

IC 25-26-19

Chapter 19. Regulation of Pharmacy Technicians

IC 25-26-19-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the Indiana board of pharmacy established by IC 25-26-13-3.

As added by P.L.251-2003, SEC.3.

IC 25-26-19-2

"Pharmacy technician"

Sec. 2. As used in this chapter, "pharmacy technician" means an individual who:

- (1) works under the direct supervision of a pharmacist licensed under this article; and
- (2) performs duties to assist a pharmacist in activities that do not require the professional judgment of a pharmacist.

As added by P.L.251-2003, SEC.3.

IC 25-26-19-3

"Pharmacy technician in training"

Sec. 3. As used in this chapter, "pharmacy technician in training" means a person who is enrolled in a training program for pharmacy technicians prescribed by the board.

As added by P.L.251-2003, SEC.3.

IC 25-26-19-4

Adoption of rules

Sec. 4. (a) The board may adopt rules under IC 4-22-2 to:

- (1) implement and enforce this chapter;
- (2) set fees under IC 25-1-8; and
- (3) establish education and training requirements for licensure to practice as a pharmacy technician.

(b) The board shall:

- (1) establish standards for the competent practice of pharmacy technicians; and
- (2) subject to IC 4-21.5, IC 25-1-7, and IC 25-1-9, conduct proceedings on any matter under the jurisdiction of the board.

As added by P.L.251-2003, SEC.3. Amended by P.L.58-2014, SEC.11.

IC 25-26-19-5

Pharmacy technician license requirements; waiver of age requirement; grandfathering; training program approval

Sec. 5. (a) The board shall issue a pharmacy technician license to an individual who:

- (1) applies to the board in the form and manner prescribed by the board;
- (2) is at least eighteen (18) years of age;
- (3) has:

- (A) graduated from high school; or
- (B) received a:
 - (i) high school equivalency certificate; or
 - (ii) state general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18;
- (4) has not been convicted of:
 - (A) a crime that has a direct bearing upon the individual's ability to practice competently; or
 - (B) a felony involving controlled substances;
- (5) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter;
- (6) has paid the fee set by the board under section 4 of this chapter;
- (7) has:
 - (A) graduated from a competency based pharmacy technician education and training program approved by the board;
 - (B) completed an employer provided training program that:
 - (i) beginning July 1, 2015, uses training requirements and minimum standards developed by the board;
 - (ii) has been approved by the board; and
 - (iii) includes specific training in the duties required to assist the pharmacist in the technical functions associated with the practice of pharmacy; or
 - (C) successfully passed a certification examination offered by the Pharmacy Technician Certification Board or another nationally recognized certification body approved by the board.

(b) For good cause, the board may waive the age requirement under subsection (a)(2).

(c) A person who has been certified or licensed as a pharmacy technician by the board before July 1, 2014, and who remains in good standing on July 1, 2014, shall, for all purposes, be considered licensed beginning on July 1, 2014. A person described in this subsection is subject to the license renewal requirements set forth in this chapter.

(d) A training program approved by the board before July 1, 2015, must be resubmitted to the board for approval in meeting current standards.

As added by P.L.251-2003, SEC.3. Amended by P.L.159-2012, SEC.7; P.L.58-2014, SEC.12.

IC 25-26-19-6

Qualification for pharmacy technician in training permit

Sec. 6. (a) The board shall issue a pharmacy technician in training permit to an individual who:

- (1) applies to the board in the form and manner prescribed by the board;
- (2) is at least eighteen (18) years of age;
- (3) has not been convicted of a crime that has a direct bearing upon the individual's ability to practice competently;

(4) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter; and

(5) has applied for licensure under section 5 of this chapter.

(b) An applicant:

(1) may work as a pharmacy technician in training without a permit for not more than thirty (30) consecutive days after the applicant files an application under this section;

(2) shall provide the applicant's employer with a receipt issued by the board that:

(A) provides the date an application under this section was filed; and

(B) indicates that the fee has been paid; before the applicant may begin work as a pharmacy technician in training; and

(3) may request an additional thirty (30) day period to practice as a pharmacy technician in training without a permit. The board may approve a request under this subdivision if the board determines that the extension is for good cause.

(c) A pharmacy technician in training permit expires on the earliest of the following:

(1) The date the permit holder is issued a pharmacy technician license under this chapter.

(2) The date the board disapproves the permit holder's application for a pharmacy technician license under this chapter.

(3) The date the permit holder ceases to be enrolled in good standing in a pharmacy technician training program approved by the board. The graduation of a permit holder from a pharmacy technician program does not cause the permit to expire under this subdivision.

(4) Sixty (60) days after the date that the permit holder successfully completes a program approved by the board.

(5) Twelve (12) months after the date of issuance.

(d) For good cause, the board may waive the age requirement in subsection (a)(2).

As added by P.L.251-2003, SEC.3. Amended by P.L.58-2014, SEC.13.

IC 25-26-19-7

Expiration of license; renewal; reinstatement

Sec. 7. (a) A pharmacy technician license expires on a date set by the Indiana professional licensing agency in each even-numbered year.

(b) An application for renewal of a pharmacy technician license must be accompanied by the appropriate fee.

(c) If a person fails to renew a pharmacy technician license, the license may be reinstated by meeting the requirements under IC 25-1-8-6.

(d) The board may require a person who applies for a license under subsection (c) to appear before the board and explain the reason why the person failed to renew a pharmacy technician license.

As added by P.L.251-2003, SEC.3. Amended by P.L.1-2006, SEC.466; P.L.58-2014, SEC.14.

IC 25-26-19-8

Prohibited activities of a licensed pharmacy technician

Sec. 8. A licensed pharmacy technician may not perform the following activities:

- (1) Providing advice or consultation with the prescribing practitioner or other licensed health care provider regarding the patient or the interpretation and application of information contained in the prescription or drug order, medical record, or patient profile.
- (2) Providing advice or consultation with the patient regarding the interpretation of the prescription or the application of information contained in the patient profile or medical record.
- (3) Dispensing prescription drug information to the patient.
- (4) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including the appropriateness of the drug for the patient and the accuracy of the:
 - (A) drug dispensed;
 - (B) strength of the drug dispensed; and
 - (C) labeling of the prescription.
- (5) Receiving a new prescription drug order over the telephone or electronically unless the original information is recorded so a pharmacist may review the prescription drug order as transmitted.
- (6) Any activity required by law to be performed only by a pharmacist.
- (7) Any activity that requires the clinical judgment of a pharmacist and is prohibited by a rule adopted by the board.

As added by P.L.251-2003, SEC.3. Amended by P.L.58-2014, SEC.15.

IC 25-26-19-9

Specific violations

Sec. 9. (a) An individual may not practice as a pharmacy technician unless the individual is licensed under this chapter.

(b) An individual may not act as a pharmacy technician in training unless the individual has obtained a permit under this chapter or the individual is acting as a pharmacy technician in training during the period permitted under section 6(b) of this chapter.

(c) An individual who knowingly violates this section commits a Level 6 felony.

As added by P.L.251-2003, SEC.3. Amended by P.L.158-2013, SEC.290; P.L.58-2014, SEC.16.

IC 25-26-19-10

Injunctions

Sec. 10. (a) If an individual violates this chapter, the attorney

general, the board, or the prosecuting attorney of the county in which the individual violates this chapter may maintain an action in the name of the state to enjoin the individual from continued violation of this chapter.

(b) An injunction issued under this section does not relieve an individual person from criminal prosecution but is in addition to any remedy provided under criminal law.

As added by P.L.251-2003, SEC.3.