

ASSEMBLY BILL

No. 536

Introduced by Assembly Member Bates

February 21, 2001

An act to amend Section 4115 of the Business and Professions Code, relating to pharmacy technicians.

LEGISLATIVE COUNSEL'S DIGEST

AB 536, as introduced, Bates. Pharmacy technicians.

The Pharmacy Law authorizes a pharmacy technician to perform nondiscretionary tasks only while assisting, and while under the direct supervision and control of, a pharmacist. Existing law requires any pharmacist responsible for a pharmacy technician to be on the premises at all times and requires the pharmacy technician to be within the pharmacist's view, except when the pharmacy technician is employed to assist in the filling of prescriptions for an inpatient of a hospital or for an inmate of a correctional facility. Existing law provides that the ratio of pharmacy technicians to pharmacists shall be one to one when the pharmacy technician is assisting the pharmacist by the performance of nondiscretionary tasks. Existing law also provides that the ratio of pharmacy technicians to pharmacists shall be at least one technician for each pharmacist when the technician is performing nondiscretionary tasks in connection with filling prescriptions for an inpatient of a licensed health facility and for a patient of a licensed home health agency.

This bill would provide that, except for clerical functions, a pharmacy with one pharmacist may have only one pharmacy technician when the technician is assisting the pharmacist by the performance of nondiscretionary tasks and that the ratio of pharmacy technicians

assisting any additional pharmacist by the performance of nondiscretionary tasks may not exceed a 2 to one ratio. This bill would also authorize at least one pharmacy technician for a single pharmacist in a pharmacy, and at least 2 technicians for each additional pharmacist, when the technician is performing nondiscretionary tasks in connection with filling prescriptions for an inpatient of a licensed health facility and for a patient of a licensed home health agency.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4115 of the Business and Professions
2 Code is amended to read:

3 4115. (a) Notwithstanding any other provision of law, a
4 pharmacy technician may perform packaging, manipulative,
5 repetitive, or other nondiscretionary tasks, only while assisting,
6 and while under the direct supervision and control of, a
7 pharmacist.

8 (b) This section does not authorize the performance of any
9 tasks specified in subdivision (a) by a pharmacy technician
10 without a pharmacist on duty, nor does this section authorize the
11 use of a pharmacy technician to perform tasks specified in
12 subdivision (a) except under the direct supervision and control of
13 a pharmacist.

14 (c) This section does not authorize a pharmacy technician to
15 perform any act requiring the exercise of professional judgment by
16 a pharmacist.

17 (d) The board shall adopt regulations to specify tasks pursuant
18 to subdivision (a) that a pharmacy technician may perform under
19 the direct supervision and control of a pharmacist. Any pharmacy
20 that employs a pharmacy technician to perform tasks specified in
21 subdivision (a) shall do so in conformity with the regulations
22 adopted by the board pursuant to this subdivision.

23 (e) (1) No person shall act as a pharmacy technician without
24 first being registered with the board as a pharmacy technician as
25 set forth in Section 4202.

26 (2) The registration requirements in paragraph (1) and Section
27 4202 shall not apply to a person employed or utilized as a



1 pharmacy technician to assist in the filling of prescriptions for an
2 inpatient of a hospital until July 1, 1997.

3 (3) The registration requirements in paragraph (1) and Section
4 4202 shall not apply during the first year of employment for a
5 person employed or utilized as a pharmacy technician to assist in
6 the filling of prescriptions for an inmate of a correctional facility
7 of the Department of the Youth Authority or the Department of
8 Corrections, or for a person receiving treatment in a facility
9 operated by the State Department of Mental Health, the State
10 Department of Developmental Services, or the Department of
11 Veterans Affairs.

12 (f) The performance of duties by a pharmacy technician shall
13 be under the direct supervision and control of a pharmacist. The
14 pharmacist on duty shall be directly responsible for the conduct of
15 a pharmacy technician. A pharmacy technician may perform the
16 duties, as specified in subdivision (a), only under the immediate,
17 personal supervision and control of a pharmacist. Any pharmacist
18 responsible for a pharmacy technician shall be on the premises at
19 all times, and the pharmacy technician shall be within the
20 pharmacist's view. A pharmacist shall indicate verification of the
21 prescription by initialing the prescription label before the
22 medication is provided to the patient.

23 This subdivision shall not apply to a person employed or utilized
24 as a pharmacy technician to assist in the filling of prescriptions for
25 an inpatient of a hospital or for an inmate of a correctional facility.
26 Notwithstanding the exemption in this subdivision, the
27 requirements of subdivisions (a) and (b) shall apply to a person
28 employed or utilized as a pharmacy technician to assist in the
29 filling of prescriptions for an inpatient of a hospital or for an
30 inmate of a correctional facility.

31 (g) (1) *A pharmacy with only one pharmacist shall have no*
32 *more than one pharmacy technician performing the tasks specified*
33 *in subdivision (a).* The ratio of pharmacy technicians performing
34 the tasks specified in subdivision (a) to ~~pharmacists~~ *any additional*
35 *pharmacist* shall not exceed ~~one~~ *two* to one, except that this ratio
36 shall not apply to personnel performing clerical functions pursuant
37 to Section 4116 or 4117. This ratio is applicable to all practice
38 settings, except for an inpatient of a licensed health facility, a
39 patient of a licensed home health agency, as specified in paragraph
40 (2), an inmate of a correctional facility of the Department of the



1 Youth Authority or the Department of Corrections, and for a
2 person receiving treatment in a facility operated by the State
3 Department of Mental Health, the State Department of
4 Developmental Services, or the Department of Veterans Affairs.

5 (2) The board may adopt regulations establishing the ratio of
6 pharmacy technicians performing the tasks specified in
7 subdivision (a) to pharmacists applicable to the filling of
8 prescriptions of an inpatient of a licensed health facility and for a
9 patient of a licensed home health agency. Any ratio established by
10 the board pursuant to this subdivision shall allow, at a minimum,
11 at least one *pharmacy technician for a single pharmacist in a*
12 *pharmacy and two pharmacy technicians for each* ~~technician~~ *technicians* for each
13 *additional* pharmacist, except that this ratio shall not apply to
14 personnel performing clerical functions pursuant to Section 4116
15 or 4117.

16 (h) Notwithstanding subdivisions (b) and (f), the board shall by
17 regulation establish conditions to permit the temporary absence of
18 a pharmacist for breaks and lunch periods pursuant to Section 512
19 of the Labor Code and the orders of the Industrial Welfare
20 Commission without closing the pharmacy. During these
21 temporary absences, a pharmacy technician may, at the discretion
22 of the pharmacist, remain in the pharmacy but may only perform
23 nondiscretionary tasks. The pharmacist shall be responsible for a
24 pharmacy technician and shall review any task performed by a
25 pharmacy technician during the pharmacist's temporary absence.
26 Nothing in this subdivision shall be construed to authorize a
27 pharmacist to supervise pharmacy technicians in greater ratios
28 than those described in subdivision (g).

