

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 313 Session of 2007

INTRODUCED BY RAFFERTY, STACK, ERICKSON, TARTAGLIONE, ORIE, LOGAN AND BROWNE, MARCH 9, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED, JANUARY 16, 2008

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
7 registration, qualifications and supervision of pharmacy
8 technicians and pharmacy technician trainees.

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 (19) "Pharmacy technician" means an individual who is
17 registered with the State Board of Pharmacy as a pharmacy
18 technician and who may assist in the practice of pharmacy under
19 the immediate supervision of a licensed pharmacist after meeting
20 the requirements of this act and the regulations promulgated

1 pursuant to this act.

2 (20) "Pharmacy technician trainee" means an individual who
3 has been issued a temporary permit by the State Board of
4 Pharmacy which authorizes that individual to perform the duties
5 of a pharmacy technician under the immediate supervision of a
6 licensed pharmacist.

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

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

13 Section 3.3. Pharmacy Technician Registration,

14 Qualifications and Supervision.--(a) The board ~~may~~ SHALL, ←
15 WITHIN EIGHTEEN MONTHS OF THE EFFECTIVE DATE OF THIS SECTION,
16 promulgate regulations governing the use of pharmacy technicians
17 and the duties of pharmacy technicians in pharmacies licensed by
18 the board. Regulations shall provide that pharmacy technicians
19 be responsible to and under the immediate supervision of a
20 pharmacist licensed by the board.

21 (b) A pharmacy technician shall register with the board
22 annually, on a form prescribed by the board, and pay a
23 registration fee as determined by the board. The board ~~may~~ ←
24 SHALL, WITHIN EIGHTEEN MONTHS OF THE EFFECTIVE DATE OF THIS ←
25 SECTION, promulgate regulations governing the registration of
26 pharmacy technicians and standards for recognition and approval
27 of training programs for pharmacy technicians. No registration
28 for a pharmacy technician may be issued if the applicant is
29 unfit or unable to practice under section 3(a)(2) or has been
30 convicted of an offense described under section 3(a)(6) in this

1 Commonwealth or another state. Regulations shall require that a
2 pharmacy technician meet all of the following:

3 (1) Be at least seventeen years of age.

4 (2) Have completed a board-approved training program for
5 pharmacy technicians.

6 (3) Have submitted a criminal history background check.

7 (c) The board shall renew, revoke or suspend the
8 registration of pharmacy technicians pursuant to regulations
9 promulgated by the board. This subsection is subject to 2
10 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
11 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial
12 review of Commonwealth agency action).

13 (d) Unless ordered to do so by a court, the board shall not
14 reinstate the registration of an individual whose registration
15 to practice as a pharmacy technician has been revoked or if the
16 individual is unfit or unable to practice under section 3(a)(2)
17 or has been convicted of an offense described under section
18 3(a)(6). If an individual desires to practice after revocation,
19 the individual must apply for registration after a five-year
20 period in accordance with this section.

21 (e) Upon the submission of a written application, on forms
22 provided by it, the board may issue a temporary permit to an
23 applicant who has met the requirements of subsection (b)(1). The
24 board shall issue only one temporary permit to an applicant, and
25 the temporary permit shall expire one year after the date of
26 issue. Issuance by the board of a temporary permit shall
27 authorize the applicant to perform the duties of a pharmacy
28 technician as defined in this act. Upon expiration, the
29 temporary permit shall be promptly returned by the applicant to
30 the board.

1 (f) A pharmacy technician shall wear a name tag that clearly
2 identifies the pharmacy technician with the title "registered
3 pharmacy technician." A holder of a temporary permit issued
4 pursuant to subsection (e) shall wear a name tag that clearly
5 identifies the temporary permit holder with the title "pharmacy
6 technician trainee."

7 ~~Section 3. The board shall promulgate the regulations~~ <—
8 ~~required by section 3.3 of the act within 18 months of the~~
9 ~~effective date of this section.~~

10 Section 4 3. No person is required to register as a pharmacy <—
11 technician under section 3.3 of the act until 18 months after
12 the board has promulgated the regulations required by that
13 section.

14 Section 5 4. This act shall take effect immediately. <—