

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 753 Session of 2009

INTRODUCED BY RAFFERTY, TARTAGLIONE, ERICKSON, ORIE, BROWNE AND BOSCOLA, APRIL 3, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, APRIL 3, 2009

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 pharmacy technician trainees
11 and the 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 shall, within
15 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. The regulations shall provide that pharmacy
19 technicians be responsible to and under the immediate
20 supervision of a pharmacist licensed by the board.

21 (b) (1) 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.

24 (2) The board shall, within eighteen months of the effective
25 date of this section, promulgate regulations governing the
26 registration of pharmacy technicians and standards for
27 recognition and approval of training programs for pharmacy
28 technicians.

29 (3) No registration for a pharmacy technician may be issued
30 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.

(4) The regulations shall require that a pharmacy technician
meet all of the following:

(i) Be at least seventeen years of age.

(ii) Have completed a board-approved training program for
pharmacy technicians.

(iii) Have submitted a criminal history background check.

(c) (1) The board shall renew, revoke or suspend the
registration of pharmacy technicians pursuant to regulations
promulgated by the board.

(2) This subsection is subject to 2 Pa.C.S. Ch. 5 Subch. A
(relating to practice and procedure of Commonwealth agencies)
and Ch. 7 Subch. A (relating to judicial review of Commonwealth
agency action).

(d) (1) Unless ordered to do so by a court, the board shall
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).

(2) If an individual desires to practice after revocation,
the individual must apply for registration after a five-year
period in accordance with this section.

(e) (1) Upon the submission of a written application, on
forms provided by it, the board may issue a temporary permit to
an applicant who has met the requirements of subsection (b)(1).

(2) The board shall issue only one temporary permit to an
applicant, and the temporary permit shall expire one year after
the date of issue.

1 (3) Issuance by the board of a temporary permit shall
2 authorize the applicant to perform the duties of a pharmacy
3 technician.

4 (4) Upon expiration, the temporary permit shall be promptly
5 returned by the applicant to the board.

6 (f) (1) A pharmacy technician shall wear a name tag that
7 clearly identifies the pharmacy technician with the title
8 "registered pharmacy technician."

9 (2) A holder of a temporary permit issued pursuant to
10 subsection (e) shall wear a name tag that clearly identifies the
11 temporary permit holder with the title "pharmacy technician
12 trainee."

13 Section 3. No person is required to register as a pharmacy
14 technician under section 3.3 of the act until 18 months after
15 the board has promulgated the regulations required by that
16 section.

17 Section 4. This act shall take effect immediately.