

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 278

INTRODUCER: Senator Grimsley

SUBJECT: Pharmacy Technicians

DATE: March 7, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peterson	Stovall	HP	Pre-meeting
2.			RI	
3.			RC	

I. Summary:

SB 278 allows a pharmacist to supervise up to six pharmacy technicians, unless otherwise permitted by the Board of Pharmacy (board). Currently, the law authorizes a pharmacist to supervise one pharmacy technician, but the board may authorize supervision of two more for a total of three. The bill also removes the cap on the number of pharmacy technicians the board can authorize a pharmacist to supervise.

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; and other pharmaceutical services. Other pharmaceutical services include: monitoring, reviewing, or assisting a patient in the management of the patient's drug therapy and communicating with the patient's prescribing health care provider or others, as authorized by the patient, regarding the drug therapy. However, a person practicing the profession of pharmacy is not authorized to alter a prescriber's directions, diagnose or treat 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

¹ Section 465.003(10), F.S.

² Section 465.003(13), F.S.

To be licensed as a pharmacist, a person must:

- Submit an application form and the required fees.
- Submit 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.
- Submit satisfactory proof that the applicant has completed an internship program, which must not exceed 2,080 hours.
- Successfully complete the licensure examination.³

Pharmacy Technicians

Florida law authorizes a licensed pharmacist to delegate certain duties, exclusive of acts that constitute the practice of professional pharmacy as defined in s. 465.003(13), F.S., to a pharmacy technician who is registered with the Board. All delegated acts must be performed under the direct supervision⁴ of the pharmacist and the pharmacist retains the professional and personal responsibility for the acts.⁵ The acts a registered pharmacy technician may perform include:⁶

- Retrieval of prescription files;
- Data entry;
- Label preparation;
- Counting, weighing, measuring, pouring, and mixing prescription medication or stock legend drugs and controlled substances;
- Initiating 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
- Accepting authorization for prescription renewals.

Pharmacy technicians are prohibited from performing the following acts:⁷

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

³ Section 465.007, F.S. Florida law also allows a pharmacist to obtain a license by endorsement as an alternative to licensure by examination. See s. 465.0075, F.S.

⁴ Chapter 465 does not contain a definition of “direct supervision.” The Rules Committee of the Board discussed this issue at its February meeting, but did not take final action. The issue is expected to be on the committee’s agenda again during its April meeting

⁵ Section 465.014(1), F.S.; Rule 64B16-26.103, F.A.C.

⁶ Rule, 64B16-27.420, F.A.C.

⁷ *Id.*

- 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 must register each applicant who:

- Completes the application form and submits the required fees.
- Is at least 17 years of age.
- Has completed a pharmacy technician training program approved by the board. Approved programs include programs accredited or licensed by specified national organizations, and employer-based programs. Employer-based programs must provide 160 hours of training over a period not to exceed 6 months, limited to employees of the pharmacy, and subject to approval by the board.⁸
- A pharmacy technician who registered prior to January 1, 2011, and 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 in order to register.⁹

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.¹⁰

Pharmacy technicians must complete 20 hours of continuing education in one or more of the following areas during the 24 months prior to renewal:¹¹

- Pharmacy technician practice areas and special health.
- Biological, physical, behavioral, and social sciences.
- Legal aspects of health care.
- Management/administration of health care personnel and patient care.
- Teaching/learning process of health care personnel and patients.

The board also recognizes advanced coursework at an accredited educational institution as continuing education.

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 may authorize supervision of up to two additional pharmacy technicians.¹²

⁸ 64B16-26.351 FAC

⁹ Section 465.014(2), F.S.

¹⁰ Section 465.014(5), F.S.

¹¹ Rule 64B16-26.103(4), F.A.C.

¹² Section 465.014(1), F.S.

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:¹³

- 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.

