

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;">(All Comments submitted on this regulation will appear on IRRC's website)</p>	<p style="margin: 0;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p style="margin: 10px 0 10px 0;">RECEIVED</p> <p style="margin: 0;">Independent Regulatory Review Commission</p> <p style="margin: 0;">February 21, 2024</p>
<p>(1) Agency</p> <p style="margin-left: 20px;">Department of State, Bureau of Professional and Occupational Affairs, State Board Pharmacy</p>	<p>IRRC Number: 3396</p>
<p>(2) Agency Number: 16A</p> <p style="margin-left: 20px;">Identification Number: 5433</p>	
<p>(3) PA Code Cite:</p> <p style="margin-left: 20px;">49 Pa. Code §§ 27.1, 27.11, 27.12, 27.12a, 27.18, 27.31, 27.91, 27.403, 27.701–27.705</p>	
<p>(4) Short Title: Pharmacy Technician and Pharmacy Technician Trainee Registration</p>	
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p style="margin-left: 20px;">Primary Contact: Ariel E. O'Malley, Board Counsel, State Board of Pharmacy, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; fax (717) 787-0251; aomalley@pa.gov.</p> <p style="margin-left: 20px;">Secondary Contact: Marc J. Farrell, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; fax (717) 787-0251; marcfarrel@pa.gov.</p>	
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> PROPOSED REGULATION</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>	<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>Until recently, Pennsylvania was one of only four states that did not regulate pharmacy technicians. The act of November 30, 2020 (P.L. 1306, No. 140) (Act 140 of 2020), amended the Pharmacy Act to provide for the registration of pharmacy technicians and pharmacy technician trainees. This proposed rulemaking is needed to effectuate Act 140 of 2020 by setting forth the criteria for pharmacy technician training programs, as well as the standards of practice and registration fees for both pharmacy technicians and pharmacy technician trainees.</p>	
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>Act 140 of 2020 amended the Pharmacy Act by adding section 3.3 (63 P.S. § 390-3.3). Under 63 P.S. § 390-3.3(a) the Board is required to establish a registration and renewal application and fee for pharmacy technicians. Additionally, under 63 P.S. § 390-3.3(a)(3)(ii) the Board is tasked with establishing standards for pharmacy technician training programs. Under 63 P.S. § 390-3.3(b) the Board is required to establish an application and fee for pharmacy technician trainees. Section 4 of Act 140 of 2020 directed the Board</p>	

to promulgate regulations to implement these provisions.

Additionally, Section 6(k)(9) of the Pharmacy Act (63 P.S. § 390-6(k)(9)) provides the Board with the authority “to promulgate rules and regulations to effectuate the purposes of this act and to regulate . . . the practice of pharmacy for the protection and promotion of the public health, safety and welfare.”

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation, as well as any deadlines for action.

Yes, section 4 of Act 140 of 2020 directed the Board to promulgate regulations to implement these provisions. Section 3.3(a) of the Pharmacy Act (63 P.S. § 390-3.3(a)) requires the Board to set the pharmacy technician registration fee by regulation and section 3.3(b) (63 P.S. § 390-3.3(b)) requires the Board to establish a fee for pharmacy technician trainee registration. Otherwise, this rulemaking is not mandated by any federal or state law or court order or federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to implement section 3.3 of the Pharmacy Act (63 P.S. § 390-3.3) to provide for the registration of pharmacy technicians and pharmacy technician trainees. Currently, there are individuals working in pharmacies all across the Commonwealth who are assisting licensed pharmacists as pharmacy technicians. Prior to Act 140 of 2020, these individuals were not required to be registered with the Commonwealth. One of the catalysts for the legislation was to create a registration system to allow for the tracking of pharmacy technicians working in pharmacies, to assist in efforts to prevent diversion and misuse of medications which have become prevalent occurrences throughout the Commonwealth. Additionally, under 63 P.S. § 390-3.3(a)(3)(ii), the Board is required to establish minimum standards of training to ensure that pharmacy technicians have the requisite knowledge and skills to competently provide services to the citizens of this Commonwealth. While it is difficult to say how many Pennsylvanians will benefit from skills of the registered pharmacy technicians and pharmacy technician trainees, the Board is estimating that roughly 20,000 pharmacy technicians currently working in the Commonwealth will register with the Board as either pharmacy technicians or pharmacy technician trainees at the time this regulation is finalized.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no federal standards that are applicable to the subject matter of the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania’s ability to compete with other states?

This regulation will not adversely affect Pennsylvania’s ability to compete with other states. The purpose of this regulation is to set a minimum standard of competency for pharmacy technicians and to establish and implement a regulatory program consisting of registering pharmacy technicians in order to better protect public health and safety. When Act 140 of 2020 passed, Pennsylvania was one of only four states that did not register pharmacy technicians, so this regulation will put Pennsylvania on an even footing

with other states. Of the twelve states in the Northeastern region of the United States, Delaware is the only one that does not register or license pharmacy technicians.

In preparing this proposed regulation, the Board researched the requirements of the eleven states in the Northeastern region that license, register or certify pharmacy technicians, beginning with the training component. Maryland, Ohio, Rhode Island and West Virginia established a list of content that must be covered by pharmacy technician training programs and who may offer said training programs, much like the Board proposes in the subject regulations. However, the Maryland board also reviews and approves the training programs and any changes made thereafter, and Ohio also requires that its applicants pass a board approved exam with a minimum score of 75%. West Virginia also allows pharmacy technicians to complete their training in a pharmacy, however, the board must review and approve the pharmacy training program and the board requires passing a national exam regardless of the method utilized to obtain one's pharmacy technician training.

Some states took a different approach to training and educating pharmacy technicians. For instance, Connecticut holds the pharmacy manager responsible for training the pharmacy technicians on the job and assuring continued competency. Similarly, Maine relies on the employing pharmacy to deploy a training program that provides specific instruction on the limited scope of practice of a pharmacy technician at that specific facility, with emphasis on tasks that can only be completed by a pharmacist. Massachusetts requires national certification or passing a board approved examination after either completing a board approved program that covers a specific list of topics or completing 500 hours of on-the-job training while being registered as a pharmacy technician trainee. Vermont requires pharmacy technician applicants to obtain national certification and maintain that certification throughout their time of registration.

Other states have a lower bar for registration as a pharmacy technician. For example, New Hampshire requires 80 hours of on-the-job training. In New Jersey, individuals working as pharmacy technicians must register with the board, but they only need to obtain national certification if the pharmacy wishes to exceed a ratio of pharmacy technicians-to-pharmacists higher than 2:1. Otherwise, training is at the discretion of the pharmacy. In New York, pharmacy technicians are required to obtain national certification, but licensure is only required to work in specific facilities, i.e., hospitals, nursing homes and diagnostic treatment centers.

