

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 446

Short Title: Pharmacy Technicians.

(Public)

Sponsors: Senators Purcell; Forrester, Garwood, Hoyle, Lee, Lucas, Martin of Guilford, Metcalf, Plyler, Rucho, Weinstein, and Wellons.

Referred to: Commerce.

March 14, 2001

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY
2 AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA
3 FOR PHARMACY TECHNICIANS.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-85.3 is amended by adding the following new
7 subsections to read:

8 "(q1) 'Pharmacy personnel' means pharmacists and pharmacy technicians.

9 (q2) 'Pharmacy technician' means an unlicensed person who, under the supervision
10 of a pharmacist, performs technical functions to assist the pharmacist in preparing and
11 dispensing prescription medications and is subject to the registration requirements under
12 G.S. 90-85.15A."

13 **SECTION 2.** Article 4A of Chapter 90 of the General Statutes is amended
14 by adding a new section to read:

15 **"§ 90-85.15A. Requirements for registration as a pharmacy technician;**
16 **supervision; reporting.**

17 (a) Upon payment of the required fee, pursuant to G.S. 90-85.24, a person may
18 be registered as a pharmacy technician if the person has a high school diploma or
19 equivalent or is currently enrolled in a program that awards a high school diploma or
20 equivalent and the person completes, within 180 days of the original registration, a
21 training program that includes pharmacy terminology, pharmacy calculations,
22 dispensing systems and labeling requirements, pharmacy laws and regulations, record
23 keeping and documentation, and the proper handling and storage of medications.

24 (b) The number of pharmacy technicians who are supervised by a pharmacist
25 shall be no more than two pharmacy technicians to one pharmacist. However, the
26 number of pharmacy technicians supervised by one pharmacist may be expanded from
27 two pharmacy technicians to three pharmacy technicians, if at least one of the

1 technicians has passed a nationally recognized pharmacy technician certification board
2 exam, or its equivalent, that has been approved by the Board. Upon receiving written
3 approval from the Board, the number of pharmacy technicians supervised by one
4 pharmacist may be further expanded, if the additional pharmacy technicians have passed
5 a nationally recognized pharmacy technician certification board exam, or its equivalent,
6 that has been approved by the Board.

7 (c) All pharmacy technicians shall register annually with the Board of Pharmacy.
8 The pharmacist-manager of any site employing a person defined as a pharmacy
9 technician, pursuant to G.S. 90-85.3(q2), shall report the employment annually to the
10 Board and notify the Board within 30 days of the date the person began employment.
11 However, annual registration shall not be required for pharmacy students who are
12 enrolled in a school of pharmacy approved by the Board pursuant to G.S. 90-85.13."

13 **SECTION 3.** G.S. 90-85.21(a) reads as rewritten:

14 **"§ 90-85.21. Pharmacy permit.**

15 (a) In accordance with Board regulations, each pharmacy in North Carolina shall
16 annually register with the Board on a form provided by the Board. The application shall
17 identify the pharmacist-manager of the pharmacy and all ~~pharmacist~~pharmacy personnel
18 employed in the pharmacy. All pharmacist-managers shall notify the Board of any
19 change in ~~pharmacist~~pharmacy personnel within 30 days of ~~such~~the change."

20 **SECTION 4.** G.S. 90-85.24 reads as rewritten:

21 **"§ 90-85.24. Fees collectible by Board.**

22 The Board of Pharmacy shall be entitled to charge and collect not more than the
23 following fees: for the examination of an applicant for license as a pharmacist, one
24 hundred sixty dollars (\$160.00) plus the cost of the test material; for renewing the
25 license as a pharmacist, one hundred ten dollars (\$110.00); ~~for renewing the license of~~
26 ~~an assistant pharmacist, ten dollars (\$10.00);~~for registration of a pharmacy technician as
27 required under G.S. 90-85.15A, twenty-five dollars (\$25.00); for licenses without
28 examination as provided in G.S. 90-85.20, original, four hundred dollars (\$400.00); for
29 original registration of a pharmacy, three hundred fifty dollars (\$350.00), and renewal
30 thereof, one hundred seventy-five dollars (\$175.00); for annual registration as a
31 dispensing physician under G.S. 90-85.21(b), fifty dollars (\$50.00); for annual
32 registration as a dispensing physician assistant under G.S. 90-18.1, fifty dollars
33 (\$50.00); for annual registration as a dispensing nurse practitioner under G.S. 90-18.2,
34 fifty dollars (\$50.00); for registration of any change in pharmacist personnel as required
35 under G.S. 90-85.21(a), twenty-five dollars (\$25.00); for a duplicate of any license,
36 permit, or registration issued by the Board, twenty-five dollars (\$25.00); for registration
37 to dispense devices, deliver medical equipment, or both, three hundred dollars (\$300.00)
38 per year. All fees shall be paid before any applicant may be admitted to examination or
39 the applicant's name may be placed upon the register of pharmacists or before any
40 license or permit, or any renewal thereof, may be issued by the Board."

41 **SECTION 5.** G.S. 90-85.38 reads as rewritten:

42 **"§ 90-85.38. Disciplinary authority.**

43 (a) The Board may, in accordance with Chapter 150B of the General Statutes,
44 issue a letter of reprimand or suspend, restrict, revoke, or refuse to grant or renew a

1 license to practice pharmacy, or require licensees to successfully complete remedial
2 education if the licensee has:

- 3 (1) Made false representations or withheld material information in
4 connection with securing a license or ~~permit~~; permit.
- 5 (2) Been found guilty of or plead guilty or nolo contendere to any felony
6 in connection with the practice of pharmacy or the distribution of
7 ~~drugs~~; drugs.
- 8 (3) Indulged in the use of drugs to an extent that renders him unfit to
9 practice ~~pharmacy~~; pharmacy.
- 10 (4) Made false representations in connection with the practice of
11 pharmacy that endanger or are likely to endanger the health or safety
12 of the public, or that defraud any ~~person~~; person.
- 13 (5) A physical or mental disability that renders him unfit to practice
14 pharmacy with reasonable skill, competence and safety to the
15 ~~public~~; public.
- 16 (6) Failed to comply with the laws governing the practice of pharmacy and
17 the distribution of ~~drugs~~; drugs.
- 18 (7) Failed to comply with the rules and regulations of the ~~Board~~; Board.
- 19 (8) Engaged in, or aided and abetted an individual to engage in, the
20 practice of pharmacy without a ~~license~~; or license.
- 21 (9) Was negligent in the practice of pharmacy.

22 (b) The Board, in accordance with Chapter 150B of the General Statutes, may
23 suspend, revoke, or refuse to grant or renew any permit for the same conduct as stated in
24 subsection (a).

25 (c) Any license or permit obtained through false representation or withholding of
26 material information shall be void and of no effect.

27 (d) The Board may, in accordance with Chapter 150B of the General Statutes and
28 regulations adopted by the Board, issue a letter of reprimand or suspend, restrict,
29 revoke, or refuse to grant or renew the registration of a pharmacy technician if the
30 pharmacy technician has:

- 31 (1) Made false representations or withheld material information in
32 connection with obtaining a registration.
- 33 (2) Engaged in any of the same conduct as stated in subdivisions (a)(2)
34 through (a)(9) of this section."

35 **SECTION 6.** This act becomes effective January 1, 2002.