

Pharmacy Practice

This Act comprehensively updates and also expands the laws governing the practice of pharmacy in the state, by individual pharmacists, retail pharmacies, and health care systems in the state. It requires out-of-state pharmacies doing business in this State to register with the state, and meet certain other public safety and consumer-oriented requirements. Perhaps most significantly, the Act expands the authorized practice of pharmacy to include collaborative drug therapy management, a cooperative agreement between a doctor and a pharmacist, with the patient's consent, in which the pharmacist may take a more active role in the management of the patient's prescription drug therapy than is currently permissible. The bill also codifies the role of the pharmacist technician, and specifically define the activities that may be performed by these people.

Submitted as:

New Jersey

[Chapter 280](#)

Status: Enacted into law in 2004.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be known and may be cited as “The Pharmacy
2 Practice Act.”

3

4 Section 2. [*Legislative Findings.*]

5 a. The practice of pharmacy in this State is declared a health care professional
6 practice affecting the public health, safety and welfare and is subject to regulation and
7 control in the public interest. It is further declared to be a matter of public interest and
8 concern that the practice of pharmacy merits and receives the confidence of the public and
9 that only qualified persons be permitted to engage in the practice of pharmacy in this State.
10 This Act shall be liberally construed to carry out these objectives and purposes.

11 b. It is the purpose of this Act to promote, preserve and protect the public health,
12 safety and welfare by and through the effective control and regulation of the practice of
13 pharmacy, the licensure of pharmacists and the permitting, control and regulation of all
14 pharmacy practice sites in this State that engage in the practice of pharmacy.

15

16 Section 3. [*Definitions Relative to Pharmacists.*] As used in this Act:

17 “Administer” means the direct application of a drug to the body of a patient or
18 research subject by subcutaneous, intramuscular or intradermal injection, inhalation or
19 ingestion by a pharmacist engaged in collaborative practice or in accordance with regulations
20 jointly promulgated by the [board] and the [State Board of Medical Examiners].

21 “Automated medication device” means a discrete unit that performs specific drug
22 dispensing operations.

23 “Automated medication system” means any process that performs operations or
24 activities, other than compounding or administration, relative to the storage, packaging,

25 dispensing and distribution of medications and which collects, controls and maintains all
26 transaction information.

27 “Board of Pharmacy” or “board” means the [State Board of Pharmacy].

28 “Certification” means a certification awarded by a recognized non-government
29 specialty organization to signify that a pharmacist has met predetermined qualifications and
30 to signify to the public that the pharmacist is competent to practice in the designated
31 specialty.

32 “Collaborative drug therapy management” means a written protocol directed on a
33 voluntary basis by a patient’s physician, with the patient’s consent, that is between a
34 patient’s physician who is treating the patient for a specific disease and a pharmacist for
35 cooperative management of a patient’s drug, biological and device-related health care needs,
36 which shall be conducted in accordance with regulations jointly promulgated by the [board]
37 and the [State Board of Medical Examiners] and shall only include the collecting, analyzing
38 and monitoring of patient data; ordering or performing of laboratory tests based on the
39 standing orders of a physician as set forth in the written protocol; ordering of clinical tests
40 based on the standing orders of a physician as set forth in the written protocol, provided
41 those laboratory tests are granted waived status in accordance with the provisions of the
42 [insert citation], and are for the treatment of a disease state identified jointly by the board and
43 the [State Board of Medical Examiners] as subject to collaborative drug therapy
44 management; modifying, continuing or discontinuing drug or device therapy; and therapeutic
45 drug monitoring with appropriate modification to dose, dosage regimen, dosage forms or
46 route of administration. The interpretation of clinical or laboratory tests under a written
47 protocol may only be performed by a pharmacist in direct consultation with a physician.

48 “Compounding” means the preparation, mixing, assembling, packaging or labeling
49 of a drug or device as the result of a practitioner’s prescription or initiative based on the
50 relationship of the practitioner or patient with the pharmacist in the course of professional
51 practice or for the purpose of, or incident to, research, teaching or chemical analysis and not
52 for sale or dispensing. Compounding also includes the preparation of drugs or devices in
53 anticipation of prescription drug orders based on routine, regularly observed prescribing
54 patterns. Nothing in this Act is meant to limit a prescriber’s ability under pre-existing law to
55 order a compounded medication for use in the prescriber’s practice, as permitted by State and
56 federal law.

57 “Confidential information” means information that is identifiable as to the patient
58 involved that a pharmacist accesses, transmits or maintains in a patient’s record or which is
59 communicated to or by the patient as part of patient counseling.

60 “Credentialing” means the process by which an approved academic institution
61 awards a certificate to signify that the credentialed pharmacist has completed the required
62 courses, examinations or both, that indicate advanced knowledge of a particular area of
63 pharmacy.

64 “Deliver” or “delivery” means the actual, constructive or attempted transfer of a drug
65 or device from one person to another, whether or not for consideration.

66 “Device” means an instrument, apparatus, implement, machine, contrivance, implant
67 or other similar or related article, including any component part or accessory, which is
68 required under federal law to bear the label “RX Only.”

69 “Dispense” or “dispensing” means the procedure entailing the interpretation of a
70 practitioner’s prescription order for a drug, biological or device, and pursuant to that order
71 the proper selection, measuring, compounding, labeling and packaging in a proper container
72 for subsequent administration to, or use by, a patient.

73 “Dosage form” means the physical formulation or medium in which the product is
74 intended, manufactured and made available for use, including, but not limited to: tablets,
75 capsules, oral solutions, aerosols, inhalers, gels, lotions, creams, ointments, transdermals and
76 suppositories, and the particular form of the above which utilizes a specific technology or
77 mechanism to control, enhance or direct the release, targeting, systemic absorption or other
78 delivery of a dosage regimen in the body.

79 “Drug or medication” means articles recognized as drugs in any official
80 compendium, or supplement thereto, designated from time to time by the board for use in the
81 diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals;
82 articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease
83 in humans or other animals; articles intended to affect the structure or any function of the
84 body of humans or other animals, except that a food, dietary ingredient or dietary
85 supplement, as those terms are defined in 21 U.S.C.s.321, is not a drug solely because the
86 label or the labeling contains such a claim; and articles intended for use as a component of
87 and articles specified in this definition of “drug or medication.”

88 “Drug utilization review” includes, but is not limited to, the following activities:

89 (1) Evaluation of prescription drug orders and patient records for known
90 allergies, rational therapy-contraindications, appropriate dose and route of administration and
91 appropriate directions for use;

92 (2) Evaluation of prescription drug orders and patient records for duplication
93 of therapy;

94 (3) Evaluation of prescription drug orders and patient records for interactions
95 between drug-drug, drug-food, drug-disease and adverse drug reactions; and

96 (4) Evaluation of prescription drug orders and patient records for proper
97 utilization, including over- or under-utilization, and optimum therapeutic outcomes.

98 “Extern” means any person who is in the [fifth or sixth year] of college or the [third
99 or fourth professional year], at an accredited school or college of pharmacy approved by the
100 [board], who is assigned to a training site for the purpose of acquiring accredited practical
101 experience under the supervision of the school or college at which the person is enrolled.

