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HOUSE BILL NO. 1826

House Amendments in [] —January 19, 2001

A BILL to amend and reenact § 54.1-3300 of the Code of Virginia as it is currently effective and as it shall become effective, and to amend the Code of Virginia by adding in Article 3 of Chapter 33 of Title 54.1 a section numbered 54.1-3320 and by adding an article numbered 4 in Chapter 33 of Title 54.1, consisting of sections numbered 54.1-3321 and 54.1-3322, relating to pharmacy.

Patron Prior to Engrossment—Delegate Morgan

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3300 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 33 of Title 54.1 a section numbered 54.1-3320 and by adding an article numbered 4 in Chapter 33 of Title 54.1, consisting of sections numbered 54.1-3321 and 54.1-3322, as follows:

§ 54.1-3300. (Effective until July 1, 2004) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Pharmacy.

"Collaborative agreement" means a voluntary, written arrangement between one pharmacist and his designated alternate pharmacists involved directly in patient care at a location where patients receive services and a practitioner of medicine, osteopathy, or podiatry and his designated alternate practitioners involved directly in patient care which authorizes cooperative procedures with respect to patients of such practitioners. Collaborative procedures shall be related to treatment using drug therapy, laboratory tests or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. A collaborative agreement is not required for the management of patients of an inpatient facility.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling or compounding necessary to prepare the substance for delivery.

"Pharmacist" means a person holding a license issued by the Board to practice pharmacy.

"Pharmacy" means every establishment or institution in which the practice of pharmacy is conducted; drugs, medicines or medicinal chemicals are dispensed or offered for sale, or a sign is displayed bearing the word or words "pharmacist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "medicine store," "drug sundries," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy is being conducted.

"Pharmacy intern" means a student currently enrolled in or a graduate of an approved school of pharmacy who is registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

"Pharmacy technician" means a person registered with the Board to assist a pharmacist under the pharmacist's supervision.

"Practice of pharmacy" means the personal health service that is concerned with the art and science of selecting, procuring, recommending, administering, preparing, compounding, packaging and dispensing of drugs, medicines and devices used in the diagnosis, treatment, or prevention of disease, whether compounded or dispensed on a prescription or otherwise legally dispensed or distributed, and shall include the proper and safe storage and distribution of drugs; the maintenance of proper records; the responsibility of providing information concerning drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease; and the management of patient care under the terms of a collaborative agreement as defined in this section.

"Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern or a pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or in the facility in which the pharmacy is located when the intern or technician is performing duties restricted to a pharmacy intern or technician, respectively, and is available for immediate oral communication.

Other terms used in the context of this chapter shall be defined as provided in Chapter 34 (§ 54.1-3400 et seq.) of this title unless the context requires a different meaning.

§ 54.1-3300. (Effective July 1, 2004) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Pharmacy.

ENGROSSED

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59 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the
60 lawful order of a practitioner, including the prescribing and administering, packaging, labeling or
61 compounding necessary to prepare the substance for delivery.

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66 store," "drug sundries," "prescriptions filled," or any similar words intended to indicate that the practice
67 of pharmacy is being conducted.

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69 pharmacy who is registered with the Board for the purpose of gaining the practical experience required
70 to apply for licensure as a pharmacist.

71 "Pharmacy technician" means a person registered with the Board to assist a pharmacist under the
72 pharmacist's supervision.

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74 of selecting, procuring, recommending, administering, preparing, compounding, packaging and
75 dispensing of drugs, medicines and devices used in the diagnosis, treatment, or prevention of disease,
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77 shall include the proper and safe storage and distribution of drugs, the maintenance of proper records
78 and the responsibility of providing information concerning drugs and medicines and their therapeutic
79 values and uses in the treatment and prevention of disease.

80 "Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern
81 or a pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or
82 in the facility in which the pharmacy is located when the intern or technician is performing duties
83 restricted to a pharmacy intern or technician, respectively, and is available for immediate oral
84 communication.

85 Other terms used in the context of this chapter shall be defined as provided in Chapter 34 of this
86 title unless the context requires a different meaning.

87 § 54.1-3320. Acts restricted to pharmacists.

