

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

FILED

JAN 7 2 50 PM '97

OFFICE OF THE SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

CITE AUTHORITY West Virginia Code Section 30-5-5a

AMENDMENT TO AN EXISTING RULE: YES NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED:

TITLE OF RULE BEING AMENDED:

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Seven (7)

TITLE OF RULE BEING PROPOSED: 15, Registration of Pharmacy Technicians

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

William T. Douglass Jr.

Authorized Signature

William T. Douglass Jr. Executive Director

DATE:

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:

LEGISLATIVE RULE TITLE: Registration of Pharmacy Technicians

1. Authorizing statute(s) citation WV Code 30-5-5 (a)

2. a. Date filed in State Register with Notice of Hearing
Filed with LRMRC September 26, 1996

b. What other notice, including advertising, did you give
of the hearing?

N/A

c. Date of Hearing(s) Public Comment Period Ended October 26, 1996

d. Attach list of persons who appeared at hearing,
comments received, amendments, reasons for amendments.

Attached X No comments received

e. Date you filed in State Register the agency approved
proposed Legislative Rule following public hearing:
(be exact)

January 7, 1997

f. Name and phone number(s) of agency person(s) to
contact for additional information:

William T. Douglass, Jr.

558-0558

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

SUMMARY OF PROPOSED LEGISLATIVE RULE

15 C.S.R. 7

REGISTRATION OF PHARMACY TECHNICIANS

West Virginia Code § 30-5-5a passed by the West Virginia Legislature in 1995 states that the Board of Pharmacy shall register any person practicing as a pharmacy technician in this state on or after the first day of July 1996. The Board of Pharmacy is required to establish a pharmacy technician training program and curriculum designed to train individuals to perform non-professional functions. The following rule establishes the requirements of the technician training program and duties and restrictions of pharmacy technicians. The rule also elaborates on the identification of technicians and technician trainees in the work place.

STATEMENT OF CIRCUMSTANCES

15 C.S.R. 7

REGISTRATION OF PHARMACY TECHNICIANS

West Virginia Code § 30-5-5a passed by the West Virginia Legislature in 1995 states that the Board of Pharmacy shall register these individuals on or after the first day of July 1996 but the Board had to withdraw its original proposed rule filed in April 1996 due to conflicts with the statute. The Board has entirely redrafted the proposed legislative rule in order to conform with the statute. This rule must be approved so that training programs can begin and registration of technicians can occur although not by the July 1, 1996 date.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Registration of Pharmacy Technicians_ Title 15 Series 7

Type of Rule: **Legislative** **Interpretive** **Procedural**

Agency West Virginia Board of Pharmacy

Address 236 Capitol Street

Charleston, West Virginia 25301

1. Effect of Proposed Rule N/A

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	HEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates: N/A

3. Objectives of these rules:

Rule establishes the qualifications for registration as a pharmacy technician and sets up the core requirements of the pharmacy technicians training program.

Rule Title: Title 15, Series 7, Registration of Pharmacy Technicians

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A - Application and renewal fees established by the State, go into Board's special revenue account to pay costs of processing applications.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

Technician trainees will pay \$25.00 for competency Exam

C. Economic Impact on Citizens/Public at Large.

N/A

Date: January 6, 1997

Signature of Agency Head or Authorized Representative

William T. Douglass Jr.

William T. Douglass Jr, Executive Director

FILED

JAN 7 2 53 PM '97

LEGISLATIVE RULES

15 C.S.R. 7

TITLE 15

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA BOARD OF PHARMACY

SERIES 7

REGISTRATION OF PHARMACY TECHNICIANS

§ 15-7-1. General.

1.1. Scope. --- To establish standards for the training and regulation of pharmacy technicians.

1.2. Authority. --- W. Va. Code § 30-5-5(a).

1.3. Filing Date. --- _____, 199__.

1.4. Effective Date. --- _____, 199__.

§ 15-7-2. Definitions.

2.1 "Pharmacist-in-Charge" means a pharmacist currently licensed in this state who accepts responsibility for the operation of a pharmacy in conformance with all laws and rules pertinent to the practice of pharmacy and the distribution of drugs and who is personally in full and actual charge of such pharmacy and personnel.

