

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (225 ILCS 85/9) (from Ch. 111, par. 4129)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 9. Registration as pharmacy technician. Any person
9 shall be entitled to registration as a registered pharmacy
10 technician who is of the age of 16 or over, has not engaged in
11 conduct or behavior determined to be grounds for discipline
12 under this Act, is attending or has graduated from an
13 accredited high school or comparable school or educational
14 institution or received a high school equivalency certificate,
15 and has filed a written application for registration on a form
16 to be prescribed and furnished by the Department for that
17 purpose. The Department shall issue a certificate of
18 registration as a registered pharmacy technician to any
19 applicant who has qualified as aforesaid, and such registration
20 shall be the sole authority required to assist licensed
21 pharmacists in the practice of pharmacy, under the supervision
22 of a licensed pharmacist. A registered pharmacy technician may,
23 under the supervision of a pharmacist, assist in the practice

1 of pharmacy and perform such functions as assisting in the
2 dispensing process, offering counseling, receiving new verbal
3 prescription orders, and having prescriber contact concerning
4 prescription drug order clarification. A registered pharmacy
5 technician may not engage in patient counseling, drug regimen
6 review, or clinical conflict resolution.

7 Beginning on January 1, 2017 ~~January 1, 2010~~, within 2
8 years after initial registration as a registered pharmacy
9 technician, the registrant must meet the requirements
10 described in Section 9.5 of this Act and register as a
11 registered certified pharmacy technician. If the registrant
12 has not yet attained the age of 18, then upon the next renewal
13 as a registered pharmacy technician, the registrant must meet
14 the requirements described in Section 9.5 of this Act and
15 register as a registered certified pharmacy technician ~~a~~
16 ~~pharmacy technician must become certified by successfully~~
17 ~~passing the Pharmacy Technician Certification Board (PTCB)~~
18 ~~examination or another Board approved pharmacy technician~~
19 ~~examination and register as a certified pharmacy technician~~
20 ~~with the Department in order to continue to perform pharmacy~~
21 ~~technician's duties.~~ This requirement does not apply to
22 pharmacy technicians registered prior to January 1, 2008.

23 Any person registered as a pharmacy technician who is also
24 enrolled in a first professional degree program in pharmacy in
25 a school or college of pharmacy or a department of pharmacy of
26 a university approved by the Department or has graduated from

1 such a program within the last 18 months, shall be considered a
2 "student pharmacist" and entitled to use the title "student
3 pharmacist". A student pharmacist must meet all of the
4 requirements for registration as a pharmacy technician set
5 forth in this Section excluding the requirement of
6 certification prior to the second registration renewal and pay
7 the required pharmacy technician registration fees. A student
8 pharmacist may, under the supervision of a pharmacist, assist
9 in the practice of pharmacy and perform any and all functions
10 delegated to him or her by the pharmacist.

11 Any person seeking licensure as a pharmacist who has
12 graduated from a pharmacy program outside the United States
13 must register as a pharmacy technician and shall be considered
14 a "student pharmacist" and be entitled to use the title
15 "student pharmacist" while completing the 1,200 clinical hours
16 of training approved by the Board of Pharmacy described and for
17 no more than 18 months after completion of these hours. These
18 individuals are not required to become registered certified
19 pharmacy technicians while completing their Board approved
20 clinical training, but must become licensed as a pharmacist or
21 become a registered certified pharmacy technician before the
22 second pharmacy technician registration renewal following
23 completion of the Board approved clinical training.

24 The Department shall not renew the pharmacy technician
25 license of any person who has been registered as a "student
26 pharmacist" and has dropped out of or been expelled from an

1 ACPE accredited college of pharmacy, who has failed to complete
2 his or her 1,200 hours of Board approved clinical training
3 within 24 months or who has failed the pharmacist licensure
4 examination 3 times and shall require these individuals to meet
5 the requirements of and become registered as a registered
6 certified pharmacy technician.

7 The Department may take any action set forth in Section 30
8 of this Act with regard to registrations pursuant to this
9 Section.

10 Any person who is enrolled in a non-traditional Pharm.D.
11 program at an ACPE accredited college of pharmacy and is a
12 licensed pharmacist under the laws of another United States
13 jurisdiction shall be permitted to engage in the program of
14 practice experience required in the academic program by virtue
15 of such license. Such person shall be exempt from the
16 requirement of registration as a registered pharmacy
17 technician while engaged in the program of practice experience
18 required in the academic program.

19 An applicant for registration as a pharmacy technician may
20 assist a pharmacist in the practice of pharmacy for a period of
21 up to 60 days prior to the issuance of a certificate of
22 registration if the applicant has submitted the required fee
23 and an application for registration to the Department. The
24 applicant shall keep a copy of the submitted application on the
25 premises where the applicant is assisting in the practice of
26 pharmacy. The Department shall forward confirmation of receipt

1 of the application with start and expiration dates of practice
2 pending registration.

