

Potpourri Notice

Department of Health Board of Pharmacy

Pharmacy Technicians (LAC 46:LIII.Chapter 9)

In accordance with the provisions of the Administrative Procedure Act (La. R.S. 49:950 *et seq.*) and the Pharmacy Practice Act (La. R.S. 37:1161 *et seq.*), the Louisiana Board of Pharmacy published a Notice of Intent in the January 20, 2017 edition of the Louisiana Register to amend several sections of *Chapter 9 ~ Pharmacy Technicians* of its rules. In particular, the proposed rule requires the applicant for a pharmacy technician candidate to demonstrate enrollment in a nationally-accredited and board-approved pharmacy technician training program as one of the three eligibility criteria for the pharmacy technician candidate registration. In addition, the proposed rule requires the applicant for the pharmacy technician certificate to demonstrate successful completion of a nationally-accredited and board-approved technician training program as one of the eligibility criteria for that certificate. Finally, the proposed rule also makes changes to the scope of practice and documentation of the continuing education requirement for pharmacy technicians.

The board conducted a public hearing on March 1, 2017 to receive comments and testimony on the proposed rule. During their subsequent meeting on March 14, 2017, the board considered the comments and testimony and voted to recommend revisions to the original proposed rule to address several comments. In particular, the board has proposed revisions to allow for the possibility of more than one board-approved technician certification examination (§903.A.2.c.ii); to clarify that termination of enrollment in a training program removes the eligibility for a candidate to retain their registration and provide a mechanism for the re-issuance of the registration upon re-enrollment in a training program (§903.A.3.d); remove the requirement for training programs to notify the board when candidates are no longer 'satisfactorily progressing' with a notice requirement for such notice when the candidate is no longer enrolled due to any reason other than graduation (§903.B.2); and to allow candidates enrolled in a nationally-accredited training program to acquire some of their hours of practical experience in a consultant pharmacy practice that does not hold a pharmacy permit (§903.C.4.a).

The original proposal is resubmitted, as revised, for publication in the *Potpourri* section of the Louisiana Register. The Legislative Fiscal Office has evaluated the impact of the proposed revisions of the original proposed rule and has opined that some fiscal and economic impact will result from the suggested revisions. A summary of the revised fiscal and economic impact statement is appended.

Interested persons may submit written comments to Malcolm J Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, Louisiana 70809-1700. He is responsible for responding to inquiries regarding these proposed revisions of the original proposed rule. A public hearing on these proposed revisions is scheduled for Monday, June 26, 2017 at 9:00 a.m. in the Board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12:00 noon that same day.

Malcolm J Broussard
Executive Director
Louisiana Board of Pharmacy

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 9. Pharmacy Technicians

...

§903. Pharmacy Technician Candidates

A. – A.2.b. ...

- c. The applicant shall satisfy one of the following eligibility criteria:
 - i. Proof of enrollment in a nationally-accredited and board-approved pharmacy technician training program; or
 - ii. Proof of successful completion of a board-approved technician certification examination, and further, proof of successful completion of a high school approved by a state department of education or an equivalent degree of education, as evidenced by a valid and legible copy of a diploma, transcript, or other appropriate credential; or
 - iii. Proof of credentialing as a pharmacy technician by another state board of pharmacy as well as evidence of practice as a pharmacy technician for at least one year in that state, and further, proof of successful completion of a board-approved technician certification examination.

A.2.d. – A.3.c. ...

- d. Termination of Enrollment; Status of Registration
 - i. In the event the candidate is no longer enrolled in a nationally-accredited and board-approved pharmacy technician training program for any reason other than graduation, the candidate no longer meets the eligibility criteria to possess the registration, and the candidate shall relinquish the registration to the board, giving notice of their last day of enrollment in the program.
 - ii. In the event a candidate fails to relinquish their registration when required to do so, or when notified by the board office of that requirement, the board staff shall inactivate the registration and refer the matter to the board for its consideration of disciplinary action against the candidate.
 - iii. In the event the candidate should re-enroll in the original program or a different program, and gives proof of that enrollment to the board, the board may re-issue the registration with the original expiration date preserved.
 - iv. In its discretion, the board may grant an exception to the original expiration date upon request by the candidate demonstrating unusual circumstances.
- e. A pharmacy technician candidate shall notify the board, in writing, no later than 10 days following a change of mailing address. The written notice shall include the candidate's name, registration number, and old and new addresses.
- f. A pharmacy technician candidate shall notify the board, in writing, no later than 10 days following a change in location(s) of employment. The written notice shall include the candidate's name, registration number, and name, address, and permit numbers for old and new employers.

B. – B.1. ...

- 2. The training program shall notify the board when a pharmacy technician candidate is no longer enrolled in the program. Evidence of a program's failure to comply with this rule shall constitute sufficient basis for the withdrawal of the board's approval for the program.

B.3. – C.3. ...

- 4. The candidate's registration shall evidence his authority to earn practical experience in a pharmacy, under the supervision of a pharmacist, in satisfaction of the requirements for pharmacy technician certification.
 - a. In the event the registration was issued to an applicant enrolled in a nationally-accredited and board-approved training program, the candidate shall earn the amount of experience prescribed by the curriculum of that program, which may include hours earned in a consultant pharmacy practice which does not hold a pharmacy permit; or

C.4.b. – D.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, repromulgated LR 19:1025 (August 1993), amended LR 23:1307 (October 1997), LR 30:2485 (November 2004), effective January 1, 2005, amended LR 39:1777 (July 2013), amended LR

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FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment:

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The estimated implementation costs to the Louisiana Board of Pharmacy are approximately \$1,500 (\$750 in FY 17 and \$750 in FY 18) for the notice and rule publication costs. There are no estimated implementation savings to the state or local government units through promulgation of the proposed rule. The proposed rule change will require pharmacy technicians to complete a nationally-accredited and board-approved pharmacy technician training program to qualify for their pharmacy technician certificate.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

There is no anticipated impact on the Board of Pharmacy's revenue collections. To the extent candidates receive this training at public higher education institutions, these institutions may receive an indeterminable amount of additional revenue.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change is anticipated to affect persons who seek to become pharmacy technicians. The estimated cost to these candidates will depend on the training program that is available to the candidate. Pharmacy technician candidates will be required to enroll in and complete a nationally-accredited pharmacy technician training program in order to qualify for their pharmacy technician certificate. The currently nationally-accredited training programs are found in many universities, community colleges, technical colleges, and proprietary schools. The estimated cost for these programs ranges from \$1,200 to over \$15,000 depending on the institution. However, there are national chain pharmacies that have internal accredited training programs that do not charge tuition to the students and students can earn income while attending school. Additionally, there may be an economic benefit to pharmacy technicians as the proposed rule allows hours earned in a consultant pharmacy practice that does not hold a pharmacy permit to be used as experience needed to complete a pharmacy technician training program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may have an initial slowing effect on the number of pharmacy technician candidates. However, the accredited educational programs should help a greater percentage of candidates to pass the national certification examination and increase the number of pharmacy technicians available for employment.