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FILED FEB 27 1996

SENATE FILE **2323**

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2167)

(P.702)
Passed Senate, Date 3/11/96 Passed House, Date 4/1/96 (p.1168)
Vote: Ayes 49 Nays 0 Vote: Ayes 92 Nays 6
Approved April 8, 1996

A BILL FOR

1 An Act relating to pharmacy technician designation, registration
2 and fees, delegation of duties, and disciplinary action.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2323

1 Section 1. Section 155A.3, Code Supplement 1995, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 25A. "Pharmacy technician" means a person
4 registered by the board who is in a technician training
5 program or who is employed by a pharmacy under the
6 responsibility of a licensed pharmacist to assist in the
7 technical functions of the practice of pharmacy.

8 Sec. 2. Section 155A.6, subsections 2, 3, and 4, Code
9 1995, are amended to read as follows:

10 2. A person desiring to be a pharmacist-intern in this
11 state shall apply to the board for registration. The
12 application must be on a form prescribed by the board. A
13 pharmacist-intern ~~must~~ shall be registered during internship
14 training and thereafter pursuant to rules adopted by the
15 board.

16 3. The board shall establish standards for pharmacist-
17 intern registration and may deny, suspend, or revoke a
18 pharmacist-intern registration for failure to meet the
19 standards or for any violation of the laws of this state,
20 another state, or the United States relating to prescription
21 drugs, controlled substances, or nonprescription drugs, or for
22 any violation of this chapter or chapter 124, 124A, 124B, 126,
23 147, or 205, or any rule of the board.

24 4. The board shall adopt rules in accordance with chapter
25 17A on matters pertaining to pharmacist-intern registration
26 standards, registration fees, conditions of registration,
27 termination of registration, and approval of preceptors.

28 Sec. 3. Section 155A.6, Code 1995, is amended by adding
29 the following new subsections:

30 NEW SUBSECTION. 5. A registration program for pharmacy
31 technicians is established for the purposes of identification,
32 tracking, and disciplinary action for the violation of federal
33 drug laws or regulations, state drug or pharmacy laws, or
34 board rules by pharmacy technicians. The registration shall
35 not include any determination of the competency of the

1 registered individual and, notwithstanding section 272C.2,
2 subsection 1, shall not require continuing education for
3 renewal. The ultimate responsibility for the actions of a
4 pharmacy technician working under a licensed pharmacist's
5 supervision shall remain with the licensed pharmacist.

6 NEW SUBSECTION. 6. A person who is or desires to be a
7 pharmacy technician in this state shall apply to the board for
8 registration. The application must be submitted on a form
9 prescribed by the board. A pharmacy technician must be
10 registered pursuant to rules adopted by the board.

11 NEW SUBSECTION. 7. The board may deny, suspend, or revoke
12 a pharmacy technician registration for any violation of the
13 laws of this state, another state, or the United States
14 relating to prescription drugs, controlled substances, or
15 nonprescription drugs, or for any violation of this chapter or
16 chapter 124, 124A, 124B, 126, 147, or 205, or any rule of the
17 board.

18 NEW SUBSECTION. 8. The board shall adopt rules in
19 accordance with chapter 17A on matters pertaining to pharmacy
20 technician registration applications, renewals, fees,
21 termination of registration, and any other relevant matters.

22 Sec. 4. Section 155A.33, Code 1995, is amended to read as
23 follows:

24 155A.33 DELEGATION OF NONJUDGMENTAL TECHNICAL FUNCTIONS.

25 A pharmacist may delegate ~~nonjudgmental~~ technical
26 dispensing functions to ~~assistants~~ pharmacy technicians, but
27 only if the pharmacist is physically present to verify the
28 accuracy and completeness of the patient's prescription prior
29 to the delivery of the prescription to the patient or the
30 patient's representative.

31 EXPLANATION

32 This bill provides for the designation of individuals who
33 are employed by and assist with the technical functions of a
34 pharmacy practice as pharmacy technicians. Procedures and
35 standards for pharmacy technician registration with, and

Hammon
Duorsky
Kramer

SSB 2167

Human Resources
SF/HF 2323

SENATE/HOUSE FILE _____

BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH/BOARD OF
PHARMACY EXAMINERS BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

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29 to the delivery of the prescription to the patient or the
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31 EXPLANATION

32 This bill provides for the designation of individuals who
33 are employed by and assist with the technical functions of a
34 pharmacy practice as pharmacy technicians. Procedures and
35 standards for pharmacy technician registration with, and

1 payment of fees to, the board of pharmacy examiners are
2 provided for, as well as for denial, suspension, and
3 revocation of registration. Registration does not determine
4 the competency of a pharmacy technician, and the licensed
5 pharmacist is regarded as ultimately responsible for the
6 actions of a pharmacy technician under the pharmacist's
7 supervision. Continuing education will not be required for
8 registration renewal. The bill provides that, in their
9 supervisory capacity, pharmacists may delegate technical
10 dispensing functions to pharmacy technicians provided the
11 pharmacist is physically present to verify prescription
12 accuracy and completeness.

