

CHAPTER 1016**DISPENSING OF PRESCRIPTION DRUGS —
PERMISSIBLE PRACTICES***H.F. 2166*

AN ACT relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 147.107, subsection 2, paragraph a, Code Supplement 2007, is amended to read as follows:

a. A pharmacist, physician, dentist, or podiatric physician who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate non-judgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription dispensing is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system or when a pharmacist is utilizing a tech-check-tech program, as defined in section 155A.3. When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. When using a tech-check-tech program the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy that ensures accuracy for dispensing. Verification of automated dispensing and tech-check-tech accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the board of pharmacy, the board of medicine, the dental board, and the board of podiatry for their respective licensees.

Sec. 2. Section 155A.3, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 39A. "Tech-check-tech program" means a program formally established by a pharmacist in charge of a pharmacy who has determined that one or more certified pharmacy technicians are qualified to safely check the work of other certified pharmacy technicians and thereby provide final verification for drugs which are dispensed for subsequent administration to patients in an institutional setting.

Sec. 3. Section 155A.6A, subsection 4, Code Supplement 2007, is amended to read as follows:

4. The board shall adopt rules in accordance with chapter 17A on matters pertaining to pharmacy technician registration, application, forms, renewals, fees, termination of registration, tech-check-tech programs, national certification, training, and any other relevant matters.

Sec. 4. Section 155A.24, subsection 1, paragraph a, Code Supplement 2007, is amended to read as follows:

a. If the prescription drug is a controlled substance, the person shall be punished pursuant to section 124.401, subsection 1, and other provisions of chapter 124, division IV.

Sec. 5. Section 155A.33, Code 2007, is amended to read as follows:

155A.33 DELEGATION OF TECHNICAL FUNCTIONS — ~~AUTOMATED DISPENSING SYSTEMS.~~

A pharmacist may delegate technical dispensing functions to pharmacy technicians, but only if the pharmacist is physically present to verify the accuracy and completeness of the patient's prescription prior to the delivery of the prescription to the patient or the patient's repre-

sentative. However, the physical presence requirement does not apply when a pharmacist is utilizing an automated dispensing system or a tech-check-tech program. When using an automated dispensing system or a tech-check-tech program, the pharmacist shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing and tech-check-tech accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board.

Sec. 6. Section 155A.34, Code 2007, is amended to read as follows:
155A.34 TRANSFER OF PRESCRIPTIONS.

A pharmacist or a pharmacist-intern may transfer a valid prescription order to another pharmacist or a pharmacist-intern pursuant to rules adopted by the board.

Approved March 25, 2008

CHAPTER 1017

STATE MINIMUM WAGE REQUIREMENTS — APPLICABILITY

H.F. 2194

AN ACT relating to exemptions to state minimum wage requirements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 91D.1, subsection 2, Code Supplement 2007, is amended to read as follows:

2. a. The exemptions from the minimum wage requirements stated in 29 U.S.C. § 213, as amended to January 1, 2007, shall apply, except that the exemption in 29 U.S.C. § 213(a)(2) shall only apply to an enterprise which is comprised of one or more retail or service establishments whose annual gross volume of sales made or business done is less than sixty percent of the amount stated in 29 U.S.C. § 203(s)(2), exclusive of excise taxes at the retail level that are separately stated as otherwise provided in this subsection.

b. Except as provided in paragraph “c”, the minimum wage requirements set forth in this section shall not apply to an enterprise whose annual gross volume of sales made or business done, exclusive of excise taxes at the retail level which are separately stated, is less than three hundred thousand dollars.

c. The minimum wage requirements set forth in this section shall apply to the following without regard to gross volume of sales or business done:

(1) An enterprise engaged in the business of laundering, cleaning, or repairing clothing or fabrics.

(2) An enterprise engaged in construction or reconstruction.

(3) An enterprise engaged in the operation of a hospital; an institution primarily engaged in the care of the sick, the aged, or the mentally ill or persons who have symptoms of mental illness who reside on the premises of such institution; a school for persons with mental or physical disabilities or for gifted children; a preschool, elementary or secondary school, or an institution of higher education. This subparagraph applies regardless of whether any such described hospital, institution, or school is public or private or operated for profit or not for profit.

(4) A public agency.

Approved March 25, 2008