

SENATE BILL No. 194

By Committee on Public Health and Welfare

1-31

AN ACT relating to pharmacy technicians; amending K.S.A. 2000 Supp. 65-1642 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 65-1642 is hereby amended to read as follows: 65-1642. (a) Each pharmacy shall be equipped with proper pharmaceutical utensils, in order that prescriptions can be properly filled and United States pharmacopoeia and national formulary preparations properly compounded, and with proper sanitary appliances which shall be kept in a clean and orderly manner. The board shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess.

(b) ~~(1) Each pharmacy shall at all times maintain a list of the names of pharmacy technicians employed by the pharmacy and shall post in a conspicuous location in the prescription area of the pharmacy the name of the pharmacy technician currently on duty at the pharmacy, if any. A pharmacy technician shall work under the direct supervision and control of a pharmacist. It shall be the responsibility of the pharmacist to determine that the pharmacy technician is in compliance with the applicable rules and regulations of the board, and the pharmacist who supervises a pharmacy technician shall be responsible for the acts and omissions of the pharmacy technician in the performance of the pharmacy technician's duties. The ratio of pharmacy technicians to pharmacists in the prescription area of a pharmacy shall not exceed a two-to-one ratio.~~

~~(2) The board shall adopt such rules and regulations as are necessary to ensure that pharmacy technicians are adequately trained as to the nature and scope of their lawful duties.~~

~~(c) Each pharmacy shall keep a suitable book or file which records every prescription order filled at the pharmacy and a medication profile record system as provided under subsection ~~(d)~~ (c). The book or file of prescription orders shall be kept for a period of not less than five years. The book or file of prescription orders shall at all times be open to inspection by members of the board, the secretary of health and environment, the duly authorized agents or employees of such board or secretary and other proper authorities.~~

1 ~~(c)~~ (1) A medication profile record system shall be maintained in
2 all pharmacies for persons for whom prescriptions are dispensed. The
3 following information shall be recorded: (A) The name and address of the
4 patient for whom the medication is intended; (B) the prescriber's name,
5 the original date the prescription is dispensed and the number or desig-
6 nation identifying the prescription; (C) the name, strength and quantity
7 of the drug dispensed and the name of the dispensing pharmacist; and
8 (D) drug allergies and sensitivities.

9 (2) Upon receipt of a prescription order, the pharmacist shall examine
10 the patient's medication profile record before dispensing the medication
11 to determine the possibility of a harmful drug interaction or reaction to
12 medication. Upon recognizing a potential harmful drug interaction or
13 reaction to the medication, the pharmacist shall take appropriate action
14 to avoid or minimize the problem which shall, if necessary, include con-
15 sultation with the prescriber with documentation of actions taken on the
16 prescription record.

17 (3) A medication profile record shall be maintained for a period of
18 not less than five years from the date of the last entry in the record.

19 (4) All prescription drug orders communicated by way of electronic
20 transmission shall conform to federal and state laws and the provisions of
21 the board's rules and regulations.

22 ~~(c)~~ (d) No registration shall be issued or continued for the conduct
23 of a pharmacy until or unless the provisions of this section have been
24 complied with.

25 New Sec. 2. (a) The legislature finds that it is in the best interests of
26 the public health, safety and welfare that licensed pharmacists in this state
27 be assisted with or relieved of certain tasks, so that pharmacists may de-
28 vote more time to counseling patients and improving pharmaceutical care
29 and therapeutic outcomes. To achieve this objective, prior to any person
30 being employed by a pharmacy as a pharmacy technician or to perform
31 the functions of a pharmacy technician, such person shall submit to the
32 board in writing such person's name, address, date of birth and such other
33 information as the board shall determine, by duly adopted rules and reg-
34 ulations, is necessary to properly identify such person in the board's re-
35 cords. The submission of such information shall be accompanied by a
36 nonrefundable fee of \$10. The board shall compile and maintain a list of
37 pharmacy technicians who are currently authorized to perform pharmacy
38 technician functions in the state, including persons who are performing
39 pharmacy technician functions while receiving training as a pharmacy
40 technician. Any person who is employed by a pharmacy as a pharmacy
41 technician or to perform the functions of a pharmacy technician shall be
42 subject to discipline by the board. On or after July 1, 2001, no person
43 may perform the duties of a pharmacy technician in this state and a phar-

1 macy shall not employ such person as a pharmacy technician or to perform
2 the functions of a pharmacy technician, unless that person is, at the time,
3 on the board's list of pharmacy technicians.

