

Senate Study Bill 3053

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH/BOARD OF
PHARMACY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the practice of pharmacy, including provisions
2 governing tech=check=tech programs and specifying applicable
3 penalty provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5359DP 82
6 jr/nh/14

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1 1 Section 1. Section 147.107, subsection 2, paragraph a,
1 2 Code Supplement 2007, is amended to read as follows:
1 3 a. A pharmacist, physician, dentist, or podiatric
1 4 physician who dispenses prescription drugs, including but not
1 5 limited to controlled substances, for human use, may delegate
1 6 nonjudgmental dispensing functions to staff assistants only
1 7 when verification of the accuracy and completeness of the
1 8 ~~prescription dispensing~~ is determined by the pharmacist or
1 9 practitioner in the pharmacist's or practitioner's physical
1 10 presence. However, the physical presence requirement does not
1 11 apply when a pharmacist or practitioner is utilizing an
1 12 automated dispensing system or when a pharmacist is utilizing
1 13 a tech=check=tech program, as defined in section 155A.3. When
1 14 using an automated dispensing system the pharmacist or
1 15 practitioner shall utilize an internal quality control
1 16 assurance plan that ensures accuracy for dispensing. When
1 17 using a tech=check=tech program the pharmacist shall utilize
1 18 an internal quality control assurance plan, in accordance with
1 19 rules adopted by the board of pharmacy that ensures accuracy
1 20 for dispensing. Verification of automated dispensing and
1 21 tech=check=tech accuracy and completeness remains the
1 22 responsibility of the pharmacist or practitioner and shall be
1 23 determined in accordance with rules adopted by the board of
1 24 pharmacy, the board of medicine, the dental board, and the
1 25 board of podiatry for their respective licensees.
1 26 Sec. 2. Section 155A.3, Code Supplement 2007, is amended
1 27 by adding the following new subsection:
1 28 NEW SUBSECTION. 39A. "Tech-check=tech program" means a
1 29 program formally established by a pharmacist in charge of a
1 30 pharmacy who has determined that one or more registered
1 31 pharmacy technicians are qualified to safely check the work of
1 32 other registered pharmacy technicians and thereby provide
1 33 final verification for drugs which are dispensed for
1 34 subsequent administration to patients in an institutional
1 35 setting.
2 1 Sec. 3. Section 155A.6A, subsection 4, Code Supplement
2 2 2007, is amended to read as follows:
2 3 4. The board shall adopt rules in accordance with chapter
2 4 17A on matters pertaining to pharmacy technician registration,
2 5 application, forms, renewals, fees, termination of
2 6 registration, tech=check=tech programs, national
2 7 certification, training, and any other relevant matters.
2 8 Sec. 4. Section 155A.24, subsection 1, paragraph a, Code
2 9 Supplement 2007, is amended to read as follows:
2 10 a. If the prescription drug is a controlled substance, the
2 11 person shall be punished pursuant to section 124.401,
2 12 subsection 1, and other provisions of chapter 124, division
2 13 IV.
2 14 Sec. 5. Section 155A.33, Code 2007, is amended to read as
2 15 follows:
2 16 155A.33 DELEGATION OF TECHNICAL FUNCTIONS ~~== AUTOMATED~~
2 17 ~~DISPENSING SYSTEMS.~~

2 18 A pharmacist may delegate technical dispensing functions to
2 19 pharmacy technicians, but only if the pharmacist is physically
2 20 present to verify the accuracy and completeness of the
2 21 patient's prescription prior to the delivery of the
2 22 prescription to the patient or the patient's representative.
2 23 However, the physical presence requirement does not apply when
2 24 a pharmacist is utilizing an automated dispensing system or a
2 25 tech=check=tech program. When using an automated dispensing
2 26 system or a tech=check=tech program, the pharmacist shall
2 27 utilize an internal quality control assurance plan that
2 28 ensures accuracy for dispensing. Verification of automated
2 29 dispensing and tech=check=tech accuracy and completeness
2 30 remains the responsibility of the pharmacist and shall be
2 31 determined in accordance with rules adopted by the board.

2 32 Sec. 6. Section 155A.34, Code 2007, is amended to read as
2 33 follows:

2 34 155A.34 TRANSFER OF PRESCRIPTIONS.

2 35 A pharmacist or a pharmacist=intern may transfer a valid
3 1 prescription order to another pharmacist or a
3 2 pharmacist=intern pursuant to rules adopted by the board.

3 3 EXPLANATION

3 4 This bill relates to the practice of pharmacy by defining a
3 5 tech=check=tech program, directing the board of pharmacy to
3 6 adopt rules relating to tech=check=tech programs, and
3 7 authorizing pharmacists to implement tech=check=tech programs
3 8 pursuant to those rules. A pharmacist is responsible for the
3 9 accuracy and completeness of dispensing activities completed
3 10 as part of a tech=check=tech program.

3 11 The bill amends the penalty provisions in Code chapter 155A
3 12 relating to controlled substances by specifying the applicable
3 13 penalty provisions of the Iowa controlled substances Act, Code
3 14 chapter 124.

3 15 The bill also authorizes a pharmacist=intern to transfer
3 16 and to receive the transfer of a prescription order from a
3 17 pharmacist or a pharmacist=intern.

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