102 “Electronic means” means any electronic or digital transmission format, including
103 facsimile or computer generated messaging.

104 “Immediate supervision” means a level of control which assures that the pharmacist
105 is physically present at the pharmacy practice site and has the responsibility for accuracy and
106 safety with respect to the actions of pharmacy technicians, interns and externs.

107 “Intern” means any person who has graduated from an accredited school or college
108 of pharmacy approved by the [board], or if a foreign pharmacy graduate, any person who has
109 met all of the requirements of the [board], and who is being trained by an approved preceptor
110 for the purpose of acquiring accredited practical experience and who has first registered for
111 that purpose with the [board].

112 “Labeling” means the process of preparing and affixing a label to any drug container,
113 exclusive however, of the labeling by a manufacturer, packer or distributor of a non-
114 prescription drug or commercially packaged legend drug or device.

115 “Licensure” means the process by which the [board] grants permission to an
116 individual to engage in the practice of pharmacy upon finding that the applicant has attained
117 the degree of competency necessary to ensure that the public health, safety and welfare will
118 be protected.

119 “Medication error” means a preventable event that may cause or lead to
120 inappropriate use of a medication or patient harm while the medication is in the control of
121 the practitioner, patient or consumer.

122 “Medication order” means a prescription for a specific patient in an institutional
123 setting.

124 “Modifying” means to change a specific drug, the dosage, or route of delivery of a
125 drug currently being administered for an existing diagnosis pursuant to a collaborative drug
126 therapy management.

127 “Non-prescription drug or device” means a drug or device which may be obtained
128 without a prescription and which is labeled for consumer use in accordance with the
129 requirements of the laws and rules of this State and the federal government.

130 “Permit” means the authorization granted by the [board] to a site to engage in the
131 practice of pharmacy.

132 “Person” means an individual, corporation, partnership, association or any other
133 legal entity including government.

134 “Pharmaceutical care” means the provision by a pharmacist of drug therapy review
135 and other related patient care services intended to achieve positive outcomes related to the
136 treatment, cure or prevention of a disease; control, elimination or reduction of a patient’s
137 symptoms; or arresting or slowing of a disease process as defined by the rules and
138 regulations of the [board].

139 “Pharmacist” means an individual currently licensed by this State to engage in the
140 practice of pharmacy.

141 “Pharmacist-in-charge” means a pharmacist who accepts responsibility for the
142 operation of a pharmacy practice site in conformance with all laws and rules pertinent to the
143 practice of pharmacy and the distribution of drugs.

144 “Pharmacist in collaborative practice” means a pharmacist engaged in the
145 collaborative drug therapy management of a patient’s drug, biological and device-related
146 health care needs pursuant to a written protocol, in collaboration with a licensed physician
147 and in accordance with the regulations jointly promulgated by the [board] and the [State
148 Board of Medical Examiners].

149 “Pharmacy practice site” means any place in this State where drugs are dispensed or
150 pharmaceutical care is provided by a licensed pharmacist, but shall not include a medical
151 office under the control of a licensed physician.

152 “Pharmacy technician” means an individual working in a pharmacy practice site
153 who, under the immediate supervision of a pharmacist, assists in pharmacy activities as
154 permitted by this section of this Act and the rules and regulations of the [board] that do not
155 require the professional judgment of a pharmacist.

156 “Practice of pharmacy” means a health care service by a pharmacist that includes:
157 compounding, dispensing and labeling of drugs, biologicals, radio pharmaceuticals or
158 devices; overseeing automated medication systems; interpreting and evaluating prescriptions;
159 administering and distributing drugs, biologicals and devices; maintaining prescription drug
160 records; advising and consulting on the therapeutic values, content, hazards and uses of
161 drugs, biologicals and devices; managing and monitoring drug therapy; collecting, analyzing
162 and monitoring patient data; performing drug utilization reviews; storing prescription drugs
163 and devices; supervising technicians, interns and externs; and such other acts, services,
164 operations or transactions necessary, or incidental to, providing pharmaceutical care and
165 education. In accordance with written guidelines or protocols established with a licensed
166 physician, the “practice of pharmacy” also includes collaborative drug therapy management
167 including modifying, continuing or discontinuing drug or device therapy; ordering or

168 performing of laboratory tests under collaborative drug therapy management; and ordering
169 clinical tests, excluding laboratory tests, unless those tests are part of collaborative drug
170 therapy management.

171 “Practitioner” means an individual currently licensed, registered or otherwise
172 authorized by the jurisdiction in which the individual practices to administer or prescribe
173 drugs in the course of professional practice.

174 “Preceptor” means an individual who is a pharmacist, meets the qualifications under
175 the rules and regulations of the [board], and participates in the instructional training of
176 pharmacy interns and externs.

177 “Prescription” means a lawful order of a practitioner for a drug, a device or
178 diagnostic agent for a specific patient.

179 “Prescription drug” or “legend drug” means a drug which, under federal law, is
180 required to be labeled prior to being delivered to the pharmacist, with either of the following
181 statements: “Rx Only” or “Caution: Federal law restricts this drug to use by, or on the order
182 of, a licensed veterinarian” or is required by any applicable federal or state law, rule or
183 regulation to be dispensed pursuant to a prescription drug order or is restricted to use by a
184 practitioner only.

185 “Registration” means the process of making a list or being enrolled in an existing
186 list.

187 “Therapeutic interchange” means the substitution and dispensing of a drug
188 chemically dissimilar from the prescription drug originally prescribed.

189

190 Section 4. [*Powers, Duties, Authority of Board.*]

191 The [board] shall enforce the provisions of this Act. The [board] shall have all of the
192 duties, powers and authority specifically granted by or necessary for the enforcement of this
193 Act, as well as such other duties, powers and authority as it may be granted from time to time
194 by applicable law.

195

196 Section 5. [*Board Membership, Terms, Vacancies.*]

197 a. The [board] shall consist of [eleven members], [two] of whom shall be public
198 members and one of whom shall be a [State executive department] member appointed
199 pursuant to the provisions of [insert citation]. Each of the remaining [eight] members shall be
200 pharmacists. Each pharmacist member shall have at least [five years] of experience in the
201 practice of pharmacy in this State after licensure, and shall at the time of appointment and
202 throughout their tenure: be currently licensed and in good standing to engage in the practice
203 of pharmacy in this State, and be actively engaged in the practice of pharmacy in this State.

204 b. The [Governor] shall appoint the members of the [board]. Every State professional
205 pharmacy association may send to the [Governor] the names of pharmacists having the
206 qualifications required by this section, whom the [Governor] may appoint to fill any vacancy
207 occurring in the [board]. In appointing members to the [board] to fill vacancies of members
208 who engage in the practice of pharmacy, the [Governor] shall appoint members so that the
209 membership of the [board] includes, at all times, at least [one pharmacist] employed by a
210 chain drug retailer who owns or operates [seven] or more pharmacy practice sites, [one
211 pharmacist] who is employed by a health care system and [one pharmacist] who owns a
212 pharmacy practice site in this State.