One of the catalysts for the registration of pharmacy technicians in Pennsylvania was the possibility for misuse of medications. As such, one of the proposed amendments is to establish a requirement to notify the Board within 15 days of a termination of employment for any drug-related reason, including adulteration, abuse, theft, or diversion. Of the other states researched, there are seven that require pharmacy technicians to report changes in employment to the applicable board: Connecticut, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island and West Virginia. However, Maine requires that a report be made to the board within seven days if there was a termination of employment for a drug-related reason or theft. Additionally, New Hampshire requires that a pharmacist report to the board within one day if a pharmacy technician adulterated, abused, stole or diverted drugs.

In determining appropriate fees to charge for the initial registration of pharmacy technicians, renewal of pharmacy technicians and pharmacy technician trainees, the Board consulted its current schedule of fees and reviewed fees for other individual licensees. Specifically, the Board currently charges pharmacist applicants \$45 to submit their initial licensure application, and pharmacy interns are charged \$35 to obtain their certificate. In exercising its authority and discretion to set fees, the Board determined the most equitable result for initial application fees would be to charge an initial pharmacy technician registration

application fee of \$30 and a pharmacist technician trainee registration application fee of \$15. Additionally, in considering an appropriate fee amount to renew a pharmacy technician registration, the Board settled upon \$70, which the Board determined is the average renewal fee for pharmacy technicians nationally.

Comparatively, the states the Board researched charge the following for initial pharmacy technician registration: Connecticut - \$100, Maine - \$41, Maryland - \$45, Massachusetts - \$150, New Hampshire - \$100, New Jersey - \$50, New York - \$175, Ohio - \$50, Rhode Island - \$25, Vermont - \$50, West Virginia - \$25.

Additionally, the states the Board researched charge the following for renewal of pharmacy technician registrations: Connecticut - \$50 annually (equivalent of \$100 biennially), Maine - \$40 annually (equivalent of \$80 biennially), Maryland - \$45 biennially, Massachusetts - \$60 biennially, New Hampshire - \$100 biennially, New Jersey - \$70 biennially, New York - \$175 triennially (equivalent of about \$117 biennially), Ohio - \$50 biennially, Rhode Island - \$25 annually (equivalent of \$50 biennially), Vermont - \$50 biennially, West Virginia - \$30 biennially.

Many states do not have pharmacy technician trainees. Of the 11 Northeast states, only three issue pharmacy technician trainee registrations and of those only two charge a fee: Massachusetts - \$0, Ohio - \$25, West Virginia - \$25.

In reviewing this information, it is clear that the proposed pharmacy technician training regulations are similar to many of the states surrounding Pennsylvania. Additionally, the proposed fees will allow Pennsylvania to continue to be competitive with surrounding states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This rulemaking does not affect other regulations of the Board or other state agencies.

Individuals will not be required to register as a pharmacy technician until one year after the promulgation of these regulations. Nevertheless, pharmacy technicians and pharmacy technician trainees are referenced in a concurrently pending rulemaking in anticipation of the final promulgation of the instant regulations. Specifically, pharmacy technicians and pharmacy technician trainees are identified in regulation # 16A-66 (IRRC No. 3361), "Consideration of Criminal Convictions." Filed by the Commissioner of BPOA, regulation # 16A-66 implements a schedule of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each of the 29 professional and occupational licensing boards/commissions. Pharmacy technicians and pharmacy technician trainees are among the licensee types identified who may not be granted a license, certificate, permit or registration if convicted of a drug trafficking offense (subject to certain exceptions).

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

In drafting the proposal, the Board released an exposure draft of a proposed annex on November 2, 2022, and solicited comments from stakeholders and interested parties. A list of stakeholders is attached as

Attachment “A.” The Board also considered input and information provided by Dr. Paul Green, President of the Pennsylvania Society of Health-System Pharmacists (PCHP), Lawrence D. Jones, PSHP Executive Director, Jill McCormick, Regional Director of the National Association of Chain Drug Stores (NACDS), and Alberto Silva, R.Ph., ASPN Pharmacies.

The regulations were discussed at public meetings in 2020 (Dec. 1), 2021 (March 17, June 8, July 29, November 2 and December 21), 2022 (February 8, March 29, June 28, August 30, November 1 and December 6), and 2023 (January 31, March 21, May 2 and June 27).

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

For this rulemaking, the Board estimates that approximately 20,000 individuals will apply for registration as pharmacy technicians, an indeterminate number of whom will first become registered as pharmacy technician trainees.

According to the Pennsylvania Department of Labor and Industry in 2020 (the most recent year for which data is available), pharmacy technicians provide their services for a variety of private and public sector employers, the largest of which are: pharmacies and drug stores (50%), hospitals (state, local and private) (17%), and food and beverage stores (10%).

Small businesses are defined in Section 3 of the Regulatory Review Act, 71 P.S. § 745.3, which states that a small business is defined by the SBA’s Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where pharmacy technicians may work, for a pharmacy or drug store (NAICS code 456110), the small business threshold is \$37.5 million or less in average annual receipts, for a hospital (NAICS code 622110) the small business threshold is \$47.0 million or less in average annual receipts, and for food and beverage stores (NAICS code 445110) the small business threshold is \$40.0 million or less in average annual receipts.

The Board is not able to estimate how many pharmacies are small businesses as the Board does not collect financial or employment information from pharmacies. Many pharmacies such as large retail chains would not qualify as “small businesses” under the SBA definition; however, the Board believes some of the 3,277 licensed pharmacies may qualify as small businesses owned and operated by individuals. Most hospitals in this Commonwealth do not qualify as small businesses. The Board does not have sufficient information to determine the extent to which the remaining types of businesses where pharmacy technicians may work are small businesses.

Whether individuals currently performing tasks of pharmacy technicians work in small or large businesses, they will need to register as either pharmacy technicians or pharmacy technician trainees and pay either the \$30 or \$15 registration fee, respectively. The impact of the regulations on small businesses depends on whether the businesses would pay the application fee for the pharmacy technician or pharmacy technician trainee registration. Because the application fees are incurred by the individuals applying for initial registration, any business (small or otherwise) could avoid these costs by requiring employees to pay their own registration costs.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Applicants for registration as pharmacy technicians or pharmacy technician trainees will be required to comply with the proposed rulemaking. The Board estimates that, initially, 20,000 applicants will be registering to practice the profession. Small businesses will only be impacted to the extent they voluntarily pay registration fees and other costs for applicants.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

Pharmacy technicians will benefit from this regulation, in that establishing minimum standards for training and competency will make transferring from one pharmacy to another simpler. Additionally, establishing these standards for pharmacy technician registration will allow Pennsylvania registered pharmacy technicians to obtain their registrations in other states via reciprocity. Furthermore, pharmacy technician trainees will benefit from this regulation as they will have the opportunity to gain experience on-the-job that will eventually lead to a pharmacy technician registration.

