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HOUSE BILL NO. 1067

Offered January 10, 2024

Prefiled January 10, 2024

A BILL to amend and reenact §§ 54.1-3300, 54.1-3320, and 54.1-3321 of the Code of Virginia, relating to pharmacy technicians; expansion of allowable duties.

Patron—Hodges

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3300, 54.1-3320, and 54.1-3321 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Pharmacy.

"Collaborative agreement" means a voluntary, written, or electronic arrangement between one pharmacist and his designated alternate pharmacists involved directly in patient care at a single physical location where patients receive services and (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each physician participating in the collaborative agreement; (iii) any licensed physician assistant working under the supervision of a person licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed advanced practice registered nurse working in accordance with the provisions of § 54.1-2957, involved directly in patient care which authorizes cooperative procedures with respect to patients of such practitioners. Collaborative procedures shall be related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. A collaborative agreement is not required for the management of patients of an inpatient facility.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for delivery.

"On-hold prescription" means a valid prescription that is received and maintained by the pharmacy for initial dispensing on a future date.

"Pharmacist" means a person holding a license issued by the Board to practice pharmacy.

"Pharmacy" means every establishment or institution in which drugs, medicines, or medicinal chemicals are dispensed or offered for sale, or a sign is displayed bearing the word or words "pharmacist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "medicine store," "drug sundries," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy is being conducted.

"Pharmacy intern" means a student currently enrolled in or a graduate of an approved school of pharmacy who is registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

"Pharmacy technician" means a person registered with the Board to assist a pharmacist under the pharmacist's supervision.

"Pharmacy technician trainee" means a person registered with the Board for the purpose of performing duties restricted to a pharmacy technician as part of a pharmacy technician training program in accordance with the provisions of subsection G of § 54.1-3321.

"Practice of pharmacy" means the personal health service that is concerned with the art and science of selecting, procuring, recommending, administering, preparing, compounding, packaging, and dispensing of drugs, medicines, and devices used in the diagnosis, treatment, or prevention of disease, whether compounded or dispensed on a prescription or otherwise legally dispensed or distributed, and shall include (i) the proper and safe storage and distribution of drugs; (ii) the maintenance of proper records; (iii) the responsibility of providing information concerning drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease; (iv) the management of patient care under the terms of a collaborative agreement as defined in this section; and (v) the initiating of treatment with or dispensing or administering of certain drugs, devices, or controlled paraphernalia in accordance with the provisions of § 54.1-3303.1.

59 "Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern
60 or a pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or in
61 the facility in which the pharmacy is located when the intern or technician is performing duties
62 restricted to a pharmacy intern or technician, respectively, and is available for immediate oral
63 communication.

64 Other terms used in the context of this chapter shall be defined as provided in Chapter 34
65 (§ 54.1-3400 et seq.) unless the context requires a different meaning.

66 **§ 54.1-3320. Acts restricted to pharmacists.**

67 A. Within the practice of pharmacy as defined in § 54.1-3300, the following acts shall be performed
68 by pharmacists, except as provided in subsection B:

69 1. The review of a prescription, in conformance with this chapter and Chapter 34 (§ 54.1-3400 et
70 seq.) of this title and with current practices in pharmacy, for its completeness, validity, safety, and
71 drug-therapy appropriateness, including, but not limited to, interactions, contraindications, adverse
72 effects, incorrect dosage or duration of treatment, clinical misuse or abuse, and noncompliance and
73 duplication of therapy;

74 2. The receipt of an oral prescription from a practitioner or his authorized agent;

75 3. The conduct of a prospective drug review and counseling as required by § 54.1-3319 prior to the
76 dispensing or refilling of any prescription;

77 4. The provision of information to the public or to a practitioner concerning the therapeutic value and
78 use of drugs in the treatment and prevention of disease;

79 5. The communication with the prescriber, or the prescriber's agent, involving any modification other
80 than refill authorization of a prescription or of any drug therapy, resolution of any drug therapy problem,
81 or the substitution of any drug prescribed, *except for tasks that may be performed by a pharmacy*
82 *technician as set forth in subdivisions A 7 and 8 of § 54.1-3321;*

83 6. The verification of the accuracy of a completed prescription prior to dispensing the prescription;

84 7. The supervision of pharmacy interns and pharmacy technicians; and

85 8. Any other activity required by regulation to be performed by a pharmacist.

86 B. A pharmacy intern may engage in the acts to be performed by a pharmacist as set forth in
87 subsection A or the Drug Control Act (§ 54.1-3400 et seq.) for the purpose of obtaining practical
88 experience required for licensure as a pharmacist, if the supervising pharmacist is directly monitoring
89 these activities.

90 C. A registered pharmacy technician, working under the direct supervision of a qualified nuclear
91 pharmacist, as defined by regulations of the Board, may accept oral prescriptions for diagnostic,
92 nonpatient specific radiopharmaceuticals in accordance with subsection C of § 54.1-3410.1.

93 D. Consistent with patient safety, a pharmacist shall exercise sole authority in determining the
94 maximum number of pharmacy technicians that he shall supervise; however, no pharmacist shall
95 supervise more pharmacy technicians than allowed by Board regulations.

96 **§ 54.1-3321. Registration of pharmacy technicians.**

97 A. No person shall perform the duties of a pharmacy technician without first being registered as a
98 pharmacy technician with the Board. Upon being registered with the Board as a pharmacy technician,
99 the following tasks may be performed:

100 1. The entry of prescription information and drug history into a data system or other record keeping
101 system;

102 2. The preparation of prescription labels or patient information;

103 3. The removal of the drug to be dispensed from inventory;

104 4. The counting, measuring, or compounding of the drug to be dispensed;

105 5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;

106 6. The stocking or loading of automated dispensing devices or other devices used in the dispensing
107 process;

108 7. The acceptance of refill authorization *of a prescription for a Schedule III through Schedule VI*
109 *drug and clarification of quantity or refills for a prescription issued for a Schedule VI drug* from a
110 prescriber or his authorized ~~agency~~ agent, so long as there is no *other* change to the original
111 prescription;

112 8. *The acceptance of an electronic transfer of a refill for a Schedule VI drug upon order of the*
113 *pharmacist-in-charge or pharmacist on duty if the refill is not an on-hold prescription;*

114 ~~8.~~ 9. Under the supervision of a pharmacist, meaning the supervising pharmacist is at the same
115 physical location of the technician or pharmacy intern, and consistent with the requirements of §
116 54.1-3303.1, administration of the following drugs and devices to persons three years of age or older as
117 set forth in regulations of the Board: vaccines included on the Immunization Schedule published by the
118 Centers for Disease Control and Prevention and vaccines for COVID-19; and

119 ~~9.~~ 10. The performance of any other task restricted to pharmacy technicians by the Board's
120 regulations.

121 B. To be registered as a pharmacy technician, a person shall submit:

122 1. An application and fee specified in regulations of the Board;

123 2. Evidence that he has successfully completed a training program that is (i) an accredited training
124 program, including an accredited training program operated through the Department of Education's
125 Career and Technical Education program or approved by the Board, or (ii) operated through a federal
126 agency or branch of the military; and

127 3. Evidence that he has successfully passed a national certification examination administered by the
128 Pharmacy Technician Certification Board or the National Healthcareer Association.

129 C. The Board shall promulgate regulations establishing requirements for:

130 1. Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of
131 such regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician
132 training program or (ii) passed a national certification examination required by the Board but did not
133 complete a Board-approved pharmacy technician training program;

134 2. Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced as
135 a pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification
136 examination required by the Board; and

137 3. Evidence of continued competency as a condition of renewal of a registration as a pharmacy
138 technician.

139 D. The Board shall waive the initial registration fee for a pharmacy technician applicant who works
140 as a pharmacy technician exclusively in a free clinic pharmacy. A person registered pursuant to this
141 subsection shall be issued a limited-use registration. A pharmacy technician with a limited-use
142 registration shall not perform pharmacy technician tasks in any setting other than a free clinic pharmacy.
143 The Board shall also waive renewal fees for such limited-use registrations. A pharmacy technician with
144 a limited-use registration may convert to an unlimited registration by paying the current renewal fee.

145 E. Any person registered as a pharmacy technician prior to the effective date of regulations
146 implementing the provisions of this section shall not be required to comply with the requirements of
147 subsection B in order to maintain or renew registration as a pharmacy technician.

148 F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described
149 in subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining
150 practical experience required for completion of the training program, so long as such activities are
151 directly monitored by a supervising pharmacist.

152 G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee
153 specified in regulations of the Board. Such registration shall only be valid while the person is enrolled
154 in a pharmacy technician training program described in subsection B and actively progressing toward
155 completion of such program. A registration card issued pursuant to this section shall be invalid and shall
156 be returned to the Board if such person fails to enroll in a pharmacy technician training program
157 described in subsection B.

158 H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A
159 when registered with the Board for the purpose of gaining the practical experience required to apply for
160 licensure as a pharmacist.

161 I. A registered nurse or licensed practical nurse practicing at an opioid treatment program pharmacy
162 may perform the duties set forth for pharmacy technicians in subsection A, provided that all take-home
163 medication doses are verified for accuracy by a pharmacist prior to dispensing.