

SENATE BILL No. 233

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-26.

Synopsis: Pharmacy technicians. Changes pharmacy technician certification to licensure. Adds a high school graduation, high school equivalency certificate, or state general educational development requirement for pharmacy technician licensure. Specifies education and training requirements. Requires passage of a specified certification examination beginning July 1, 2015. Specifies that individuals with certificates who are in good standing will be considered to have licensure.

Effective: July 1, 2014.

Grooms

January 9, 2014, read first time and referred to Committee on Health and Provider Services.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 233



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-26-13-18, AS AMENDED BY P.L.159-2012,
- 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2014]: Sec. 18. (a) To be eligible for issuance of a pharmacy
- 4 permit, an applicant must show to the satisfaction of the board that:
- 5 (1) Persons at the location will engage in the bona fide practice of
- 6 pharmacy. The application must show the number of hours each
- 7 week, if any, that the pharmacy will be open to the general public.
- 8 (2) The pharmacy will maintain a sufficient stock of emergency
- 9 and frequently prescribed drugs and devices as to adequately
- 10 serve and protect the public health.
- 11 (3) Except as provided in section 19 of this chapter, a registered
- 12 pharmacist will be in personal attendance and on duty in the
- 13 licensed premises at all times when the practice of pharmacy is
- 14 being conducted and that the pharmacist will be responsible for
- 15 the lawful conduct of the pharmacy.
- 16 (4) ~~Certified~~ **Licensed** pharmacy technicians or pharmacy



1 technicians in training **who are licensed** or certified under
 2 IC 25-26-19 must practice under a licensed pharmacist's
 3 **immediate and personal** supervision at all times. A pharmacist
 4 may not supervise more than six (6) pharmacy technicians or
 5 pharmacy technicians in training at any time. As used in this
 6 subdivision, "immediate and personal supervision" means within
 7 reasonable visual and vocal distance of the pharmacist.

8 (5) The pharmacy will be located separate and apart from any area
 9 containing merchandise not offered for sale under the pharmacy
 10 permit. The pharmacy will:

11 (A) be stationary;

12 (B) be sufficiently secure, either through electronic or physical
 13 means, or a combination of both, to protect the products
 14 contained in the pharmacy and to detect and deter entry during
 15 those times when the pharmacy is closed;

16 (C) be well lighted and ventilated with clean and sanitary
 17 surroundings;

18 (D) be equipped with a sink with hot and cold running water
 19 or some means for heating water, a proper sewage outlet, and
 20 refrigeration;

21 (E) have a prescription filling area of sufficient size to permit
 22 the practice of pharmacy as practiced at that particular
 23 pharmacy; and

24 (F) have such additional fixtures, facilities, and equipment as
 25 the board requires to enable it to operate properly as a
 26 pharmacy in compliance with federal and state laws and
 27 regulations governing pharmacies.

28 (b) Prior to opening a pharmacy after receipt of a pharmacy permit,
 29 the permit holder shall submit the premises to a qualifying inspection
 30 by a representative of the board and shall present a physical inventory
 31 of the drug and all other items in the inventory on the premises.

32 (c) At all times, the wholesale value of the drug inventory on the
 33 licensed items must be at least ten percent (10%) of the wholesale
 34 value of the items in the licensed area.

35 SECTION 2. IC 25-26-19-2 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this
 37 chapter, "pharmacy technician" means an individual who:

38 (1) works under the ~~direct~~ supervision of a pharmacist licensed
 39 under this article; and

40 (2) performs duties to assist a pharmacist in activities that do not
 41 require the professional judgment of a pharmacist.

42 SECTION 3. IC 25-26-19-4 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may
2 adopt rules under IC 4-22-2 to:

- 3 (1) implement and enforce this chapter;
4 (2) set fees under IC 25-1-8; and
5 (3) establish education and training requirements for ~~certification~~
6 **licensure** to practice as a pharmacy technician.

7 (b) The board shall:

- 8 (1) establish standards for the competent practice of pharmacy
9 technicians; and
10 (2) subject to IC 4-21.5, IC 25-1-7, and IC 25-1-9, conduct
11 proceedings on any matter under the jurisdiction of the board.

12 SECTION 4. IC 25-26-19-5, AS AMENDED BY P.L.159-2012,
13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2014]: Sec. 5. (a) The board shall issue a pharmacy technician
15 ~~certificate license~~ to an individual who:

16 (1) applies to the board in the form and manner prescribed by the
17 board;

18 (2) is at least eighteen (18) years of age;

19 (3) **has:**

20 (A) **graduated from high school; or**

21 (B) **received a:**

22 (i) **high school equivalency certificate; or**

23 (ii) **state general educational development (GED)**
24 **diploma under IC 20-20-6 (before its repeal) or**
25 **IC 22-4.1-18;**

26 (⊖) (4) has not been convicted of:

27 (A) a crime that has a direct bearing upon the individual's
28 ability to practice competently; or

29 (B) a felony involving controlled substances;

30 (⊖) (5) is not in violation of this chapter or rules adopted by the
31 board under section 4 of this chapter;

32 (⊖) (6) has paid the fee set by the board under section 4 of this
33 chapter; and

34 (⊖) (7) has: ~~completed a program of education and training~~
35 ~~approved by the board or has passed a certification examination~~
36 ~~offered by a nationally recognized certification body approved by~~
37 ~~the board.~~

38 (A) **graduated from a competency based pharmacy**
39 **technician education and training program approved by**
40 **the board; or**

