable to practice under
30 section 3(a)(2) or has been convicted of an offense described

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1 ~~under section 3(a)(6) in this Commonwealth or another state.~~

2 ISSUED IF THE APPLICANT:

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3 (I) IS UNFIT OR UNABLE TO PRACTICE UNDER SECTION 3(A)(2); OR

4 (II) HAS BEEN CONVICTED OF AN OFFENSE DESCRIBED UNDER

5 SECTION 3(A)(6) IN THIS COMMONWEALTH OR ANOTHER STATE UNLESS THE

6 PROVISIONS OF SECTION 3(A)(6)(I), (II) AND (III) HAVE BEEN

7 SATISFIED.

8 (3) An applicant for pharmacy technician registration shall

9 meet the following requirements:

10 (i) Be at least seventeen years of age and possess a high

11 school diploma or equivalent.

12 (ii) Complete a board-approved pharmacy technician training

13 program.

14 (iii) Submit to a criminal history record check as required

15 by the board.

16 (4) An individual ~~currently~~ practicing as a pharmacy

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17 technician ~~on or before~~ FOR AT LEAST ONE YEAR OF THE TWO-YEAR

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18 PERIOD IMMEDIATELY PRECEDING the effective date of this section

19 shall not be required to comply with clause (3)(i) or (ii).,

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20 PROVIDED THE INDIVIDUAL APPLIES WITHIN ONE YEAR OF THE

21 PROMULGATION OF REGULATIONS BY THE BOARD IMPLEMENTING THIS

22 SECTION.

23 (5) ~~The board shall renew, revoke or suspend the~~

<--

24 ~~registration of pharmacy technicians~~ THE BOARD SHALL RENEW,

<--

25 REFUSE, REVOKE OR SUSPEND THE REGISTRATION OF PHARMACY

26 TECHNICIANS AND TEMPORARY PERMITS FOR PHARMACY TECHNICIAN

27 TRAINEES, OR OTHERWISE DISCIPLINE PHARMACY TECHNICIANS AND

28 PHARMACY TECHNICIAN TRAINEES, under regulations promulgated by

29 the board. This clause is subject to 2 Pa.C.S. Chs. 5 Subch. A

30 (relating to practice and procedure of Commonwealth agencies)

1 and 7 Subch. A (relating to judicial review of Commonwealth
2 agency action). PROVISIONS AND PROCEDURES WITH RESPECT TO
3 REFUSAL AND DISCIPLINE CONTAINED IN SECTIONS 5(A), (C) AND (D)
4 AND 7 SHALL APPLY TO PHARMACY TECHNICIAN REGISTRATIONS AND
5 PHARMACY TECHNICIAN TRAINEE PERMITS.

6 (6) Except as provided for in clause (7), or unless ordered
7 to do so by a court of proper jurisdiction, the board may not
8 reinstate the registration of an individual whose registration
9 to practice as a pharmacy technician has been revoked or if the
10 individual is unfit or unable to practice under section 3(a)(2)
11 or has been convicted of an offense described under section 3(a)
12 (6).

13 (7) If an individual desires to practice after revocation,
14 the individual must apply for registration after the lapse of a
15 five-year period and in accordance with this section and
16 regulations.

17 (8) A pharmacy technician shall wear a name tag that clearly
18 identifies the pharmacy technician's first name with the title
19 "Registered Pharmacy Technician."

20 (b) Upon the submission of a board-approved written
21 application and fee, the board may issue a temporary permit to
22 practice as a pharmacy technician trainee. The following shall
23 apply:

24 (1) A pharmacy technician trainee shall be responsible to
25 and under the direct and immediate personal supervision of a
26 board-licensed pharmacist.

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

1 UNLESS THE PROVISIONS OF SECTION 3(A)(6)(I), (II) AND (III) HAVE <--
2 BEEN SATISFIED.

3 (3) An applicant for pharmacy technician trainee
4 registration shall meet the following requirements:

5 (i) Be at least sixteen years of age.

6 (ii) Submit to a criminal history record check as required
7 by the board.

8 (4) The board shall issue only one temporary permit to an
9 applicant and the temporary permit shall expire ~~one year~~ TWO <--
10 YEARS after the date of issue and ~~may be renewed for one~~ <--
11 ~~additional year.~~ OR UPON OBTAINING REGISTRATION AS A PHARMACY <--
12 TECHNICIAN UNDER SUBSECTION (A).

13 (5) Upon expiration of the temporary permit, the applicant
14 shall promptly return the permit to the board.

15 (6) A pharmacy technician trainee shall wear a name tag that
16 clearly identifies the pharmacy technician trainee's first name
17 with the title "Pharmacy Technician Trainee."

18 Section 3. No person is required to register as a pharmacy
19 technician under section 3.3 of the act until one year after the
20 State Board of Pharmacy has promulgated final regulations.

21 Section 4. Within 18 months of the effective date of this
22 act, the State Board of Pharmacy shall promulgate final
23 regulations to implement this act.

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