



Rep. Michael J. Zalewski

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LRB099 05820 MGM 36090 a

1 AMENDMENT TO HOUSE BILL 3219

2 AMENDMENT NO. _____. Amend House Bill 3219 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pharmacy Practice Act is amended by
5 changing Sections 9, 9.5, and 11 and by adding Section 16c as
6 follows:

7 (225 ILCS 85/9) (from Ch. 111, par. 4129)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 9. Registration as pharmacy technician. Any person
10 shall be entitled to registration as a registered pharmacy
11 technician who is of the age of 16 or over, has not engaged in
12 conduct or behavior determined to be grounds for discipline
13 under this Act, is attending or has graduated from an
14 accredited high school or comparable school or educational
15 institution or received a high school equivalency certificate,
16 and has filed a written application for registration on a form

1 to be prescribed and furnished by the Department for that
2 purpose. The Department shall issue a certificate of
3 registration as a registered pharmacy technician to any
4 applicant who has qualified as aforesaid, and such registration
5 shall be the sole authority required to assist licensed
6 pharmacists in the practice of pharmacy, under the supervision
7 of a licensed pharmacist. A registered pharmacy technician may,
8 under the supervision of a pharmacist, assist in the practice
9 of pharmacy and perform such functions as assisting in the
10 dispensing process, offering counseling, receiving new verbal
11 prescription orders, and having prescriber contact concerning
12 prescription drug order clarification. A registered pharmacy
13 technician may not engage in patient counseling, drug regimen
14 review, or clinical conflict resolution.

15 Beginning on January 1, 2017 ~~January 1, 2010~~, within 2
16 years after initial registration as a registered pharmacy
17 technician, the registrant must meet the requirements
18 described in Section 9.5 of this Act and register as a
19 registered certified pharmacy technician. If the registrant
20 has not yet attained the age of 18, then upon the next renewal
21 as a registered pharmacy technician, the registrant must meet
22 the requirements described in Section 9.5 of this Act and
23 register as a registered certified pharmacy technician ~~a~~
24 ~~pharmacy technician must become certified by successfully~~
25 ~~passing the Pharmacy Technician Certification Board (PTCB)~~
26 ~~examination or another Board approved pharmacy technician~~

1 ~~examination and register as a certified pharmacy technician~~
2 ~~with the Department in order to continue to perform pharmacy~~
3 ~~technician's duties.~~ This requirement does not apply to
4 pharmacy technicians registered prior to January 1, 2008.

5 Any person registered as a pharmacy technician who is also
6 enrolled in a first professional degree program in pharmacy in
7 a school or college of pharmacy or a department of pharmacy of
8 a university approved by the Department or has graduated from
9 such a program within the last 18 months, shall be considered a
10 "student pharmacist" and entitled to use the title "student
11 pharmacist". A student pharmacist must meet all of the
12 requirements for registration as a pharmacy technician set
13 forth in this Section excluding the requirement of
14 certification prior to the second registration renewal and pay
15 the required pharmacy technician registration fees. A student
16 pharmacist may, under the supervision of a pharmacist, assist
17 in the practice of pharmacy and perform any and all functions
18 delegated to him or her by the pharmacist.

19 Any person seeking licensure as a pharmacist who has
20 graduated from a pharmacy program outside the United States
21 must register as a pharmacy technician and shall be considered
22 a "student pharmacist" and be entitled to use the title
23 "student pharmacist" while completing the 1,200 clinical hours
24 of training approved by the Board of Pharmacy described and for
25 no more than 18 months after completion of these hours. These
26 individuals are not required to become registered certified

1 pharmacy technicians while completing their Board approved
2 clinical training, but must become licensed as a pharmacist or
3 become a registered certified pharmacy technician before the
4 second pharmacy technician registration renewal following
5 completion of the Board approved clinical training.

6 The Department shall not renew the pharmacy technician
7 license of any person who has been registered as a "student
8 pharmacist" and has dropped out of or been expelled from an
9 ACPE accredited college of pharmacy, who has failed to complete
10 his or her 1,200 hours of Board approved clinical training
11 within 24 months or who has failed the pharmacist licensure
12 examination 3 times and shall require these individuals to meet
13 the requirements of and become registered as a registered
14 certified pharmacy technician.

15 The Department may take any action set forth in Section 30
16 of this Act with regard to registrations pursuant to this
17 Section.

18 Any person who is enrolled in a non-traditional Pharm.D.
19 program at an ACPE accredited college of pharmacy and is a
20 licensed pharmacist under the laws of another United States
21 jurisdiction shall be permitted to engage in the program of
22 practice experience required in the academic program by virtue
23 of such license. Such person shall be exempt from the
24 requirement of registration as a registered pharmacy
25 technician while engaged in the program of practice experience
26 required in the academic program.