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

4 (225 ILCS 85/9.5)

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

6 Sec. 9.5. Registered certified ~~Certified~~ pharmacy
7 technician.

8 (a) An individual registered as a registered pharmacy
9 technician under this Act may be registered as a registered
10 certified pharmacy technician, if he or she meets all of the
11 following requirements:

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

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

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

17 (4) He or she has (i) graduated from pharmacy
18 technician training meeting the requirements set forth in
19 subsection (a) of Section 17.1 of this Act or (ii) obtained
20 documentation from the pharmacist-in-charge of the
21 pharmacy where the applicant is employed verifying that he
22 or she has successfully completed a training program and
23 has successfully completed an objective assessment
24 mechanism prepared in accordance with rules established by
25 the Department.

1 (5) He or she has successfully passed an examination
2 accredited by the National Commission for Certifying
3 Agencies ~~National Organization of Certifying Agencies~~, as
4 approved and required by the Board.

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

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

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

11 (d) A person who is not a registered pharmacy technician
12 and meets the requirements of this Section may register as a
13 registered certified pharmacy technician without first
14 registering as a pharmacy technician.

15 (e) As a condition for the renewal of a certificate of
16 registration as a registered certified pharmacy technician,
17 the registrant shall provide evidence to the Department of
18 completion of a total of 20 hours of continuing pharmacy
19 education during the 24 months preceding the expiration date of
20 the certificate. One hour of continuing pharmacy education must
21 be in the subject of pharmacy law. One hour of continuing
22 pharmacy education must be in the subject of patient safety.
23 The continuing education shall be approved by the Accreditation
24 Council on Pharmacy Education.

25 The Department shall establish by rule a means for the
26 verification of completion of the continuing education

1 required by this subsection (e). This verification may be
2 accomplished through audits of records maintained by
3 registrants, by requiring the filing of continuing education
4 certificates with the Department or a qualified organization
5 selected by the Department to maintain such records, or by
6 other means established by the Department.

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

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

19 (225 ILCS 85/11) (from Ch. 111, par. 4131)

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

21 Sec. 11. Duties of the Department. The Department shall
22 exercise the powers and duties prescribed by the Civil
23 Administrative Code of Illinois for the administration of
24 Licensing Acts and shall exercise such other powers and duties
25 necessary for effectuating the purpose of this Act. However,

1 the following powers and duties shall be exercised only upon
2 review of the Board of Pharmacy to take such action:

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

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

12 (c) The issuance, renewal, restoration or reissuance of any
13 license or certificate which has been previously refused to be
14 issued or renewed, or has been revoked, suspended or placed on
15 probationary status.

16 The granting of variances from rules promulgated pursuant
17 to this Section in individual cases where there is a finding
18 that:

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

21 (2) no party will be injured by the granting of the
22 variance; and

23 (3) the rule from which the variance is granted would,
24 in the particular case, be unreasonable or unnecessarily
25 burdensome.

26 The Director shall notify the State Board of Pharmacy of

1 the granting of such variance and the reasons therefor, at the
2 next meeting of the Board.

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

22 (e) The Secretary shall, in conformity with the Personnel
23 Code, employ not less than 4 pharmacy investigators who shall
24 report to the pharmacy coordinator or a deputy pharmacy
25 coordinator. Each pharmacy investigator shall be a ~~graduate of~~
26 ~~a 4 year college or university and shall (i) have at least 2~~

1 ~~years of investigative experience; (ii) have 2 years of~~
2 ~~responsible pharmacy experience; or (iii) be a licensed~~
3 pharmacist unless employed as a pharmacy investigator on or
4 before the effective date of this amendatory Act of the 99th
5 General Assembly. The Department shall also employ at least one
6 attorney to prosecute violations of this Act and its rules. The
7 Department may, in conformity with the Personnel Code, employ
8 such clerical and other employees as are necessary to carry out
9 the duties of the Board and Department.

10 The duly authorized pharmacy investigators of the
11 Department shall have the right to enter and inspect, during
12 business hours, any pharmacy or any other place in this State
13 holding itself out to be a pharmacy where medicines, drugs or
14 drug products, or proprietary medicines are sold, offered for
15 sale, exposed for sale, or kept for sale.

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

17 (225 ILCS 85/16c new)

18 Sec. 16c. Medicine locking closure package.

19 (a) As used in this Section:

20 "Medicine locking closure package" means any alphanumeric
21 combination locking closure mechanism that can only be unlocked
22 with a user-generated, resettable alphanumeric code in
23 combination with an amber prescription container that forms a
24 package that allows only the person with a prescription access
25 to the medicine.

1 "Schedule II controlled substance" means a Schedule II
2 controlled substance under the United States Controlled
3 Substances Act and 21 CFR 1308.

4 (b) Subject to appropriation, effective January 1, 2016,
5 the Department shall by rule implement a pilot project
6 requiring that every new or refilled prescription for a
7 Schedule II controlled substance containing hydrocodone
8 dispensed by a pharmacy that voluntarily decides to participate
9 in the pilot program shall only be dispensed in a non-reusable
10 medicine locking closure package. The Department shall not
11 expend more than \$150,000 on this pilot program. The Department
12 may contract with third parties to implement the pilot program
13 in whole or in part.

14 (c) The medicine locking closure package must be dispensed
15 by the pharmacy with instructions for patient use unless the
16 prescriber indicates orally, in writing, or electronically
17 that a medicine locking closure package shall not be used.

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

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

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

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law, except that the changes to Sections 9 and 9.5 of
4 the Pharmacy Practice Act take effect January 1, 2017.