213 c. Except for the members first appointed, members of the [board] shall be appointed
214 for a term of [five years], except that members of the [board] who are appointed to fill
215 vacancies which occur prior to the expiration of a former member’s full term shall serve the

216 unexpired portion of that term. The terms of the members of the [board] shall be staggered,
217 so that the terms of no more than [three] members shall expire in any year. Each member
218 shall serve until a successor is appointed and qualified. The present members of the [board]
219 appointed pursuant to [insert citation] shall serve the balance of their terms. Any present
220 [board] member appointed initially for a term of less than [five years] shall be eligible to
221 serve for [two additional] full terms. No member of the [board] shall serve more than [two
222 consecutive] full terms. The completion of the unexpired portion of a full term shall not
223 constitute a full term for purposes of this subsection.

224 d. The [Governor] may remove a member of the [board] after a hearing for
225 misconduct, incompetency, neglect of duty or for any other sufficient cause.

226
227 Section 6. [*Election of Officers.*]

228 a. The [board] shall annually elect from among its members a [president] and [vice-
229 president].

230 b. The position of [executive director] shall be held by a pharmacist licensed in this
231 State. The [executive director] shall be responsible for the performance of the administrative
232 functions of the [board] and those other duties that the [board] may direct.

233
234 Section 7. [*Compensation.*] Each member of the [board] shall receive compensation
235 pursuant to [insert citation] of [\$150] per day for each day on which the member is engaged
236 in performance of the official duties of the [board], and shall be reimbursed for all reasonable
237 and necessary expenses incurred in connection with the discharge of those official duties.

238
239 Section 8. [*Board Meetings.*] The [board] shall meet at least [once] every month to
240 transact its business. The [board] shall meet at those additional times that it may determine.
241 Additional meetings may be called by the [president of the board] or by [two-thirds] of the
242 members of the [board].

243
244 Section 9. [*Rules, Regulations; Joint Rules.*] The [board] shall make, adopt, amend
245 and repeal those rules and regulations necessary for the proper administration and
246 enforcement of this act. Those rules and regulations shall be promulgated in accordance with
247 the [insert citation]. Rules pertaining to collaborative drug therapy management and
248 administration of drugs by pharmacists shall be jointly promulgated by the board and the
249 [State Board of Medical Examiners].

250
251 Section 10. [*Responsibilities of Board.*]

252 a. The [board] shall be responsible for the control and regulation of the practice of
253 pharmacy in this State including, but not limited to, the following:

254 (1) The licensing by examination or by license transfer of applicants who are
255 qualified to engage in the practice of pharmacy under the provisions of this Act;

256 (2) The renewal of licenses to engage in the practice of pharmacy;

257 (3) The establishment and enforcement of professional standards and rules of
258 conduct of pharmacists engaged in the practice of pharmacy;

259 (4) The establishment of requirements for pharmacists to engage in
260 collaborative practice;

261 (5) The establishment of requirements jointly promulgated with the [State
262 Board of Medical Examiners] for pharmacists to administer drugs directly to patients;

263 (6) The enforcement of those provisions of this Act relating to the conduct or
264 competence of pharmacists practicing in this State, and the suspension, revocation, failure to

265 renew or restriction of licenses to engage in the practice of pharmacy pursuant to the
266 provisions of [insert citation];

267 (7) The regulation of pharmacy practiced through any technological means;

268 (8) The regulation and control of automated medication systems and
269 automated medication devices within or outside of pharmacy practice sites;

270 (9) The right to seize any drugs and devices found by the [board] to constitute
271 an imminent danger to the public health and welfare;

272 (10) The establishment of minimum specifications for record keeping,
273 prescription and patient profile record maintenance, pharmacy practice sites including, but
274 not limited to, the physical premises, technical equipment, environment, supplies, personnel
275 and procedures for the storage, compounding and dispensing of drugs or devices, and for the
276 monitoring of drug therapy;

277 (11) The inspection of any pharmacy practice site at all reasonable hours for
278 the purpose of determining if any provisions of the laws governing the legal distribution of
279 drugs or devices or the practice of pharmacy are being violated. The [board], its officers,
280 inspectors and representatives shall cooperate with all agencies charged with the enforcement
281 of the laws of the United States, of this State, and of all other states relating to drugs, devices
282 and the practice of pharmacy;

283 (12) The inspection of prescription files and the prescription records of a
284 pharmacy and the removal from the files and taking possession of any original prescription,
285 providing that the authorized agent removing or taking possession of an original prescription
286 shall place in the file from which it was removed a copy certified by that person to be a true
287 copy of the original prescription removed; provided further, that the original copy shall be
288 returned by the [board] to the file from which it was removed after it has served the purpose
289 for which it was removed;

290 (13) The establishment of requirements for patient counseling, patient profiles
291 and drug utilization reviews;

292 (14) The establishment of regulations to protect the health and safety of
293 pharmacy patients; and

294 (15) The prescribing or changing of the fees for examinations, certifications,
295 licensures, renewals and other services performed pursuant to [insert citation] and this Act.

296 b. The [board] shall have those other duties, powers and authority as may be
297 necessary to the enforcement of this Act and to the enforcement of rules and regulations of
298 the [board], which may include, but not be limited to, the following:

299 (1) The determination and issuance of standards, recognition and approval of
300 degree programs of schools and colleges of pharmacy whose graduates shall be eligible for
301 licensure in this State, and the specifications and enforcement of requirements for practical
302 training, including internships;

303 (2) The registration of externs, interns, pharmacy preceptors and pharmacy
304 technicians;

305 (3) The regulation of the training, qualifications and conduct of applicants,
306 externs, interns, pharmacy preceptors and pharmacy technicians;

307 (4) The collection of professional demographic data;

308 (5) The joining with those professional organizations and associations
309 organized to promote the improvement of the standards of the practice of pharmacy for the
310 protection of the health and welfare of the public or whose activities assist and facilitate the
311 work of the [board];

312 (6) The establishment of a bill of rights for patients concerning the health care
313 services a patient may expect in regard to pharmaceutical care;

314 (7) The engagement in activities to educate consumers, to assist them in
315 obtaining information necessary to make decisions about medication issues;

316 (8) The establishment of standards for the continuing education of registered
317 pharmacists;

318 (9) The establishment of rules and regulations for extraordinary emergency
319 situations that interfere with the ability to practice under the current rules and regulations;

320 (10) The establishment of guidelines for [board] approved pilot programs. The
321 guidelines shall be complied with to implement a program that may not be presently
322 acknowledged in this act or its rules or regulations; and

323 (11) The assurance that any credentialing or certification of a pharmacist is
324 not misleading to the public.

325 c. (1) The [board] may place under seal all drugs, biologicals, radio
326 pharmaceuticals or devices that are owned by or in the possession, custody or control of a
327 licensee or permit holder at the time his license or permit is suspended or revoked or at the
328 time the board refused to renew his license. Except as otherwise provided in this section,
329 drugs, biologicals, radio pharmaceuticals or devices that are sealed pursuant to this paragraph
330 shall not be disposed of until appeal rights under the [insert citation] have expired, or an
331 appeal filed pursuant to that act has been determined. The court, involved in an appeal filed
332 pursuant to the [insert citation], may order the [board], during the pendency of the appeal, to
333 sell sealed drugs, biologicals and radio pharmaceuticals that are perishable. The proceeds of
334 a sale shall be deposited with the court.

