

110TH CONGRESS
2D SESSION

H. R. 5491

To amend the Public Health Service Act to authorize grants to States to establish and implement programs for registering pharmaceutical technicians.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2008

Mr. LATOURETTE (for himself, Mr. LYNCH, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to authorize grants to States to establish and implement programs for registering pharmaceutical technicians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pharmacy Technician
5 Training and Registration Act of 2008” or as “Emily’s
6 Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds as follows:

1 (1) Common pharmacy technician tasks include
2 calling doctors to authorize prescription refills, put-
3 ting medications into prescription containers, enter-
4 ing prescriptions into computers, typing drug labels,
5 and, in many States, mixing drugs from raw mate-
6 rials, preparing intravenous solutions, and even pre-
7 paring chemotherapy treatments.

8 (2) There are few State and no Federal require-
9 ments for formal training or certification of phar-
10 macy technicians, according to the Bureau of Labor
11 Statistics (BLS).

12 (3) Employment of pharmacy technicians is ex-
13 pected to grow much faster than the average rate for
14 all occupations through 2014, because, according to
15 the Bureau of Labor Statistics, as the population
16 grows and ages demand for pharmaceuticals will in-
17 crease dramatically.

18 (4) About 7 out of 10 of pharmacy technician
19 jobs are in retail pharmacies, grocery stores, depart-
20 ment stores, or mass retailers, according to the Bu-
21 reau of Labor Statistics.

22 (5) About 2 out of 10 pharmacy technician jobs
23 are in hospitals, according to the Bureau of Labor
24 Statistics.

1 (6) Millions of medication doses are dispensed
2 annually at hospitals, and a February 2006 study on
3 hospital dispensing errors by the Joint Commission
4 Journal on Quality and Patient Safety found that
5 pharmacists failed to detect more than 20 percent of
6 all filling errors made by pharmacy technicians.

7 (7) The MEDMARX Data Report released in
8 January 2008 revealed that more than 1,400 com-
9 monly used drugs are involved in medication errors
10 linked to drug names that look or sound alike. This
11 study reviewed more than 26,000 records from 2003
12 to 2006. This result is nearly double the number of
13 pairs that were identified in the previous report on
14 this topic in 2004.

15 (8) Since 1992, the Food and Drug Adminis-
16 tration has received more than 20,000 voluntary re-
17 ports of medication errors.

18 **SEC. 3. STATE PHARMACEUTICAL TECHNICIAN REGISTRA-**
19 **TION PROGRAMS.**

20 Part D of title III of the Public Health Service Act
21 (42 U.S.C. 254b et seq.) is amended by adding at the end
22 the following:

1 **“Subpart XI—Pharmaceutical Technicians**

2 **“SEC. 340H. STATE PHARMACEUTICAL TECHNICIAN REG-**
3 **ISTRATION PROGRAMS.**

4 “(a) GRANTS.—The Secretary of Health and Human
5 Services may make grants to States to establish and im-
6 plement a pharmaceutical technician registration program
7 described in subsection (b).

8 “(b) REGISTRATION PROGRAM DESCRIPTION.—A
9 pharmaceutical technician registration program described
10 in this subsection is a program under which—

11 “(1) the State prohibits an individual from per-
12 forming the duties of a pharmaceutical technician in
13 such State unless the individual is registered by the
14 State Board of Pharmacy to perform such duties;
15 and

16 “(2) as minimum requirements for such reg-
17 istration, the State requires the individual—

18 “(A) to have attained a secondary school
19 diploma or its recognized equivalent;

20 “(B) to be certified by the Pharmacy Tech-
21 nician Certification Board; and

22 “(C) to have—

23 “(i) attained an associate’s degree in
24 pharmacy technology;

25 “(ii) completed a course of training
26 for pharmaceutical technicians accredited

1 by the American Society of Health-System
2 Pharmacists; or

3 “(iii) graduated from a school of
4 pharmacy recognized by the State Board of
5 Pharmacy.

6 “(c) ANNUAL REPORTING ON PHARMACEUTICAL
7 TECHNICIAN ERRORS.—As a condition on the receipt of
8 a grant under this section, a State shall agree to submit
9 an annual report to the Secretary of Health and Human
10 Services on pharmaceutical technician errors in the State.

11 “(d) TRANSITIONAL PERIOD FOR PRACTICING TECH-
12 NICIANS.—A State receiving a grant under this section
13 may provide a transitional period for individuals who
14 began practicing as pharmaceutical technicians before the
15 date of the enactment of this section to comply with the
16 requirements of the registration program under this sec-
17 tion.

18 “(e) DEFINITIONS.—In this section:

19 “(1) The term ‘State Board of Pharmacy’
20 means the regulatory body empowered by the State
21 to regulate the pharmaceutical practice, including
22 granting registrations to and disciplining individuals
23 and companies.

1 “(2) The term ‘pharmacy technician’ means an
2 individual who assists a pharmacist in the perform-
3 ance of his or her pharmacy-related duties.

4 “(3) The term ‘secondary school’ has the mean-
5 ing given to such term in section 9101 of the Ele-
6 mentary and Secondary Education Act of 1965.

7 “(4) The term ‘Secretary’ means the Secretary
8 of Health and Human Services.”.

9 **SEC. 4. SENSE OF CONGRESS.**

10 It is the sense of the Congress that State Boards of
11 Pharmacy should strive to ensure—

12 (1) a ratio of 2 pharmaceutical technicians to
13 each pharmacist in hospital settings; and

14 (2) a ratio of 3 pharmaceutical technicians to
15 each pharmacist in other settings, including drug
16 stores.

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