

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 446
Commerce Committee Substitute Adopted 4/4/01
Finance Committee Substitute Adopted 6/20/01

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 a person who may, under the supervision of a pharmacist, perform technical functions to assist the pharmacist in preparing and dispensing prescription medications."

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

"§ 90-85.15A. Pharmacy technicians.

(a) Registration. – A registration program for pharmacy technicians is established for the purposes of identifying those persons who are employed as pharmacy technicians. The Board must maintain a registry of pharmacy technicians that contains the name of each pharmacy technician, the name and location of the pharmacy in which the pharmacy technician works, the pharmacist-manager who employs the pharmacy technician, and the dates of that employment. The Board must register a pharmacy technician who pays the fee required under G.S. 90-85.24 and completes a required training program. A pharmacy technician must register with the Board within 30 days after the date the pharmacy technician completes a training program conducted by the pharmacy technician's pharmacist-manager. The registration must be renewed annually by paying a registration fee.

(b) Responsibilities of Pharmacist-Manager. – A pharmacist-manager may hire a person who has a high school diploma or equivalent or is currently enrolled in a program that awards a high school diploma or equivalent to work as a pharmacy

1 technician. Pursuant to G.S. 90-85.21, a pharmacist-manager must notify the Board
2 within 30 days of the date the pharmacy technician began employment. The pharmacist-
3 manager must provide a training program for a pharmacy technician that includes
4 pharmacy terminology, pharmacy calculations, dispensing systems and labeling
5 requirements, pharmacy laws and regulations, record keeping and documentation, and
6 the proper handling and storage of medications. The requirements of a training program
7 may differ depending upon the type of employment. The training program must be
8 provided and completed within 180 days of the date the pharmacy technician began
9 employment unless the pharmacy technician is registered with the Board. If the
10 pharmacy technician is registered with the Board, then the completion of the training
11 program is optional at the discretion of the pharmacist-manager.

12 (c) Supervision. – A pharmacist may not supervise more than two pharmacy
13 technicians unless the pharmacist-manager receives written approval from the Board.
14 The Board may not allow a pharmacist to supervise more than two pharmacy
15 technicians unless the additional pharmacy technicians have passed a nationally
16 recognized pharmacy technician certification board exam, or its equivalent, that has
17 been approved by the Board. The Board must respond to a request from a pharmacist-
18 manager to allow a pharmacist to supervise more than two pharmacy technicians within
19 60 days of the date it received the request. The Board must respond to the request in one
20 of three ways:

- 21 (1) Approval of the request.
- 22 (2) Approval of the request as amended by the Board.
- 23 (3) Disapproval of the request. A disapproval of a request must include a
24 reasonable explanation of why the request was not approved.

25 (d) Disciplinary Action. – The Board may, in accordance with Chapter 150B of
26 the General Statutes and rules adopted by the Board, issue a letter of reprimand or
27 suspend, restrict, revoke, or refuse to grant or renew the registration of a pharmacy
28 technician if the pharmacy technician has done one or more of the following:

- 29 (1) Made false representations or withheld material information in
30 connection with registering as a pharmacy technician.
- 31 (2) Been found guilty of or plead guilty or nolo contendere to a felony
32 involving the use or distribution of drugs.
- 33 (3) Indulged in the use of drugs to an extent that it renders the pharmacy
34 technician unfit to assist a pharmacist in preparing and dispensing
35 prescription medications.
- 36 (4) Developed a physical or mental disability that renders the pharmacy
37 technician unfit to assist a pharmacist in preparing and dispensing
38 prescription medications.
- 39 (5) Willfully violated any provision of this Article or rules adopted by the
40 Board governing pharmacy technicians.

41 (e) Exemption. – This section does not apply to pharmacy students who are
42 enrolled in a school of pharmacy approved by the Board under G.S. 90-85.13.

1 (f) Rule-Making Authority. – The Board may adopt rules necessary to
2 implement this section."

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

4 "**§ 90-85.21. Pharmacy permit.**

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

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

11 "**§ 90-85.24. Fees collectible by Board.**

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

31 **SECTION 5.** G.S. 90-85.38(a) reads as rewritten:

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

- 36 (1) Made false representations or withheld material information in
37 connection with securing a license or ~~permit;~~ permit.
- 38 (2) Been found guilty of or plead guilty or nolo contendere to any felony
39 in connection with the practice of pharmacy or the distribution of
40 ~~drugs;~~ drugs.
- 41 (3) Indulged in the use of drugs to an extent that renders ~~him~~ the
42 pharmacist unfit to practice ~~pharmaey;~~ pharmacy.

- 1 (4) Made false representations in connection with the practice of
2 pharmacy that endanger or are likely to endanger the health or safety
3 of the public, or that defraud any ~~person~~; person.
- 4 (5) ~~A~~ Developed a physical or mental disability that renders ~~him~~ the
5 pharmacist unfit to practice pharmacy with reasonable skill,
6 competence and safety to the ~~public~~; public.
- 7 (6) Failed to comply with the laws governing the practice of pharmacy and
8 the distribution of ~~drugs~~; drugs.
- 9 (7) Failed to comply with any provision of this Article or the rules and
10 regulations of adopted by the Board; Board.
- 11 (8) Engaged in, or aided and abetted an individual to engage in, the
12 practice of pharmacy without a ~~license~~; or license.
- 13 (9) ~~Was Been~~ negligent in the practice of pharmacy."

14 **SECTION 6.** G.S. 90-85.40(a) reads as rewritten:

15 "(a) It shall be unlawful for any owner or manager of a pharmacy or other place to
16 allow or cause anyone other than a pharmacist to dispense or compound any
17 prescription drug ~~except~~ unless that person is a pharmacy technician or a pharmacy
18 student who is enrolled in a school of pharmacy approved by the Board as an aide to
19 ~~and~~ and is working under the supervision of a pharmacist."

20 **SECTION 7.** G.S. 90-85.40(c) reads as rewritten:

21 "(c) It shall be unlawful for any person not licensed as a pharmacist to compound
22 or dispense any prescription drug, ~~except~~ unless that person is a pharmacy technician or
23 a pharmacy student who is enrolled in a school of pharmacy approved by the Board as
24 ~~an aide to and~~ and is working under the supervision of a pharmacist."

25 **SECTION 8.** A person employed as a pharmacy technician prior to January
26 1, 2002, may register with the Board of Pharmacy as a pharmacy technician without
27 completing the pharmacy technician-training program required under G.S. 90-85.15A,
28 as enacted by this act, if (i) the pharmacist-manager who employs the person certifies to
29 the Board that the person has the training necessary to serve as a pharmacy technician
30 and (ii) the person registers with the Board prior to July 1, 2002.

31 **SECTION 9.** This act becomes effective January 1, 2002.