2.2 " Pharmacy Technician" means registered supportive personnel who work under the direct supervision of a pharmacist who have passed an approved training program.

2.3 "Pharmacy Technician Trainee" means an individual currently engaged in a pharmacy technician training program which has been approved by the Board and under the direct supervision of a pharmacist.

§ 15-7-3. Pharmacy Technician Training Program.

3.1 In order to become registered as a pharmacy technician in the state of West Virginia, an individual must complete either the training program that is detailed in Rule 3.4 of Section 3 of this rule or the training program that is detailed in Rule 3.7 of Section 3 of this rule.

3.2. A pharmacy technician trainee shall complete initial training as outlined by the pharmacist-in-charge in a training manual, prior to the regular performance of his or her duties. Such training:

- (a) shall include training and experience as outlined in Rule 3.4 of Section 3 of this rule; and
- (b) shall consist of 12 months of full-time employment or 2,080 hours of of employment within 24 months under the direct supervision of a pharmacist.

3.3. The pharmacist-in-charge shall document that the pharmacy technician trainee has completed the training program and certify the competency of each technician completing the training. The pharmacist-in-charge shall maintain a written record of the initial training of each pharmacy technician. The written record shall contain the following information:

- (a) the name of the person receiving the training;
- (b) the date (s) of the training;
- (c) a general description of the topics covered;
- (d) a statement or statements that certify that the

- pharmacy technician is competent to perform the duties assigned;
- (e) the name of the person supervising the training; and
- (f) the signature of the pharmacy technician and the pharmacist-in-charge or other pharmacist employed by the pharmacy and designated by the pharmacist-in-charge as responsible for the training of pharmacy technicians.

3.4 A training manual which has been approved by the Board prior to its use shall outline the Pharmacy Technician training. The training manual shall, at a minimum contain the following:

- (a) written procedures and guidelines for the use and supervision of pharmacy technicians. The procedures and guidelines shall:
 - (A) specify the manner in which the pharmacist-in-charge responsible for the supervision of technicians will supervise such personnel and verify the accuracy and completeness of all acts, and functions performed by them; and
 - (B) specify duties which may and may not be performed by pharmacy technicians; and
- (b) instruction in the following areas and any additional areas appropriate to the duties of pharmacy technicians in the pharmacy:
 - (A) Orientation;
 - (B) Job descriptions;
 - (C) Communication techniques;

- (D) Legislative rules of the West Virginia Board of Pharmacy;
- (E) Security and safety;
- (F) Prescription drugs including:
 - (1) Basic pharmaceutical nomenclature; and
 - (2) Dosage forms;
- (G) Prescription drug orders including:
 - (1) Prescribers;
 - (2) Directions for use;
 - (3) Commonly used abbreviations and symbols;
 - (4) Number of dosage units;
 - (5) Strengths and systems of measurement;
 - (6) Routes of administration;
 - (7) Frequency of administration;
 - (8) Interpreting directions for use; and
- (H) Prescription drug order preparation including:
 - (1) the creation or updating of patient medication records;
 - (2) the entering of prescription drug order information into the computer or typing the label in a manual system;
 - (3) the selection of the correct stock bottle and the accurate counting of or pouring of the appropriate quantity of drug product;
 - (4) the selection of the proper container; and

- (5) the preparation of the finished product for inspection, labelling, and final check by pharmacists;
- (I) Drug product prepackaging;
- (J) the compounding of non sterile pharmaceuticals; and
- (K) Written policy and guidelines for use of and supervision of pharmacy technicians.

3.5 A prospective pharmacy technician trainee may begin his or her initial orientation and evaluation by a licensed Pharmacist while his or her application forms are being processed by the Board.

