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HOUSE BILL NO. 1304

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 28, 2020)

(Patron Prior to Substitute—Delegate Hodges)

A BILL to amend and reenact §§ 54.1-3300 and 54.1-3321 of the Code of Virginia, relating to pharmacy technicians and pharmacy technician trainees; registration.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3300 and 54.1-3321 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3300. 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, or electronic arrangement between one pharmacist and his designated alternate pharmacists involved directly in patient care at a single physical location where patients receive services and (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each physician participating in the collaborative practice agreement; (iii) any licensed physician assistant working under the supervision of a person licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed nurse practitioner working in accordance with the provisions of § 54.1-2957, 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 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.

"Pharmacy technician trainee" means a person registered with the Board for the purpose of performing duties restricted to a pharmacy technician as part of a pharmacy technician training program in accordance with the provisions of subsection G of § 54.1-3321.

"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.) unless the context requires a different meaning.

§ 54.1-3321. Registration of pharmacy technicians.

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

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

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

66 3. The removal of the drug to be dispensed from inventory;

67 4. The counting, measuring, or compounding of the drug to be dispensed;

68 5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;

69 6. The stocking or loading of automated dispensing devices or other devices used in the dispensing
70 process;

71 7. The acceptance of refill authorization from a prescriber or his authorized agency, so long as there
72 is no change to the original prescription; and

73 8. The performance of any other task restricted to pharmacy technicians by the Board's regulations.

74 B. To be registered as a pharmacy technician, a person shall submit **satisfactory evidence**:

75 1. *An application and fee specified in regulations of the Board;*

76 2. *Evidence that he is of good moral character and has satisfactorily successfully completed a training
77 program that is (i) an accredited training program, including an accredited training program operated
78 through the Department of Education's Career and Technical Education program or approved by the
79 Board, or (ii) operated through a federal agency or branch of the military; and*

80 3. *Evidence that he has successfully passed a national certification examination that meet the criteria
81 approved by the Board in regulation or that he holds current certification from administered by the
82 Pharmacy Technician Certification Board or the National Healthcare Association.*

83 C. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A
84 when registered with the Board for the purpose of gaining the practical experience required to apply for
85 licensure as a pharmacist.

86 D. In addition, a person enrolled in an approved training program for pharmacy technicians may
87 engage in the acts set forth in subsection A for the purpose of obtaining practical experience required
88 for registration as a pharmacy technician, so long as such activities are directly monitored by a
89 supervising pharmacist.

90 E. The Board shall promulgate regulations establishing requirements for **evidence**:

91 1. *Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of
92 such regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician
93 training program or (ii) passed a national certification examination required by the Board but did not
94 complete a Board-approved pharmacy technician training program;*

95 2. *Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced
96 as a pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification
97 examination required by the Board; and*

98 3. *Evidence of continued competency as a condition of renewal of a registration as a pharmacy
99 technician.*

100 F. D. The Board shall waive the initial registration fee and the first examination fee for the
101 Board-approved examination for a pharmacy technician applicant who works as a pharmacy technician
102 exclusively in a free clinic pharmacy. If such applicant fails the examination, he shall be responsible for
103 any subsequent fees to retake the examination. A person registered pursuant to this subsection shall be
104 issued a limited-use registration. A pharmacy technician with a limited-use registration shall not perform
105 pharmacy technician tasks in any setting other than a free clinic pharmacy. The Board shall also waive
106 renewal fees for such limited-use registrations. A pharmacy technician with a limited-use registration
107 may convert to an unlimited registration by paying the current renewal fee.

108 E. Any person registered as a pharmacy technician prior to the effective date of regulations
109 implementing the provisions of this section shall not be required to comply with the requirements of
110 subsection B in order to maintain or renew registration as a pharmacy technician.

111 F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described
112 in subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining
113 practical experience required for completion of the training program, so long as such activities are
114 directly monitored by a supervising pharmacist.

115 G. To be registered as a pharmacy technician trainee, a person shall submit an application and a
116 fee specified in regulations of the Board. Such registration shall only be valid while the person is
117 enrolled in a pharmacy technician training program described in subsection B and actively progressing
118 toward completion of such program. A registration card issued pursuant to this section shall be invalid
119 and shall be returned to the Board if such person fails to enroll in a pharmacy technician training
120 program described in subsection B.

121 H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A

122 *when registered with the Board for the purpose of gaining the practical experience required to apply for*
123 *licensure as a pharmacist.*

124 **2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this**
125 **act to be effective within 280 days of its enactment. However, the provisions of subsection B 2 of**
126 **§ 54.1-3321 of the Code of Virginia, as amended by this act, requiring accreditation of a pharmacy**
127 **technician training program shall become effective July 1, 2022.**

128 **3. The Board of Pharmacy shall convene a workgroup composed of stakeholders including**
129 **representatives of the Virginia Association of Chain Drug Stores, Virginia Pharmacists Association,**
130 **Virginia Healthcareer Association, Virginia Society of Health-System Pharmacies, and any other**
131 **stakeholders that the Board of Pharmacy may deem appropriate to develop recommendations**
132 **related to the addition of duties and tasks that a pharmacy technician registered by the Board**
133 **may perform. The workgroup shall report its recommendations to the Secretary of Health and**
134 **Human Resources and the Chairmen of the House Committee on Health, Welfare and Institutions**
135 **and the Senate Committee on Education and Health by November 1, 2021.**