

Date of Hearing: April 25, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 1589 (Salas) – As Introduced February 17, 2017

SUBJECT: Pharmacy: pharmacist supervision: technicians.

SUMMARY: Directs the Board of Pharmacy (Board) to biennially review the ratio of pharmacy technicians to pharmacists and report to the Legislature any recommended changes to the ratio.

EXISTING LAW:

- 1) Prescribes standards for the conduct and scope of pharmacy technicians, including requirements for supervision and licensing. (Business and Professions Code (BPC) Section 4115 (a-e))
- 2) Dictates the ratio for technicians to pharmacists as 1:1 unless additional pharmacists are present, in which case any pharmacist after the first may supervise two technicians at a ratio of 2:1. Also states that a pharmacist may refuse to supervise a second technician if doing so would substantively interfere with the fulfillment of their duties (BPC Section 4115 (f)(1-3))

THIS BILL:

- 1) Directs the Board to review the ratio of pharmacy technicians, as specified, every two years.
- 2) Directs the Board to provide a report on pharmacy technician ratios to the Legislature if the board decides a change in the ratio is necessary.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. This bill is sponsored by the **California Retailers Association**. According to the author, “In California, pharmacists are empowered to provide a broad swath of clinical and health services in addition to their traditional dispensing and counseling duties. However, the demands of running a business and supervising the filling of prescriptions can limit opportunities to provide these valuable services to communities throughout the state. While pharmacies can employ pharmacy technicians to help with some of the more rudimentary pharmacy duties, the existing supervising ratio of 1:1 constrains the ability of the supervising pharmacist to offer services other than the filling of prescriptions. Altering the existing ratio would allow greater flexibility and support pharmacists that wish to engage in the more clinical duties within their scope of practice. To ensure that the ratio is changed in a way that is supported by data and the unique variables present in California, the Board would be directed to conduct a study and advise the legislature of necessary changes to the ratio, potentially benefiting patients and health care practitioners alike.”

Background. This bill would require the Board to review the existing ratio for pharmacy technicians every two years and to notify the legislature of any need to shift the existing ratio of 1 pharmacy technician to 1 supervising pharmacist and 2 technicians each to any additional supervising pharmacists.

Under current law, applicants for licensure as a pharmacy technician must have a high-school diploma or general educational development certificate and also meet one of four requirements: 1) possess an associate's degree in pharmacy technology; 2) have completed a course of training specified by the Board; 3) have graduated from a school of pharmacy; or, 4) be certified by the Pharmacy Technician Certification Board. When the current licensing requirements were adopted, the Pharmacy Technician Certification Board was the only national certification program. Today, the National Healthcareer Association also offers certification for pharmacy technicians. Pharmacy technicians are licensed by the Board to perform nondiscretionary tasks under the direct supervision of a pharmacist. The Board allows four pathways to become a pharmacy technician, one of which is to take the Pharmacy Technician Certification Exam (PTCE) to become certified.

In 2013, SB 493 (Hernández), Chapter 469, Statutes of 2013 allowed pharmacists to provide the following clinical services:

- Furnish self-administered hormonal contraceptives, nicotine replacement products, and prescription medications not requiring a diagnosis that are recommended for international travelers;
- Order and interpret tests for the purpose of monitoring and managing the efficacy and toxicity of drug therapies;
- Order and administer routine vaccinations; and,
- Provide consultation on drug therapy, disease management, and prevention

Additionally, SB 493 established Board recognition of advanced practice pharmacists, who are allowed to conduct patient assessments, refer patients to other health care providers, change drug therapies pursuant to a physician's order, and engage in the evaluation and management of patient's health outcomes.

In response to the growing opioid crisis in 2014, AB 1535 (Bloom), Chapter 326, Statutes of 2014, authorized pharmacists to furnish naloxone hydrochloride, a drug that can stop a fatal opioid overdose.

The role of the pharmacist has been dramatically altered since the initial authorization of the pharmacy technicians in 1991. While these expansions of scope allow pharmacists to more effectively serve patients and their communities, they also add additional duties to the workload that may interfere with or limit the ability to dispense medication.

California has the most restrictive ratio in the United States and is the only state that maintains the 1:1 ratio. The most prevalent ratio nationwide is 3:1, the highest is 6:1 in Idaho and Ohio, and 18 states have an unspecified ratio.

While this bill does not define a new ratio for California, national ratio trends suggest that it may be time to reevaluate the standard in the state. The study conducted by the Board and its subsequent recommendations will help establish a set of guidelines and provide data for a reasoned possible adjustment in the future.

Prior Related Legislation. AB 1535 (Bloom), Chapter 326, Statutes of 2014, authorized pharmacists to furnish the anti-overdose drug, naloxone.

SB 493 (Hernández), Chapter 469, Statutes of 2013, allowed pharmacists to provide the following clinical services:

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- Provide consultation on drug therapy, disease management, and prevention.

ARGUMENTS IN SUPPORT:

The **California Retailers Association (CRA)** and the **National Association of Chain Drugs Stores (NACDS)** are pleased to support AB 1589, which requires the CA Board of Pharmacy to review the pharmacy technician ratio and report to the Legislature if any changes are necessary.

ARGUMENTS IN OPPOSITION:

None on file

POLICY ISSUES FOR CONSIDERATION:

The Board has not taken a formal position on revising the ratio. The Legislature should carefully consider the input of the Board when determining whether to shift the ratios in the future and examine the utility of reviewing the ratios every two years versus a longer review cycle.

REGISTERED SUPPORT:

California Retailers Association
National Association of Chain Drugs Stores

REGISTERED OPPOSITION:

None on file

Analysis Prepared by: Jimmy Fremgen / B. & P. / 916-319-3301

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FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

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