88 A. Within the practice of pharmacy as defined in § 54.1-3300, the following acts shall be performed
89 by pharmacists, except as provided in subsection B:

90 1. The review of a prescription, in conformance with this chapter and Chapter 34 (§ 54.1-3400 et
91 seq.) of this title and with current practices in pharmacy, for its completeness, validity, safety, and
92 drug-therapy appropriateness, including, but not limited to, interactions, contraindications, adverse
93 effects, incorrect dosage or duration of treatment, clinical misuse or abuse, and noncompliance and
94 duplication of therapy;

95 2. The receipt of an oral prescription from a practitioner or his authorized agent;

96 3. The conduct of a prospective drug review as required by § 54.1-3319 prior to the dispensing or
97 refilling of any prescription;

98 4. The provision of information to the public or to a practitioner concerning the therapeutic value
99 and use of drugs in the treatment and prevention of disease;

100 5. The Communication with the prescriber, or the prescriber's agent, [~~including~~ involving] any
101 modification [other than refill authorization] of a prescription or of any drug therapy, resolution of
102 any drug therapy problem, or the substitution of any drug prescribed;

103 6. The verification of the accuracy of a completed prescription prior to dispensing the prescription;

104 7. The supervision of pharmacy interns and pharmacy technicians; and

105 8. Any other activity required by regulation to be performed by a pharmacist.

106 B. A pharmacy intern may engage in the acts to be performed only by a pharmacist as set forth in
107 subsection A for the purpose of obtaining practical experience required for licensure as a pharmacist, if
108 the supervising pharmacist is directly monitoring these activities.

109 C. [Consistent with patient safety,] a pharmacist shall exercise sole authority in determining the [
110 maximum] number of pharmacy technicians that he shall supervise; however, no pharmacist shall
111 supervise more than five pharmacy technicians at one time.

112 Article 4.

113 Registration of Pharmacy Technicians.

114 § 54.1-3321. Registration of pharmacy technicians.

115 A. No person shall perform the duties of a pharmacy technician without first being registered as a
116 pharmacy technician with the Board. Upon being registered with the Board as a pharmacy technician,
117 the following tasks may be performed:

118 1. The entry of prescription information and drug history into a data system or other record keeping
119 system;

120 2. The preparation of prescription labels or patient information;

- 121 3. The removal of the drug to be dispensed from inventory;
 122 4. The counting, measuring, or compounding of the drug to be dispensed;
 123 5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;
 124 6. The stocking or loading of automated dispensing devices or other devices used in the dispensing
 125 process;
 126 7. The acceptance of refill authorization from a prescriber or his authorized agency, so long as there
 127 is no change to the original prescription; and
 128 8. The performance of any other task restricted to pharmacy technicians by the Board's regulations.
 129 B. To be registered as a pharmacy technician, a person shall submit satisfactory evidence that he is
 130 of good moral character and has satisfactorily completed a training program and examination that meet
 131 the criteria approved by the Board in regulation or that he holds current certification from the
 132 Pharmacy Technician Certification Board.
 133 C. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A
 134 when registered with the Board for the purpose of gaining the practical experience required to apply for
 135 licensure as a pharmacist.
 136 D. In addition, a person enrolled in an approved training program for pharmacy technicians may
 137 engage in the acts set forth in subsection A for the purpose of obtaining practical experience required
 138 for registration as a pharmacy technician, so long as such activities are directly monitored by a
 139 supervising pharmacist [~~or a registered pharmacy technician~~].
 140 E. The Board shall promulgate regulations establishing requirements for evidence of continued
 141 competency as a condition of renewal of a registration as a pharmacy technician.
 142 § 54.1-3322. Denial, revocation, and suspension of registration as a pharmacy technician.
 143 The Board may revoke, suspend or refuse to issue or renew any registration of a pharmacy
 144 technician upon determining that the applicant or the registered pharmacy technician:
 145 1. Has been negligent as a pharmacy technician;
 146 2. Has engaged in or attempted to engage in any fraud or deceit as a pharmacy technician;
 147 3. Has engaged in acts that may only be performed by a pharmacist;
 148 4. Has become incompetent to perform the duties of a pharmacy technician because of a mental or
 149 physical condition;
 150 5. Uses drugs or alcohol to the extent that he is rendered unsafe to perform the duties of a
 151 pharmacy technician;
 152 6. Has violated or cooperated with others in violating any provision of law relating to the practice
 153 of pharmacy or of any regulation of the Board;
 154 7. Has been convicted of any felony or any crime involving moral turpitude, or has been convicted of
 155 violating any federal drug law or any drug law of Virginia or any other state or jurisdiction; or
 156 8. Has been prohibited from performing the duties of a pharmacy technician by any other state, or
 157 has been prohibited by a health regulatory board of any state or by any federal agency from practicing,
 158 or assisting in the practice of, any health care profession.
 159 **2. That, notwithstanding the provisions of this act, persons engaging in acts that are restricted to**
 160 **pharmacy technicians pursuant to § 54.1-3321 shall not be required to be registered as pharmacy**
 161 **technicians until six months after the effective date of the [final] regulations promulgated by the**
 162 **Board of Pharmacy for such registration.**
 163 **3. That, by July 1, 2003, the Board shall adopt final regulations for the registration of pharmacy**
 164 **technicians.**