

- SUBJECT:** Ratio of pharmacists to pharmacy technicians in a Class A pharmacy
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 8 ayes — Delisi, Jackson, Cohen, Coleman, Gonzales, S. King, Olivo, Truitt
- 1 nay — Laubenberg
- WITNESSES:** For — (*Registered, but did not testify*: Katie Parker Coburn, Texas Association of Community Health Centers; Kristie Zamrazil, Texas Pharmacy Association)
- Against — Tammy Folsom, Premier Pharmacy
- On — Gay Dodson, Texas State Board of Pharmacy
- BACKGROUND:** The 78th Legislature in 2003 enacted SB 939 by Janek, adding sec. 568.006 of the Occupations Code, which requires a ratio of pharmacists to pharmacy technicians in a Class A pharmacy of at least one pharmacist for every five technicians if the pharmacy dispenses not more than 20 different prescription drugs and does not produce intravenous or intramuscular drugs on site.
- The State Board of Pharmacy regulates the ratio for all of the other nearly 5,000 pharmacies in the state. Under board rules (T.A.C., Title 22, Part 15, sec. 291.32), the ratio of pharmacists to pharmacy technicians may not exceed one pharmacist for every two technicians. The ratio may be one pharmacist for every three technicians if at least one of the three technicians is certified. Currently, only one pharmacy fits the requirements of sec. 568.006 of the Occupations Code, effectively making this pharmacy exempt from board regulation on the ratio requirements.
- DIGEST:** HB 1683 would repeal Occupations Code, sec. 568.006, which requires a ratio of pharmacists to pharmacy technicians in a Class A pharmacy of at least one pharmacist for every five technicians if the pharmacy dispenses not more than 20 different prescription drugs and does not produce intravenous or intramuscular drugs on site.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

HB 1683 would make Board of Pharmacy regulation of the ratio of pharmacist to pharmacy technicians consistent statewide. The bill would undo the Legislature's action in 2003 in enacting a law that affects only one pharmacy in Texas. HB 1683 would allow the Board of Pharmacy to reestablish control over the ratio and to make decisions that would take into account the special circumstances of pharmacies across the state and set regulations as needed to oversee the industry.

Occupations Code, sec. 568.006 established a trend toward relaxing the ratio of pharmacists to technicians in the most common type of pharmacy, Class A pharmacies. These pharmacies are authorized to perform technical work in which a pharmacist may combine, mix, or alter drug ingredients to create customized medications for individual patients. To help protect public health, pharmacies that perform this specialty work especially merit a ratio of one pharmacist for every two or three technicians. HB 1683 would reinstate Board of Pharmacy oversight and control over all pharmacies in Texas and further the protection of public health.

**OPPONENTS  
SAY:**

HB 1683 is unnecessary because the Board of Pharmacy has received no complaints about any pharmacies practicing under sec. 568.006 of the Occupations Code. The Board of Pharmacy has not had to investigate or reprimand any pharmacies practicing under this section.

Further, sec. 568.006 mitigates its effect by limiting its application to a niche category of pharmacy that dispenses only 20 or fewer drugs and does not produce intravenous or intramuscular drugs. Therefore, it does not affect the number of pharmacists required at larger pharmacies such as Walgreens or at pharmacies that mix or "compound" ingredients to make drugs. In addition, the limitation on the number of drugs dispensed also decreases the chances for problems or mistakes.

**NOTES:**

The Board of Pharmacy assumes that the costs related to implement the provisions of this bill could be covered using existing resources.