4 (b) The board shall adopt such rules and regulations as are necessary
5 to ensure that pharmacy technicians are adequately trained regarding the
6 nature and scope of their lawful duties. The pharmacy technician training
7 program and its curriculum shall be designed to train individuals to per-
8 form functions as described in the board's rules and regulations. As a
9 condition precedent to performing the functions of a pharmacy techni-
10 cian, a person shall comply with the board's rules and regulations, except
11 that nothing herein or in such rules and regulations shall preclude a per-
12 son from being employed to perform the functions of a pharmacy tech-
13 nician while undergoing the training program prescribed by these rules
14 and regulations.

15 (c) A pharmacy technician shall work under the supervision of a li-
16 censed pharmacist, stationed within the same work area, who has the
17 ability to control and is responsible for the actions of the pharmacy tech-
18 nician. Each pharmacy, at all times, shall maintain a list of all the names,
19 addresses and birth dates of pharmacy technicians employed by the phar-
20 macy and shall post in a conspicuous location in the prescription area of
21 the pharmacy the name of each pharmacy technician currently on duty
22 at the pharmacy, if any. A pharmacy technician shall wear a name tag
23 having the designation "pharmacy technician" while working the prescrip-
24 tion area of a pharmacy.

25 (d) The board may refuse to include a person on its list of pharmacy
26 technicians, or may suspend or remove a pharmacy technician from its
27 list, if the board determines the person has:

- 28 (1) Obtained placement on the board's list by fraudulent means;
- 29 (2) been convicted of a felony and fails to establish to the board suc-
30 cessful rehabilitation;
- 31 (3) a drug or alcohol dependency;
- 32 (4) violated a provision of the federal or state food, drug and cosmetic
33 act, the uniform controlled substances act of the state of Kansas or any
34 rules and regulations adopted under any of these acts;
- 35 (5) been found by the board to be incompetent to perform the duties
36 of a pharmacy technician;
- 37 (6) been found by the board to be mentally or physically incapacitated
38 to such a degree as to render the person unfit to perform the functions
39 of a pharmacy technician;
- 40 (7) violated or assisted others in violating any provision of the Kansas
41 pharmacy act or any of the rules and regulations adopted by the board
42 thereunder;
- 43 (8) had an authorization to function as a pharmacy technician issued

1 by another state revoked, surrendered, limited or suspended;

2 (9) failed to furnish the board, its investigators or its representatives
3 any information legally requested by the board; or

4 (10) functioned as a pharmacy technician while not in compliance
5 with the pharmacy act or rules and regulations adopted by the board.

6 (e) The board's refusal to place a person on its list of pharmacy tech-
7 nicians or any action by the board to suspend or remove a pharmacy
8 technician from the list shall be subject to the provisions of the Kansas
9 administrative procedure act. The board may temporarily suspend a phar-
10 macy technician from its list in accordance with the emergency adjudi-
11 cative proceedings of the Kansas administrative procedure act, if the
12 board determines that there is cause to believe that grounds exist to sus-
13 pend or remove the pharmacy technician from the board's list under
14 subsection (d) and that to allow the pharmacy technician to continue to
15 perform the duties of a pharmacy technician would constitute an immi-
16 nent danger to the public health and safety.

17 (f) The ratio of pharmacy technicians to pharmacists in the prescrip-
18 tion area of a pharmacy shall not exceed a 2:1 ratio, except that the board
19 may establish by rules and regulations a ratio greater than two pharmacy
20 technicians for each pharmacist in the prescription area of a pharmacy.

21 (g) This section shall be a part of and supplemental to the pharmacy
22 act of Kansas.

23 Sec. 3. K.S.A. 2000 Supp. 65-1642 is hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after its
25 publication in the statute book.

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43