

AN ACT

Bill 19-293
Act 19-670
effective
February 5,
2013

Codification
District of
Columbia
Official Code
2001 Edition

Pharmacy
Technician
Amendment
Act of 2012

To amend the Health Occupations Revision Act of 1985 to require the registration of pharmacy technicians, and to regulate the practice of pharmacy technicians.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pharmacy Technician Amendment Act of 2012”.

Sec. 2. The Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding the following after the phrase “Sec. 745. Penalties”:

“TITLE VII-E. REGISTERED PHARMACY TECHNICIANS.

“Sec. 751. Definitions.

“Sec. 752. Registration.

“Sec. 753. Identification.

“Sec. 754. Trainees.

“Sec. 755. Authorized services.

“Sec. 756. Waiver of requirements.

“Sec. 757. Other pharmacy-related services.

“Sec. 758. Rules.”.

(b) Section 208(b)(1) (D.C. Official Code § 3-1202.08(b)(1)) is amended to read as follows:

Amend
§ 3-1202.08

“(1) The Board shall regulate the practice of pharmacy, the practice of pharmaceutical detailing, and the practice of pharmacy technicians.”.

(c) Section 501(a) (D.C. Official Code §3-1205.01(a)) is amended by striking the phrase “or dental assistant” and inserting the phrase “dental assistant, or pharmacy technician or trainee” in its place.

Amend
§ 3-1205.01

(d) A new Title VII-E is added to read as follows:

“TITLE VII-E

“REGISTERED PHARMACY TECHNICIANS.

“Sec. 751. Definitions.

“For the purposes of this title, the term:

“(1) “Board” means the Board of Pharmacy.

“(2) “Direct supervision” means, with respect to the supervision of a pharmacy technician or pharmacy technician trainee, that a licensed pharmacist is:

New
Subchapter
VII-E,
Chapter 12,
Title 3

New
§ 3-1207.51

“(A) Physically present at the same pharmacy as the pharmacy technician or pharmacy technician trainee and in the general vicinity of the pharmacy technician or pharmacy technician trainee;

“(B) Readily available to answer questions of the pharmacy technician or pharmacy technician trainee;

“(C) Making appropriate in-process and end-process verifications of the activities of the pharmacy technician or pharmacy technician trainee; and

“(D) Fully responsible for the practice of the pharmacy technician or pharmacy technician trainee.

“(3) “Pharmacy technician trainee” means a person enrolled in a Board-approved training program who may perform the duties of a registered pharmacy technician under the direct supervision of a pharmacist in a licensed pharmacy in the District.

“(4) “Registered pharmacy technician” means a person who is registered with the Board as a pharmacy technician.

“Sec. 752. Registration.

New
§ 3-1207.52

“(a) Except as provided in section 754 and subsection (d) of this section, a person shall not engage in practice as a pharmacy technician in the District unless the person holds a valid registration issued by the Board and practices under the direct supervision of a person licensed to practice pharmacy under this act.

“(b) To be eligible for registration as a pharmacy technician, a person shall provide proof acceptable to the Board that he or she has:

“(1) A high school diploma or its equivalent, or has passed a Board-approved examination that proves that he or she has achieved competency in the educational skills required to perform the function of a pharmacy technician; and

“(2)(A) A current certification from the Pharmacy Technician Certification Board, the National Healthcareer Association, or another national or state certifying organization approved by the Board; or

“(B) Successfully completed one of the following types of pharmacy training programs, which shall include a Board-approved exam:

“(i) A national, regional, or state accredited pharmacy technician training program recognized by the Board;

“(ii) A pharmacy technician program at a college or university that is accredited by an accrediting body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation;

“(iii) An employer-based pharmacy technician training program recognized by the Board that includes within a one-year period a minimum of 160 hours of training, including theoretical and practical instruction; or

“(iv) A pharmacy technician program that meets the guidelines of the American Society of Health-System Pharmacists, is licensed by the District of Columbia Educational Licensure Commission, and has certified to the Board its intent to pursue accreditation upon becoming eligible to do so.

“(c) Notwithstanding subsection (b) of this section, for a period of one year after the effective date of rules issued pursuant to section 758, a person who does not meet the requirements for registration under subsection (b) of this section shall be eligible for registration as a pharmacy technician if:

“(1) The person is at least 17 years of age;

“(2) The person submits proof, acceptable to the Board, that he or she has worked as a pharmacy technician for at least the 24 months immediately before the effective date of the Pharmacy Technician Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-293); and

“(3) A licensed pharmacist who has supervised the applicant for at least the 6 months immediately before the date the person applies for registration attests in writing that the person has competently performed the functions of a pharmacy technician.

