

SENATE BILL No. 407

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-26.

Synopsis: Pharmacy technicians. Authorizes the board of pharmacy to adopt rules establishing the number of licensed pharmacy technicians or pharmacy technicians in training serving under a licensed pharmacist. (Currently, a pharmacist may supervise not more than four licensed pharmacy technicians or pharmacy technicians in training.)

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 407



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-26-13-18, AS AMENDED BY P.L.1-2009,
- 2 SECTION 142, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) To be eligible for issuance
- 4 of a pharmacy permit, an applicant must show to the satisfaction of the
- 5 board that:
- 6 (1) Persons at the location will engage in the bona fide practice of
- 7 pharmacy. The application must show the number of hours each
- 8 week, if any, that the pharmacy will be open to the general public.
- 9 (2) The pharmacy will maintain a sufficient stock of emergency
- 10 and frequently prescribed drugs and devices as to adequately
- 11 serve and protect the public health.
- 12 (3) Except as provided in section 19 of this chapter, a registered
- 13 pharmacist will be in personal attendance and on duty in the
- 14 licensed premises at all times when the practice of pharmacy is
- 15 being conducted and that the pharmacist will be responsible for
- 16 the lawful conduct of the pharmacy.
- 17 (4) ~~One (1) pharmacist will have not more than four (4)~~ Certified



1 pharmacy technicians or pharmacy technicians in training
 2 certified under IC 25-26-19 **must practice** under ~~the~~ **a licensed**
 3 pharmacist's immediate and personal supervision at ~~any time~~. **all**
 4 **times**. As used in this clause, "immediate and personal
 5 supervision" means within reasonable visual and vocal distance
 6 of the pharmacist.

7 (5) The pharmacy will be located separate and apart from any area
 8 containing merchandise not offered for sale under the pharmacy
 9 permit. The pharmacy will:

10 (A) be stationary;

11 (B) be sufficiently secure, either through electronic or physical
 12 means, or a combination of both, to protect the products
 13 contained in the pharmacy and to detect and deter entry during
 14 those times when the pharmacy is closed;

15 (C) be well lighted and ventilated with clean and sanitary
 16 surroundings;

17 (D) be equipped with a sink with hot and cold running water
 18 or some means for heating water, a proper sewage outlet, and
 19 refrigeration;

20 (E) have a prescription filling area of sufficient size to permit
 21 the practice of pharmacy as practiced at that particular
 22 pharmacy; and

23 (F) have such additional fixtures, facilities, and equipment as
 24 the board requires to enable it to operate properly as a
 25 pharmacy in compliance with federal and state laws and
 26 regulations governing pharmacies.

27 (b) Prior to opening a pharmacy after receipt of a pharmacy permit,
 28 the permit holder shall submit the premises to a qualifying inspection
 29 by a representative of the board and shall present a physical inventory
 30 of the drug and all other items in the inventory on the premises.

31 (c) At all times, the wholesale value of the drug inventory on the
 32 licensed items must be at least ten percent (10%) of the wholesale
 33 value of the items in the licensed area.

34 SECTION 2. IC 25-26-19-4 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The board may
 36 adopt rules under IC 4-22-2 to:

37 (1) implement and enforce this chapter;

38 (2) set fees under IC 25-1-8; ~~and~~

39 (3) establish education and training requirements for certification
 40 to practice as a pharmacy technician; ~~and~~

41 **(4) establish numerical limits for the number of pharmacy**
 42 **technicians or technicians in training that may practice under**

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- 1 **the direct supervision of a single licensed pharmacist.**
- 2 (b) The board shall:
- 3 (1) establish standards for the competent practice of pharmacy
- 4 technicians; and
- 5 (2) subject to IC 4-21.5, IC 25-1-7, and IC 25-1-9, conduct
- 6 proceedings on any matter under the jurisdiction of the board.

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