3.6. In order to be registered as a pharmacy technician, an individual who has been employed in the State of West Virginia as a pharmacy technician for 2,080 hours prior to the effective date of this rule, or is a registered technician in another state, or is certified by the Pharmacy Technician Certification Board (PTCB), complete a 20 hour training program regarding the drug dispensing process under the direct supervision of the pharmacist-in-charge. The applicant must verify his or her employment by submitting to the Board an affidavit of the pharmacist-in-charge certifying that the applicant has performed the duties of a pharmacy technician as defined in Section 5 of this rule for 2,080 hours, or the applicant must verify that he or she is a registered pharmacy technician in another state or has been certified by PTCB.

3.7. The pharmacist-in-charge shall create a 20 hour training program regarding the drug dispensing process which must include the following:

- (a) the steps in receiving prescriptions;

- (b) the creation of or updating of patient profiles;
- (c) the entering of prescription information into the computer;
- (d) the updating of files and the printing of labels;
- (e) the pulling of stock packages from shelves;
- (f) the checking of medications;
- (g) the preparing of medication;
- (h) refill procedures and regulations; and
- (i) record keeping.

§ 15-7-4. Registration and Examination

4.1. A pharmacy technician trainee must register with the Board in writing within (30) days of starting to work in the pharmacy. Any hours worked during this interim period will be applied by the Board towards the 2,080 hour requirement upon the successful completion of the training program.

4.2. Within (24) months of beginning the training program the pharmacy technician trainee must submit to the Board certification from the pharmacist-in-charge that the pharmacy technician trainee has adequately completed the training program. If the pharmacy technician trainee fails to complete the required hours within (24) months, the registration with the Board shall expire and the pharmacy technician trainee will be required to begin a training program again with no credit given for any previous hours; provided, that the Board may provide an extension of time for completion of the training program upon the showing of special circumstances by a pharmacy technician trainee.

4.3. Upon completion of the training program the pharmacy technician trainee shall apply for registration with the Board as a pharmacy technician and submit the registration fee of \$25.00 and the examination fee of \$25.00. A pharmacy technician trainee shall take a competency examination prepared and administered by the Board and obtain a passing score of 75%. If a pharmacy technician trainee fails to pass the examination satisfactorily, he or she is entitled at either the first or second succeeding examination conducted by the Board to a re-examination without further cost but one re-examination exhausts his or her privilege for examination under his or her original application.

4.4. A pharmacy technician trainee who has successfully passed the examination of the Board will receive a certificate of registration from the Board. The registration of the pharmacy technician may not be transferred to another pharmacy unless:

- (a) the pharmacies are under common ownership and control and have a common training program; or
- (b) the pharmacist-in-charge of the pharmacy of which the pharmacy technician intends to work certifies that the pharmacy technician is competent to perform the duties assigned in that pharmacy.

§ 15-7-5. Duties and restrictions of a pharmacy technician.

5.1. A pharmacy technician shall not perform the following duties:

- (a) receiving verbal prescription drug orders and reducing these orders to writing either manually or electronically;
- (b) interpreting and evaluating prescription drug orders;

- (c) selecting drug products;
- (d) interpreting patient medication records and performing drug regimen reviews;
- (e) delivery of the prescription to the patient before a pharmacist performs the final check of the dispensed prescription to ensure that the prescription has been dispensed accurately as prescribed;
- (f) communicating to the patient or the patient's agent, information about the prescription drug or device which in the exercise of the pharmacist's professional judgement, the pharmacist considers significant;
- (g) communicating to the patient or the patient's agent, information concerning any prescription drugs dispensed to the patient by the pharmacy; and
- (h) receiving or placing a call for a transferred prescription.

5.2. The duties of a registered pharmacy technician may include, but are not limited, to the following:

- (a) the placement, receipt, unpacking and storage of drug orders;
- (b) maintenance of the work area and equipment in a clean and orderly condition, and the ordering and stocking of all pharmacy supplies.
- (c) the checking of all prescription and non-prescription stock for outdates and the processing of outdated returns;
- (d) the operation of the cash register; however the pharmacy technician shall
 - (A) only handle the complete transaction on refill prescriptions when

