

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

723S0114

## HOUSE ENGROSSED NO. **HB 1052** - 2/1/2011

Introduced by: Representatives Elliott, Blake, Feickert, Jones, Kirschman, Schaefer, and Sigdestad and Senators Buhl, Frerichs, and Hundstad

1 FOR AN ACT ENTITLED, An Act to revise the allowable ratio of pharmacy technicians to  
2 pharmacists.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That ARSD 20:51:29:19 be amended to read as follows:

5 20:51:29:19. Ratio. The ratio of pharmacy technicians to pharmacists that may be on duty  
6 in a pharmacy at a given time is ~~two~~ three technicians for every pharmacist. A pharmacy intern  
7 does not count in this ratio (§ 20:51:02:11.01).

8 Section 2. That ARSD 20:51:29:19.02 be repealed.

9 ~~— 20:51:29:19.02. Exception to ratio for retail, hospital, and long-term care pharmacy. The~~  
10 ~~maximum ratio of pharmacy technicians to pharmacists that may be on duty in a retail, hospital,~~  
11 ~~and long-term care pharmacy is three technicians for every pharmacist on duty. However, if~~  
12 ~~applicable to the practice and services provided all of the following requirements must be met:~~  
13 ~~— (1) Medication is dispensed pursuant to a legal prescription;~~  
14 ~~— (2) The technology includes tablet or product imaging and or bar code scanning, or both,~~  
15 ~~to insure accuracy in the prescription filling process;~~



- 1 ~~—(3) A role-based access software automation system that places stop points within the~~  
2 ~~prescription filling process is used, which requires a pharmacist's intervention before allowing~~  
3 ~~the prescription to move to the next step in the prescription dispensing process;~~
- 4 ~~—(4) Pharmacy software that screens and detects drug allergies, identifies drug interactions,~~  
5 ~~and checks age appropriate dosage ranges is used;~~
- 6 ~~—(5) A pharmacist reviews clinically significant computer warnings of drug interactions,~~  
7 ~~therapy duplications, and contraindications;~~
- 8 ~~—(6) Electronic surveillance technology is used to control access or to provide continuous~~  
9 ~~monitoring of all areas where drugs are stored or dispensed;~~
- 10 ~~—(7) All non-pharmacist personnel who input patient drug information into a computer or~~  
11 ~~whose duties include receiving, packaging, shipping of drugs, or who have access to any areas~~  
12 ~~where drugs are dispensed are registered as pharmacy technicians and meet the requirements in~~  
13 ~~chapter 20:51:29;~~
- 14 ~~—(8) Technicians above a 2:1 ratio must have completed a board-approved technician~~  
15 ~~education program and have passed a board-approved pharmacy technician certification~~  
16 ~~examination that is accredited by the National Commission for Certifying Agencies (NCCA);~~
- 17 ~~—(9) In retail pharmacies, patients have access to a pharmacist during normal business hours~~  
18 ~~on a dedicated pharmacy staff line. In hospital and long-term care pharmacies, nursing personnel~~  
19 ~~in facilities served by the pharmacy have telephone access to a pharmacist 24 hours a day, 7~~  
20 ~~days a week;~~
- 21 ~~—(10) Drug information, both electronic and hard copy, is readily available to pharmacists;~~
- 22 ~~—(11) A quality assurance program that identifies and evaluates dispensing errors,~~  
23 ~~accompanied by a continuous quality improvement program that assures very high dispensing~~  
24 ~~accuracy rates in place;~~

1 ~~—(12) There are written policies and procedures for all pharmacy functions -- clerical,~~  
2 ~~supportive, technical, and clinical;~~

3 ~~—(13) There are written policies and procedures for training personnel, including on-going~~  
4 ~~training programs for all personnel and documentation of that training for each employee;~~

5 ~~—(14) There is a strict monitoring program designed to prevent diversion of controlled~~  
6 ~~substances. This includes perpetual inventory of all schedule II controlled drugs as well as~~  
7 ~~selected high-risk schedule III, IV, and V drugs. Routine audits are conducted to review~~  
8 ~~purchases versus dispensing of controlled drugs to deter and detect diversion.~~