

Rep. LaTourette introduces sweeping Pharmacy Technician Legislation

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U.S. Reps. Steven C. LaTourette (R-OH) and Stephen F. Lynch (D-MA) have introduced sweeping federal legislation that will mandate training, education, registration and certification requirements for pharmacy technicians nationwide. The Pharmacy Technician Training and Registration Act of 2008, or Emily's Act, is named after 2-year-old Emily Jerry of Concord Township, OH, who died on March 1, 2006, after a pharmacy technician botched her chemotherapy dose.

"A world-class pediatric oncologist saved Emily Jerry's life and an overdose of salt by a pharmacy technician ended it," LaTourette said. "When you look up at the clear fluid in a hospital IV bag or you pick up your pills at the drug store, do you have any idea who prepared it or what kind of training they've had?"

LaTourette and Lynch said pharmacy technicians do many of the same tasks as pharmacists in retail and hospital pharmacies across the country, but with a fraction of the training and education. They are required to have a high school education or GED and no felony record, and training and oversight vary from state to state. LaTourette said they can count pills, enter prescriptions into a computer, type labels and prepare IVs, including chemotherapy treatments. He said retail drug store pharmacies, which can generate 70 percent of their profit from pharmacies, are now so busy that many now feature drive-thru pharmacies.

LaTourette said two years ago this week a pharmacy technician at a Cleveland hospital added sodium chloride 24 times its normal strength to a chemotherapy dose she was preparing for Emily, who was undergoing her last treatment for a curable form of cancer. The supervising pharmacist, Eric Cropp, approved the dosage and failed to catch the error, as required by Ohio law. Chris and Kelly Jerry took their daughter, Emily, off life support on March 1, 2006.

States are in charge of overseeing pharmacists and technicians, but regulations regarding training, certification and continuing education vary from state to state. In the Jerry case, the pharmacist lost his license, and is currently facing felony charges of involuntary manslaughter and reckless homicide in Ohio. The technician was not charged criminally or sanctioned by the Ohio State Board of Pharmacy because Ohio has no statutes regarding pharmacy technicians. Pharmacists are ultimately responsible for the actions of pharmacy technicians nationwide, and are to approve their work and catch mistakes, LaTourette said.

LaTourette said the technician returned to her previous employer - a chain drug store -

shortly after the error and took a job helping train other pharmacy technicians. On the day of the fatal error, the technician had spent part of her shift planning her wedding on the Internet and declined offers from others to make Emily's chemotherapy, according to testimony before the pharmacy board. It was one of only two chemotherapy doses she was to make that day, according to testimony.

LaTourette and Lynch said their legislation, HR. 5491, will set a floor for states to meet but not weaken any existing state laws. The bill will require states to register pharmacy technicians and have them pass the national Pharmacy Technician Board Certification exam, which triggers mandatory continuing education and renewal every two years. It will also provide grants to the states to comply with the Act, and any state accepting a grant will have to report pharmacy technician errors to the Secretary of Health and Human Services. Finally, it indicates it is the Sense of Congress that pharmacists are capped at supervising three technicians at one time.

"It is our hope and expectation that this legislation will lead to stronger training practices for pharmacy technicians while providing uniform safety accountability provisions for all states," Lynch said. "This bill ensures that people who are administered medical treatment, or pick up their prescriptions, can do so with the confidence that they are receiving the correct medicine and dosage. While we can never repair the profound and heartbreaking sorrow of the Jerry family in losing their 2 year old daughter, Emily, we must do all that we can to make sure that those mistakes are never repeated."

LaTourette said he is working to secure co-sponsors for the bill and hopes to have actor Dennis Quaid testify at a congressional hearing about his experience with a pharmacy technician error. His newborn twins survived after being given an accidental overdose of the blood thinner Heparin at more than 1,000 times the recommended dosage. A similar mistake killed three infants at an Indianapolis hospital in 2006.