- specifically requested to do so by the pharmacist and when the patient has no questions for the pharmacist;
- (B) only handle the transactions on new prescriptions after counseling by the pharmacist has been offered; and
- (C) refer all questions regarding over the counter and prescription product selection or advice to the pharmacist;
- (e) the filing of completed hard-copies of new prescriptions (except schedule II drugs) in numerical order: a pharmacist shall file schedule II drug prescription hard-copies;
- (f) the placement of completed prescription orders on the will-call shelf;
- (g) the wrapping of completed orders for mailing and the logging of mailed and delivered orders into a record;
- (h) the printing of third-party billings, the processing of the billings for mailing and the transmission of electronically handled third-party billings;
- (i) the reconciliation of third-party payments;
- (j) the contacting of third-party billers and payers if problems arise while handling a patients' insurance transmissions;
- (k) the posting of patient purchases to private charge accounts and assisting with the printing and distribution of the monthly statements;
- (l) the handling of non-professional phone calls to or from:
- (A) patients requesting refills of prescriptions by number and patient name;

- (B) physicians' offices authorizing refills, if no changes in the prescription are involved, and where the patient's name, medication and strength, number of doses, and date of prior fill is stated. The pharmacy technician shall refer any other inquiries by the prescribing physician's office to the pharmacist;
 - (C) patients concerning price information that has been calculated by computer;
 - (D) patients concerning business hours, mailing and delivery services, and the availability of goods and services;
 - (E) patients asking if their prescriptions are refillable and/or number of refills remaining. Any interpretation of the proper length of time between refills must be handled by the pharmacist;
 - (F) wholesalers and distributors dealing with the ordering of goods and supplies; and
 - (G) physicians' offices regarding profile information, where no interpretation or judgment is necessary and only after the pharmacy technician verifies to whom the information is being given.
- (m) the acceptance of refill requests and the acceptance of new written prescriptions from patients or their agents after determining the following: the patient's correct name, address, phone number, birth date, drug allergies, disease state(s), and the method of payment;

(n) the entering of prescription data and patient profile data into the computer.

The pharmacy technician shall refer any information needing clarification or interpretation to the pharmacist. The pharmacy technician shall:

(A) Monitor the label printing; and

(B) Alert the pharmacist to any duplication of medication, drug therapy overlap, drug interactions, drug-disease state interactions, and any questions that arise from entering the information.

(o) the performance of tasks under the pharmacist's supervision, such as obtaining stock bottles for prescription filling;

(p) the counting and pouring from stock bottles for individual prescriptions only under the direct supervision of a pharmacist. The pharmacist shall initial the hard copy of the prescription and the label to account for the accuracy of the prescription contents and the accuracy of the labeling;

(q) the reconstitution and restoration of the original form of medication previously altered for preservation and storage by the addition of a specific quantity of an appropriate diluent requiring no calculations. The pharmacy technician may assist in the preparation of sterile parenteral/enteral products under the direct supervision of a pharmacist. In all cases, the pharmacist shall check and verify the accuracy of the pharmacy technician; and

(r) the weighing or measuring of specific ingredients for the pharmacist to use in extemporaneous compounding. In all cases the accuracy of the weighing and measuring must be verified by the pharmacist.

5.3. The only personnel that shall be allowed within the pharmacy area to perform pharmaceutical care are, pharmacists, registered pharmacy technicians, pharmacy technician trainees and pharmacy interns.

5.4. A registered pharmacy technician shall not handle any telephone calls for new prescriptions from a physician's office and such calls are to be immediately transferred to a pharmacist.

§ 16-7-4. Identification of Technicians and Technician Trainees.

4.1. Pharmacy technicians shall wear a name tag approved by the Board which contains the designation "Pharmacy Technician" while working in a pharmacy within this State. The name tags shall contain lettering of a legible size. Pharmacy technicians and pharmacy technician trainees shall wear appropriate sanitary attire other than a white coat.

4.2. During the period of training, a pharmacy technician trainee shall wear a name tag approved by the Board which contains the designation "Pharmacy Technician Trainee". The name tags shall contain lettering of a legible size.

§ 15-7-6. Fees.