1 An applicant for registration as a pharmacy technician may
2 assist a pharmacist in the practice of pharmacy for a period of
3 up to 60 days prior to the issuance of a certificate of
4 registration if the applicant has submitted the required fee
5 and an application for registration to the Department. The
6 applicant shall keep a copy of the submitted application on the
7 premises where the applicant is assisting in the practice of
8 pharmacy. The Department shall forward confirmation of receipt
9 of the application with start and expiration dates of practice
10 pending registration.

11 (Source: P.A. 98-718, eff. 1-1-15.)

12 (225 ILCS 85/9.5)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 9.5. Registered certified ~~Certified~~ pharmacy
15 technician.

16 (a) An individual registered as a registered pharmacy
17 technician under this Act may be registered as a registered
18 certified pharmacy technician, if he or she meets all of the
19 following requirements:

20 (1) He or she has submitted a written application in
21 the form and manner prescribed by the Department.

22 (2) He or she has attained the age of 18.

23 (3) He or she is of good moral character, as determined
24 by the Department.

25 (4) He or she has (i) graduated from pharmacy

1 technician training meeting the requirements set forth in
2 subsection (a) of Section 17.1 of this Act or (ii) obtained
3 documentation from the pharmacist-in-charge of the
4 pharmacy where the applicant is employed verifying that he
5 or she has successfully completed a training program and
6 has successfully completed an objective assessment
7 mechanism prepared in accordance with rules established by
8 the Department.

9 (5) He or she has successfully passed an examination
10 accredited by the National Commission for Certifying
11 Agencies ~~National Organization of Certifying Agencies~~, as
12 approved and required by the Board.

13 (6) He or she has paid the required certification fees.

14 (b) No pharmacist whose license has been denied, revoked,
15 suspended, or restricted for disciplinary purposes may be
16 eligible to be registered as a certified pharmacy technician.

17 (c) The Department may, by rule, establish any additional
18 requirements for certification under this Section.

19 (d) A person who is not a registered pharmacy technician
20 and meets the requirements of this Section may register as a
21 registered certified pharmacy technician without first
22 registering as a pharmacy technician.

23 (e) As a condition for the renewal of a certificate of
24 registration as a registered certified pharmacy technician,
25 the registrant shall provide evidence to the Department of
26 completion of a total of 20 hours of continuing pharmacy

1 education during the 24 months preceding the expiration date of
2 the certificate. One hour of continuing pharmacy education must
3 be in the subject of pharmacy law. One hour of continuing
4 pharmacy education must be in the subject of patient safety.
5 The continuing education shall be approved by the Accreditation
6 Council on Pharmacy Education.

7 The Department shall establish by rule a means for the
8 verification of completion of the continuing education
9 required by this subsection (e). This verification may be
10 accomplished through audits of records maintained by
11 registrants, by requiring the filing of continuing education
12 certificates with the Department or a qualified organization
13 selected by the Department to maintain such records, or by
14 other means established by the Department.

15 Rules developed under this subsection (e) may provide for a
16 reasonable annual fee, not to exceed \$20, to fund the cost of
17 such recordkeeping. The Department shall, by rule, further
18 provide an orderly process for the reinstatement of a
19 registration that has not been renewed due to the failure to
20 meet the continuing pharmacy education requirements of this
21 subsection (e). The Department may waive the requirements of
22 continuing pharmacy education, in whole or in part, in cases of
23 extreme hardship as defined by rule of the Department. The
24 waivers shall be granted for not more than one of any 3
25 consecutive renewal periods.

26 (Source: P.A. 95-689, eff. 10-29-07; 96-673, eff. 1-1-10.)

1 (225 ILCS 85/11) (from Ch. 111, par. 4131)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 11. Duties of the Department. The Department shall
4 exercise the powers and duties prescribed by the Civil
5 Administrative Code of Illinois for the administration of
6 Licensing Acts and shall exercise such other powers and duties
7 necessary for effectuating the purpose of this Act. However,
8 the following powers and duties shall be exercised only upon
9 review of the Board of Pharmacy to take such action:

10 (a) Formulate such rules, not inconsistent with law and
11 subject to the Illinois Administrative Procedure Act, as may be
12 necessary to carry out the purposes and enforce the provisions
13 of this Act. The Director may grant variances from any such
14 rules as provided for in this Section;

15 (b) The suspension, revocation, placing on probationary
16 status, reprimand, and refusing to issue or restore any license
17 or certificate of registration issued under the provisions of
18 this Act for the reasons set forth in Section 30 of this Act.

