

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 446
Commerce Committee Substitute Adopted 4/4/01

Short Title: Pharmacy Technicians.

(Public)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

(b) The number of pharmacy technicians who are supervised by a pharmacist shall be no more than two pharmacy technicians to one pharmacist. The pharmacist-manager, upon receiving written approval from the Board, may increase the number of pharmacy technicians supervised by a pharmacist, if the additional pharmacy technicians have passed a nationally recognized pharmacy technician certification board exam, or its equivalent, that has been approved by the Board.

1 (c) All pharmacy technicians shall register annually with the Board of Pharmacy.
2 The pharmacist-manager of any site shall report the employment of any pharmacy
3 technician annually to the Board and notify the Board within 30 days of the date the
4 pharmacy technician began employment. However, annual registration shall not be
5 required for pharmacy students who are enrolled in a school of pharmacy approved by
6 the Board under G.S. 90-85.13."

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

8 **"§ 90-85.21. Pharmacy permit.**

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

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

15 **"§ 90-85.24. Fees collectible by Board.**

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

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

36 **"§ 90-85.38. Disciplinary authority.**

37 (a) The Board may, in accordance with Chapter 150B of the General Statutes,
38 issue a letter of reprimand or suspend, restrict, revoke, or refuse to grant or renew a
39 license to practice pharmacy, or require licensees to successfully complete remedial
40 education if the licensee ~~has:~~ has done any of the following:

- 41 (1) Made false representations or withheld material information in
42 connection with securing a license or ~~permit;~~ permit.

- 1 (2) Been found guilty of or plead guilty or nolo contendere to any felony
2 in connection with the practice of pharmacy or the distribution of
3 ~~drugs;~~ drugs.
- 4 (3) Indulged in the use of drugs to an extent that renders him unfit to
5 practice ~~pharmacy;~~ pharmacy.
- 6 (4) Made false representations in connection with the practice of
7 pharmacy that endanger or are likely to endanger the health or safety
8 of the public, or that defraud any ~~person;~~ person.
- 9 (5) A physical or mental disability that renders him unfit to practice
10 pharmacy with reasonable skill, competence and safety to the ~~public;~~
11 public.
- 12 (6) Failed to comply with the laws governing the practice of pharmacy and
13 the distribution of ~~drugs;~~ drugs.
- 14 (7) Failed to comply with the rules and regulations of the ~~Board;~~ Board.
- 15 (8) Engaged in, or aided and abetted an individual to engage in, the
16 practice of pharmacy without a ~~license;~~ or license.
- 17 (9) ~~Was Been~~ negligent in the practice of pharmacy.
- 18 (b) The Board, in accordance with Chapter 150B of the General Statutes, may
19 suspend, revoke, or refuse to grant or renew any permit for the same conduct as stated in
20 subsection (a).
- 21 (c) Any license or permit obtained through false representation or withholding of
22 material information shall be void and of no effect.
- 23 (d) The Board may, in accordance with Chapter 150B of the General Statutes and
24 regulations adopted by the Board, issue a letter of reprimand or suspend, restrict,
25 revoke, or refuse to grant or renew the registration of a pharmacy technician if the
26 pharmacy technician has done any of the following:
- 27 (1) Made false representations or withheld material information in
28 connection with obtaining a registration.
- 29 (2) Engaged in any of the same conduct as stated in subdivisions (a)(2)
30 through (a)(9) of this section."
- 31 **SECTION 6.** This act becomes effective January 1, 2002.