6.1. The Board of Pharmacy shall charge and collect the following fee:

(a) Competency Examination Fee -- **\$25.00**

techwtd

WEST VIRGINIA DEPARTMENT OF EDUCATION

Dr. Henry R. Marockie, State Superintendent of Schools
Building 6/1900 Kanawha Blvd. E./Charleston, West Virginia 25305-0330

Phone: 304-558-2681
Fax: 304-558-0048

West Virginia Board of Education

Cleo P. Mathews, President
Sheila M. Hamilton, Vice President
James J. MacCallum, Secretary
Michael D. Greer
Audrey S. Horne
Jim L. McKnight
Paul J. Morris
Charles H. Wagoner
Gary G. White



October 25, 1996

William T. Douglass, Jr.
Executive Director
West Virginia Board of Pharmacy
236 Capitol Street
Charleston, WV 25302

Dear Mr. Douglas & Members of the Board:

As the State agency for education, and as a provider of pharmacy technician training it is our strong recommendation that graduates of programs approved by the West Virginia Department of Education be included in the proposed rules section 2.8 ... in order to be registered as a pharmacy technician... This could be included in the form of an "or" statement, along with "...an applicant who has been employed in the State of West Virginia as a pharmacy technician for 2080 hours...", "...registered technician in another state...", and "...is certified by the Pharmacy Technician Certification Board.

Also, there are some concerns relative to the proposed competency exam, "prepared and administered by the Board." This raises serious questions relative to test reliability and validity. The national examination available through the Pharmacy Technician Certification Board is a valid and reliable examination and is recommended for consideration.

Thank you for your attention and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Laurretta Cole".

Laurretta Cole, RN, DED
Coordinator, Health Occupations Education



Board of Pharmacy

Phone (304) 558-0558
Fax (304) 558-0572

Office
232 Capitol Street
Charleston, West Virginia 25301

December 12, 1996

Lauretta Cole
WV Department of Education
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

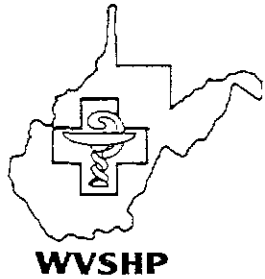
Dear Ms. Cole:

The West Virginia Board of Pharmacy met on November 18, 1996 in Charleston, West Virginia and considered your written comments to the proposed legislative rule regarding registration of pharmacy technicians. After a thorough discussion the Board decided that no amendment to the proposed rule needed to be made as result of the comments received.

Sincerely yours,
William T. Douglass, Jr.

William T. Douglass, Jr.
Executive Director and
General Counsel

WTD/jc
techs



WEST VIRGINIA SOCIETY OF HEALTH-SYSTEM PHARMACISTS

October 24, 1996

Sam Kapourales, President
West Virginia Board of Pharmacy
236 Capitol Street
Charleston, WV 25301

Re: Legislative Rules
15 C.S.R. 7
TITLE 15
WEST VIRGINIA BOARD OF PHARMACY
SERIES 7
REGISTRATION OF PHARMACY TECHNICIANS

Dear Mr. Kapourales:

The Board of Directors of the West Virginia Society of Health-System Pharmacists (WVSHP) represents a membership of 350 pharmacists practicing in 66 hospitals, home health, nursing homes, and clinics throughout West Virginia. In its capacity as the governing body for the organization, the Board of Directors has reviewed the proposed rules for the Registration of Pharmacy Technicians and respectfully presents the following comments on behalf of the membership of WVSHP.

§ 15-7-2 Pharmacy Technician Training Program

- 2.1 (b) The requirement of **2080 hours** of "on-the-job" training is excessive and remains an area of great concern to WVSHP for the following reasons:
- The core didactic training of the technician as outlined in the proposed rule provides for the instruction and subsequent competency in the fundamental aspects of the technician's **functions**. The remainder of any on-the-job training (OJT) simply orients and trains technicians for the specific **duties** required of their immediate employer.

Barbara Gastineau, Ex-Officio
Charleston Area Medical Center • 3200 MacCorkle Avenue, SE
Charleston, West Virginia 25304

Telephone: (304) 348-9302 • FAX: (304) 348-8837

Affiliated with the American Society of Health System Pharmacists

- 2080 hours of OJT exceeds the requirements for pharmacist licensure, i.e. 1500 hrs.. Given the degree of direct pharmacist supervision the technician work under, the rationale for this amount of OJT is not substantiated.