335 (2) Notwithstanding any provisions of this Act to the contrary, whenever a
336 duly authorized representative of the [board] finds, or has probable cause to believe, that any
337 drug or device is outdated, adulterated or misbranded within the meaning of the "Federal
338 Food, Drug, and Cosmetic Act," 21 U.S.C.s.301 et seq., the representative shall affix to that
339 drug or device a tag or other appropriate marking giving notice that the article is or is
340 suspected of being outdated, adulterated or misbranded, had been detained or embargoed,
341 and warning all persons not to remove or dispose of the article by sale or otherwise until
342 provision for removing or disposal is given by the [board], its agent or the court. No person
343 shall remove or dispose of an embargoed drug or device by sale or otherwise without the
344 permission of the [board] or its agent or, after summary proceedings have been instituted,
345 without permission of the court.

346 (3) When a drug or device detained or embargoed under paragraph (2) of this
347 subsection c. of this section has been declared by the representative to be outdated,
348 adulterated or misbranded, the [board] shall, as soon as practical thereafter, petition the judge
349 of the court in which jurisdiction the article is detained or embargoed for an order for
350 condemnation of that article. If the judge determines that this drug or device so detained or
351 embargoed is not adulterated, outdated or misbranded, the [board] shall direct the immediate
352 removal of the tag or other marking.

353 (4) If the court finds that a detained or embargoed drug or device is
354 adulterated, outdated or misbranded, that drug or device, after entry of the decree, shall be
355 destroyed at the expense of the owner under the supervision of a [board] representative and
356 all court costs and fees, storage and other proper expenses shall be borne by the owner of that
357 drug or device. When the outdateding, adulteration or misbranding can be corrected by proper
358 labeling or processing of the drug or device, the court, after entry of the decree and after the
359 costs, fees and expenses have been paid and a good and sufficient bond has been posted, may
360 direct that the drug or device be delivered to the owner thereof for labeling or processing

361 under the supervision of a board representative. Expense of that supervision shall be paid by
362 the owner. The bond shall be returned to the owner of the drug or device on representation to
363 the court by the [board] that the drug or device is no longer in violation of the embargo and
364 the expense of supervision has been paid.

365 d. Except as otherwise provided to the contrary, the [board] shall exercise all of its
366 duties, powers and authority in accordance with the [insert citation].
367

368 Section 11. [*Licensure Required For Pharmacist.*]

369 a. Except as otherwise provided in this Act, it shall be unlawful for any individual to
370 engage in the practice of pharmacy unless currently licensed to practice under the provisions
371 of this Act.

372 b. The provisions of this Act shall not apply to the sale of any drug by a
373 manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, veterinarian
374 or other person licensed to prescribe such drugs in their professional practice.

375 c. Practitioners authorized under the laws of this State to compound drugs and to
376 dispense drugs directly to their patients in the practice of their respective professions shall
377 meet the standards established by their respective licensing boards with respect to storage,
378 handling, security, counseling, labeling, packing and record keeping requirements for the
379 dispensing of drugs, or if no such standards exist, the same storage, handling, security,
380 counseling, labeling, packaging and record keeping requirements for the dispensing of drugs
381 applicable to pharmacists.
382

383 Section 12. [*Application For License; Requirements.*] To obtain a license to engage
384 in the practice of pharmacy, the applicant shall:

385 (1) Have submitted a written application in the form prescribed by the
386 [board];

387 (2) Have attained the age of [18 years];

388 (3) Be of good moral character;

389 (4) Have graduated and received a professional degree from a college or
390 school of pharmacy that has been approved by the [board];

391 (5) Have completed an internship or other program that has been approved by
392 the [board], or demonstrated to the [board's] satisfaction experience in the practice of
393 pharmacy which meets or exceeds the minimum internship requirements of the [board];

394 (6) Have successfully passed an examination or examinations as determined
395 by the [board]; and

396 (7) Have paid the fees specified by the [board] for the examination and any
397 related materials, and have paid for the issuance of the license.
398

399 Section 13. [*Examination for Licensure.*] The examination for licensure shall measure
400 the competence of the applicant to engage in the practice of pharmacy. The [board] may
401 employ, cooperate and contract with any organization or consultant in the preparation and
402 grading of an examination, but shall retain the sole discretion and responsibility for
403 determining which applicants have successfully passed the examination.
404

405 Section 14. [*Practical Experience, Requirements.*]

406 a. All applicants for licensure by examination shall obtain practical experience in the
407 practice of pharmacy under terms and conditions determined by the [board].

408 b. The [board] may establish licensure requirements for interns and standards for
409 internship, or any other experiential program necessary to qualify an applicant for the
410 licensure examination, and shall also determine the qualifications of preceptors used in
411 practical experience programs.

412
413 Section 15. [*Licensure for Pharmacist Currently Licensed in Another Jurisdiction.*]

414 a. In order for a pharmacist currently licensed in another jurisdiction to obtain a
415 license as a pharmacist by license transfer in this State, an applicant shall:

416 (1) Have submitted a written application in the form prescribed by the
417 [board];

418 (2) Have attained the age of [18 years];

419 (3) Have good moral character;

420 (4) Have engaged in the practice of pharmacy for a period of at least [1,000
421 hours] within the last [two years] or have met, immediately prior to application, the
422 internship requirements of this State within the [one-year] period immediately preceding the
423 date of application;

424 (5) Have presented to the [board] proof of initial licensure by examination and
425 proof that the license is in good standing;

426 (6) Have presented to the [board] proof that any other license granted to the
427 applicant by any other state has not been suspended, revoked or otherwise restricted for any
428 reason except nonrenewal or for the failure to obtain the required continuing education
429 credits in any state where the applicant is currently licensed but not engaged in the practice
430 of pharmacy;

431 (7) Have paid the fees specified by the [board];

432 (8) Have graduated and received a professional degree from a college or
433 school of pharmacy approved by the [board]; and

434 (9) Have met any other requirements as established by the [board] by
435 regulation.

436 b. No applicant shall be eligible for license transfer unless the applicant holds a
437 current valid license in a state that grants licensure transfer to pharmacists duly licensed by
438 examination in this State.

439 c. In order for a pharmacist applicant with a pharmacy degree from a foreign country
440 or a college of pharmacy not approved by the [board] to obtain a license as a pharmacist, that
441 applicant shall meet those requirements as established by the [board] by regulation.

442
443 Section 16. [*Continuing Pharmacy Education.*]

444 a. The [board] shall require each person registered as a pharmacist, as a condition for
445 [biennial] renewal certification, to complete continuing pharmacy education during each
446 [biennial] period immediately preceding the date of renewal and submit proof thereof to the
447 [board].