41 (B) **completed an employer provided training program**
42 **that:**



- 1 **(i) has been approved by the board;**
 2 **(ii) includes specific training in the duties required to**
 3 **assist the pharmacist in the technical functions**
 4 **associated with the practice of pharmacy; and**
 5 **(8) beginning July 1, 2015, successfully passed a certification**
 6 **examination offered by the Pharmacy Technician**
 7 **Certification Board or another nationally recognized**
 8 **certification body approved by the board.**
- 9 (b) For good cause, the board may waive the age requirement under
 10 subsection (a)(2).
- 11 **(c) A person who has been certified or licensed as a pharmacy**
 12 **technician by the board before July 1, 2014, and who remains in**
 13 **good standing on July 1, 2014, shall, for all purposes, be considered**
 14 **licensed beginning on July 1, 2014. A person described in this**
 15 **subsection is subject to the license renewal requirements set forth**
 16 **in this chapter.**
- 17 SECTION 5. IC 25-26-19-6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board shall
 19 issue a pharmacy technician in training permit to an individual who:
- 20 (1) applies to the board in the form and manner prescribed by the
 21 board;
 22 (2) is at least eighteen (18) years of age;
 23 (3) has not been convicted of a crime that has a direct bearing
 24 upon the individual's ability to practice competently;
 25 (4) is not in violation of this chapter or rules adopted by the board
 26 under section 4 of this chapter; and
 27 (5) has applied for ~~certification~~ **licensure** under section 5 of this
 28 chapter.
- 29 (b) An applicant:
- 30 (1) may work as a pharmacy technician in training without a
 31 permit for not more than thirty (30) consecutive days after the
 32 applicant files an application under this section;
 33 (2) shall provide the applicant's employer with a receipt issued by
 34 the board that:
 35 (A) provides the date an application under this section was
 36 filed; and
 37 (B) indicates that the fee has been paid;
 38 before the applicant may begin work as a pharmacy technician in
 39 training; and
 40 (3) may request an additional thirty (30) day period to practice as
 41 a pharmacy technician in training without a permit. The board
 42 may approve a request under this subdivision if the board



- 1 determines that the extension is for good cause.
- 2 (c) A pharmacy technician in training permit expires on the earliest
- 3 of the following:
- 4 (1) The date the permit holder is issued a pharmacy technician
- 5 ~~certificate~~ **license** under this chapter.
- 6 (2) The date the board disapproves the permit holder's application
- 7 for a pharmacy technician ~~certificate~~ **license** under this chapter.
- 8 (3) The date the permit holder ceases to be enrolled in good
- 9 standing in a pharmacy technician training program approved by
- 10 the board. The graduation of a permit holder from a pharmacy
- 11 technician program does not cause the permit to expire under this
- 12 subdivision.
- 13 (4) Sixty (60) days after the date that the permit holder
- 14 successfully completes a program approved by the board.
- 15 (5) Twelve (12) months after the date of issuance.
- 16 (d) For good cause, the board may waive the age requirement in
- 17 subsection (a)(2).
- 18 SECTION 6. IC 25-26-19-7, AS AMENDED BY P.L.1-2006,
- 19 SECTION 466, IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A pharmacy technician
- 21 ~~certificate~~ **license** expires on a date set by the Indiana professional
- 22 licensing agency in each even-numbered year.
- 23 (b) An application for renewal of a pharmacy technician ~~certificate~~
- 24 **license** must be accompanied by the appropriate fee.
- 25 (c) If a person fails to renew a pharmacy technician ~~certificate,~~
- 26 **license**, the ~~certificate~~ **license** may be reinstated by meeting the
- 27 requirements under IC 25-1-8-6.
- 28 (d) The board may require a person who applies for a ~~certificate~~
- 29 **license** under subsection (c) to appear before the board and explain the
- 30 reason why the person failed to renew a pharmacy technician
- 31 ~~certificate.~~ **license.**
- 32 SECTION 7. IC 25-26-19-8 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A ~~certified licensed~~
- 34 pharmacy technician may not perform the following activities:
- 35 (1) Providing advice or consultation with the prescribing
- 36 practitioner or other licensed health care provider regarding the
- 37 patient or the interpretation and application of information
- 38 contained in the prescription or drug order, medical record, or
- 39 patient profile.
- 40 (2) Providing advice or consultation with the patient regarding the
- 41 interpretation of the prescription or the application of information
- 42 contained in the patient profile or medical record.



- 1 (3) Dispensing prescription drug information to the patient.
2 (4) Final check on all aspects of the completed prescription and
3 assumption of the responsibility for the filled prescription,
4 including the appropriateness of the drug for the patient and the
5 accuracy of the:
6 (A) drug dispensed;
7 (B) strength of the drug dispensed; and
8 (C) labeling of the prescription.
9 (5) Receiving a new prescription drug order over the telephone or
10 electronically unless the original information is recorded so a
11 pharmacist may review the prescription drug order as transmitted.
12 (6) Any activity required by law to be performed only by a
13 pharmacist.
14 (7) Any activity that requires the clinical judgment of a
15 pharmacist and is prohibited by a rule adopted by the board.
16 SECTION 8. IC 25-26-19-9, AS AMENDED BY P.L.158-2013,
17 SECTION 290, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) An individual may not
19 practice as a pharmacy technician unless the individual is **certified**
20 **licensed** under this chapter.
21 (b) An individual may not act as a pharmacy technician in training
22 unless the individual has obtained a permit under this chapter or the
23 individual is acting as a pharmacy technician in training during the
24 period permitted under section 6(b) of this chapter.
25 (c) An individual who knowingly violates this section commits a
26 Level 6 felony.

