

PHARMACY ACT - PHARMACY TECHNICIAN AND PHARMACY TECHNICIAN
TRAINEE REGISTRATION, QUALIFICATIONS AND SUPERVISION, PHARMACY
TECHNICIAN DATA ENTRY AND LABORATORY WAIVER
Act of Nov. 30, 2020, P.L. 1306, No. 140 Cl. 35
Session of 2020
No. 2020-140

HB 770

AN ACT

Amending the act of September 27, 1961 (P.L.1700, No.699),
entitled "An act relating to the regulation of the practice
of pharmacy, including the sales, use and distribution of
drugs and devices at retail; and amending, revising,
consolidating and repealing certain laws relating thereto,"
further providing for definitions; and providing for pharmacy
technician and pharmacy technician trainee registration,
qualifications and supervision, for pharmacy technician data
entry and for laboratory waiver.

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

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

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

* * *

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

(i) Is registered with the board as a pharmacy technician.

(ii) May assist in the practice of pharmacy under the direct
and immediate personal supervision of a licensed pharmacist
after meeting the requirements of this act and the regulations
promulgated under this act. The term "pharmacy technician" shall
not include an individual performing clerical support with no
direct interaction with prescription medication or ability to
enter a prescription drug order.

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

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

(i) Review by the pharmacist of the prescription or drug
order prior to dispensing.

(ii) Verification by the pharmacist of the final product.

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

(23) "COVID-19" means the novel coronavirus as identified
in the proclamation of disaster emergency issued by the Governor
on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

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

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

(1) Except as provided under section 3.4, a pharmacy technician shall be responsible to and under the direct and immediate personal supervision of a board-licensed pharmacist.

(2) A registration for a pharmacy technician may not be issued if the applicant:

(i) is unfit or unable to practice under section 3(a)(2); or

(ii) has been convicted of an offense described under section 3(a)(6) in this Commonwealth or another state unless the provisions of section 3(a)(6)(i), (ii) and (iii) have been satisfied.

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

(i) Be at least seventeen years of age and possess a high school diploma or equivalent.

(ii) Complete a board-approved pharmacy technician training program.

(iii) Submit to a criminal history record check as required by the board.

(4) An individual practicing as a pharmacy technician for at least one year of the two-year period immediately preceding the effective date of this section shall not be required to comply with clause (3)(i) or (ii), provided the individual applies within one year of the promulgation of regulations by the board implementing this section.

(5) The board shall renew, refuse, revoke or suspend the registration of a pharmacy technician and temporary registration for a pharmacy technician trainee, or otherwise discipline a pharmacy technician and a pharmacy technician trainee, under regulations promulgated by the board. This clause is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action). Provisions and procedures with respect to refusal and discipline contained in sections 5(a), (c) and (d) and 7 shall apply to pharmacy technician registrations and pharmacy technician trainee permits.

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

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

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

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

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

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

state unless the provisions of section 3(a)(6)(i), (ii) and (iii) have been satisfied.

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

(i) Be at least sixteen years of age.

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

(4) The board may charge a registration fee that is not more than one-half the registration fee charged under subsection (a).

(5) The board shall issue only one temporary registration to an applicant and the temporary registration shall expire two years after the date of issue or upon obtaining registration as a pharmacy technician under subsection (a). If a pharmacy technician trainee applies for registration as a pharmacy technician under subsection (a) within the two-year registration period, the fee for the initial temporary registration shall be used to offset the pharmacy technician registration fee.

(6) Upon expiration of the temporary registration, the applicant shall promptly return the temporary registration to the board.

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

Section 3.4. Pharmacy Technician Data Entry.--A pharmacy technician may conduct data entry, including prescription entry, drug order or patient information, into a patient profile via technological means without the immediate supervision of a board-licensed pharmacist if all of the following apply:

(1) The pharmacy has documented policies and procedures and other adequate safeguards to protect against patient harm and privacy incidents.

(2) The pharmacy technician is adequately trained to perform the data entry task.

(3) 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.

(4) No part of the data entry includes any direct interaction with prescription medication.

Section 9.5. Laboratory Waiver.--If a pharmacy holds a valid certificate of waiver issued by the Centers for Medicare and Medicaid Services, a pharmacy or pharmacist may order and perform laboratory examinations and procedures for COVID-19, influenza and streptococcal infections authorized or approved by the United States Food and Drug Administration under the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 102 Stat. 2903) and shall be exempt from the requirements under section 3 of the act of September 26, 1951 (P.L.1539, No.389), known as "The Clinical Laboratory Act."

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

Section 4. Within 18 months of the effective date of this section, the State Board of Pharmacy shall promulgate final regulations to, except for the addition of section 3.4, implement this act.

Section 5. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) This section.

(ii) The addition of sections 3.4 and 9.5 of the
act.

(2) The remainder of this act shall take effect in 60
days.

APPROVED--The 30th day of November, A.D. 2020.

TOM WOLF