448 b. The [board] shall:

449 (1) Establish standards for continuing pharmacy education, including the
450 number of credits, the subject matter and content of courses of study, the selection of
451 instructors and the type of continuing education credits required of a registered pharmacist as
452 a condition of [biennial] registration;

453 (2) Approve educational programs offering credit towards continuing
454 pharmacy education requirements; and

455 (3) Approve other equivalent educational programs, including, but not limited
456 to, home study courses, and establish procedures for the issuance of credit upon satisfactory

457 proof of the completion of these programs. In the case of continuing education courses and
458 programs, each hour of instruction shall be equivalent to [one credit].

459 c. (1) The [board] shall only approve programs that are provided on a
460 nondiscriminatory basis. The [board] shall permit any pharmacy association or organization
461 offering a continuing pharmacy education program approved by the [board] pursuant to
462 subsection b. of this section to impose a reasonable differential in registration fees for
463 courses upon registered pharmacists who are not members of that pharmacy association or
464 organization. The [board] may approve programs held within or outside the State.

465 (2) In no event shall the [board] grant credits for, or approve as, a component
466 of a continuing education program:

467 (a) participation in a routine business portion of a meeting of a
468 pharmacy association or organization; or

469 (b) any presentation that is offered to sell a product or promote a
470 business enterprise.

471 d. (1) The [board] may, in its discretion, waive requirements for continuing
472 education on an individual basis for reasons of hardship, such as illness or disability,
473 retirement of the registration certificate, or any other good cause.

474 (2) The [board] shall not require completion of continuing education credits
475 for an initial renewal of registration.

476 (3) If a pharmacist completes a number of continuing education credit hours
477 in excess of the number required for a biennial period, the [board] may allow, by rule or
478 regulation, credits to be carried over to satisfy the pharmacist's continuing education
479 requirement for the next [biennial] renewal period, but shall not be applicable thereafter.

480

481 Section 17. [*Use of {State} Prescription Blanks.*]

482 a. A practitioner practicing in this State shall use non-reproducible, non-erasable
483 safety paper [state] Prescription Blanks bearing that practitioner's license number whenever
484 the practitioner issues prescriptions for controlled dangerous substances, prescription legend
485 drugs or other prescription items. The prescription blanks shall be secured from a vendor
486 approved by the [Division of Consumer Affairs in the Department of Law and Public
487 Safety].

488 b. A licensed practitioner practicing in this State shall maintain a record of the
489 receipt of [state] Prescription Blanks. The practitioner shall notify the [Office of Drug
490 Control in the Division of Consumer Affairs] as soon as possible but no later than [72 hours]
491 of being made aware that any [state] Prescription Blank in the practitioner's possession has
492 been stolen. Upon receipt of notification, the [Office of Drug Control] shall take appropriate
493 action, including notification to the [Department of Human Services] and the [Attorney
494 General].

495

496 Section 18. [*Health Care Facility Prescriptions.*]

497 a. Prescriptions issued by a health care facility licensed pursuant to [insert citation]
498 shall be written on non-reproducible, non-erasable safety paper [state] Prescription Blanks.
499 The prescription blanks shall be secured from a vendor approved by the [Division of
500 Consumer Affairs in the Department of Law and Public Safety]. The [state] Prescription
501 Blanks shall bear the unique provider number assigned to that health care facility for the
502 issuing of prescriptions for controlled dangerous substances, prescription legend drugs or
503 other prescription items.

504 b. A health care facility shall maintain a record of the receipt of [state] Prescription
505 Blanks. The health care facility shall notify the [Office of Drug Control in the Division of
506 Consumer Affairs] as soon as possible but no later than [72 hours] of being made aware that
507 any [state] Prescription Blank in the facility's possession has been stolen. Upon receipt of
508 notification, the [Office of Drug Control] shall take appropriate action including notification
509 to the [Department of Human Services] and the [Attorney General].
510

511 Section 19. [*Requirements for Prescription to be Filled.*] A prescription issued by a
512 practitioner or health care facility licensed in [this State] shall not be filled by a pharmacist
513 unless the prescription is issued on a [state] Prescription Blank bearing the practitioner's
514 license number or the unique provider number assigned to a health care facility.
515

516 Section 20. [*Transmission of Prescription by Telephone, Electronic Means, CDS*
517 *Requirements.*]

518 a. Nothing contained in this Act shall preclude a practitioner from transmitting to a
519 pharmacist by telephone or electronic means a prescription, as otherwise authorized by law,
520 if that practitioner provides the practitioner's Drug Enforcement Administration registration
521 number and the practitioner's license number, or any other federally identified number, as
522 appropriate, to the pharmacist at the time the practitioner transmits the prescription.

523 b. Except as may be otherwise permitted by law, no prescription for any Schedule II
524 controlled dangerous substance shall be given or transmitted to pharmacists, in any other
525 manner, than in writing signed by the practitioner giving or transmitting the same, nor shall
526 such prescription be renewed or refilled. The requirement in this subsection that a
527 prescription for any controlled dangerous substance be given or transmitted to pharmacists in
528 writing signed by the practitioner shall not apply to a prescription for a Schedule II drug if
529 that prescription is transmitted or prepared in compliance with federal and State regulations.
530

531 Section 21. [*Format for {State} Prescription Blanks.*] The [Division of Consumer
532 Affairs in the Department of Law and Public Safety] shall establish the format for uniform,
533 non-reproducible, non-erasable safety paper prescription blanks, to be known as [state]
534 Prescription Blanks, which format shall include an identifiable logo or symbol that will
535 appear on all prescription blanks. The [division] shall approve a sufficient number of vendors
536 to ensure production of an adequate supply of [state] Prescription Blanks for practitioners
537 and health care facilities statewide.
538

539 Section 22. [*Different Dosage Form, Conditions.*] A pharmacist may dispense a
540 prescription in a different dosage form than originally prescribed if the pharmacist notifies
541 the prescriber no later than [48 hours] following the dispensing of the prescription, provided
542 the dosage form dispensed has the appropriate drug release rate.
543

544 Section 23. [*Requirements for Collaborative Practice.*]

545 a. In establishing requirements for pharmacists to engage in collaborative practice as
546 provided in paragraph (4) of subsection a. of section 10 of this Act, the [board] shall include
547 in these requirements, but not be limited to, provisions that any written protocol between a
548 physician and pharmacist:

549 (1) is agreed to by both the physician and the pharmacist with the consent of
550 the patient;

551 (2) identifies, by name and title, each physician and each pharmacist who is
552 permitted to participate in a patient's collaborative drug therapy management;

553 (3) specifies the functions and responsibilities the pharmacist will be
554 performing;
555 (4) is available at the practice sites of the pharmacist and physician and made
556 available at each site to the patient;
557 (5) is initiated and utilized at the sole discretion of the physician for a specific
558 patient;
559 (6) may be terminated at any time by either party by written documentation;
560 (7) establishes when physician notification is required, the physician chart
561 update interval, and an appropriate time frame within which the pharmacist must notify the
562 physician of any change in dose, duration or frequency of medication prescribed;
563 (8) remains in effect for a period not to exceed [two years] upon the
564 conclusion of which, or sooner, the parties shall review the protocol and make a
565 determination as to its renewal, modification or termination; and
566 (9) establish the means by which the patient will be advised of the right to
567 elect to participate in and withdraw from the collaborative drug therapy management.
568

569 Section 24. [*Collaborative Drug Therapy Management.*]

570 a. Each collaborative drug therapy management shall be between a single patient's
571 specific physician and the patient's pharmacist or pharmacy and address that patient's
572 specific condition, disease or diseases.

