

DISCUSSION AND DETERMINATION

SEPTEMBER 2011

Pharmaceutical Technician Discipline

Over the years, it has been the general understanding that the legislative intent is for the pharmacist to be solely responsible for the activities of his pharmaceutical technicians. There have been countless cases where the pharmacy tech has been the root cause or at least an integral part of a pharmacy disciplinary action, yet the tech is never charged and the pharmacist (and pharmacy) takes the hit for not catching the error.

This has become even more bothersome in recent cases where a patient is sold another patient's prescription in error by a technician or clerk; the prescription is clearly marked "needs counseling"; yet the patient is allowed to leave unbeknownst to the pharmacist. The prescription in question was correctly filled by the pharmacist, yet he or she is then held accountable when the patient files a complaint, even though they are unaware that the tech had bypassed the system simply to complete the financial transaction, essentially not giving the pharmacist a chance to complete his duty.

We all remember at least one "vindictive technician" case (the one who shredded the CII files just prior to inspection to try and get the pharmacist in trouble comes to mind) and staff often worries about a pharmacist getting "set-up".

Bottom line:

- The pharmacist wants to fulfill his duties, yet is not even given the chance in some instances.
- The pharmacy has put great effort into the development of policies and procedures that clearly mandate procedure.
- The pharmacy has gone to great expense to adopt and develop systems to ensure as best they can the following of the policies and procedures.
- The tech circumvents the system and a patient gets hurt.
- The pharmacist and pharmacy suffer the consequences.
- The tech may lose her job, but simply moves on.

Unlicensed Entities

Several of you have indicated your displeasure in granting a license to an entity appearing before you that has been doing business in Nevada for some time unlicensed because they "didn't realize" that they needed a license. You grill them; they apologize; they get their license and continue as before. The question arises: can you fine them for doing business unlicensed as part of granting that license?? Carolyn will opine.