

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 671 Pharmacy Technicians

**SPONSOR(S):** Hutson

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 818

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	13 Y, 0 N	O'Callaghan	O'Callaghan
2) Health & Human Services Committee			

### SUMMARY ANALYSIS

Currently, Florida's laws prohibit a licensed pharmacist from supervising more than one registered pharmacy technician. HB 671 increases the number of registered pharmacy technicians a licensed pharmacist may supervise to authorize the supervision of up to six registered pharmacy technicians. Additional registered pharmacy technicians may be supervised if permitted by guidelines adopted by the Department of Health's (DOH) Board of Pharmacy (Board).

To conform to the aforementioned changes, the bill deletes a provision that directs the Board to establish guidelines to determine when a licensed pharmacist may supervise more than one, but not more than three, registered pharmacy technicians.

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

The bill provides an effective date of July 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

###### *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.<sup>1</sup>

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.<sup>2</sup>

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 32% between 2010 and 2020.<sup>3</sup>

To address pharmacist workforce shortages, the U.S. House of Representatives introduced the Pharmacy Technician Training and Registration Act or “Emily’s Act,” suggesting to State Boards of Pharmacy that they strive to ensure 1:2 pharmacist-to-pharmacy technician ratios in hospital settings and 1:3 ratios in other settings, including drug stores.<sup>4</sup>

As of 2009, Florida was among 18 states allowing a maximum 1:3 pharmacist-to-pharmacy technician ratio.<sup>5</sup> 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.<sup>6</sup> Some states require that higher ratios are contingent on certification or licensure of technicians, or other quality assurance measures.<sup>7</sup>

<sup>1</sup> 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](http://www.ashp.org/DocLibrary/BestPractices/HRRptWorkForceVision.aspx) (visited March 7, 2013); “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](http://www.acpe-accredit.org/pdf/whitePaper.pdf) (last visited March 7, 2013); 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](http://bhpr.hrsa.gov/healthworkforce/reports/pharmsupply20042030.pdf) (last visited March 7, 2013).

<sup>2</sup> “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](http://bhpr.hrsa.gov/healthworkforce/reports/pharmaciststudy.pdf) (last visited March 7, 2013).

<sup>3</sup> 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 March 7, 2013).

<sup>4</sup> U.S. House of Representatives, H.R. 5491, February 26, 2008. Library of Congress Summary available at: <http://www.govtrack.us/congress/bills/110/hr5491#summary/libraryofcongress> (last visited March 7, 2013).

<sup>5</sup> National Association of Chain Drug Stores, *Standardized Pharmacy Technician Education and Training*, May 2009.

<sup>6</sup> Indiana changed their ratio July 2, 2012. See Indiana Code, 25-26-13-18. See also, Idaho Board of Pharmacy Rule 251, Pharmacy Technicians.

<sup>7</sup> 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 March 7, 2013).

According to the December 2012 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.”<sup>8</sup>

#### *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 bill also provided for the direct supervision of a registered pharmacy technician by a licensed pharmacist.<sup>9</sup>

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:<sup>10</sup>

- 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 Board specifies by rule<sup>11</sup> 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.

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.<sup>12</sup>

The licensed pharmacist is responsible for acts performed by persons under his or her supervision.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup>

At the end of fiscal year 2011/2012, there were 37,379 registered pharmacy technicians and 29,311 licensed pharmacists in Florida.<sup>16</sup> As of February 2013, 4,358 Florida licensed pharmacies

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<sup>8</sup> Aggregate Demand Index, Supported by Pharmacy Manpower Project Inc., available at: <http://www.pharmacymanpower.com/about.jsp> (last visited March 7, 2013).

<sup>9</sup> 2008-216, L.O.F.

<sup>10</sup> Rule, 64B16-27.420, F.A.C.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Rule 64B16-27.1001(7), F.A.C.

<sup>14</sup> Section 465.014, F.S.

<sup>15</sup> Rule 64B16-27.410, F.A.C.

<sup>16</sup> Department of Health, Bill Analysis of HB 671, February 17, 2013, on file with committee staff.

had a ratio of three pharmacy technicians to one pharmacist, and 588 pharmacies had a ratio of two pharmacy technicians to one pharmacist.<sup>17</sup>

### **Effect of Proposed Changes**

Currently, Florida's laws prohibit a licensed pharmacist from supervising more than one registered pharmacy technician. HB 671 increases the number of registered pharmacy technicians a licensed pharmacist may supervise to authorize the supervision of up to six registered pharmacy technicians. Additional registered pharmacy technicians may be supervised if permitted by guidelines adopted by the Board.

The bill makes a conforming change by deleting a provision that directs the Board to establish guidelines to determine when a licensed pharmacist may supervise more than one, but not more than three, registered pharmacy technicians.

#### **B. SECTION DIRECTORY:**

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

**Section 2:** Provides an effective date of July 1, 2013.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill will have an indeterminate, insignificant impact on the DOH, associated with the cost of rulemaking.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

#### **D. FISCAL COMMENTS:**

None.

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<sup>17</sup> *Id.*

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

#### **B. RULE-MAKING AUTHORITY:**

No additional rulemaking authority is necessary to implement this bill.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.