ARTICLE 20:51

PHARMACISTS

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CHAPTER 20:51:29

REGISTERED PHARMACY TECHNICIANS

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20:51:29:19. Ratio. The ratio of pharmacy technicians to pharmacists that may be on duty in a pharmacy at a given time is ~~two~~ three technicians for every pharmacist. A pharmacy intern does not count in this ratio (§ 20:51:02:11.01).

Source: 31 SDR 35, effective September 19, 2004.

General Authority: SDCL 36-11-11(1), 36-11-11(14).

Law Implemented: SDCL 36-11-11(14).

20:51:29:19.01. (Repeal) ~~**Exception to ratio for mail service pharmacy.** The maximum ratio of pharmacy technicians to pharmacists that may be on duty in a mail service pharmacy is four technicians for every pharmacist on duty. However, all of the following requirements must be met:~~

~~(1) Medication is dispensed pursuant to a legal prescription;~~

~~(2) Bar code technology is used in all aspects of the prescription filling process;~~

~~(3) Pharmacy robotics with RFID/bar coding is used within the prescription filling process;~~

~~(4) The technology includes tablet/product imaging;~~

~~(5) High resolution scanners are used at order entry;~~

~~(6) A role-based access software automation system, which places stop points within the prescription filling process, is used which requires pharmacist intervention before allowing the prescription to move to the next step in the prescription dispensing process;~~

~~(7) Enhanced pharmacy software that screens and detects drug allergies, identifies drug interactions, and checks age appropriate dosage ranges is used;~~

~~(8) A pharmacist reviews clinically significant computer warnings of drug interactions, therapy duplications, and contraindications;~~

~~(9) Electronic surveillance technology is used to control access and to provide continuous monitoring of all areas where drugs are stored or dispensed, or both;~~

~~(10) All non-pharmacist personnel who input patient drug information into a computer or whose duties include receiving, packaging, shipping of drugs, or who have access to any areas where drugs are dispensed are registered as pharmacy technicians and meet the requirements in chapter 20:51:29;~~

~~(11) Technicians above a 2:1 ratio must have completed a board-approved pharmacy technician education program or have passed a pharmacy technician certification examination that is accredited by the National Commission for Certifying Agencies (NCCA);~~

~~(12) A patient has access to a pharmacist 24 hours a day, 7 days a week on a dedicated pharmacist staff line;~~

~~(13) Drug information, both computerized and hard copy, is readily available to pharmacists;~~

~~(14) A quality assurance program that identifies and evaluates dispensing errors, accompanied by a continuous quality improvement program that assures very high dispensing accuracy rates in place;~~

~~(15) There are written policies and procedures for all pharmacy functions -- clerical, supportive, technical, and clinical;~~

~~(16) There are written policies and procedures for training personnel, including on-going training programs for all personnel and documentation of that training for each employee;~~

~~(17) There is a strict monitoring program designed to prevent diversion of controlled substances. This includes perpetual inventory of all schedule II controlled drugs as well as selected high-risk schedule III, IV, and V drugs. Routine audits are conducted to review purchases versus dispensing of controlled drugs to deter or detect diversion.~~

~~A mail service pharmacy operating pursuant to this section may not actively solicit prescriptions from individual South Dakota residents.~~

~~For the purpose of this section, a mail-service pharmacy is a pharmacy that does not deal directly with patients face-to-face and conducts 100 percent of its business by mail, e-mail, or telephone.~~

Source: 33 SDR 73, effective November 6, 2006; 36 SDR 21, effective August 17, 2009.

General Authority: SDCL 36-11-11(1)(14).

Law Implemented: SDCL 36-11-11(14).

20:51:29:19.02. Exception to ratio for ~~retail,~~ hospital, mail order, and long-term care pharmacy. The maximum ratio of pharmacy technicians to pharmacists that may be on duty in a ~~retail,~~ hospital, mail order, and long-term care pharmacy will be determined by the pharmacist in charge ~~is three technicians for every pharmacist on duty~~. However~~, if applicable to the practice and services provided~~ all of the following requirements must be met:

(1) Medication is dispensed pursuant to a legal prescription;

(2) The technology includes tablet or product imaging and or bar code scanning, or both, to insure accuracy in the prescription filling process;

(3) A role-based access software automation system that places stop points within the prescription filling process is used, which requires a pharmacist's intervention before allowing the prescription to move to the next step in the prescription dispensing process;

(4) Pharmacy software that screens and detects drug allergies, identifies drug interactions, and checks age appropriate dosage ranges is used;

(5) A pharmacist reviews clinically significant computer warnings of drug interactions, therapy duplications, and contraindications;

(6) Electronic surveillance technology is used to control access or to provide continuous monitoring of all areas where drugs are stored or dispensed or both;

(7) All non-pharmacist personnel who input patient drug information into a computer or whose duties include receiving, packaging, shipping of drugs, or who have access to any areas where drugs are dispensed are registered as pharmacy technicians and meet the requirements in chapter 20:51:29;

(8) ~~Technicians above a 2:1 ratio must have completed a board-approved technician education program and have passed a board-approved pharmacy technician certification examination that is accredited by the National Commission for Certifying Agencies (NCCA);~~

(8)~~(9) In retail pharmacies, patients have access to a pharmacist during normal business hours on a dedicated pharmacy staff line.~~ In hospital and long-term care pharmacies, nursing personnel in facilities served by the pharmacy have telephone access to a pharmacist 24 hours a day, 7 days a week. In mail order pharmacies, a patient has access to a pharmacist 24 hours a day, 7 days a week on a dedicated pharmacist staff line;

(9)~~(10)~~ Drug information, both electronic and hard copy, is readily available to pharmacists;

(10)~~(11)~~ A quality assurance program that identifies and evaluates dispensing errors, accompanied by a continuous quality improvement program that assures very high dispensing accuracy rates in place;

(11)~~(12)~~ There are written policies and procedures for all pharmacy functions -- clerical, supportive, technical, and clinical;

(12)~~(13)~~ There are written policies and procedures for training personnel, including on-going training programs for all personnel and documentation of that training for each employee;

(13)~~(14)~~ There is a strict monitoring program designed to prevent diversion of controlled substances. This includes perpetual inventory of all schedule II controlled drugs as well as selected high-risk schedule III, IV, and V drugs. Routine audits are conducted to review purchases versus dispensing of controlled drugs to deter and detect diversion.

Source: 36 SDR 21, effective August 17, 2009.

General Authority: SDCL 36-11-11(1)(14).

Law Implemented: SDCL 36-11-11(14).