

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 770 Session of  
2019

INTRODUCED BY DeLUCA, MILLARD, HILL-EVANS, MURT, READSHAW,  
KULIK, YOUNGBLOOD, CALTAGIRONE, McNEILL, DEASY, CIRESI,  
RAVENSTAHL, MATZIE, KORTZ, KENYATTA, T. DAVIS AND HOWARD,  
MARCH 11, 2019

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 19, 2020

## 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, FOR PHARMACY TECHNICIAN DATA <--  
9 ENTRY AND FOR LABORATORY WAIVER.

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

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

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

16 \* \* \*

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

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

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

20 and immediate personal supervision of a licensed pharmacist

1 after meeting the requirements of this act and the regulations  
2 promulgated under this act. THE TERM "PHARMACY TECHNICIAN" SHALL <--  
3 NOT INCLUDE AN INDIVIDUAL PERFORMING CLERICAL SUPPORT WITH NO  
4 DIRECT INTERACTION WITH PRESCRIPTION MEDICATION OR ABILITY TO  
5 ENTER A PRESCRIPTION DRUG ORDER.

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

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

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

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

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

18 (23) "COVID-19" MEANS THE NOVEL CORONAVIRUS AS IDENTIFIED IN <--  
19 THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON  
20 MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).

21 Section 2. The act is amended by adding ~~a section~~ SECTIONS <--  
22 to read:

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

30 (1) ~~A~~ EXCEPT AS PROVIDED UNDER SECTION 3.4, A pharmacy <--

1 technician shall be responsible to and under the direct and  
2 immediate personal supervision of a board-licensed pharmacist.

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

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

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

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

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

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

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

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

24 (5) The board shall renew, refuse, revoke or suspend the  
25 registration of a pharmacy technician and temporary permit <--  
26 REGISTRATION for a pharmacy technician trainee, or otherwise <--  
27 discipline a pharmacy technician and a pharmacy technician  
28 trainee, under regulations promulgated by the board. This clause  
29 is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice  
30 and procedure of Commonwealth agencies) and 7 Subch. A (relating

1 to judicial review of Commonwealth agency action). Provisions  
2 and procedures with respect to refusal and discipline contained  
3 in sections 5(a), (c) and (d) and 7 shall apply to pharmacy  
4 technician registrations and pharmacy technician trainee  
5 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 shall 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 <--  
22 REGISTRATION to practice as a pharmacy technician trainee. The <--  
23 following shall 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 MAY CHARGE A REGISTRATION FEE THAT IS NOT MORE <--  
9 THAN ONE-HALF THE REGISTRATION FEE CHARGED UNDER SUBSECTION (A).

10 ~~(4)~~ (5) The board shall issue only one temporary permit <--  
11 REGISTRATION to an applicant and the temporary permit <--  
12 REGISTRATION shall expire two years after the date of issue or <--  
13 upon obtaining registration as a pharmacy technician under  
14 subsection (a). IF A PHARMACY TECHNICIAN TRAINEE APPLIES FOR <--  
15 REGISTRATION AS A PHARMACY TECHNICIAN UNDER SUBSECTION (A)  
16 WITHIN THE TWO-YEAR REGISTRATION PERIOD, THE FEE FOR THE INITIAL  
17 TEMPORARY REGISTRATION SHALL BE USED TO OFFSET THE PHARMACY  
18 TECHNICIAN REGISTRATION FEE.

19 ~~(5)~~ (6) Upon expiration of the temporary permit <--  
20 REGISTRATION, the applicant shall promptly return the permit <--  
21 TEMPORARY REGISTRATION to the board. <--

22 ~~(6)~~ (7) A pharmacy technician trainee shall wear a name tag <--  
23 that clearly identifies the pharmacy technician trainee's first  
24 name with the title "Pharmacy Technician Trainee."

25 SECTION 3.4. PHARMACY TECHNICIAN DATA ENTRY.--A PHARMACY <--  
26 TECHNICIAN MAY CONDUCT DATA ENTRY INCLUDING PRESCRIPTION ENTRY,  
27 DRUG ORDER OR PATIENT INFORMATION INTO A PATIENT PROFILE VIA  
28 TECHNOLOGICAL MEANS WITHOUT THE IMMEDIATE SUPERVISION OF A BOARD  
29 LICENSED PHARMACIST IF ALL OF THE FOLLOWING APPLY:

30 (1) THE PHARMACY HAS DOCUMENTED POLICIES AND PROCEDURES AND

1 OTHER ADEQUATE SAFEGUARDS TO PROTECT AGAINST PATIENT HARM AND  
2 PRIVACY INCIDENTS.

3 (2) THE PHARMACY TECHNICIAN IS ADEQUATELY TRAINED TO PERFORM  
4 THE DATA ENTRY TASK.

5 (3) A SUPERVISING PHARMACIST IS READILY AVAILABLE TO ANSWER  
6 QUESTIONS OF THE PHARMACY TECHNICIAN AND IS RESPONSIBLE FOR THE  
7 PRACTICE AND ACCURACY OF THE PHARMACY TECHNICIAN.

8 (4) NO PART OF THE DATA ENTRY INCLUDES ANY DIRECT  
9 INTERACTION WITH PRESCRIPTION MEDICATION.

10 SECTION 9.5. LABORATORY WAIVER.--IF A PHARMACY HOLDS A VALID  
11 CERTIFICATE OF WAIVER ISSUED BY THE CENTERS FOR MEDICARE AND  
12 MEDICAID SERVICES, A PHARMACY OR PHARMACIST MAY ORDER AND  
13 PERFORM LABORATORY EXAMINATIONS AND PROCEDURES FOR COVID-19,  
14 INFLUENZA AND STREPTOCOCCAL INFECTIONS AUTHORIZED OR APPROVED BY  
15 THE UNITED STATES FOOD AND DRUG ADMINISTRATION UNDER THE  
16 CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (PUBLIC LAW  
17 100-578, 102 STAT. 2903) AND SHALL BE EXEMPT FROM THE  
18 REQUIREMENTS UNDER SECTION 3 OF THE ACT OF SEPTEMBER 26, 1951  
19 (P.L.1539, NO.389), KNOWN AS "THE CLINICAL LABORATORY ACT."

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

24 Section 4. Within 18 months of the effective date of this  
25 ~~act~~ SECTION, the State Board of Pharmacy shall promulgate final <--  
26 regulations to, EXCEPT FOR THE ADDITION OF SECTION 3.4, <--  
27 implement this act.

28 Section 5. This act shall take effect ~~in 60 days~~. AS <--  
29 FOLLOWS:

30 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT

1 IMMEDIATELY:

2 (I) THIS SECTION.

3 (II) THE ADDITION OF SECTIONS 3.4 AND 9.5 OF THE  
4 ACT.

5 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
6 DAYS.