



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 426**

Hearing Date: February 7, 2007
Committee On: Health and Human Services

Introducer(s): (Pankonin)
Title: Adopt the Pharmacy Technician Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senator(s): Johnson, Erdman, Hansen, Howard, Gay, Pankonin, Stuthman
	No	
	Present, not voting	
	Absent	

Proponents:
Senator Dave Pankonin
Joni Cover

Representing:
Introducer
Nebraska Pharmacists Association

Opponents:

Representing:

Neutral:
Paul O’Hara

Representing:
Nebraska Association of Trial Attorneys

Summary of purpose and/or changes:

LB 426 adopts the Pharmacy Technician Act. The bill contains legislative findings (sec. 2) and defines terms (sec. 3).

The bill requires and provides for registration of pharmacy technicians (sec. 4). To register as a pharmacy technician, the applicant must (1) be at least 18 years of age, (2) be a high school graduate, (3) have never been convicted of any drug-related misdemeanor or felony, (4) file an application with the department, and (5) pay the required fee. The bill permits pharmacy technicians, under written control procedures and guidelines of an employing pharmacy, to “perform those functions which do not require professional judgment and which are subject to verification to assist a pharmacist in the practice of pharmacy” (sec. 4). Specifically authorized tasks are enumerated (sec. 5).

The bill provides duties for the Director of Regulation and Licensure, a pharmacy employing a pharmacy technician, and the pharmacist in charge of an employing pharmacy relating to the authorized duties and functions of a pharmacy technician (sec. 5)

Basic competence for each pharmacy technician must be assessed (sec. 5). Written control procedures and guidelines must be established and approved by the Board of Pharmacy (board) (sec. 5).

The bill creates the Pharmacy Technician Registry (sec. 6).

Pharmacy technician registration must be renewed biennially (sec. 7). Disciplinary measures are provided for violations of the act (sec. 8) and for a pharmacist or pharmacist in charge responsible for supervision of the pharmacy technician (sec. 9). A pharmacist technician whose registration has been denied, refused renewal, removed, or suspended may reapply for registration pursuant to rules and regulations of the department (sec.10).

A pharmacy technician may report certain unlawful activities to the department (sec. 11). The bill provides for registration fees (sec. 12). Criminal penalties are provided for violations of the act (sec. 13).

The following sections are outright repealed: 71-1,147.33 and 71-1,147.34.

Explanation of amendments, if any:

The committee amendment (AM 523) makes various technical changes to the bill. It clarifies that only a conviction for a non-alcohol drug-related misdemeanor or felony will disqualify an applicant from being registered as a pharmacy technician. The amendment eliminates the licensure fee of \$50 and requires the department to establish the fee in rules and regulations. The amendment requires, rather than permits, reporting by pharmacy technicians, and removes immunity for “willful, wanton, or grossly negligent” acts of commission or omission.

Senator Joel Johnson, Chairperson