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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.

"Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern or a

59 pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or in the  
60 facility in which the pharmacy is located when the intern or technician is performing duties restricted to a  
61 pharmacy intern or technician, respectively, and is available for immediate oral communication.

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

64 **§ 54.1-3320. Acts restricted to pharmacists.**

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

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

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

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

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

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

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

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

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

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

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

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

92 **§ 54.1-3321. Registration of pharmacy technicians.**

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

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

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

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

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

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

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

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

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

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

114 10. The performance of any other task restricted to pharmacy technicians by the Board's regulations.

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

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

117 2. Evidence that he has successfully completed a training program that is (i) an accredited training  
118 program, including an accredited training program operated through the Department of Education's Career  
119 and Technical Education program or approved by the Board, or (ii) operated through a federal agency or

120 branch of the military; and  
121 3. Evidence that he has successfully passed a national certification examination administered by the  
122 Pharmacy Technician Certification Board or the National Healthcareer Association.  
123 C. The Board shall promulgate regulations establishing requirements for:  
124 1. Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of such  
125 regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician training  
126 program or (ii) passed a national certification examination required by the Board but did not complete a  
127 Board-approved pharmacy technician training program;  
128 2. Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced as a  
129 pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification examination  
130 required by the Board; and  
131 3. Evidence of continued competency as a condition of renewal of a registration as a pharmacy technician.  
132 D. The Board shall waive the initial registration fee for a pharmacy technician applicant who works as a  
133 pharmacy technician exclusively in a free clinic pharmacy. A person registered pursuant to this subsection  
134 shall be issued a limited-use registration. A pharmacy technician with a limited-use registration shall not  
135 perform pharmacy technician tasks in any setting other than a free clinic pharmacy. The Board shall also  
136 waive renewal fees for such limited-use registrations. A pharmacy technician with a limited-use registration  
137 may convert to an unlimited registration by paying the current renewal fee.  
138 E. Any person registered as a pharmacy technician prior to the effective date of regulations implementing  
139 the provisions of this section shall not be required to comply with the requirements of subsection B in order  
140 to maintain or renew registration as a pharmacy technician.  
141 F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described in  
142 subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining practical  
143 experience required for completion of the training program, so long as such activities are directly monitored  
144 by a supervising pharmacist.  
145 G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee  
146 specified in regulations of the Board. Such registration shall only be valid while the person is enrolled in a  
147 pharmacy technician training program described in subsection B and actively progressing toward completion  
148 of such program. A registration card issued pursuant to this section shall be invalid and shall be returned to  
149 the Board if such person fails to enroll in a pharmacy technician training program described in subsection B.  
150 H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A when  
151 registered with the Board for the purpose of gaining the practical experience required to apply for licensure as  
152 a pharmacist.  
153 I. A registered nurse or licensed practical nurse practicing at an opioid treatment program pharmacy may  
154 perform the duties set forth for pharmacy technicians in subsection A, provided that all take-home medication  
155 doses are verified for accuracy by a pharmacist prior to dispensing.