

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 323 Pharmacy Technicians

SPONSOR(S): La Rosa

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	8 Y, 4 N	Guzzo	O'Callaghan
2) Health & Human Services Committee		Guzzo	Calamas

SUMMARY ANALYSIS

Currently, Florida's laws prohibit a licensed pharmacist from supervising more than one registered pharmacy technician, unless the Department of Health's (DOH) Board of Pharmacy (Board) determines the pharmacy meets certain guidelines and authorizes the licensed pharmacist to supervise more than one, but not more than three, pharmacy technicians.

The bill increases the number of registered pharmacy technicians a licensed pharmacist may supervise to six. Additional registered pharmacy technicians may be supervised if permitted by guidelines adopted by the Board.

The bill requires, for a written prescription for a controlled substance, the date on the prescription to be written legibly and in a certain numeric format.

The bill has an indeterminate, insignificant fiscal impact on DOH.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Pharmacist and Pharmacy Technician Workforce Demand

Pharmacy technicians assist, and work under the supervision of, licensed pharmacists. Their duties may include dispensing, measuring, or compounding medications; taking information needed to fill a prescription; packaging and labeling prescriptions; accepting payment for prescriptions; answering phones; or referring patients with questions to the pharmacist. Ultimately, the pharmacist reviews all prescriptions. Some reports suggest that the utilization of educated and certified pharmacy technicians allows pharmacists to focus more on direct patient care.¹

Factors that contribute to a high demand for pharmacists and pharmacy technicians include:

- Increased use of prescription medications and the number of prescription medications available;
- Market growth and competition among retail pharmacies resulting in increased job openings and expanded store hours;
- The aging of the U.S. population; and
- An increase in time spent on non-patient care activities, such as office administration.²

Employment of pharmacy technicians in the U.S. has been projected by the U.S. Department of Labor, Bureau of Labor Statistics to increase by 20% between 2012 and 2022.³

As of 2009, Florida was among 18 states allowing a maximum 1:3 pharmacist-to-pharmacy technician ratio.⁴ Seventeen states and the District of Columbia had no ratio limits; 8 states allowed a maximum 1:2 pharmacist-to-pharmacy technician ratio; 7 states allowed a 1:4 ratio; and 1 state allowed a 1:1 ratio. More recently, Indiana and Idaho have allowed a 1:6 ratio.⁵ Some states require that higher ratios are contingent on certification or licensure of technicians, or other quality assurance measures.⁶

¹ See "ASHP Long-Range Vision for the Pharmacy Work Force in Hospitals and Health Systems: Ensuring the Best Use of Medicines in Hospitals and Health Systems," *American Journal of Health-System Pharmacy*, 64(12):1320-1330, June 15, 2007, available at: www.ashp.org/DocLibrary/BestPractices/HRRptWorkForceVision.aspx (visited January 30, 2014); "White Paper on Pharmacy Technicians 2002: Needed changes can no longer wait," *American Journal of Health-System Pharmacy*, 60(1): 37-51, January 1, 2003, available at: www.acpe-accredit.org/pdf/whitePaper.pdf (last visited January 30, 2014); and "The Adequacy of Pharmacist Supply: 2004 to 2030," Department of Health and Human Services, Health Resources and Services Administration, Bureau of Health Professions, December 2008, available at: bhpr.hrsa.gov/healthworkforce/reports/pharmsupply20042030.pdf (last visited January 30, 2014).

² "The Pharmacist Workforce, A Study of the Supply and Demand for Pharmacists," Department of Health and Human Services, Health Resources and Services Administration, Bureau of Health Professions, December 2000, available at: bhpr.hrsa.gov/healthworkforce/reports/pharmaciststudy.pdf (last visited January 30, 2014).

³ Occupational Outlook Handbook: Pharmacy Technicians, Bureau of Labor Statistics, U.S. Department of Labor, available at: <http://www.bls.gov/ooh/healthcare/pharmacy-technicians.htm> (last visited January 30, 2014).

