

Senate Study Bill 2167

Conference Committee Text

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1 1 Section 1. Section [155A.3](#), Code Supplement 1995, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 25A. "Pharmacy technician" means a person
1 4 registered by the board who is in a technician training
1 5 program or who is employed by a pharmacy under the
1 6 responsibility of a licensed pharmacist to assist in the
1 7 technical functions of the practice of pharmacy.
1 8 Sec. 2. Section 155A.6, subsections 2, 3, and 4, Code
1 9 1995, are amended to read as follows:
1 10 2. A person desiring to be a pharmacist-intern in this
1 11 state shall apply to the board for registration. The
1 12 application must be on a form prescribed by the board. A
1 13 pharmacist-intern

~~— must~~

- shall be registered during internship
1 14 training and thereafter pursuant to rules adopted by the
1 15 board.

1 16 3. The board shall establish standards for pharmacist-
1 17 intern registration and may deny, suspend, or revoke a
1 18 pharmacist-intern registration for failure to meet the
1 19 standards or for any violation of the laws of this state,
1 20 another state, or the United States relating to prescription
1 21 drugs, controlled substances, or nonprescription drugs, or for
1 22 any violation of this chapter or chapter 124, 124A, 124B, 126,
1 23 147, or 205, or any rule of the board.

1 24 4. The board shall adopt rules in accordance with chapter
1 25 17A on matters pertaining to pharmacist-intern registration
1 26 standards, registration fees, conditions of registration,
1 27 termination of registration, and approval of preceptors.

1 28 Sec. 3. Section [155A.6](#), Code 1995, is amended by adding
1 29 the following new subsections:

1 30 NEW SUBSECTION. 5. A registration program for pharmacy
1 31 technicians is established for the purposes of identification,
1 32 tracking, and disciplinary action for the violation of federal
1 33 drug laws or regulations, state drug or pharmacy laws, or
1 34 board rules by pharmacy technicians. The registration shall
1 35 not include any determination of the competency of the
2 1 registered individual and, notwithstanding section 272C.2,
2 2 subsection 1, shall not require continuing education for
2 3 renewal. The ultimate responsibility for the actions of a
2 4 pharmacy technician working under a licensed pharmacist's
2 5 supervision shall remain with the licensed pharmacist.

2 6 NEW SUBSECTION. 6. A person who is or desires to be a
2 7 pharmacy technician in this state shall apply to the board for
2 8 registration. The application must be submitted on a form
2 9 prescribed by the board. A pharmacy technician must be
2 10 registered pursuant to rules adopted by the board.

2 11 NEW SUBSECTION. 7. The board may deny, suspend, or revoke
2 12 a pharmacy technician registration for any violation of the
2 13 laws of this state, another state, or the United States
2 14 relating to prescription drugs, controlled substances, or
2 15 nonprescription drugs, or for any violation of this chapter or
2 16 chapter 124, 124A, 124B, 126, 147, or 205, or any rule of the
2 17 board.

2 18 NEW SUBSECTION. 8. The board shall adopt rules in

2 19 accordance with chapter 17A on matters pertaining to pharmacy
2 20 technician registration applications, renewals, fees,
2 21 termination of registration, and any other relevant matters.
2 22 Sec. 4. Section [155A.33](#), Code 1995, is amended to read as
2 23 follows:
2 24 155A.33 DELEGATION OF

~~NONJUDGMENTAL~~

~~TECHNICAL FUNCTIONS.~~

2 25 A pharmacist may delegate

~~nonjudgmental~~

~~technical~~

2 26 dispensing functions to

~~assistants~~

~~pharmacy technicians, but~~

2 27 only if the pharmacist is physically present to verify the
2 28 accuracy and completeness of the patient's prescription prior
2 29 to the delivery of the prescription to the patient or the
2 30 patient's representative.

2 31 EXPLANATION

2 32 This bill provides for the designation of individuals who
2 33 are employed by and assist with the technical functions of a
2 34 pharmacy practice as pharmacy technicians. Procedures and
2 35 standards for pharmacy technician registration with, and
3 1 payment of fees to, the board of pharmacy examiners are
3 2 provided for, as well as for denial, suspension, and
3 3 revocation of registration. Registration does not determine
3 4 the competency of a pharmacy technician, and the licensed
3 5 pharmacist is regarded as ultimately responsible for the
3 6 actions of a pharmacy technician under the pharmacist's
3 7 supervision. Continuing education will not be required for
3 8 registration renewal. The bill provides that, in their
3 9 supervisory capacity, pharmacists may delegate technical
3 10 dispensing functions to pharmacy technicians provided the
3 11 pharmacist is physically present to verify prescription
3 12 accuracy and completeness.

3 13 BACKGROUND STATEMENT

3 14 SUBMITTED BY THE AGENCY

3 15 Regarding sections 1, 3, and 4 of the bill, there are
3 16 approximately 5,000 persons in Iowa who are employed by
3 17 licensed pharmacies as "pharmacy technicians". Currently, the
3 18 board cannot completely identify who these persons are or
3 19 where they are employed. Furthermore, the term "pharmacy
3 20 technician" is not defined in Iowa law. These persons have
3 21 direct access to prescription drugs and controlled substances.
3 22 Some of these persons are employed at more than one pharmacy.
3 23 Some become involved in drug diversion. In early 1994 an
3 24 opinion survey of all Iowa-licensed pharmacists was conducted.
3 25 Sixty-five percent of the pharmacists who responded to the
3 26 survey (1,387 pharmacists) agreed that pharmacy technicians
3 27 should be registered with the Iowa board of pharmacy
3 28 examiners. In April 1994 the Iowa pharmacy technician
3 29 advisory task force concluded a six-month study and issued a
3 30 77-page final report containing 16 recommendations. The task
3 31 force recommended, among other things, that "pharmacy
3 32 technicians in Iowa should be required to register with the
3 33 Iowa board of pharmacy examiners for the purposes of
3 34 identification, tracking, and disciplinary action." The board
3 35 agrees that it needs to implement the recommendations of the
4 1 task force by defining "pharmacy technician" and by
4 2 establishing a registry of all persons who are employed as
4 3 pharmacy technicians in Iowa. The board also needs the
4 4 ability to deny, suspend, or revoke a pharmacy technician
4 5 registration and needs the authority to adopt rules pertaining
4 6 to the registration of pharmacy technicians. The purpose of

4 7 these sections is to give the board regulatory authority over
4 8 persons who are employed as pharmacy technicians in Iowa and
4 9 to enhance the board's ability to protect Iowa citizens from
4 10 the harmful effects of unlawful drug distribution and to allow
4 11 the board to establish an information and disciplinary
4 12 clearinghouse for pharmacy technicians similar to that already
4 13 in place for pharmacists.

4 14 Regarding section 2 of the bill, the board needs broader
4 15 ability to deny, suspend, or revoke a pharmacist-intern
4 16 registration. The purpose of this section is to establish
4 17 grounds for which the board may deny, suspend, or revoke a
4 18 pharmacist-intern registration which are uniform with the
4 19 grounds for which the board may deny, suspend, or revoke other
4 20 licenses and registrations under its jurisdiction. This will
4 21 give the board the ability to deal with problems that arise
4 22 when a person who is employed as a pharmacist-intern becomes
4 23 involved in any of the following: pharmaceutical diversion or
4 24 unlawful distribution of drugs; unauthorized practice of
4 25 pharmacy; or any other unlawful activity relating to the
4 26 practice of pharmacy or the distribution of controlled
4 27 substances, precursor substances, prescription drugs, or
4 28 nonprescription drugs in Iowa.

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