All registered pharmacy technicians must wear a name badge that identifies them as a pharmacy technician, and verbally identify themselves as such during any communication.¹⁴

At the end of the first quarter of fiscal year 2013-2014, there were 44,492 registered pharmacy technicians, 31,445 pharmacists and 9,179 licensed pharmacies. Of the licensed pharmacies, 4,436 had a ratio of three pharmacy technicians to one pharmacist, and 580 pharmacies had a ratio of two pharmacy technicians to one pharmacist.¹⁵ According to the December 2013 Aggregate Demand Index compiled by the Pharmacy Manpower Project, Inc. (Project),¹⁶ Florida has a ranking of 2.33, meaning Florida does not have a shortage of pharmacists. Specifically, the Florida ranking falls between “demand is less than the pharmacist supply available” and “demand is in balance with supply” on the scale used by the Project.¹⁷

As of 2009, Florida was among 18 states allowing a maximum 1 to 3 pharmacist-to-pharmacist technician ratio.¹⁸ Seventeen states and the District of Columbia had no ratio limits; eight states allowed a maximum 1 to 2 pharmacist-to-pharmacist technician ratio; seven states allowed a 1 to 4 ratio; and one state allowed a 1 to 1 ratio. More recently, Indiana and Idaho have allowed a 1 to 6 ratio.¹⁹ Some states require that higher ratios are contingent on certification or licensure of technicians, or other quality assurance measures.²⁰

¹³ Rule 64B16-27.410, F.A.C.

¹⁴ Rule 64B16-27.420(4), F.A.C.

¹⁵ Florida Dept. of Health, *2014 Agency Legislative Bill Analysis: SB 278* (Nov. 6, 2013) (on file with the Senate Health Policy Committee).

¹⁶ Members of the Pharmacy Manpower Project, which collects, analyzes, and disseminates data on the supply of licensed pharmacists in the United States, include: the Academy of Managed Care Pharmacy, the American Association of Colleges of Pharmacy, the American College of Apothecaries, the American College of Clinical Pharmacy, the American Pharmaceutical Association, the American Society of Consultant Pharmacists, the American Society of Health-System Pharmacists, the Bureau of Health Professions, the Healthcare Distribution Management Association, the National Association of Chain Drug Stores, the National Community Pharmacists Association, the National Council of State Pharmacy Association Executives, the National Pharmaceutical Association, the Pharmaceutical Research and Manufacturers Association, and the Pharmacy Technicians Certification Board.

¹⁷ Aggregate Demand Index, Supported by Pharmacy Manpower Project Inc., <http://www.pharmacymanpower.com/about.jsp> (last visited Feb. 20, 2014).

¹⁸ 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 Feb. 20, 2014).

¹⁹ Indiana changed its ratio July 2, 2012. See Indiana Code, 25-26-13-18. See also Idaho Board of Pharmacy Rule 251. Pharmacy Technicians.

²⁰ See National Association of Boards of Pharmacy: Kansas News: Pharmacy Technician Ratio (2006), <http://www.nabp.net/news/kansas-news-pharmacy-technician-ratio> (last visited Feb. 20, 2014).

III. Effect of Proposed Changes:

SB 278 allows a pharmacist to supervise up to six pharmacy technicians, unless otherwise permitted by the board. Currently, the law authorizes a pharmacist to supervise one pharmacy technician, but the board may authorize supervision of two more for a total of three. The bill also removes the cap on the number of pharmacy technicians the board may authorize a pharmacist to supervise.

The bill provides an effective date of July 1, 2014.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

Privately-owned pharmacies may experience greater efficiency in operations, resulting in cost savings, by utilizing more pharmacy technicians in their operations.

C. Government Sector Impact:

The DOH will incur non-recurring costs for rulemaking, which current budget authority is adequate to absorb. There will also be costs associated with requests made to the board to authorize a ratio greater than 1 to 6, although this cost is indeterminate because it is not possible to project how many pharmacies will make that request. The cost may also be offset to some degree, since pharmacies today must obtain approval for a ratio greater than 1 to 1 and the bill authorizes a ratio, without approval of the board, of 1 to 6.

Like their private sector counterparts, publicly-owned pharmacies may experience greater efficiency in operations, resulting in cost savings, by utilizing more pharmacy technicians in their operations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 465.014 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.