The citizens of this Commonwealth will benefit from the registration of pharmacy technicians and pharmacy technician trainees. The purpose of this regulation is to ensure that pharmacy technicians and pharmacy technician trainees obtain a minimum level of training and competency before obtaining their registration. The result will be a knowledgeable and efficient workforce assisting pharmacists and providing services to the citizens of this Commonwealth.

The financial impact of the regulation falls primarily on the applicants and the Board. Individuals seeking registration as a pharmacy technician will incur costs associated with qualifying for and obtaining a registration. As noted above, applicants applying for registration as pharmacy technicians would be required to pay a \$30 application fee, the costs of processing applications. Additionally, section 3.3(a)(3)(iii) of the Pharmacy Act (63 P.S. § 390-3.3(a)(3)(iii)), requires that the applicant submit a criminal history record check. The Pennsylvania criminal history record check costs \$22; however, the cost of a criminal history record check varies from state to state. Applicants will also need to submit a National Practitioner Databank Self-Query which costs \$3. Additionally, pharmacy technician applicants will need to submit proof of completion of a course in child abuse recognition and reporting. This course can be taken at no cost or completed for as little as \$15, depending on the provider the applicant opts to utilize. Finally, the applicant will either need to establish that they meet the standard for grandfathering (having worked as a pharmacy technician for 1 of the 2 years prior to the effective date of Act 140 of 2020) or demonstrate that they have completed a Board-approved training program. If the applicant meets the standard for grandfathering, then they do not need to complete a Board-approved training program. If the applicant needs to complete a Board-approved training program, this could be done at minimal cost by registering to be a pharmacy technician trainee and learning on the job. Another Board-approved program could also have been completed by an applicant while they were serving in a branch of the U.S. armed forces. If an applicant chooses to attend school to obtain their education as a pharmacy technician, the cost of tuition can range from \$3,500 to over \$20,000.

Applicants seeking registration as pharmacy technician trainees will also face a financial impact as a result of the regulation. The trainee applicants will have to pay an application fee of \$15, which can be applied towards their \$30 pharmacy technician registration application fee if they complete their training program

within 2 years. Additionally, Section 3.3(b)(3)(ii) of the Pharmacy Act (63 P.S. § 390-3.3(b)(3)(ii)), requires that the applicant submit a criminal history record check. The Pennsylvania criminal history record check costs \$22; however, the cost of a criminal history record check varies from state to state. Applicants will also need to submit a National Practitioner Databank Self-Query which costs \$3. Additionally, pharmacy technician trainee applicants will need to submit proof of completion of a course in child abuse recognition and reporting. This course can be taken at no cost or completed for as little as \$15, depending on the provider the applicant opts to utilize.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

As previously discussed, Act 140 of 2020 requires the Board to register and regulate pharmacy technicians and pharmacy technician trainees. The costs associated with obtaining registration are outweighed by the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 P.S. § 390-3.3(a) and (b) against the benefits of registering pharmacy technicians and pharmacy technician trainees. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that Board fees are necessary to pay for the costs associated with filing of applications.

Regarding the costs of the criminal history record check, the General Assembly specifically required the submission of a criminal history check with each application for pharmacy technician and pharmacy technician trainee registration. While the General Assembly and the Board recognize that creating job opportunities in this Commonwealth is important, it is also important to make sure that individuals working in a pharmacy are not going to endanger public health or safety.

Regarding the costs of training programs, the Board has set forth a variety of approved providers that will allow individuals to choose the path that is best for their personal situation. If an individual wants to obtain national certification by attending an accredited program and passing a national exam, they are welcome to do so. However, if an applicant prefers to complete training at no cost by obtaining training on-the-job, they can take that path as well by registering to be a pharmacy technician trainee. The Board wants the training to be as equitable as possible, to fit the needs of people from all walks of life, to create opportunities for individuals all across the Commonwealth and to eliminate as many barriers to licensure as possible.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

An individual applying for registration as a pharmacy technician will incur some costs including paying the \$30 application fee, \$22 criminal history record check fee and the \$3 fee for the National Practitioner Databank Self-Query, which comes to a total of \$55. The applicant will need to either show proof of meeting the grandfathering requirements or proof of completion of a Board-approved training program. In the initial round of applications, where the Board is estimating that roughly 20,000 pharmacy technicians are working in the Commonwealth, most, if not all, of those individuals should either meet the grandfather requirements or be able to complete an employer training program within one year of the effective date of the Board's regulations to qualify for registration, thereby incurring no additional cost. However, in the future, once grandfathering is no longer available, applicants establishing proof of a Board-approved training program could incur costs of \$0 - \$20,000. It is anticipated that most applicants

will complete employer training programs and the first round of initial registrations will result in \$1,100,000 (\$55 x 20,000 applicants). These applicants will then pay \$70 to renew their registrations biennially in the years that follow.

An individual applying for registration as a pharmacy technician trainee will incur some costs including paying the \$15 application fee, \$22 criminal history record check fee and the \$3 fee for the National Practitioner Databank Self-Query, which comes to a total of \$40. The Board has no means by which to anticipate how many individuals will enter the workforce after this regulation is complete, nor can the Board estimate how many will wish to obtain their training by means of on-the-job training. The Board likewise is without statistics to know how many pharmacy technicians have historically entered the workforce on an annual basis. However, these individuals may only obtain the trainee registration once, and if they complete their training program within the 2 years that they hold the trainee registration, their \$15 application fee can be used towards their \$30 pharmacy technician registration application fee, making their total pharmacy technician registration \$55.

Applicants will have one year following publication of the final regulations to apply for registration. Thereafter, assuming a combined total of approximately 1,500 new pharmacy technician applicants and 1,500 pharmacy technician trainee applicants, each at \$55, amounts to filing fee costs of \$165,000 annually to the regulated community.

Assuming all 20,000 initial applicants from FY 2025-2026 and the estimated 1,500 new pharmacy technician registrants from FY 2026-2027 all renew their registrations at the end of the first biennium at a cost of \$70 each, the regulated community would incur a total of \$1,400,000 in biennial renewal costs.

Thus, the costs presented in the table in item 23 below are estimated for each of the next five fiscal years as follows:

Total for Current FY 2023-2024: **\$0**

Act 140 of 2020 provided that no individual is required to register as a pharmacy technician under section 3.3 of the act, until 1 year after the Board has promulgated final regulations.

Total for FY 2024-2025: **\$0**

This assumes that it will not yet have been one year since the promulgation of final regulations.