The WVHSP would support 1000 hrs of OJT that is concurrent with the required didactic training. That is the time spent in completion of the didactic training and, where applicable, off-campus experiential training would be included in this 1000 hrs.

- 2.1 (c) (B) It appears redundant and unnecessary for the recertification of competency for technicians employed by pharmacies subsequent to the pharmacy of original certification. The Board is attempting to establish a means of training and certifying **core competency** skills for technicians. The successful completion of such training, competency certification and receipt of a registration certificate from the Board is sufficient evidence of competency. This is tantamount to requiring competency certification for pharmacists taking new employment at different sites..

The WVHSP recommends the elimination of this section,

- 2.2 This section requires the technician to have continuing education and training, however, the number hours required is not defined.
- 2.7 WVHSP opposes a competency examination administered by the Board of Pharmacy. WVHSP feels that a Board administered competency examination is duplicative, creates unnecessary expense for technician applicants and the Board, and would not meet the criteria of validity, bias, and psycho-social criteria generally recognized for standardized testing. Section 2.3 of the proposed rules provides for the certification of competency by the pharmacist in charge (PIC). The signature of the PIC is accepted by the Board as a sworn statement for pharmacy license renewal, DEA application, verification of internship hours, etc.. The PIC's affidavit documenting the completion of training and certification of competency should certainly be sufficient. The PIC is after all ultimately responsible for competent performance of all personnel working in the pharmacy area. Again, for the degree of supervision provided, this is a very valid means of verifying completion of training and certification of competency for technicians without creating additional cost for technician applicants and additional expense for the Board.
- 2.8 The WVHSP recommends the addition of the following to this section: "or is a graduate of a pharmacy technician training program certified by the West Virginia State Board of Education".

§ 15-7-3 Duties and restrictions

3.2 This section is essentially unnecessary when section 3.1 defines those duties which may only be performed by a pharmacist. At minimum eliminate the following subsections which have nothing to do with medication storage or dispensing, or patient safety: d, d(A), f, g, h, i, j, and k.

Not permitting technicians to file hard copies of schedule II prescriptions is a trivial rule in view of the other possible contacts the technician can and will have with schedule II medications and records. It is strongly recommended that this be eliminated.

We understand the Board of Pharmacy's responsibility to oversee the practice of pharmacy to "promote, preserve, and protect the public health, safety, and welfare". The practice of pharmacy, however, is dynamic and is continually improving the efficient, accurate, and safe delivery of medications through novel programs and technologies as well as enhancing its position in the clinical setting. WVHSP encourages the Board to proactively seek input from the major professional pharmacy organizations in the State in the development of rules and regulations which may impact the unique characteristics of the various practice settings.

As always, the WVHSP is available to assist the Board in any manner possible.

Respectfully submitted,



Jeff Hamrick, R.Ph.
President
West Virginia Society of Health-System Pharmacists

cc. WVHSP Board of Directors
Carol Hudachek, President, WVPA
Richard Stephens, Executive Director, WVPA



Board of Pharmacy

Phone (304) 558-0558
Fax (304) 558-0572

Office
232 Capitol Street
Charleston, West Virginia 25301

December 12, 1996

Jeff Hamrick, President
WV Society of Health System Pharmacists
3200 McCorkle Avenue
Charleston, West Virginia 25304

Dear Mr. Hamrick:

The West Virginia Board of Pharmacy met on November 18, 1996 in Charleston, West Virginia and considered your written comments to the proposed legislative rule regarding registration of pharmacy technicians. After a thorough discussion the Board decided that no amendment to the proposed rule needed to be made as result of the comments received.

