

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 818
 INTRODUCER: Senator Garcia
 SUBJECT: Pharmacy Technicians
 DATE: March 28, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McElheney	Stovall	HP	Favorable
2.	_____	_____	RI	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 818 allows a pharmacist to supervise up to six pharmacy technicians unless otherwise permitted by the Board of Pharmacy (Board). Currently, in certain circumstances, a pharmacist may supervise up to three pharmacy technicians.

This bill substantially amends section 465.014 of the Florida Statutes:

II. Present Situation:

Pharmacists

Pharmacists are regulated under ch. 465, F.S., the Florida Pharmacy Act (Act), by the Board within the Department of Health (DOH). A pharmacist is any person licensed under the Act to practice the profession of pharmacy.¹ The practice of the profession of pharmacy includes: compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other pharmaceutical services. Other pharmaceutical services include the monitoring of a patient’s drug therapy, assisting the patient in the management of his or her drug therapy, and review of the patient’s drug therapy and communication with the patient’s prescribing health care provider or the provider’s agent or other persons as specifically authorized by the patient, regarding the drug therapy. However, a person practicing pharmacy is not authorized to alter a prescriber’s directions, diagnoses or treat

¹ Section 465.003(10), F.S.

any disease, initiate any drug therapy, or practice medicine or osteopathic medicine, unless specifically permitted by law. A pharmacist is authorized to transmit information from persons authorized to prescribe medicinal drugs to their patients.²

Any person desiring to be licensed as a pharmacist must apply to the DOH to take the licensure examination. The DOH must examine each applicant who the Board certifies has:

- Completed an application form and remitted the required fees.
- Submitted satisfactory proof that the applicant is not less than 18 years of age and is a recipient of a degree from an accredited school or college of pharmacy; or is a graduate of a 4-year undergraduate pharmacy program of a school or college of pharmacy located outside the United States, has demonstrated proficiency in English, has passed the Foreign Pharmacy Graduate Equivalency Examination, and has completed a minimum of 500 hours in a supervised work activity program within Florida under the supervision of a pharmacist licensed by the DOH.
- Submitted satisfactory proof that the applicant has completed an internship program, which must not exceed 2,080 hours.

The passing of the examination does not automatically confer rights or privileges upon the applicant in connection with the practice of pharmacy in Florida. To obtain such rights or privileges, the DOH must issue a license to practice pharmacy to the applicant who successfully completed the examination.

Pharmacy Technicians

Pharmacy technicians assist and work under the supervision of licensed pharmacists. Section 465.014, F.S., authorizes a licensed pharmacist to delegate to registered pharmacy technicians those duties, tasks, and functions that do not fall within the definition of the practice of the profession of pharmacy. Registered pharmacy technicians' responsibilities include:³

- Retrieval of prescription files;
- Data entry;
- Label preparation;
- Counting, weighing, measuring, pouring, and mixing prescription medication;
- Initiation of communication with a prescribing practitioner or medical staff regarding requests for prescription refill authorization, clarification of missing information on prescriptions, and confirmation of information such as names, medication, and strength; and
- Acceptance of authorization for prescription renewals.

Pharmacy technicians are prohibited from performing the following acts:⁴

- Receiving new verbal prescriptions or any change in the medication, strength, or directions;

² Section 465.003(13), F.S.

³ Rule, 64B16-27.420, F.A.C.

⁴ *Id.*

- Interpreting a prescription or medication order for therapeutic acceptability and appropriateness;
- Conducting a final verification of dosage and directions;
- Engaging in prospective drug review;
- Providing patient counseling;
- Monitoring prescription drug usage; and
- Overriding clinical alerts without first notifying the pharmacist.

Any person desiring to become a registered pharmacy technician must register by filing an application with the Board. The Board shall register each applicant who has met the following:

- Completed the application form and submitted the required fees.
- Be at least 17 years of age.
- Completed a pharmacy technician training program approved by the Board. Any pharmacy technician training program sponsored by a Florida permitted pharmacy or affiliated group of pharmacies under common ownership, must contain a minimum of 160 hours of training, that extends over a period not to exceed 6 months; is provided solely to employees of said pharmacy or affiliated group; and has been approved by the Board.⁵
- Any registered pharmacy technician who has worked as a pharmacy technician for a minimum of 1,500 hours under the supervision of a licensed pharmacist or received certification as a pharmacy technician by a certification program accredited by the National Commission for Certifying Agencies is exempt from the requirement to complete an initial training program for purposes of registration.