Total for FY 2025-2026: **\$1,100,000** (calculated as follows) –

Initial registration of pharmacy technicians and trainees: $20,000 \times \$55 = \$1,100,000$

Total for FY 2026-2027: **\$165,000** (calculated as follows) –

New applicants for registration as pharmacy technician or trainee: $3,000 \times \$55 = \$165,000$

Total for FY 2027-2028: **\$1,670,000** (calculated as follows) –

First biennial renewal for FY 25-26 and FY 26-27 registrants: $21,500 \times \$70 = \$1,505,000$

New applicants for registration as pharmacy technician or trainee: $3,000 \times \$55 = \$165,000$

Total for FY 2028-2029: **\$165,000** (calculated as follows) –

New applicants for registration as pharmacy technician or trainee: $3,000 \times \$55 = \$165,000$

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with

compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation would not result in costs or savings to local government.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board will incur increased operational costs to implement the registration of pharmacy technicians and pharmacy technician trainees, in that new applications will need to be created in the Bureau's online platform, the Pennsylvania Licensing System (PALS), and additional staff will be required to process a new licensure class. Additionally, the Board will incur the costs of drafting these regulations to implement Act 140 of 2020, thereby allowing for the registration of pharmacy technicians and pharmacy technician trainees. The costs incurred by the Board should be recouped in the form of application fees paid by the applicants.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to submit an application for registration accompanied by required documentation.

(22a) Are forms required for implementation of the regulation?

Yes, applicants are required to submit an online application.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Applicants for pharmacy technician registration will be required to submit an application using the Bureau's online platform, PALS. The application will begin by asking for basic demographic information such as name, address, date of birth and social security number. The applicant will need to upload a copy of their driver's license or other government issued identification or birth certificate, as proof of meeting the age requirement established by the statute (must be at least 17 years of age to register as a pharmacy technician). The applicant will also be asked to upload a copy of their high school transcript or other documentation, as proof of possessing a high school diploma or its equivalent. Applicants will need to complete 3 hours of child abuse recognition and reporting approved training by the Department of Human Services and have the approved provider submit their name and date of attendance directly to the Bureau. A criminal history record check from the state police or other state agency that is the official repository for criminal history record information will also need to be

uploaded to the application. Applicants will also need to upload a National Practitioner Data Bank Self-Query Report. Finally, the applicant will need to (1) submit proof of completion of a Board-approved training program or (2) verification of meeting the grandfathering requirements. For the applicants that attended all Board-approved programs other than that of an employer, they will have their school or training program send the Board a copy of their transcript as proof of completion. An applicant that completes a training program through their employer, or who meets the grandfather requirements, will have their employer send the Board a signed and dated verification form.

Applicants for pharmacy technician trainee registration will also be required to submit an application using the Bureau’s online platform, PALS. The application will begin by asking for basic demographic information such as name, address, date of birth and social security number. The applicant will need to upload a copy of their driver’s license or other government issued identification or birth certificate, as proof of meeting the age requirement established by the statute (must be at least 16 years of age to register as a pharmacy technician trainee). Applicants will need to complete three hours of child abuse recognition and reporting approved training by the Department of Human Services and have the approved provider submit their name and date of attendance directly to the Bureau. A criminal history record check from the state police or other state agency that is the official repository for criminal history record information will also need to be uploaded to the application. Applicants will also need to upload a National Practitioner Data Bank Self-Query Report.

Because the Board has transitioned to online applications, there are no paper applications that the Board can supply. Instead, the Board is providing “checklists” that correlate with each application. *See* Attachment B. The information solicited by these checklists will be the same information required in the online form.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 23-24	FY +1 24-25	FY +2 25-26	FY +3 26-27	FY +4 27-28	FY +5 28-29
SAVINGS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$0	\$0	\$1,100,000	\$165,000	\$1,670,000	\$165,000
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	\$0	\$0	\$1,100,000	\$165,000	\$1,670,000	\$165,000
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A

Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2020-2021	FY -2 2021-2022	FY -1 2022-2023	Current FY 2023-2024
State Board of Pharmacy	\$3,019,076.85	\$2,909,621.44	\$3,006,650.96	\$2,744,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

- (a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs related to training programs. Because these fees are incurred by individuals applying for initial registration, any business (small or otherwise) could avoid these costs by requiring employees to pay their own registration costs.
- (b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses. However, if a pharmacy chooses to offer a training program they will need to keep a copy of their training program readily available within their pharmacy and they will need to submit a certification to the Board at the completion of their pharmacy technician trainee’s training so they can become a registered pharmacy technician.
- (c) The probable effect on impacted small businesses would be positive because the Board’s regulations will enhance the workforce, provide more talent for business and help grow Pennsylvania’s economy.
- (d) The Board could discern no less costly or less intrusive methods to effectuate the purpose of Act 140 of 2020 that would be consistent with the Board’s mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed for any affected groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for registration are treated equally.

c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether registrants are employed by a small business or a large business.

d) The regulations do not contain design or operational standards that need to be altered for small businesses.

e) To exclude any registrant from the requirements contained in the regulation based on the size of their employer would not be consistent with Act 140 of 2020.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

(29) Include a schedule for review of the regulation including:

A. The length of the public comment period: 30 days

B. The date or dates on which any public meetings or hearings will be held:

No public hearings are scheduled. The proposed rulemaking was discussed at public Board meetings held on Dec. 1, 2020, Mar. 17, 2021, June 8, 2021, July 29, 2021, Nov. 2, 2021, Dec. 21, 2021, Feb. 8, 2022, Mar. 29, 2022, June 28, 2022, Aug. 30, 2022, Nov. 1, 2022, Dec. 6, 2022, Jan. 31, 2023, Mar. 21, 2023, May 2, 2023 and June 27, 2023.

C. The expected date of delivery of the final-form regulation:

Fall 2024

D. The expected effective date of the final-form regulation:

Upon notice or publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

E. The expected date by which compliance with the final-form regulation will be required:

One year after publication as final.

F. The expected date by which required permits, licenses or other approvals must be obtained:

One year after publication as final.

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board will meet on the following remaining dates in 2023: September 26, November 7 and December 19. More information can be found on the Board's website (www.dos.pa.gov/pharmacy).