William T. Douglass, Jr.
Executive Director and
General Counsel

WTD/jc
techs



October 24, 1996

Sam Kapourales, President
West Virginia Board of Pharmacy
236 Capitol Street
Charleston, WV 25301

Re: Legislative Rules
15 C.S.R. 7
TITLE 15
WEST VIRGINIA BOARD OF PHARMACY
SERIES 7
REGISTRATION OF PHARMACY TECHNICIANS

Dear Mr. Kapourales:

The purpose of this letter is to provide comments regarding the proposed rules for the registration of pharmacy technicians. Firstly, I would like to express my appreciation to the Board in its decision to re-draft the originally submitted rules for technician registration and incorporate many of the changes discussed in various forums. There are still some areas which are of great concern and others which I think can be edited to give a more concise but flexible document.

§ 15-7-2 Pharmacy Technician Training Program

- 2.1 (b) I still firmly believe that the requirement of **2080 hours** of "on-the-job" training is excessive:
- The core didactic training of the technician as outlined in the proposed rule provides for the instruction and subsequent competency in the fundamental aspects of the technician's **functions**. The remainder of any on-the-job training (OJT) simply orients and trains technicians for the specific **duties** required of their immediate employer.
 - Practice settings vary widely in scope of services; therefore the technician's duties will vary widely with regard to scope and complexity of duties. I believe the central focus should be the attainment of core

Thomas Memorial Hospital

4605 MacCorkle Avenue, SW ■ South Charleston, WV 25309 ■ 304-766-3600

training and competency skills provided in the didactic curriculum because that training and skills may never be practiced while on the job.

- 2080 hours of OJT exceeds the requirements for pharmacist licensure, i.e. 1500 hrs.. Given the degree of direct pharmacist supervision the technician work under, the rationale for this amount of OJT is not substantiated.

If an OJT requirement felt to be necessary, then I could support 1000 hrs of OJT which includes the hours of didactic training and, where applicable, off-campus experiential training.

2.1 (c) (B) It appears redundant and unnecessary for the recertification of competency for technicians employed by pharmacies subsequent to the pharmacy of original certification. The Board is attempting to establish a means of training and certifying **core competency** skills for technicians. The successful completion of such training, competency certification and receipt of a registration certificate from the Board is sufficient evidence of competency. This is tantamount to requiring competency certification for pharmacists taking new employment at different sites..

2.2 This section requires the technician to have continuing education and training, however, the number hours required is not defined.

2.7 I strongly oppose a competency examination administered by the Board of Pharmacy. I feel that a Board administered competency examination is duplicative, creates unnecessary expense for technician applicants and the Board, and would not meet the criteria of validity, bias, and psycho-social criteria generally recognized for standardized testing.

Section 2.3 of the proposed rules provides for the certification of competency by the pharmacist in charge (PIC). The signature of the PIC is accepted by the Board as a sworn statement for pharmacy license renewal, DEA application, verification of internship hours, etc.. The PIC's affidavit documenting the completion of training and certification of competency should certainly be sufficient. The PIC is after all ultimately responsible for competent performance of all personnel working in the pharmacy area. Again, for the degree of supervision provided, this is a very valid means of verifying completion of training and certification of competency for technicians without creating additional cost for technician applicants and additional expense for the Board.

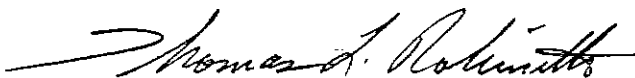
- 2.8 ... The West Virginia Board of Education has endorsed and certified at least 2 technician training programs as part the state program to provide career training. I strongly recommend the addition of the following to this section: "or is a graduate of a pharmacy technician training program certified by the West Virginia State Board of Education".

§ 15-7-3 Duties and restrictions

- 3.2 This section is essentially unnecessary when section 3.1 defines those duties which may only be performed by a pharmacist. At minimum eliminate the following subsections which have nothing to do with medication storage or dispensing, or patient safety.
- In subsection 3.2 (e): Not permitting technicians to file hard copies of schedule II prescriptions is a trivial rule in view of the other possible contacts the technician can and will have with schedule II medications and records. I question the rationale of this section and recommend its deletion.

Thank you for this opportunity to comment on the proposed rules. As always, I will be available to assist the Board in any manner possible.

