

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Health Care Committee

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BILL: CS/SB 1340

INTRODUCER: Health Care Committee and Senator Jones

SUBJECT: Pharmacy Technicians

DATE: April 19, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HE	Fav/CS
2.	_____	_____	HA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

The bill requires persons who function as nonlicensed pharmacy technicians to register with the Board of Pharmacy (board). The board must register each applicant who has remitted a registration fee, completed an application form, remitted a nonrefundable application fee, submitted fingerprints for a criminal history background check, and paid for the costs for the criminal background check. Pharmacy technician applicants must be at least 16 years of age, and within the five years preceding application, have not had any conviction or pleading of guilt, and have never entered a plea of nolo contendere, regardless of adjudication, for a crime that relates to drug trafficking or otherwise directly relates to the functions and duties of a pharmacy technician. A person whose license to practice pharmacy has been suspended, denied, or restricted is prohibited from registering as a pharmacy technician.

The bill exempts from the registration requirements: pharmacy technician students obtaining practical training required by a pharmacy technician training program and persons registered as pharmacy interns with the board under specified conditions.

The bill specifies registration renewal requirements for pharmacy technicians and grounds for discipline against a registered pharmacy technician and the denial of registration as a pharmacy technician.

This bill amends sections 465.014, 465.015, 465.019, 465.0196, and 465.0197, Florida Statutes.

## II. Present Situation:

Chapter 465, F.S., governs the practice of pharmacy. The Board of Pharmacy within the Department of Health regulates the practice of pharmacy. Section 465.014, F.S., specifies tasks

and functions of pharmacy technicians. A person other than a Florida-licensed pharmacist or pharmacy intern may not engage in the practice of pharmacy, except that a pharmacist may delegate to nonlicensed pharmacy technicians those duties, tasks, and functions which do not fall within the definition of the practice of the profession of pharmacy. The acts, which are delegated to a pharmacy technician by a pharmacist, must be performed under the direct supervision of a licensed pharmacist who is responsible for all such acts performed by persons under the pharmacist's supervision. Under the supervision of a pharmacist, a pharmacy technician may initiate or receive communications with a practitioner or his or her agent on behalf of a patient regarding prescription refill authorization requests. A Florida-licensed pharmacist may not supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board must establish guidelines, which must be followed by licensed pharmacists and permitted pharmacies in determining the circumstances under which a licensed pharmacist may supervise more than one, but not more than three, pharmacy technicians.<sup>1</sup>

Pharmacy technicians may receive informal on-the-job training or formal training offered by employers. In 2002, formal training was available in about 247 schools and training institutions in 42 states that offered a range of credentials to persons wishing to function as pharmacy technicians.<sup>2</sup> The American Society of Health-System Pharmacists accredits technician training programs and requires programs to have a minimum of 600 contact hours and a minimum duration of 15 weeks.<sup>3</sup> There was no consensus on national training standards and since 2002 a group of pharmacy associations in conjunction with the Accreditation Council for Pharmaceutical Education (ACPE) have been engaged in the development of national standards and an accreditation process for pharmacy technician education training.<sup>4</sup> The Accreditation Council for Pharmaceutical Education establishes standards and criteria for the accreditation of professional degree programs in pharmacy and continuing pharmacy education providers.

A profession-wide dialogue has been initiated by ACPE for the possible development of national standards and an accreditation process for pharmacy technician education and training. In January, 2005, ACPE accepted a strategic plan to incorporate feedback from various stakeholders regarding pharmacy education. Currently, ACPE does not accredit training programs for pharmacy technicians.

### III. Effect of Proposed Changes:

**Section 1.** Amends s. 465.014, F.S., relating to pharmacy technicians, to require any person who wishes to work as a pharmacy technician in Florida to register with the board by completing an application form furnished by the board. The applicant must also submit fingerprints on a form and under procedures specified by the board and a payment in an amount equal to the costs

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<sup>1</sup> See Rule 64B16-37.420, Florida Administrative Code, which authorizes the Board of Pharmacy to approve a specific pharmacy's utilization of pharmacy technicians in a ratio that is higher than one pharmacist per technician up to a maximum of one pharmacist per three technicians.

<sup>2</sup> "White Paper on Pharmacy Technicians 2002: Needed changes can no longer wait," *American Journal of Health-System Pharmacists* 2003:60:37-51.