ATTACHMENT “A”

PHARMACY STAKEHOLDER LIST

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velliott@papharmacists.com

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The Hospital and Healthsystem Association of Pennsylvania (HAP)
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ATTACHMENT “B”

Pharmacy Technician Application Checklist

Checklist Item	Details
Application	Information on an application is valid for six months and then must be updated. An entirely new application and application fee are required once the application is a year old.
Application Fee	Please submit the nonrefundable \$30 application fee. The application fee is nonrefundable and is valid for one year.
Child Abuse CE	All health-related licensees/certificate holders/registrants and funeral directors are considered “mandatory reporters” under section 6311 of the Child Protective Services Law (23 Pa.C.S. § 6311). Therefore, all persons applying for issuance of an initial license, certificate or registration from any of the health-related boards (except the State Board of Veterinary Medicine) or from the State Board of Funeral Directors, are required to complete, as a condition of licensure, 3 hours of approved training by the Department of Human Services (DHS) on the topic of child abuse recognition and reporting. After you have completed the required course, the approved provider will electronically submit your name, date of attendance, etc. to the Bureau. For that reason, it is imperative that you register for the course using the information provided on your application for licensure/certification/registration. A list of DHS-approved child abuse education providers can be found on the Department of State Website.
Criminal History Check	Provide a recent Criminal History Records Check (CHRC) from the state police or other state agency that is the official repository for criminal history record information for every state in which you have lived, worked, or completed professional training/studies for the past ten (10) years. The report(s) must be dated within 180 days of the date the application is submitted. For applicants living, working, or completing training/studies in Pennsylvania, your CHRC request will be automatically submitted to the Pennsylvania State Police upon submission of this application. The PATCH fee will be included at checkout. Your PA CHRC will be sent directly to the Board/Commission. You will be notified if additional action is required. For individuals living, working, or completing training/studies outside of Pennsylvania during the past ten (10) years, in lieu of obtaining individual state background checks, you may elect to provide BOTH a state CHRC from the state in which you currently reside, AND your FBI Identity History Summary

	<p>Check, available at https://www.fbi.gov/services/cjis/identity-history-summary-checks.</p> <p>Please note: For applicants currently living, working, or completing training/studies in California, Arizona, or Ohio: Due to the laws of these states, the Board is not an eligible recipient of CHRC's or your CHRC will not be issued to you for upload to the Board. Please obtain your Federal Bureau of Investigation (FBI) Identity History Summary Check, available at the link noted above.</p>
Databank Report	All applicants must obtain and submit a National Practitioner Data Bank Self-Query report.
Education Verification	All applicants must possess a high school diploma or equivalent. Acceptable proof of education includes a copy of the high school diploma or GED diploma issued by Department of Education, GED certificate indicating the grade equivalency or an official transcript of the high school record with school seal affixed and signed by the appropriate official.
Valid Identification	Applicants must be at least 17 years of age and provide proof of age. Acceptable documents include active driver's license, state issued I.D., Passport, US Dept. of State VISA or Birth Certificate.
Pharmacy Technician Training	<p>Applicants must have completed a Board approved pharmacy technician training program. Please arrange for your educator or employer to complete the "Verification of Pharmacy Technician Training" form. This form may be downloaded after you submit your application and pay the application fee.</p> <p>If you practiced as a pharmacy technician for at least one year between November 30, 2020, and January 29, 2021, please arrange for your employer to complete the "Verification of Pharmacy Technician Practice" form. This form may be downloaded after you submit your application and pay the application fee.</p>

Pharmacy Technician Trainee Application Checklist

Checklist Item	Details
Application	Information on an application is valid for six months and then must be updated. An entirely new application and application fee are required once the application is a year old.
Application Fee	Please submit the nonrefundable \$15 application fee. The application fee is nonrefundable and is valid for one year.
Child Abuse CE	All health-related licensees/certificate holders/registrants and funeral directors are considered “mandatory reporters” under section 6311 of the Child Protective Services Law (23 Pa.C.S. § 6311). Therefore, all persons applying for issuance of an initial license, certificate or registration from any of the health-related boards (except the State Board of Veterinary Medicine) or from the State Board of Funeral Directors, are required to complete, as a condition of licensure, 3 hours of approved training by the Department of Human Services (DHS) on the topic of child abuse recognition and reporting. After you have completed the required course, the approved provider will electronically submit your name, date of attendance, etc. to the Bureau. For that reason, it is imperative that you register for the course using the information provided on your application for licensure/certification/registration. A list of DHS-approved child abuse education providers can be found on the Department of State Website.
Criminal History Check	Provide a recent Criminal History Records Check (CHRC) from the state police or other state agency that is the official repository for criminal history record information for every state in which you have lived, worked, or completed professional training/studies for the past ten (10) years. The report(s) must be dated within 180 days of the date the application is submitted. For applicants living, working, or completing training/studies in Pennsylvania, your CHRC request will be automatically submitted to the Pennsylvania State Police upon submission of this application. The PATCH fee will be included at checkout. Your PA CHRC will be sent directly to the Board/Commission. You will be notified if additional action is required. For individuals living, working, or completing training/studies outside of Pennsylvania during the past ten (10) years, in lieu of obtaining individual state background checks, you may elect to provide BOTH a state CHRC from the state in which you currently reside, AND your FBI Identity History Summary

	<p>Check, available at https://www.fbi.gov/services/cjis/identity-history-summary-checks.</p> <p>Please note: For applicants currently living, working, or completing training/studies in California, Arizona, or Ohio: Due to the laws of these states, the Board is not an eligible recipient of CHRC's or your CHRC will not be issued to you for upload to the Board. Please obtain your Federal Bureau of Investigation (FBI) Identity History Summary Check, available at the link noted above.</p>
Databank Report	All applicants must obtain and submit a National Practitioner Data Bank Self-Query report.
Valid Identification	Applicants must be at least 16 years of age and provide proof of age. Acceptable documents include active driver's license, state issued I.D., Passport, US Dept. of State VISA or Birth Certificate.

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)**

RECEIVED

Independent Regulatory
Review Commission

February 21, 2024

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

BY: Amy M. Elliott
Digitally signed by Amy M. Elliott
DN: cn=Amy M. Elliott, o=Pennsylvania Office
of Attorney General, ou=Chief Deputy
Attorney General,
email=aelliott@attorneygeneral.gov, c=US
Date: 2024.02.12 15:12:07 -0500
(DEPUTY ATTORNEY GENERAL)

2/12/2024
DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached.

Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:

State Board of Pharmacy
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-5433

DATE OF ADOPTION: _____

BY: 
THERESA M. TALBOTT, R.Ph.

TITLE BOARD CHAIRPERSON
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to form and legality. Executive or Independent Agencies.

BY: 

12/15/23
DATE OF APPROVAL

Deputy General Counsel
~~(Chief Counsel, Independent Agency)~~
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

PROPOSED RULEMAKING

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PHARMACY**

TITLE 49 PA CODE CHAPTER 27

§§ 27.1, 27.11, 27.12, 27.12a, 27.18, 27.31, 27.91, 27.403, 27.701–27.705

PHARMACY TECHNICIAN REGISTRATION

The State Board of Pharmacy (Board) proposes to amend §§ 27.1, 27.11, 27.12, 27.18, 27.31, 27.91 and 27.403, and add §§ 27.12a and 27.701–27.705.

Effective Date

This proposed rulemaking will be effective upon notice or publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 6(k)(9) of the Pharmacy Act (63 P.S. § 390-6(k)(9)) provides the Board with the authority “to promulgate rules and regulations to effectuate the purposes of this act and to regulate . . . the practice of pharmacy for the protection and promotion of the public health, safety and welfare.” Additionally, with the passing of the act of November 30, 2020 (P.L. 1306, No. 140) (Act 140 of 2020), the Board was directed to promulgate regulations to implement the registration of pharmacy technicians and pharmacy technician trainees.