19 (c) The issuance, renewal, restoration or reissuance of any
20 license or certificate which has been previously refused to be
21 issued or renewed, or has been revoked, suspended or placed on
22 probationary status.

23 The granting of variances from rules promulgated pursuant
24 to this Section in individual cases where there is a finding
25 that:

1 (1) the provision from which the variance is granted is
2 not statutorily mandated;

3 (2) no party will be injured by the granting of the
4 variance; and

5 (3) the rule from which the variance is granted would,
6 in the particular case, be unreasonable or unnecessarily
7 burdensome.

8 The Director shall notify the State Board of Pharmacy of
9 the granting of such variance and the reasons therefor, at the
10 next meeting of the Board.

11 (d) The Secretary shall appoint a chief pharmacy
12 coordinator and at least 2 deputy pharmacy coordinators, all of
13 whom shall be registered pharmacists in good standing in this
14 State, shall be graduates of an accredited college of pharmacy
15 or hold, at a minimum, a bachelor of science degree in
16 pharmacy, and shall have at least 5 years of experience in the
17 practice of pharmacy immediately prior to his or her
18 appointment. The chief pharmacy coordinator shall be the
19 executive administrator and the chief enforcement officer of
20 this Act. The deputy pharmacy coordinators shall report to the
21 chief pharmacy coordinator. The Secretary shall assign at least
22 one deputy pharmacy coordinator to a region composed of Cook
23 County and such other counties as the Secretary may deem
24 appropriate, and such deputy pharmacy coordinator shall have
25 his or her primary office in Chicago. The Secretary shall
26 assign at least one deputy pharmacy coordinator to a region

1 composed of the balance of counties in the State, and such
2 deputy pharmacy coordinator shall have his or her primary
3 office in Springfield.

4 (e) The Secretary shall, in conformity with the Personnel
5 Code, employ not less than 4 pharmacy investigators who shall
6 report to the pharmacy coordinator or a deputy pharmacy
7 coordinator. Each pharmacy investigator shall be a ~~graduate of~~
8 ~~a 4 year college or university and shall (i) have at least 2~~
9 ~~years of investigative experience; (ii) have 2 years of~~
10 ~~responsible pharmacy experience; or (iii) be a licensed~~
11 pharmacist unless employed as a pharmacy investigator on or
12 before the effective date of this amendatory Act of the 99th
13 General Assembly. The Department shall also employ at least one
14 attorney to prosecute violations of this Act and its rules. The
15 Department may, in conformity with the Personnel Code, employ
16 such clerical and other employees as are necessary to carry out
17 the duties of the Board and Department.

18 The duly authorized pharmacy investigators of the
19 Department shall have the right to enter and inspect, during
20 business hours, any pharmacy or any other place in this State
21 holding itself out to be a pharmacy where medicines, drugs or
22 drug products, or proprietary medicines are sold, offered for
23 sale, exposed for sale, or kept for sale.

24 (Source: P.A. 95-689, eff. 10-29-07.)

1 Sec. 16c. Medicine locking closure package.

2 (a) As used in this Section:

3 "Medicine locking closure package" means any alphanumeric
4 combination locking closure mechanism that can only be unlocked
5 with a user-generated, resettable alphanumeric code in
6 combination with an amber prescription container that forms a
7 package that allows only the person with a prescription access
8 to the medicine.

9 "Schedule II controlled substance" means a Schedule II
10 controlled substance under the United States Controlled
11 Substances Act and 21 CFR 1308.

12 (b) Effective January 1, 2016, the Department shall
13 implement a pilot project requiring that every new or refilled
14 prescription for a Schedule II controlled substance containing
15 hydrocodone dispensed by a pharmacy that voluntarily decides to
16 participate in the pilot program shall only be dispensed in a
17 non-reusable medicine locking closure package. The Department
18 shall not expend more than \$150,000 on this pilot program.

19 (c) The medicine locking closure package must be dispensed
20 by the pharmacy with instructions for patient use.

21 (d) The manufacturer of the medicine locking closure
22 package must make available assistance online or through a
23 toll-free number for patient use.

24 (e) Prescriptions reimbursed via the Medicare Part D and
25 Medicaid programs, including Medicaid managed care plans, are
26 exempt from the provisions of this Section.

1 (f) Prescriptions for individuals residing in facilities
2 licensed under the Nursing Home Care Act are exempt from the
3 provisions of this Section.

4 (g) This Section is repealed on January 1, 2017.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law, except that the changes to Sections 9, 9.5, and
7 11 of the Pharmacy Practice Act take effect January 1, 2017.".