

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 770

PRINTER NO. 4562

AMOUNT

See Fiscal Impact

FUND

Professional Licensure Augmentation Account

DATE INTRODUCED

March 11, 2019

PRIME SPONSOR

Representative DeLuca

DESCRIPTION

House Bill 770 amends the Pharmacy Act to provide for pharmacy technicians and pharmacy technician trainees. The legislation addresses pharmacy technician and pharmacy technician trainee registration, qualifications and supervision.

Pharmacy Technician

The legislation requires a pharmacy technician to register with the Board of Pharmacy (board) biennially and pay a registration fee, possess an unrestricted registration from the board to practice, and be responsible to and under the direct and immediate personal supervision of a board-licensed pharmacist.

House Bill 770 requires an applicant to be at least 17 years of age, possess a high school diploma or equivalent, complete a board-approved pharmacy technician training program and submit to a criminal history record check. The legislation permits an individual practicing as a pharmacy technician for at least one year of the two-year period prior to the effective date of this section to submit only the background check as long as the individual applies for registration within one year of the board’s promulgation of pharmacy technician regulations.

The legislation allows pharmacy technicians to conduct data entry including prescription entry, drug order or patient information into a patient profile without oversight of a licensed pharmacist if all of the following apply:

- The pharmacy has documented policies and procedures and other adequate safeguards to protect against patient harm and privacy incidents;
- The pharmacy technician is adequately trained to perform the data entry task;
- A supervising pharmacist is readily available to answer questions of the pharmacy technician and is responsible for the practice and accuracy of the pharmacy technician; and
- No part of the data entry includes direct interaction with prescription medication.

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Pharmacy Technician Trainee

House Bill 770 permits the board to issue a temporary registration to practice as a pharmacy technician trainee. The board may charge a registration fee that is no more than half of the pharmacy technician registration fee. The trainee fee may also be used to offset the pharmacy technician registration fee, if the trainee applies for registration within the two-year registration window.

The legislation requires a pharmacy technician trainee to be responsible to and under the direct and immediate personal supervision of a board-licensed pharmacist. House Bill 770 requires an applicant to be at least 16 years of age and submit to a criminal history record check.

The legislation allows the board to only issue one temporary registration to an applicant which expires two years after issuance or upon obtaining a pharmacy technician registration. Registration is not required until one year after final regulations have been promulgated.

House Bill 770 defines "pharmacy technician," "pharmacy technician trainee," "direct and immediate personal supervision" and "COVID-19."

The legislation also adds a section pertaining to COVID-19, flu and strep throat testing at pharmacies. If a pharmacy holds a valid certificate of waiver issued by the federal Centers for Medicare and Medicaid Services, a pharmacy or pharmacist may order and perform tests for COVID-19, flu or strep throat as authorized or approved by the United States Food and Drug Administration. Pharmacies or pharmacists with a valid waiver shall be exempt from the requirements under Section 3 of the Clinical Laboratory Act.

The COVID-19, flu and strep throat testing provisions of House Bill 770 take effect immediately, and the remainder of the act shall take effect in 60 days.

FISCAL IMPACT:

House Bill 770 will require all pharmacy technicians and trainees to be registered with the State Board of Pharmacy (board). The board is funded from the Professional Licensure Augmentation restricted revenue account which is funded solely from the fees and fines collected by the licensing boards and commissions. The board is not supported by General Fund dollars.

According to the board, 15 new full-time staff will be required to accommodate the registration of pharmacy technicians and trainees. The estimated total annual costs are \$2,039,803; personnel costs are \$1,532,468, and the operating costs are \$507,335. Operating expenses would include added lease space, new workstations/computers, mileage reimbursement for inspectors, credit card fees for online payments, and postage costs.

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The number of potential pharmacy technicians and trainees that will become registered in the Commonwealth is 34,000. Funding for the board's administration of this new registration category will come from fees and fines generated by those 34,000 newly registered pharmacy technicians and trainees. Based upon the costs anticipated by the board, the estimated biennial fee to be paid per licensee holder would be \$120.