“(d) Notwithstanding subsection (a) of this section, for a period of one year after the effective date of the rules issued pursuant to section 758, a person who is not eligible for registration under subsection (b) or (c) of this section may engage in practice as a pharmacy technician if the person:

“(1) Has received training to competently and safely perform the tasks assigned;
and

“(2) Engages in the practice as a pharmacy technician under the direct supervision of a pharmacist licensed under this act.

“Sec. 753. Identification.

New
§ 3-1207.53

“A registered pharmacy technician shall wear a name tag bearing the title “registered pharmacy technician” and display his or her current registration in a conspicuous place in the pharmacy in which he or she is employed.

“Sec. 754. Trainees.

New
§ 3-1207.54

“(a) The Board shall issue rules regulating the duties and scope of the practice of pharmacy technician trainees.

“(b) The Board, through rulemaking, may require that pharmacy technician trainees register with the Board.

“(c) A pharmacy technician trainee shall not use a title other than pharmacy technician trainee and shall wear a name tag bearing the title “pharmacy technician trainee”.

“Sec. 755. Authorized services.

New
§ 3-1207.55

“(a) A registered pharmacy technician may provide technical pharmacy-related services, as defined through rulemaking, that do not require professional judgment regarding the preparation and distribution of drugs if the technical services are provided under the direct supervision of a pharmacist licensed under this act.

“(b) Notwithstanding subsection (a) of this section, a registered pharmacy technician shall not provide the following services:

“(1) Drug regimen review;

“(2) Clinical conflict resolution;

“(3) Prescriber contact, except for receiving authorization of prescription refills;

- “(4) Therapy modification;
- “(5) Patient counseling;
- “(6) Dispensing process validation;
- “(7) Vaccination or immunization administration;
- “(8) Receiving a new prescription drug order over the telephone;
- “(9) Any activity required by law or regulation to be performed only by a

pharmacist; or

- “(10) Any activity for which professional pharmaceutical judgment is required.

“Sec. 756. Waiver of requirements

New
§ 3-1207.56

“The Board shall waive the educational and examination requirements under section 752(b) for any applicant for registration or registration renewal who can demonstrate to the satisfaction of the Board that he or she has been performing the function of a pharmacy technician on a full-time or substantially full-time basis continually for at least 24 months immediately preceding the effective date of the Pharmacy Technician Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-293)(“Pharmacy Act”), and is qualified to do so on the basis of pertinent education, training, experience, and demonstrated current experience; provided, that the application is made within 24 months of the effective date of the Pharmacy Act.

“Sec. 757. Other pharmacy-related services.

New
§ 3-1207.57

(a) Unless otherwise authorized by the Board, an individual who works at a pharmacy and is not licensed or registered by the Board as a pharmacist or pharmacy intern or authorized to perform the services of a pharmacy technician under this act, may perform only ancillary pharmacy services, such as:

- “(1) Cashiering;
- “(2) Bookkeeping;
- “(3) Pricing;
- “(4) Stocking;
- “(5) Delivering;
- “(6) Answering nonprofessional telephone inquiries; and
- “(7) Documenting third-party reimbursement.

(b) An individual who is not licensed or registered by the Board as a pharmacist or pharmacy intern or authorized to perform the services of a pharmacy technician under this act shall not perform the tasks of a:

- “(1) Pharmacist;
- “(2) Pharmacy intern;
- “(3) Pharmacy technician; or
- “(4) Pharmacy technician trainee.

“Sec. 758. Rules.

New
§ 3-1207.58

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.”.

(e) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (l-1) to read as follows:

Amend
§ 3-1210.03

“(l-1) Unless authorized to practice as a registered pharmacy technician under this act, a person shall not use or imply the use of the words or terms “registered pharmacy technician”, “certified pharmacy technician”, “pharmacy technician”, “R.Ph.T.”, “C.Ph.T.”, “Ph.T.”, or any similar title or description of services with the intent to represent that the person practices as a registered pharmacy technician.”.

(f) Section 1006 (D.C. Official Code § 3-1210.06) is amended by adding a new subsection (c) to read as follows:

Amend
§ 3-1210.06

“(c) Consistent with maintaining patient safety, no pharmacist shall supervise more pharmacy technicians and trainees than he or she can safely supervise. The pharmacist shall be fully responsible for the practice of each technician and trainee during the period of supervision and may be subject to disciplinary action for any violation of this act by a technician or trainee he or she supervises.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.