573 b. No collaborative drug therapy management shall include, without the prior
574 consent of the patient and the patient's physician who has signed the protocol, therapeutic
575 interchange at the time of dispensing, provided that written confirmation of this prior
576 consent, which may be by electronic means, shall be obtained pursuant to record keeping
577 guidelines to be established by regulation jointly promulgated by the [board] and the [State
578 Board of Medical Examiners].
579

580 Section 25. [*Administration of Prescription Medication Directly to Patient,*
581 *Immunizations.*]

582 a. No pharmacist shall administer a prescription medication directly to a patient
583 without appropriate education or certification, as determined by the [board] in accordance
584 with the requirements set forth in the rules jointly promulgated by the [board] and the [State
585 Board of Medical Examiners]. Such medication shall only be for the treatment of a disease
586 for which a nationally certified program is in effect, or as determined by the [board], and
587 only if utilized for the treatment of that disease for which the medication is prescribed or
588 indicated or for which the collaborative drug therapy management permits.

589 b. Notwithstanding any law, rule or regulation to the contrary, other than for pediatric
590 immunizations, a pharmacist may administer drugs in immunization programs and programs
591 sponsored by governmental agencies that are not patient specific provided the pharmacist is
592 appropriately educated and qualified, as determined by the [board] in accordance with the
593 requirements set forth in the rules jointly promulgated by the [board] and the [State Board of
594 Medical Examiners].
595

596 Section 26. [*Inapplicability Relative to Collaborative Drug Therapy Management in*
597 *Hospitals.*] The provisions of this Act regulating collaborative drug therapy management
598 shall not apply to any pharmacist practicing in a hospital, provided that prescribing within
599 these institutions takes place under the guidance of a pharmacy and therapeutics committee

600 in accordance with procedures as determined by regulations jointly promulgated by the
601 [board] and the [State Board of Medical Examiners].

602

603 Section 27. [*Refusal of Application for Examination, Suspension, Revocation of*
604 *Certificate; Procedure.*]

605 a. In addition to the provisions of [insert citation], the [board] may refuse an
606 application for examination or may suspend or revoke the certificate of a licensed pharmacist
607 upon proof satisfactory to the [board] that such licensed pharmacist is guilty of grossly
608 unprofessional conduct and the following acts are hereby declared to constitute grossly
609 unprofessional conduct for the purpose of this Act:

610 (1) Paying rebates or entering into an agreement for payment of rebates to
611 any physician, dentist or other person for the recommending of the services of any person.

612 (2) The providing or causing to be provided to a physician, dentist,
613 veterinarian or other person authorized to prescribe, prescription blanks or forms bearing the
614 pharmacist's or pharmacy's name, address or other means of identification.

615 (3) The claiming of professional superiority in the compounding or filling of
616 prescriptions or in any manner implying professional superiority which may reduce public
617 confidence in the ability, character or integrity of other pharmacists.

618 (4) Fostering the interest of one group of patients at the expense of another
619 which compromises the quality or extent of professional services or facilities made available.

620 (5) The distribution of premiums or rebates of any kind whatsoever in
621 connection with the sale of drugs and medications provided, however, that trading stamps
622 and similar devices shall not be considered to be rebates for the purposes of this act and
623 provided further that discounts, premiums and rebates may be provided in connection with
624 the sale of drugs and medications to any person who is [60 years] of age or older.

625 (6) Advertising of prescription drug prices in a manner inconsistent with
626 rules and regulations promulgated by the [Director of the Division of Consumer Affairs],
627 except that no advertising of any drug or substance shall be authorized unless the
628 [Commissioner of Health and Senior Services] shall have determined that the advertising is
629 not harmful to public health, safety and welfare.

630 (7) Engaging in activities beyond the scope of a collaborative drug therapy
631 management agreement.

632 b. Before a certificate shall be refused, suspended or revoked, the accused person
633 shall be furnished with a copy of the complaint and given a hearing before the [board]. Any
634 person whose certificate is so suspended or revoked shall be deemed an unlicensed person
635 during the period of such suspension or revocation, and as those shall be subject to the
636 penalties prescribed in this act, but that person may, at the discretion of the [board], have his
637 certificate reinstated at any time without an examination, upon application to the [board].
638 Any person to whom a certificate shall be denied by the board or whose certificate shall be
639 suspended or revoked by the [board] shall have the right to review that action by appeal to
640 the [Appellate Division of the Superior Court] in lieu of prerogative writ.

641

642 Section 28. [*Drug Utilization Review, Requirements.*]

643 a. A pharmacist shall conduct a drug utilization review before each new medication is
644 dispensed or delivered to a patient.

645 b. A pharmacist shall conduct a prospective drug utilization review in accordance
646 with the provisions of this section before refilling a prescription or medication order to the
647 extent he deems appropriate in his professional judgment.

648 c. A pharmacist shall exercise independent professional judgment as to whether or
649 not to dispense or refill a prescription or medication order. In determining to dispense or
650 refill a prescription or medication order, the decision of the pharmacist shall not be arbitrary
651 but shall be based on professional experience, knowledge or available reference materials.

652
653 Section 29. [*Provision of Counseling on New Prescriptions.*] A pharmacist or his
654 designee shall offer to provide counseling to any person who presents a new prescription in a
655 manner as determined pursuant to criteria established by the [board].

656
657 Section 30. [*Patient Profile System.*]

658 a. A patient profile system shall be maintained by all pharmacies for persons for
659 whom medications are dispensed. The patient profile record system shall enable the
660 dispensing pharmacist to identify previously dispensed medication at the time a prescription
661 is presented for dispensing.

662 b. The following information generated or transferred to the individual pharmacy
663 practice site shall be recorded in the patient profile system:

664 (1) The family and the first name of the person for whom the medication is
665 intended (the patient);

666 (2) The street address and telephone number of the patient;

667 (3) Indication of the patient's age, birth date or age group (infant, child, adult)
668 and gender;

669 (4) The height, weight and other patient specific criteria for those medications
670 that are height or weight dose dependent;

671 (5) The original or refill date the medication is dispensed and the initials of
672 the dispensing pharmacist, if those initials and date are not recorded on the original
673 prescription or in any other record approved by the board;

674 (6) The number or designation identifying the prescription;

675 (7) The practitioner's name;

676 (8) The name, strength and quantity of the drug dispensed;

677 (9) The individual history, if significant, including known allergies and drug
678 reactions, known diagnosed disease states and a comprehensive list of medications and
679 relevant devices; and

680 (10) Any additional comments relevant to the patient's drug use, which may
681 include any failure to accept the pharmacist's offer to counsel.