⁴ Presentation by Kevin N. Nicholson, RPh, JD; National Association of Chain Drug Stores, "Standardized Pharmacy Technician Education and Training," May 2009, available at [http://www.nabp.net/events/assets/AnnualMtgTechTrainStd\(Nicholson\).pdf](http://www.nabp.net/events/assets/AnnualMtgTechTrainStd(Nicholson).pdf) (last visited February 3, 2014).

⁵ Indiana changed its ratio July 2, 2012. See Indiana Code, 25-26-13-18. See also, Idaho Board of Pharmacy Rule 251, Pharmacy Technicians.

⁶ See National Association of Boards of Pharmacy: Kansas News: Pharmacy Technician Ratio (2006), Minnesota Board of Pharmacy (2000), Idaho State Board of Pharmacy News (2009), available at: <http://www.nabp.net/> (last visited January 30, 2014).

According to the October 2013 Aggregate Demand Index compiled by the Pharmacy Manpower Project, Inc., Florida has a ranking of 2.86, meaning Florida does not have a shortage of pharmacists. Specifically, this ranking falls between “demand is less than the pharmacist supply available” and “demand is in balance with supply.”⁷

In January 2014, there were approximately 2,149 unemployed pharmacy technicians, and approximately 1,135 publicly advertised job openings for pharmacy technicians in Florida, meaning Florida had an oversupply of pharmacy technicians by approximately 1,083 in the month of January.⁸

Pharmacy Technicians in Florida

In 2008, the Florida Legislature passed CS/CS 1360, which amended s. 465.014, F.S., to require pharmacy technician applicants to complete a pharmacy technician training program to become a registered pharmacy technician. The new law also required the direct supervision of a registered pharmacy technician by a licensed pharmacist.⁹ Prior to this time, pharmacies and pharmacists trained pharmacy technicians, and there were no statutory limits on the number of pharmacy technicians a pharmacist may supervise.

Section 465.014, F.S., authorizes a licensed pharmacist to delegate to registered pharmacy technicians those duties, tasks, and functions that do not fall within the definition of the practice of the profession of pharmacy. Registered pharmacy technicians’ responsibilities include: ¹⁰

- Retrieval of prescription files;
- Data entry;
- Label preparation;
- Counting, weighing, measuring, pouring, and mixing prescription medication;
- Initiation of communication with a prescribing practitioner or medical staff regarding requests for prescription refill authorization, clarification of missing information on prescriptions, and confirmation of information such as names, medication, and strength; and
- Acceptance of authorization for prescription renewals.

The Board¹¹ specifies by rule¹² certain acts that pharmacy technicians are prohibited from performing. Those acts include:

- Receiving new verbal prescriptions or any change in the medication, strength, or directions;
- Interpreting a prescription or medication order for therapeutic acceptability and appropriateness;
- Conducting a final verification of dosage and directions;
- Engaging in prospective drug review;
- Providing patient counseling;
- Monitoring prescription drug usage; and
- Overriding clinical alerts without first notifying the pharmacist.

⁷ Aggregate Demand Index, Supported by Pharmacy Manpower Project Inc., available at: <http://www.pharmacymanpower.com/about.jsp> (last visited January 30, 2014).

⁸ Presentation by Rebecca Rust, Director of the Bureau of Labor Market Statistics of the Florida Department of Economic Opportunity, January 15, 2014, available at: [http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2786&Session=2014&DocumentType=Meeting Packets&FileName=schcwi 1-15-14.pdf](http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2786&Session=2014&DocumentType=Meeting%20Packets&FileName=schcwi%201-15-14.pdf) (last visited February 3, 2014).

⁹ 2008-216, L.O.F.

¹⁰ Rule, 64B16-27.420, F.A.C.

¹¹ The Board of Pharmacy is created under s. 465.004, F.S., and consists of nine members appointed by the Governor and confirmed by the Senate. Seven members are licensed pharmacists, who are Florida residents and who have practiced pharmacy for at least 4 years. The remaining two members are Florida residents who have no connection to the profession of pharmacy.