Background and Purpose

Prior to the enactment of Act 140 of 2020, Pennsylvania was one of only four states that did not regulate pharmacy technicians. On November 30, 2020, the Pharmacy Act was amended by adding section 3.3 (63 P.S. § 390-3.3) to provide for the registration of pharmacy technicians and pharmacy technician trainees.

This proposed rulemaking is needed to effectuate Act 140 of 2020 by setting forth the criteria for pharmacy technician training programs, as well as the standards of practice and registration fees for both pharmacy technicians and pharmacy technician trainees.

Description of the Proposed Amendments

In light of Act 140 of 2020, the Board is proposing to amend § 27.1 (relating to definitions) to have the existing definition for “pharmacy technician” align with the definition provided in Act 140, and to add the newly provided definitions for “pharmacy technician trainee” and “direct and immediate personal supervision.”

Because one of the catalysts for enacting pharmacy technician registration is the possibility for misuse of medications, the Board is proposing to amend § 27.11 (relating to pharmacy permit and pharmacist manager) to establish a requirement that the pharmacist manager notify the Board in writing of the termination of employment of a pharmacist, pharmacy intern, pharmacy technician or pharmacy technician trainee for any drug-related reason, including adulteration, abuse, theft, or diversion, within 15 days of the termination. Alternatively, if the pharmacist manager is the individual being terminated, the pharmacy permit holder would then be responsible for reporting the termination. As misuse could occur among any of the licensees or registrants of the Board, this provision needs to be equally applied to all licensees and registrants.

The Board is proposing to amend § 27.12 (relating to practice of pharmacy and delegation of duties) to include pharmacy technician trainees as a class of individuals to whom pharmacists may delegate duties. Additionally, the Board is proposing to reserve subsection (d)(2)(v) as the

information is duplicative and more cumbersome than that found at subsection (d)(2)(vii). The Board is also proposing to amend subsection (d)(4) to clarify that when a change of pharmacist manager occurs, the new manager must review the pharmacy technician and pharmacy technician trainee protocols and sign them, indicating that the new manager understands the contents of the protocols. Additionally, the Board proposes to add subsections (d)(5) and (6) to include the name tag requirements set forth in Act 140.

The Board proposes to add § 27.12a (relating to pharmacy technician and pharmacy technician trainee grounds for discipline or denial of registration) which essentially parallels applicable provisions found in section 5(a) of the Pharmacy Act (63 P.S. § 390-5(a)) pertaining to various grounds that may lead to discipline for a pharmacist. In Act 140, section 3.3(a)(5) (63 P.S. § 390-3.3(a)(5)) states that section 5(a) of the Pharmacy Act will apply to pharmacy technician and pharmacy technician trainee registrations and the Board felt it would be helpful to place some of that information in the regulations to add clarity for the benefit of pharmacy technicians and pharmacy technician trainees. It should also be noted that Act 140 of 2020 refers to pharmacy technician trainee “permits” and pharmacy technician trainee “registrations.” For consistency and clarity, the Board has chosen to refer to pharmacy technician trainee “registrations,” not “permits,” throughout the proposed regulation.

The Board proposes to amend subsections 27.18(n) and (s) to be consistent in the verbiage of the now-defined phrase “direct and immediate personal supervision” rather than “direct, immediate and personal supervision” and variations thereof.

The Board proposes to amend § 27.31 (relating to biennial renewal) by amending subsection (a) to correct a typographical error and to include completion of an online biennial renewal form. Also, the Board proposes to add subsection (b.1) to provide for the renewal of pharmacy technician registration every 2 years in odd-numbered years. Additionally, the Board proposes to amend subsection (c) to include pharmacy technicians in the category of licensees or registrants that may not continue to practice if they fail to timely renew their registration and to update the name of the Department of Public Welfare to the current title of Department of Human Services.

The Board proposes to amend § 27.91 (relating to fees) to include the initial pharmacy technician registration fee of \$30, the conversion fee of \$15 for a pharmacy technician trainee transitioning to a pharmacy technician within 2 years of being a trainee, and the pharmacy technician trainee fee of \$15 (noting that section 3.3(b)(4) of the act restricts the Board to a fee that is not more than one-half of that for registered pharmacy technicians (63 P.S. § 390-3.3(b)(4)). The Board arrived at the \$30 initial pharmacy technician registration fee by reviewing its current fee schedule. As of today, a student who is applying to obtain their pharmacy intern certificate must pay \$35 and a pharmacist filing their initial licensure application pays \$45. In reviewing those fees, the Board determined that the most equitable solution was to charge a fee of \$30 for initial pharmacy technician registration. This section also provides for the pharmacy technician biennial registration fee of \$70. Similarly, when the Board looked at renewal fees a pharmacist pays \$190 biennially and a pharmacy pays \$125. Additionally, the Board considered the renewal fees of other states, and the average pharmacy technician renewal fee came out to just over \$70. The Board

finds the biennial registration fee of \$70 to be equitable in comparison to other states and also among the other fees of this Board. The Board will monitor these fees as it navigates these new waters and begins registration of this new class of registrants, along with consideration of information from the Department of State’s Bureau of Finance and Operations (BFO).

The Board is proposing to amend § 27.403(d) for purposes of consistency with regard to the phrase “direct and immediate supervision.”

The Board is also proposing four new sections relating to the registration of pharmacy technicians and pharmacy technician trainees. First, the Board is proposing to add § 27.701 (relating to qualifications for pharmacy technician registration) to set forth the basic requirements to qualify for a registration including (1) being at least 17 years of age, (2) possessing a high school diploma or equivalent, (3) completing a Board-approved pharmacy technician training program, and (4) submitting a criminal history record check.

Proposed § 27.702 (relating to pharmacy technician training programs) addresses pharmacy technician training programs, beginning with subsection (a) which delineates what competencies must be covered to meet the standards of a Board-approved pharmacy technician training program, such as the dispensing process, pharmaceutical calculations, confidentiality and hazardous drug handling and disposal. Subsection (b) provides a list of Board-approved program providers ranging from pharmacy employers to the U.S. Armed Forces. Subsection (c) delineates the requirements for a pharmacy employer to maintain a copy of their training program within their pharmacy at all times and to certify that they have properly trained the pharmacy technician applicant in all areas required under subsection (a) at the time their trainee is filing an application with the Board to become a registered pharmacy technician.

Next, the Board is proposing to add § 27.703 (relating to qualifications for pharmacy technician trainee registration) to set forth the minimum requirements to obtain the pharmacy technician trainee registration, mainly that one needs to be at least 16 years of age and must submit to a criminal history record check.