A person who is licensed by the state as a pharmacy intern may be employed as a registered pharmacy technician without registering as a pharmacy technician.⁶

Pharmacist Supervision

A licensed pharmacist may not supervise more than one registered pharmacy technician unless otherwise permitted by the guidelines adopted by the Board. The Board establishes guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one, but not more than three pharmacy technicians.⁷

The guidelines require a pharmacist to submit a written request and receive approval by the Board before supervising more than one registered pharmacy technician. The Board considers the following in determining the pharmacist-to-pharmacy technician ratio:

- A brief description of the pharmacy's workflow justifying the request,
- The hours the pharmacy is open, and
- The number of pharmacists, pharmacy interns, and pharmacy technicians employed.

⁵ 64B16-26.351 FAC

⁶ Section 456.014(5), F.S.

⁷ Section 456.014, F.S.

The pharmacist-to-pharmacy technician ratio approved by the Board is printed on each pharmacy's license.⁸

At the end of fiscal year 2011-2012, there were 37,379 registered pharmacy technicians, 29,311 pharmacists and 8,869 licensed pharmacies. As of February 20, 2013, 4358 Florida licensed pharmacies had a ratio of three pharmacy technicians to one pharmacist, and 588 pharmacies had a ratio of two pharmacy technicians to one pharmacist.⁹

As of 2009, Florida was among 18 states allowing a maximum 1:3 pharmacist-to-pharmacist technician ratio.¹⁰ Seventeen states and the District of Columbia had no ratio limits; eight states allowed a maximum 1:2 pharmacist-to-pharmacist technician ratio; seven states allowed a 1:4 ratio; and one state allowed a 1:1 ratio. More recently, Indiana and Idaho have allowed a 1:6 ratio.¹¹ Some states require that higher ratios are contingent on certification or licensure of technicians, or other quality assurance measures.¹²

III. Effect of Proposed Changes:

The bill increases the number of pharmacy technicians that a pharmacist may supervise from one to six, unless otherwise permitted by the Board. The bill also removes provisions that require the Board to establish guidelines to allow more than one pharmacy technician to be under the supervision of a pharmacist, but no more than three.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁵ Rule 64B16-27.410, FAC.

⁹ DOH Bill Analysis for SB 818, dated February 17, 2013, on file with the Senate Health Policy Committee.

¹⁰ National Association of Chain Drug Stores, "Standardized Pharmacy Technician Education and Training," May 2009 Available at: [http://www.nabp.net/events/assets/AnnualMtgTechTrainStd\(Nicholson\).pdf](http://www.nabp.net/events/assets/AnnualMtgTechTrainStd(Nicholson).pdf) (last visited March 28, 2013).

¹¹ Indiana changed their ratio July 2, 2012. See Indiana Code, 25-26-13-18. See also, Idaho Board of Pharmacy Rule 251, Pharmacy Technicians.

¹² See National Association of Boards of Pharmacy: Kansas News: Pharmacy Technician Ratio (2006), Minnesota Board of Pharmacy (2000), Idaho State Board of Pharmacy News (2009), available at: <<http://www.nabp.net/news/kansas-news-pharmacy-technician-ratio>> (last visited March 28, 2013).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Pharmacies may experience a favorable impact through efficiencies and may be better able to meet customers' needs.

C. Government Sector Impact:

The Board will need to amend Rule 64B16-27.410, FAC, to allow a pharmacist to supervise up to six pharmacy technicians, licenses would need to be updated and processes would need modification.

The Board and DOH will incur non-recurring costs for rulemaking, which current budget authority is adequate to absorb.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Currently the statute sets a number of registered pharmacy interns (one) that a pharmacist may supervise without Board approval and authorizes the Board to authorize the supervision of additional registered pharmacy technicians, up to a maximum of three. This bill sets the number (six) that may be supervised without Board approval and authorizes the Board to authorize the supervision of additional registered pharmacy technicians, but does not set a maximum number that the Board may authorize.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.