

Bulletin 09-005

July 31, 2009

Qualified Pharmacy Technician: New Regulations and Requirements

In 2008 the Ohio General Assembly enacted Senate Bill 203, establishing standards for the newly created position of "Qualified Pharmacy Technician." The requirements for recognition as a qualified pharmacy technician include minimum education standards, a mandatory criminal background check and successful completion of a competency examination.

To:

Chief Executive Officers
Pharmacy Managers
Human Resources Managers

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I. Background

Senate Bill 203 was introduced following the tragic death of a 2-year-old child who received a compounded solution that was incorrectly mixed by a pharmacy technician. As originally introduced, SB 203 would have required pharmacy technician licensure along with strict ratios of three pharmacy technicians per pharmacist. During the legislative process, significant changes were made to the bill, and the resulting legislation and rules provide employers with significant flexibility in complying with the new requirements.

II. The New Requirements

Qualifications of "Qualified Pharmacy Technicians (See ORC 4729.42(A))

Senate Bill 203 creates a "Qualified Pharmacy Technician" designation and requires these individuals to meet the following requirements:

- Be 18 years of age or older
- Posses a high school diploma or GED
- Pass a competency test approved by the Ohio Board of Pharmacy, which may either be:
 - o an examination provided by a national pharmacy technician certification program accredited by the National Commission for Certifying Agencies, or
 - o an examination developed by an employer and approved by the Board of Pharmacy
- Submit to a (FBI/BCI&I) criminal background check, and pass with a record clean of felony convictions or guilty pleas
 - o Pharmacy technicians employed for five years or more are not subject to this requirement

Who May Perform Certain Activities (See ORC 4729.42(B))

SB 203 provides that the following activities can only be performed by pharmacists, qualified pharmacy technicians and pharmacy interns:

- The compounding of any drug
- The packaging or labeling of any drug
- The preparation or mixture of any intravenous drug

Violations

Any pharmacist, owner or manager of a pharmacy who allows for the violation of these restrictions can be charged with “unauthorized pharmacy-related drug conduct.” Violations of this new law constitute a second-degree misdemeanor for the first offense, a first-degree misdemeanor for the second offense and a fifth-degree felony on the third offense. For more information on the penalties associated with the new law see [ORC 4729.99 \(I\)](#).

III. Implementation

The legislation provides for an implementation period during which employees can work as pharmacy technicians prior to meeting the new requirements for becoming qualified pharmacy technicians.¹ The implementation period requires:

- Pharmacy technicians employed on or before April 8, 2009, to become qualified by Oct 8, 2010.
- Pharmacy technicians employed after April 8, 2009, to become qualified within one year of initial employment.

Pharmacy technicians employed after April 8, 2009, must be participating in or have completed a training program and must be making substantial progress in preparation for taking a competency exam in order to continue to perform their duties as a qualified pharmacy technician during the implementation period. The implementation period remains in effect until one year after initial employment, the failure of the required criminal background check or the failure to participate in or complete a training program. If the implementation period comes to an end for one of the previously stated reasons, the employee must immediately stop performing services as a qualified pharmacy technician.

IV. Potential Issues

Hospital should consider several potential issues in their efforts to comply with the new requirements imposed by SB 203.

Employer Developed Exam:

As noted above, the examination pharmacy technicians must pass can be developed by an employer. Hospitals that decide to develop their own examination should closely review Ohio Administrative Code [4729-4-02](#). This rule provides a list of competencies that must be assessed in every employer-sponsored exam. Additionally, the rule indicates what form the test must take, mandates procedures to maintain the integrity and security of the materials, and requires employers to provide certain information regarding their examination upon request by the Ohio Board of Pharmacy.

Background Check:

Because any individual with a felony conviction is ineligible to be employed as a qualified pharmacy technician, OHA recommends that all potential pharmacy technician employees are subject to the background check screening before any other steps are taken to gain recognition as a qualified pharmacy technician. This will prevent the waste of resources necessary to qualify an employee who may be prohibited from working as a qualified pharmacy technician due to a previous conviction. See the [Board of Pharmacy's guidance on the background check](#) requirement for more information.

¹ Due to the slow pace of the rules process, legislators inserted an amendment into the 2010-2011 state budget bill to extend the implementation period to provide pharmacies with adequate time to comply with the new requirements.

Attachments

[Senate Bill 203](#) (Note that some of the implementation dates found in this bill have been altered by HB 1, the state budget bill for state fiscal years 2010-2011. Proper implementation date timelines are described in the body of this bulletin.)

[Board of Pharmacy Rules: OAC 4729-4-01 to 4729-4-04](#)

[Board of Pharmacy Guidance on Background Check Requirement](#)