<sup>3</sup> Id. For additional information see the website for the American Society of Health-System Pharmacists at: <http://www.ashp.org/technician/accreditation.cfm?cfid=16071620&CFToken=44711416>. (last visited on April 11, 2006)

<sup>4</sup> "Invitation to Comment: Education and Training of Pharmacy Technicians" 2003 *The American Council on Pharmaceutical Education*. The American Council on Pharmaceutical Education changed its name to the Accreditation Council for Pharmacy Education in 2003.

incurred by the board for the criminal background check of the applicant. The board must submit the fingerprints to the Department of Law Enforcement (FDLE) for a statewide criminal history check and FDLE must forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. For subsequent renewals of the applicant's registration, the board must submit the required information for a statewide criminal history check of the applicant to FDLE. The board must register each applicant who has remitted a registration fee no greater than \$50 every two years as set by the board, completed the application form, remitted a nonrefundable application fee no greater than \$50 as set by the Board of Pharmacy, and submitted a set of fingerprints. Pharmacy technician applicants must be at least 16 years of age, and within the five years preceding application, have not had any conviction or pleading of guilt, and have never entered a plea of nolo contendere, regardless of adjudication, for a crime that relates to drug trafficking or otherwise directly relates to the functions and duties of a pharmacy technician.

A person whose license to practice pharmacy has been denied, suspended, or restricted for disciplinary purposes is not eligible to be registered as a pharmacy technician.

The bill exempts, notwithstanding the requirements of s. 465.014, F.S., or any other provision of law, from the pharmacy technician registration requirements:

- A pharmacy technician student who may be placed in a pharmacy for the purpose of obtaining practical training required by the body accrediting the pharmacy technician training program. A pharmacy technician student must wear identification that indicates his or her student status when performing the functions of a pharmacy technician.
- A person licensed by Florida as a pharmacy intern may be employed as a registered pharmacy technician without paying a registration fee or completing an application with the board.

A pharmacy technician must, as a condition of registration renewal, complete 20 hours of continuing education courses approved by the board or the Accreditation Council for Pharmaceutical Education. Four hours of the continuing education must be via live presentation and 2 hours must be related to the prevention of medication errors and pharmacy law.

The board must adopt rules that require each registration issued by the board to a pharmacy technician to be displayed so that it is available to the public and to facilitate inspection by the board. The bill authorizes the board to deny registration, or take disciplinary action, as applicable, against any applicant for registration as a pharmacy technician or registered pharmacy technician who has committed an act that constitutes grounds for discipline or has committed an act that constitutes a substantial violation of the general regulatory provisions of ch. 456, F.S., or the pharmacy practice act, which occurred before the applicant or registrant was registered as a pharmacy technician.

**Section 2.** Amends s. 465.015, F.S., relating to violations and penalties, to make it unlawful for a person who is not registered as a pharmacy technician, or who is not otherwise exempt from the requirement to register, to perform the functions of a registered pharmacy technician or otherwise hold himself or herself out to others as a person who is registered to perform the functions of a registered pharmacy technician in Florida.

**Section 3.** Amends s. 465.019, F.S., relating to institutional pharmacies, to change a reference to “pharmacy technicians” to “registered pharmacy technicians,” conforming to changes in the bill which require the registration of pharmacy technicians.

**Section 4.** Amends s. 465.0196, F.S., relating to special pharmacy permits, to change a reference to “pharmacy technician” to “registered pharmacy technician,” conforming to changes in the bill which require the registration of pharmacy technicians.

**Section 5.** Amends s. 465.0197, F.S., relating to Internet pharmacy permits, to change references to “pharmacy technicians” to “registered pharmacy technicians,” conforming to changes in the bill which require the registration of pharmacy technicians.

**Section 6.** Provides an effective date of July 1, 2007.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

**B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

**C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

#### **V. Economic Impact and Fiscal Note:**

**A. Tax/Fee Issues:**

Persons applying for registration to function as a pharmacy technician will be subject to a registration fee no greater than \$50 every two years as set by the board and a nonrefundable application fee no greater than \$50 as set by the board, plus the actual costs that the Board of Pharmacy incurs to obtain a statewide and national criminal history check of the applicant, for the initial registration. For subsequent renewals of the registration the registered pharmacy technician will be liable for costs incurred by the Board of Pharmacy for a statewide criminal history check every two years.

**B. Private Sector Impact:**

Pharmacies that employ pharmacy technicians may indirectly incur higher costs to ensure compliance with the bill’s registration requirements for pharmacy technicians.

C. Government Sector Impact:

The Department of Health will incur costs to implement the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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