¹² *Supra* fn. 10.

All registered pharmacy technicians must identify themselves as registered pharmacy technicians by wearing an identification badge with a designation as a “registered pharmacy technician” and verbally identifying themselves as a registered pharmacy technician over the telephone.¹³

The licensed pharmacist is responsible for acts performed by persons under his or her supervision.¹⁴ Licensed pharmacists may not supervise more than one registered pharmacy technician unless authorized by the Board under guidelines it has established to determine circumstances when a licensed pharmacist may supervise more than one, but not more than three, registered pharmacy technicians.¹⁵ A prescription department manager or consultant pharmacist of record who seeks to have more than one registered pharmacy technician must submit a written request to the Board for approval and demonstrate workflow needs to justify the increased ratio.¹⁶

At the end of the first quarter of Fiscal Year 2013-2014, there were 44,492 registered pharmacy technicians, 31,445 licensed pharmacists, and 9,179 licensed pharmacies in Florida.¹⁷ As of February 2014, 4,436 Florida licensed pharmacies had a ratio of three pharmacy technicians to one pharmacist, and 580 pharmacies had a ratio of two pharmacy technicians to one pharmacist.¹⁸

Prescriptions

Section 893.04, F.S., authorizes a pharmacist, in good faith and in the course of professional practice, to dispense a controlled substance upon written or oral prescription. An oral prescription must be promptly reduced to writing by the pharmacist. The written prescription must be dated and signed by the prescribing practitioner on the date issued. The face of the prescription or written record for the controlled substance must include:¹⁹

- The full name and address of the person for whom the controlled substance is dispensed;
- The full name and address of the prescribing practitioner and the prescriber’s federal controlled substance registry number;
- The name of the controlled substance prescribed and the strength, quantity, and directions for the use thereof;
- The number of the prescription, as recorded in the prescription files of the pharmacy in which it is filled; and
- The initials of the pharmacist filling the prescription and the date filled.

Further, each written prescription for a controlled substance listed in Schedules II, III, or IV, must include both a written and a numerical notation of the quantity of the controlled substance prescribed and a notation of the date with the abbreviated month written out.²⁰

Effect of Proposed Changes

Section 465.014, F.S., prohibits a licensed pharmacist from supervising more than one registered pharmacy technician, unless the Board determines the pharmacy meets certain guidelines and authorizes the licensed pharmacist to supervise more than one, but not more than three, pharmacy technicians.

¹³ *Id.*

¹⁴ Rule 64B16-27.1001(7), F.A.C.

¹⁵ Section 465.014, F.S.

¹⁶ The brief description of workflow needs must include the operating hours of the pharmacy and the number of pharmacists, registered interns, and registered pharmacy technicians employed by the pharmacy. Rule 64B16-27.410, F.A.C.

¹⁷ Department of Health, Bill Analysis of HB 323, January 31, 2014, on file with committee staff.

¹⁸ *Id.*

¹⁹ Section 893.04(1), F.S.

²⁰ Section 893.04(2)(d), F.S.

The bill increases the number of registered pharmacy technicians a licensed pharmacist may supervise to six. Additional registered pharmacy technicians may be supervised if permitted by guidelines adopted by the Board.

The bill amends s. 893.04(2)(d), F.S., to require, for a written prescription for a controlled substance, the date on the prescription to be written legibly and in a numeric month/day/year format.

B. SECTION DIRECTORY:

Section 1: Amends s. 465.014, F.S., relating to pharmacy technicians.

Section 2: Amends s. 456.42, F.S., relating to written prescriptions for medicinal drugs.

Section 3: Amends s. 893.04, F.S., relating to pharmacist and practitioner.

Section 4: Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will have an indeterminate, insignificant impact on DOH, associated with the cost of rule-making.²¹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

²¹ *Supra* fn. 17.

No additional rule-making authority is necessary to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES