**A** **BILL**

TO AMEND SECTION 40‑43‑82, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND CERTIFICATION OF PHARMACY TECHNICIANS, SO AS TO FURTHER SPECIFY REGISTRATION REQUIREMENTS, TO PROVIDE THAT STUDENTS IN A PHARMACY TECHNICIAN PROGRAM ARE REQUIRED TO BE REGISTERED TO BE PLACED IN A PHARMACY FOR PRACTICAL TRAINING, TO PROVIDE THAT IT IS UNLAWFUL TO PERFORM THE FUNCTIONS OF A PHARMACY TECHNICIAN WITHOUT BEING REGISTERED, UNLESS OTHERWISE EXEMPT, TO REVISE THE REQUIREMENTS TO BE CERTIFIED BY THE BOARD OF PHARMACY AS A PHARMACY TECHNICIAN, TO REQUIRE SUCH CERTIFICATION FOR PHARMACY TECHNICIANS ENTERING THE FIELD AFTER JULY 1, 2012, TO FURTHER SPECIFY THESE CERTIFICATION REQUIREMENTS, AND TO EXEMPT FROM THIS CERTIFICATION REQUIREMENT TECHNICIANS WHO ARE REGISTERED BEFORE JULY 1, 2012; AND TO AMEND SECTION 40‑43‑86, AS AMENDED, RELATING, AMONG OTHER THINGS, TO REQUIRING PHARMACISTS‑IN‑CHARGE TO DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES SPECIFYING THE DUTIES OF PHARMACIST TECHNICIANS, SO AS TO CONFORM THESE PROVISIONS TO THE CERTIFICATION REQUIREMENTS OF THIS ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑43‑82 of the 1976 Code, as last amended by Act 314 of 2002, is further amended to read:

“Section 40‑43‑82. (A)(1) The Board of Pharmacy shall register pharmacy technicians who are performing pharmacy functions under the supervision of a pharmacist. An applicant for registration as a pharmacy technician must be:

(a) seventeen years of age or older;

(b) a high school graduate or the equivalent.

(2) A registration is valid from July one through June thirtieth and is renewable on dates as prescribed by the department with the consent of the board. An application for renewal must be on a board approved form provided by the department and must be submitted and accompanied by an annual fee in an amount established in accordance with Section 40‑1‑50. A pharmacy technician who has failed to properly renew a registration before July first shall immediately cease practice and refrain from performing any duties as a pharmacy technician. Reinstatement of a registration must be granted upon the board receiving a renewal application and renewal and penalty fees.

(3) A pharmacy technician shall display his or her current registration in a conspicuous place in the primary pharmacy or drug outlet in which the technician is employed, so that the current registration is easily and readily observable by the public. A technician working in a pharmacy or drug outlet where the technician’s registration is not posted must have his or her wallet registration card with him or her.

(4) Notwithstanding the requirements of this section or any other provision of law, a pharmacy technician student who is enrolled in a pharmacy technician training program that is approved by the board may be placed in a pharmacy for the purpose of obtaining practical training, and the pharmacy technician student is required to be registered pursuant to this section. A pharmacy technician student shall wear identification that indicates his or her student status when performing the functions of a pharmacy technician.

(5) It is unlawful for a person who is not registered as a pharmacy technician under this chapter, or who is not otherwise exempt from the requirement to register as a pharmacy technician, to perform the functions of a registered pharmacy technician or hold himself or herself out to others as a person who is registered to perform the functions of a registered pharmacy technician in this State.

(B)(1) An individual may be certified by the board as a pharmacy technician if the individual has:

(a) ~~worked for fifteen hundred hours under the supervision of a licensed pharmacist as a registered pharmacy technician or has completed a Board of Pharmacy approved pharmacy technician course as provided for in subsection (D); however,~~ beginning July 1, 2004, ~~to be certified as a pharmacy technician an individual must have~~ worked for one thousand hours under the supervision of a licensed pharmacist as a technician and must have completed an American Society of Health‑System Pharmacists (ASHP) accredited technician program or a Board of Pharmacy approved technician course as provided for in subsection (D);

(b) a high school diploma or equivalent; and

(c) passed the National Pharmacy Technician Certification Board exam or a Board of Pharmacy approved exam and has maintained current certification; and

(d) fulfilled continuing education requirements as provided for in Section 40‑43‑130(G).

(2)(a) Beginning July 1, 2012, an individual who wishes to work as a pharmacy technician in this State must be certified by the board as a pharmacy technician after completion of one of the following requirements:

(i) completion of all the requirements of Section 40‑43‑82(B)(1);

(ii) certification in another state as a pharmacy technician if the requirements for certification in that state are equivalent to the requirements of this State;

(iii) successful completion of a program for the training of pharmacy technicians by any of the branches of the Armed Forces of the United States; or

(iv) attainment and proof of valid current certification by the Pharmacy Technician Certification Board (PTCB) or a Board of Pharmacy approved exam if the applicant graduated from a post‑secondary school for training pharmacy technicians in another state and that state did not require that its approved schools be accredited by the American Society of Health‑System Pharmacists (ASHP); and worked for one thousand hours under the supervision of a licensed pharmacist as a pharmacy technician.

(b) Before July 1, 2012, an individual who has worked as a pharmacy technician for a minimum of two thousand hours under the supervision of a licensed pharmacist and passed the Pharmacy Technician Certification Board (PTCB) exam or a Board of Pharmacy approved exam and has maintained current certification must be certified by the board as a pharmacy technician.

(c) Notwithstanding any requirements in this chapter, a registered pharmacy technician registered pursuant to this section before July 1, 2012, is exempt from the requirements of this subsection.

(3) The pharmacist‑in‑charge shall verify compliance with the requirements of item (a) of subsection (B)(1) and maintained a record of this requirement in a readily retrievable manner for inspection.

(C) Notwithstanding any other provision of this chapter, a supervising pharmacist may authorize a certified pharmacy technician to:

(1) receive and initiate verbal telephone orders;

(2) conduct one time prescription transfers;

(3) check a technician’s refill of medications if the medication is to be administered by a licensed health care professional in an institutional setting;

(4) check a technician’s repackaging of medications from bulk to unit dose in an institutional setting.

(D) A formal academic pharmacy technician training program that leads to a certificate, diploma, or higher degree accredited by the American Society of Health‑System Pharmacists (ASHP) or another national accrediting organization may be approved by the board if it includes at a minimum:

(1) introduction to pharmacy and health care systems;

(2) pharmacy law and ethics;

(3) pharmacy calculations;

(4) pharmacology;

(a) anatomy and physiology;

(b) therapeutic agents;

(c) prescription drugs;

(d) nonprescription drugs;

(5) pharmacy operations;

(a) drug distribution systems;

(b) records management and inventory control;

(c) ambulatory and institutional practice;

(6) compounding;

(a) aseptic technique;

(b) nonsterile compounding;

(7) general education;

(a) medical terminology;

(b) interpersonal relations;

(c) communications;

(d) computers/keyboarding;

(8) problem solving/critical thinking;

(9) experiential training (practical experience).

(E) A pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes is not eligible to be registered as a pharmacy technician.

(F) Notwithstanding the requirements of this section or any other provision of law or regulation, an individual who works as an unpaid volunteer under the personal supervision of a licensed pharmacist or who handles legend drugs in a pharmacy department of a free medical clinic staffed by a licensed pharmacist may be registered as a pharmacy technician and may perform pharmacy functions as a pharmacy technician without payment of a registration fee or filing with the board; provided, that a register is maintained in the pharmacy department of the free medical clinic bearing the name of every such volunteer performing pharmacy functions as a pharmacy technician and documenting each volunteer’s period of service. This special registration is valid only in the free medical clinic. The register must be kept for a period of three years. For the purposes of this section, ‘free medical clinic’ means a permitted facility that provides medical services, including the dispensing of legend drugs and other medications, free of any charge to members of the public.”

SECTION 2. Section 40‑43‑86(B)(4)(b) of the 1976 Code, as last amended by Act 251 of 2004, is further amended to read:

“(b) The pharmacist‑in‑charge shall develop and implement written policies and procedures to specify the duties to be performed by pharmacy technicians. The duties and responsibilities of these personnel ~~shall~~ must be consistent with their training and experience. These policies and procedures shall, at a minimum, specify that pharmacy technicians are to be personally supervised by a licensed pharmacist who has the ability to control and who is responsible for the activities of pharmacy technicians and that pharmacy technicians are not assigned duties that may be performed only by a licensed pharmacist. One pharmacist may not supervise more than three pharmacy technicians at a time; ~~through June 30, 2006, at least one of these three technicians must be state‑certified, and~~ after June 30, 2006, at least two of these three technicians must be state‑certified, and beginning July 1, 2012, all technicians must comply with the requirements of Section 40‑43‑82(B)(2). If a pharmacist supervises only one or two pharmacy technicians, these technicians are not required to be state‑certified except beginning July 1, 2012, all technicians must comply with the requirements of Section 40‑43‑82(B)(2). Pharmacy technicians do not include personnel in the prescription area performing only clerical functions, including data entry up to the point of dispensing, as defined in Section 40‑43‑30(14).”

SECTION 3. This act takes effect upon approval by the Governor.

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