13 BACKGROUND STATEMENT

14 SUBMITTED BY THE AGENCY

15 Regarding sections 1, 3, and 4 of the bill, there are
16 approximately 5,000 persons in Iowa who are employed by
17 licensed pharmacies as "pharmacy technicians". Currently, the
18 board cannot completely identify who these persons are or
19 where they are employed. Furthermore, the term "pharmacy
20 technician" is not defined in Iowa law. These persons have
21 direct access to prescription drugs and controlled substances.
22 Some of these persons are employed at more than one pharmacy.
23 Some become involved in drug diversion. In early 1994 an
24 opinion survey of all Iowa-licensed pharmacists was conducted.
25 Sixty-five percent of the pharmacists who responded to the
26 survey (1,387 pharmacists) agreed that pharmacy technicians
27 should be registered with the Iowa board of pharmacy
28 examiners. In April 1994 the Iowa pharmacy technician
29 advisory task force concluded a six-month study and issued a
30 77-page final report containing 16 recommendations. The task
31 force recommended, among other things, that "pharmacy
32 technicians in Iowa should be required to register with the
33 Iowa board of pharmacy examiners for the purposes of
34 identification, tracking, and disciplinary action." The board
35 agrees that it needs to implement the recommendations of the

1 task force by defining "pharmacy technician" and by
2 establishing a registry of all persons who are employed as
3 pharmacy technicians in Iowa. The board also needs the
4 ability to deny, suspend, or revoke a pharmacy technician
5 registration and needs the authority to adopt rules pertaining
6 to the registration of pharmacy technicians. The purpose of
7 these sections is to give the board regulatory authority over
8 persons who are employed as pharmacy technicians in Iowa and
9 to enhance the board's ability to protect Iowa citizens from
10 the harmful effects of unlawful drug distribution and to allow
11 the board to establish an information and disciplinary
12 clearinghouse for pharmacy technicians similar to that already
13 in place for pharmacists.

14 Regarding section 2 of the bill, the board needs broader
15 ability to deny, suspend, or revoke a pharmacist-intern
16 registration. The purpose of this section is to establish
17 grounds for which the board may deny, suspend, or revoke a
18 pharmacist-intern registration which are uniform with the
19 grounds for which the board may deny, suspend, or revoke other
20 licenses and registrations under its jurisdiction. This will
21 give the board the ability to deal with problems that arise
22 when a person who is employed as a pharmacist-intern becomes
23 involved in any of the following: pharmaceutical diversion or
24 unlawful distribution of drugs; unauthorized practice of
25 pharmacy; or any other unlawful activity relating to the
26 practice of pharmacy or the distribution of controlled
27 substances, precursor substances, prescription drugs, or
28 nonprescription drugs in Iowa.

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SENATE FILE 2323

AN ACT

RELATING TO PHARMACY TECHNICIAN DESIGNATION, REGISTRATION
AND FEES, DELEGATION OF DUTIES, AND DISCIPLINARY ACTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 155A.3, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 25A. "Pharmacy technician" means a person registered by the board who is in a technician training program or who is employed by a pharmacy under the responsibility of a licensed pharmacist to assist in the technical functions of the practice of pharmacy.

Sec. 2. Section 155A.6, subsections 2, 3, and 4, Code 1995, are amended to read as follows:

2. A person desiring to be a pharmacist-intern in this state shall apply to the board for registration. The application must be on a form prescribed by the board. A pharmacist-intern must shall be registered during internship training and thereafter pursuant to rules adopted by the board.

3. The board shall establish standards for pharmacist-intern registration and may deny, suspend, or revoke a pharmacist-intern registration for failure to meet the standards or for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, 124A, 124B, 126, 147, or 205, or any rule of the board.

4. The board shall adopt rules in accordance with chapter 17A on matters pertaining to pharmacist-intern registration standards, registration fees, conditions of registration, termination of registration, and approval of preceptors.

Sec. 3. Section 155A.6, Code 1995, is amended by adding the following new subsections:

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LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2323, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 8, 1996

TERRY E. BRANSTAD
Governor