Proposed § 27.704 (relating to expiration of pharmacy technician registration) explains that an individual may only receive one pharmacy technician trainee registration and it shall expire within 2 years of issuance.

Finally, proposed § 27.705 (relating to grandfather requirements for an existing practitioner to be registered as a pharmacy technician) addresses the criteria for individuals who worked as a pharmacy technician for at least 1 year between January 29, 2019 and January 29, 2021 (the 2-year period prior to the effective date under Act 140 of 2020) to be registered, even if they do not possess a high school diploma and have not completed a Board-approved pharmacy technician program.

Fiscal Impact and Paperwork Requirements

The proposed amendments will add application and biennial renewal fees for pharmacy technician registrations and application fees for pharmacy technician trainee registration. The Department of Labor and Industry estimates that there may be 20,000 pharmacy technicians in the

Commonwealth. The proposed fees may be paid by their employers should their employers choose to pay their fees. The proposed regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

The proposed rulemaking will require the Board to create applications and a biennial form to reflect the new licensure class; however, the amendments will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, BFO provides the Board with an annual report detailing the Board’s financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 21, 2024, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commissioner, the General Assembly, and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to Regulatory Counsel, State Board of Pharmacy, P.O. Box 69523, Harrisburg, PA 17106-9523, or by email to RA-STRegulatoryCounsel@pa.gov, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference “Regulation No. 16A-5433 (Pharmacy Technician Registration)” when submitting comments.

Theresa M. Talbott, R.Ph.
Board Chairperson

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 27. STATE BOARD OF PHARMACY

GENERAL PROVISIONS

§ 27.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ACPE—The Accreditation Council for Pharmacy Education.

* * * * *

Department—The Department of State of the Commonwealth.

Direct and immediate personal supervision—The level of supervision of a pharmacy intern, pharmacy technician or pharmacy technician trainee by a licensed pharmacist. The term includes:

(i) Review by the pharmacist of the prescription or drug order prior to it being dispensed.

(ii) Verification by the pharmacist of the final product.

(iii) Immediate availability of the pharmacist on the premises to direct the work of the supervised individual and respond to questions or problems.

Drug order—

(i) An oral or written order issued by a medical practitioner which is either written

on or entered by computer into the medical record of a patient in an institution for the dispensing of a drug or device for administration to the patient.

(ii) The term does not include an order for a drug for a patient in an institution which the patient will self-administer which will be considered a prescription.

* * * * *

Pharmacy intern—A person registered by the Board as a pharmacy intern under section 3(e) of the act (63 P.S. § 390-3(e)) and § 27.26 (relating to pharmacy internship).

Pharmacy technician—

(i) [An unlicensed person working in a pharmacy to assist a pharmacist in the practice of pharmacy in accordance with § 27.12 (relating to practice of pharmacy and delegation of duties).] An individual who is registered with the Board as a pharmacy technician under section 3.3(a) of the act (63 P.S. § 390-3.3(a)) and § 27.701 (relating to qualifications for a pharmacy technician registration), and who may assist in the practice of pharmacy under the direct and immediate personal supervision of a licensed pharmacist.

(ii) The term does not include [a pharmacy intern, or clerical or housekeeping personnel] an individual performing clerical support with no direct interaction with prescription medication or ability to enter a prescription drug order.

Pharmacy technician trainee – An individual who has been issued a temporary registration by the Board under section 3.3(b) of the act (63 P.S. § 390-3.3(b)) and § 27.703 (relating to qualifications for a pharmacy technician trainee registration), that authorizes the individual to perform the duties of a pharmacy technician under the direct and immediate personal supervision of a licensed pharmacist.

* * * * *

STANDARDS

§ 27.11. Pharmacy permit and pharmacist manager.

(a) A permit to conduct a pharmacy issued under section 4 of the act (63 P.S. § 390-4) shall show the name and address of the pharmacy, the name of the current owner and the name of the current pharmacist manager.

* * * * *

(i) Each pharmacy in this Commonwealth will require a separate permit regardless of ownership unless the pharmacy is a satellite pharmacy as defined in § 27.1 (relating to definitions).

(j) The pharmacist manager shall notify the Board in writing of the termination of employment of a pharmacist, pharmacy intern, pharmacy technician or pharmacy technician trainee for any drug-related reason, including but not limited to adulteration, abuse, theft or diversion. In the event a pharmacist manager is terminated for any drug-related reason, the pharmacy permit holder shall be responsible for notifying the Board of the termination. Notice shall be provided within 15 days after the termination.

§ 27.12. Practice of pharmacy and delegation of duties.

(a) *General.* It is unlawful for a person not licensed as a pharmacist by the Board to engage or allow another person to engage in the practice of pharmacy as defined in § 27.1 (relating to definitions) and section 2 of the act (63 P.S. § 390-2) except in accordance with this section.

(b) *Delegation.* A pharmacist may delegate aspects of the practice of pharmacy to a pharmacy intern, [or] pharmacy technician[,], or pharmacy technician trainee, as defined in § 27.1, subject to the following conditions:

(1) The pharmacist shall review every prescription or drug order prior to its being dispensed to determine the name of the drug, strength, dosage, quantity, permissible refills and other information required under § 27.18(b) (relating to standards of practice) to verify the accuracy of the preparation.

(2) The pharmacist shall provide direct[,]and immediate [and] personal supervision to pharmacy interns, [and] pharmacy technicians and pharmacy technician trainees working with the pharmacist. [Direct, immediate and personal supervision means that the supervising pharmacist has reviewed the prescription or drug order prior to its being dispensed, has verified the final product and is immediately available on the premises to direct the work of interns and technicians and respond to questions or problems.]

(3) The pharmacist shall ensure that the label of the container in which a nonproprietary drug is dispensed or sold pursuant to a prescription complies with the labeling requirements of § 27.18(d).

(c) *Pharmacy interns.*

(1) A pharmacy intern may work only under the direct[,]and immediate[,]and personal supervision of a pharmacist in accordance with subsection (b)(2).

(2) A pharmacy intern may neither enter nor be in a pharmacy if a pharmacist is not on duty.

(3) A pharmacy intern working under the direct[,]and immediate[,]and personal supervision of a pharmacist may perform procedures which require professional skill and training. Examples of these procedures include: verifying ingredients, weighing ingredients, compounding ingredients and other similar processing of ingredients.

(4) A pharmacy intern working under the direct[,] and immediate [and] personal supervision of a pharmacist may administer injectable medications, biologicals and immunizations if the pharmacist and the pharmacy intern each hold an active authorization to administer injectable medications, biologicals and immunizations issued by the Board, in accordance with §§ 27.401—27.408.

(d) *Pharmacy technicians and pharmacy technician trainees.*

(1) A pharmacy technician or pharmacy technician trainee may work only under the direct[,] and immediate[,] personal supervision of a pharmacist in accordance with subsection (b)(2).