682 c. The information obtained shall be recorded in the patient's manual or electronic
683 profile, or in the prescription signature log, or in any other system of records, and may be
684 considered by the pharmacist in the exercise of his professional judgment concerning both
685 the offer to counsel and content of counseling. The absence of any record of a failure to
686 accept the pharmacist's offer to counsel shall be presumed to signify that the offer was
687 accepted and that the counseling was provided.

688
689 Section 31. [*Issuance of Permit for Pharmacy Practice Sites.*]

690 a. All pharmacy practice sites in this State, which engage in the practice of pharmacy
691 in [this State], shall be issued a permit by the [board], and shall annually renew their permit
692 with the [board]. If operations are conducted at more than one location, each location shall be
693 issued a permit by the [board] for the dispensing of medicine.

694 b. The [board] may determine by rule or regulation the permit classifications of all
695 pharmacy practice sites issued a permit under this Act, and establish minimum standards for
696 pharmacy practice sites.

697 c. The [board] shall establish by rule or regulation the criteria which each site shall
698 meet to qualify for a permit in each classification. The [board] may issue permits with
699 varying restrictions to pharmacy practice sites if the [board] deems it necessary.

700 d. Each holder of a pharmacy practice site permit shall ensure that a licensed
701 pharmacist be immediately available on the premises to provide pharmacy services at all
702 times the pharmacy practice site is open.

703 e. Each pharmacy practice site shall have a pharmacist-in-charge. The pharmacist-in-
704 charge and the owner of a pharmacy practice site shall be responsible for any violation of
705 any laws or regulations pertaining to the practice of pharmacy.

706 f. The [board] may enter into agreements with other states or with third parties for
707 the purpose of exchanging information concerning the granting of permits and the inspection
708 of pharmacy practice sites located in this State and those located outside this State.

709 g. The [board] may deny, suspend, revoke, restrict or refuse to renew a permit for a
710 pharmacy practice site that does not comply with the provisions of this act or any rule or
711 regulation promulgated pursuant to this Act.

712

713 Section 32. [*Permit Application Procedures.*]

714 a. The [board] shall specify by rule or regulation the permit application procedures to
715 be followed, including, but not limited to, the specification of forms to be used, the time and
716 place the application is to be made and the fees to be charged.

717 b. Applicants for a permit to operate a pharmacy practice site within this State shall
718 file with the board a verified application containing the information that the board requires of
719 the applicant relative to the qualifications for the specific permit.

720 c. The [board] shall specify, by rule or regulation, minimum standards for any
721 pharmacy practice site within this State. Pharmacy practice sites located in [this State] shall
722 be operated at all times under the immediate supervision of a pharmacist licensed to practice
723 in this State.

724 d. Permits issued by the [board] pursuant to this Act shall not be transferable or
725 assignable without the approval of the [board].

726

727 Section 33. [*Licensure Required for Use of Certain Terms.*] No person shall carry on,
728 conduct or transact business under a name which contains as a part thereof the words
729 “pharmacist,” “pharmacy,” “apothecary,” “apothecary shop,” “druggist,” “drug” or any word
730 or words of similar or like import, or in any manner by advertisement, circular, poster, sign
731 or otherwise describe or refer to the place of business by the terms “pharmacy,”
732 “apothecary,” “apothecary shop,” “chemist’s shop,” “drug store,” “drugs” or any word or
733 words of similar or like import unless the place of business is a currently licensed pharmacy
734 practice site operated or managed at all times by a pharmacist.

735

736 Section 34. [*Sale of Non-Prescription Drugs, Devices Unaffected.*] This Act shall not
737 prohibit, restrict or otherwise interfere with the sale of non-prescription drugs and devices at
738 places other than a pharmacy practice site or by persons in this State who are not licensed
739 pharmacists.

740

741 Section 35. [*Registration of Out-Of-State Pharmacies; Requirements.*]

742 a. Any pharmacy located in another state which ships, mails, distributes or delivers in
743 any manner, legend drugs or devices pursuant to a prescription into this State, shall register
744 with the [board] and provide the [board] with the following information:

745 (1) The location, names and titles of all principal corporate officers of the
746 pharmacy. A report containing this information shall be made on an annual basis and within
747 [30 days] after any change of office or corporate officer; and

748 (2) That it complies with all lawful directions and requests for information
749 from the regulatory or licensing agency of the state in which it is licensed as well as with all
750 requests for information made by the [board] pursuant to this section. As a prerequisite to
751 registering with the [board], the pharmacy shall submit a copy of the most recent inspection
752 report resulting from an inspection conducted by the regulatory or licensing agency of the
753 state in which it is located. The annual registration fee shall be established by the [board] and
754 shall not exceed [\$500] annually.

755 b. Any pharmacy subject to this section shall, during its regular hours of operation,
756 but not less than [six days per week], and for a minimum of [40 hours per week], provide a
757 toll-free telephone service to facilitate communication between patients in this State and a
758 pharmacist at a pharmacy who has access to the patient's records. This toll-free number
759 shall be disclosed on a label affixed to each container of drugs dispensed to patients in this
760 State.

761
762 Section 36. [*Report of Certain Occurrences.*]

763 a. All licensed pharmacy practice sites shall report to the [board] the occurrences of
764 any of the following:

765 (1) Closing of the pharmacy practice site;

766 (2) Change of ownership, location, interior site design, permit classification or
767 pharmacist-in-charge of the pharmacy practice site;

768 (3) Any significant theft or loss of legend drugs or devices;

769 (4) Disasters, accidents, any theft, destruction or loss of records required to be
770 maintained by State or federal law;

771 (5) Any pharmacy malpractice liability insurance claim settlement, judgment
772 or arbitration award in excess of [\$10,000] to which an owner, an employee of, or the
773 pharmacy practice site itself is a party; and

774 (6) Any and all other matters and occurrences as the [board] may require by
775 rule or regulation.

776 b. The manner, time and content of the notification shall be prescribed by rule or
777 regulation by the [board].

778
779 Section 37. [*Permit Required for Operation of Pharmacy Practice Site.*]

780 a. No pharmacy practice site shall operate until it has been issued a permit by the
781 [board].

782 b. The [board] may suspend, revoke, deny, restrict or refuse to renew the permit of
783 any pharmacy practice site on any of the following grounds:

784 (1) Findings by the [board] that any conduct of the permit holder or applicant
785 violates any federal, State or local laws or regulations relating to the practice of pharmacy;

786 (2) A conviction of the permit holder or applicant under federal, State or local
787 laws for a crime of moral turpitude or a crime that relates adversely to the practice of
788 pharmacy;

789 (3) Materially false or fraudulent information contained within any
790 application made to the board or in any application relating to drug or device prescribing,
791 dispensing or administration;

792 (4) Suspension or revocation by federal, State or local government of any
793 license or permit relating to the practice of pharmacy currently or previously held by the
794 applicant or permit holder;

795 (5) Utilizing a permit to obtain remuneration by fraud, misrepresentation or
796 deception;

797 (6) Dealing with drugs or devices that are known or should have been known
798 as stolen drugs or devices;

799 (7) Purchasing or receiving of a drug or device by a permit holder or for use at
800 a pharmacy practice site from a source that is not licensed under the laws of the State, except
801 where otherwise provided;

802 (8) Intensive and ongoing failure to provide additional personnel, automation
803 and technology as is necessary to ensure that the licensed pharmacist on duty has sufficient
804 time to utilize the professional's knowledge and training and to competently perform the
805 functions of a licensed pharmacist as required by law; or

806 (9) Violation of any of the provisions of the [state controlled substance Act]
807 by the applicant, permit holder or occurring at the pharmacy practice site; or

808 c. Reinstatement of a permit that has been suspended or restricted by the [board] may
809 be granted in accordance with the procedures specified by the [board].