Respectfully submitted,



Thomas L. Robinette, R.Ph.
Director of Pharmaceutical Services
Thomas Memorial Hospital
4605 MacCorkle Ave.
South Charleston, WV 25309
(304) 766-3544 Fax: 766-4396

cc. WVHSP Board of Directors
Carol Hudachek, President, WVPA
Richard Stephens, Executive Director, WVPA



Board of Pharmacy

Phone (304) 558-0558
Fax (304) 558-0572

Office
232 Capitol Street
Charleston, West Virginia 25301

December 11, 1996

Thomas L. Robinette, Director
Pharmaceutical Services
Thomas Memorial Hospital
4605 McCorkle Avenue
South Charleston, WV 25309

Dear Mr. Robinette:

The West Virginia Board of Pharmacy met on November 18, 1996 in Charleston, West Virginia and considered your written comments to the proposed legislative rule regarding registration of pharmacy technicians. After a thorough discussion the Board decided that no amendment to the proposed rule needed to be made as a result of the comments received.

Sincerely yours,

William T. Douglass, Jr.
William T. Douglass, Jr.
Executive Director and
General Counsel

WTD/jc



Carver Career and Technical Education Center

West Virginia School of Excellence

October 24, 1996

William T. Douglass, Jr., Executive Director
West Virginia Board of Pharmacy
236 Capitol Street
Charleston, WV 25302

Dear Members of the Board:


Carver Career & Technical Education Center would like to comment on the proposed Rules for Registration of Pharmacy Technicians. We suggest that "graduates of State Department of Education approved technician training programs" and/or "graduates of an American Society of Health-System Pharmacists accredited training program" be included as one of the "or" statements in section 2.8, along with "...an applicant who has been employed in the State of West Virginia as a pharmacy technician for 2,080 hours..." "...registered technician in another state..." or, "...is certified by the Pharmacy Technician Certification Board (PTCB)..."

In the event that the Board of Pharmacy does not adopt this change, we ask that training manuals used in State Department of Education or ASHP programs be accepted as approved training manuals. Our training manual, the "Manual for Pharmacy Technicians," published by the American Society Health-System Pharmacists, covers all the competencies listed in the Rule under Section 2.4. This would allow our students to receive credit for the 360 hours of classroom and laboratory training they receive in our program under the supervision of a Licensed Pharmacist, as well as the 320 hours of credit toward the 2,080 hours of OJT training that the Board has already approved for the clinical portion of our program.

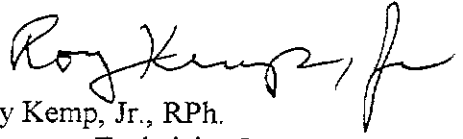
As educators, we are also concerned about the Competency Examination the Board of Pharmacy proposes to develop. Test development and administration is a highly sophisticated process and we would hope that the Board's intention would be to engage experts in test design to develop the test and testing procedures. Otherwise, there could be significant questions of test validity, reliability, cultural bias, etc.

Thank you for your attention and consideration. If you have questions or need further information, please call either of us at 348-1965.

Respectfully,



Norma K. Miller
Principal



Roy Kemp, Jr., RPh.
Pharmacy Technician Instructor

cc: Tom Robinette, Program Advisory Committee Chair
Barbara Gastineau, Program Curriculum Chair
Lauretta Cole, Health Occupations Supervisor, W. Va. State Department of
Education



Board of Pharmacy

Phone (304) 558-0558
Fax (304) 558-0572

Office
232 Capital Street
Charleston, West Virginia 25301

December 12, 1996

Norma K. Miller & Roy Kemp Jr.
Carver Career & Technical Education Center
4799 Midland Drive
Charleston, West Virginia 25306

Dear Ms. Miller & Mr. Kemp:

The West Virginia Board of Pharmacy met on November 18, 1996 in Charleston, West Virginia and considered your written comments to the proposed legislative rule regarding registration of pharmacy technicians. After a thorough discussion the Board decided that no amendment to the proposed rule needed to be made as a result of the comments received.

Sincerely yours,

William T. Douglass, Jr.
William T. Douglass, Jr.
Executive Director and
General Counsel

WTD/jc
techs