810
811 Section 38. [*Compliance With Federal Law, Standards.*] Pharmacists and pharmacies
812 shall comply with the provisions of the federal Standards of Practice of Individually
813 Identifiable Health Information, 45 C.F.R. Parts 160 and 164.

814
815 Section 39. [*Immunity from Civil Damages for Reports of Alleged Misconduct.*] A
816 person who in good faith and without malice provides to the [board] any information
817 concerning any act by a pharmacist licensed by the [board] which the person has reasonable
818 cause to believe involves misconduct that may be subject to disciplinary action by the
819 [board], or any information relating to such conduct requested by the [board] in the exercise
820 of its statutory responsibilities or which may be required by statute, shall not be liable for
821 civil damages in any cause of action arising out of the provision of such information or
822 services.

823
824 Section 40. [*Currently Licensed Pharmacists, Practice Sites.*]

825 a. Any person who is licensed in this State as a pharmacist on the effective date of
826 this act may continue to practice under his current license until its expiration, and to obtain a
827 license under this Act without examination upon payment of a fee.

828 b. Any site with a permit in this State as a pharmacy practice site on the effective
829 date of this Act may continue to operate under its current permit until its expiration.

830
831 Section 41. [*Prior Regulations Unaffected.*] This Act shall not affect the orders, rules
832 and regulations regarding the practice of pharmacy made or promulgated by the [board]
833 created pursuant to [insert citation] prior to the effective date of this Act.

834
835 Section 42. [*Pharmacy Technicians, Conditions.*]

836 a. Pharmacy technicians may assist a licensed pharmacist in performing the following
837 tasks:

838 (1) Retrieval of prescription files, patient files and profiles and other records,
839 as determined by the [board], pertaining to the practice of pharmacy;

840 (2) Data entry;

841 (3) Label preparation; and

842 (4) Counting, weighing, measuring, pouring and compounding of prescription
843 medication or stock legend drugs and controlled substances, including the filling of an
844 automated medication system.

845 b. Pharmacy technicians may accept authorization from a patient for a prescription
846 refill, or from a physician or the physician's agent for a prescription renewal, provided that
847 the prescription remains unchanged. As used in this section, "prescription refill" means the
848 dispensing of medications pursuant to a prescriber's authorization provided on the original
849 prescription and "prescription renewal" means the dispensing of medications pursuant to
850 a practitioner's authorization to fill an existing prescription that has no refills remaining.

851 c. Pharmacy technicians shall not:

852 (1) Receive new verbal prescriptions;

853 (2) Interpret a prescription or medication order for therapeutic acceptability
854 and appropriateness;

855 (3) Verify dosage and directions;

856 (4) Engage in prospective drug review;

857 (5) Provide patient counseling;

858 (6) Monitor prescription usage;

859 (7) Override computer alerts without first notifying the pharmacist;

860 (8) Transfer prescriptions from one pharmacy to another pharmacy; or

861 (9) Violate patient confidentiality.

862 d. Except as provided in subsection e. of this section, a pharmacist shall not supervise
863 more than [two] pharmacy technicians.

864 e. A pharmacy that wishes to employ a licensed pharmacist to pharmacy technician
865 ratio greater than established in accordance with subsection d. of this section, shall:

866 (1) Establish written job descriptions, task protocols and policies and
867 procedures that pertain to the duties performed by the pharmacy technician;

868 (2) Ensure and document that each pharmacy technician pass the National
869 Pharmacy Technician Certification Examination or a [board] approved certification program
870 and fulfill the requirements to maintain this status, or complete a program which includes a
871 testing component and which has been approved by the [board] as satisfying the criteria as
872 set forth in subsection f. of this section;

873 (3) Ensure that each pharmacy technician is knowledgeable in the established
874 job descriptions, task protocols and policies and procedures in the pharmacy setting in which
875 the technician is to perform his duties;

876 (4) Ensure that the duties assigned to any pharmacy technician do not exceed
877 the established job descriptions, task protocols and policies and procedures;

878 (5) Ensure that each pharmacy technician receives in-service training before
879 the pharmacy technician assumes his responsibilities and maintain documentation thereof;

880 (6) Require and maintain on site a signed patient confidentiality statement
881 from each technician;

882 (7) Provide immediate personal supervision; and

883 (8) Provide the [board], upon request, with a copy of the established job
884 descriptions, task protocols and policies and procedures for all pharmacy technician duties.

885 f. If the pharmacist to pharmacy technician ratio is greater than the ratio established
886 in accordance with the provisions of subsection d. of this section, the pharmacy shall
887 maintain a policy and procedure manual with regard to pharmacy technicians, which shall
888 include the following:

- 889 (1) Supervision by a pharmacist;
- 890 (2) Confidentiality safeguards of patient information;
- 891 (3) Minimum qualifications;
- 892 (4) Documentation of in-service education or ongoing training and
893 demonstration of competency, specific to practice site and job function;
- 894 (5) General duties and responsibilities of pharmacy technicians;
- 895 (6) Retrieval of prescription files, patient files, patient profile information and
896 other records pertaining to the practice of pharmacy;
- 897 (7) Functions related to prescription processing;
- 898 (8) Functions related to prescription legend drug and controlled dangerous
899 substance ordering and inventory control;
- 900 (9) Prescription refill and renewal authorization;
- 901 (10) Procedures dealing with documentation and records required for
902 controlled dangerous substance and prescription legend drugs;
- 903 (11) Procedures dealing with medication errors;
- 904 (12) Pharmacy technician functions related to automated systems;
- 905 (13) Functions that may not be performed by pharmacy technicians; and
- 906 (14) A form signed by the pharmacy technician which verifies that the manual
907 has been reviewed by the technician.

908 g. The pharmacist in charge shall review the policy and procedure manual at least
909 every [two years] and, if necessary, amend the manual as needed. Documentation of the
910 review shall be made available to the [board] upon request.

911 h. Pharmacy technicians shall wear an identification tag, which shall include at least
912 their first name, the first initial of their last name and title.

913 i. On pharmacy permit renewal applications, the pharmacy shall list the name and
914 address of all pharmacy technicians which it currently employs.

915 j. When pharmacy technicians are engaged in any activities permitted in accordance
916 with the provisions of this section, the licensed pharmacists on site shall be responsible for
917 these activities.

918
919 Section 43. [*Severability.*] [Insert severability clause.]

920
921 Section 44. [*Repealer.*] [Insert repealer clause.]

922
923 Section 45. [*Effective Date.*] [Insert effective date.]