(2) The following are examples of the types of activities which a pharmacy technician or pharmacy technician trainee may perform:

- (i) Carry containers of drugs in and around the pharmacy.
- (ii) Count pills, tablets and capsules and put them in a container.
- (iii) Type or print, or both, labels.
- (iv) Maintain records which are related to the practice of pharmacy.
- (v) [Assist the pharmacist in preparing and reconstituting parenteral products and other medications. After the parenteral product or other medication has been prepared, the supervising pharmacist shall initial the label of the product or medication to document his final inspection and to accept total responsibility for its preparation.]
[Reserved].
- (vi) Enter prescription, drug order or patient information in a patient profile.
- (vii) Assist the pharmacist in the compounding of sterile and non-sterile drug products,

- as permitted by the written protocol created and maintained in accordance with paragraph (4).
- (3) A pharmacy technician or pharmacy technician trainee may not:
- (i) Accept or transcribe an oral order or telephone prescription.
 - (ii) Enter or be in a pharmacy if a pharmacist is not on duty.
 - (iii) Perform any act within the practice of pharmacy that involves discretion or independent professional judgment.
 - (iv) Perform a duty until the pharmacy technician or pharmacy technician trainee has been trained and the duty has been specified in a written protocol.
- (4) The pharmacist manager shall create and maintain a written protocol for each pharmacy technician and pharmacy technician trainee employed in the pharmacy. The protocol shall specify each duty which the pharmacy technician or pharmacy technician trainee may perform. The pharmacist manager and the pharmacy technician or pharmacy technician trainee shall date and sign the protocol and each amendment to the protocol. When a change of pharmacist manager occurs, the new manager shall review the protocol and sign it, indicating that the new manager understands its contents. The pharmacist manager shall make the protocol available to agents of the Board upon demand.
- (5) A pharmacy technician shall wear a name tag that clearly identifies the pharmacy technician’s first name with the title “Registered Pharmacy Technician.”
- (6) A pharmacy technician trainee shall wear a name tag that clearly identifies the pharmacy technician trainee’s first name with the title “Pharmacy Technician Trainee.”

§27.12a. Pharmacy technician and pharmacy technician trainee grounds for discipline or denial of registration.

(a) The Board may refuse, revoke or suspend the registration of a pharmacy technician or pharmacy technician trainee upon proof satisfactory to it that the pharmacy technician or pharmacy technician trainee:

- (1) Procured a personal registration through fraud, misrepresentation or deceit.
- (2) Has been found guilty, pleaded guilty, entered a plea of nolo contendere, or has received probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges, to any offense in connection with the practice of pharmacy or any offense involving moral turpitude before any court of record of any jurisdiction.
- (3) Is unfit to practice as a pharmacy technician or pharmacy technician trainee because of intemperance in the use of alcoholic beverages, controlled substances or any other substance which impairs the intellect and judgment to such an extent as to impair the performance of professional duties.
- (4) Is unfit or unable to practice as a pharmacy technician or pharmacy technician trainee by reason of a physical or mental disease or disability. In enforcing this clause, the Board shall, upon probable cause, have authority to compel a pharmacy technician or pharmacy technician trainee to submit to a mental or physical examination by physicians or psychologists approved by the Board. Failure of a pharmacy technician or pharmacy technician trainee to submit to such examination when directed by the Board, unless such failure is due to circumstances beyond his or her control, shall constitute an admission of the

allegations against him or her, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A pharmacy technician or pharmacy technician trainee affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume a competent practice as a pharmacy technician or pharmacy technician trainee with reasonable skill and safety to patients.

(5) Has had a registration or other authorization to practice as a pharmacy technician or pharmacy technician trainee suspended, revoked or refused, or received other disciplinary action by the proper licensing authority of another state, territory or country.

(6) Has violated or knowingly permitted the violation of any provision of the act or this chapter.

(7) Has compounded, dispensed, sold or caused the compounding, dispensing or sale of any drug or device which contains more or less than the proportionate quantity of ingredient or ingredients specified by the person who prescribed such drug or device or which is of a brand or trade name other than that specified by the person prescribing such brand or trade name product or that contains an ingredient or ingredients of a brand or trade name other than that specified by the person prescribing such drug or device, unless the consent of the prescriber is first obtained to each such specific prescription: Provided, however, that nothing herein shall be construed to prevent the addition of such inert ingredients as may be required in the art of compounding, preparing, mixing or otherwise producing drugs or devices.

(8) Is guilty of grossly unprofessional conduct. The following acts on the part of a pharmacy technician or pharmacy technician trainee constitute grossly unprofessional

conduct of a pharmacy technician or pharmacy technician trainee:

- (i) Willfully deceiving or attempting to deceive the Board or its agents with respect to any material matter under investigation by the Board.
- (ii) The misbranding or adulteration of any drug or device and the sale, distribution or dispensing of any misbranded or adulterated drug or device as defined in the act of April 14, 1972 (P.L.233, No.64), known as “The Controlled Substance, Drug, Device and Cosmetic Act”.
- (iii) Engaging in the sale or purchase of drugs or devices whose package bears the inscription “sample” or “not for resale”.
- (iv) Failing to have their biennial license or wallet card available for inspection by an authorized agent of the Board when one is practicing.
- (v) The acceptance back and redistribution of any unused drug, or a part thereof, after it has left the premises of any pharmacy, whether issued by mistake or otherwise, unless it is in the original sealed container with the name, lot number and expiration date on the original intact manufacturer’s label. The pharmacy shall maintain records of all such returns, and a full refund shall be given to the original purchaser, including a third-party payor.
- (9) Has acted in such a manner as to present an immediate and clear danger to the public health or safety.
- (10) Is guilty of incompetence, gross negligence or other malpractice, or the departure from, or failure to conform to, the standards of acceptable and prevailing pharmacy practice or the practice of a pharmacy technician or pharmacy technician trainee, in which case actual injury

need not be established.

* * * * *

§ 27.18. Standards of practice.

(a) A pharmacist shall dispense a new prescription in a new and clean container or in the manufacturer’s original container. In refilling a prescription, the pharmacist may reuse the original container of that prescription if the container is clean and reuseable. The refill requires a new label containing the information specified in subsection (d). Pharmacies and pharmacists shall comply with the Poison Prevention Packaging Act of 1970 (15 U.S.C.A. § § 1471—1476) which includes the use of child resistant containers.

* * * * *

(n) A prescription by means of an oral order, telephone or otherwise, shall be received and transcribed by either a registered pharmacist or a pharmacy intern under the direct[,]and immediate [and] personal supervision of a pharmacist.

* * * * *

(s) Sales of hypodermic needles and syringes shall be made by a pharmacist or under the direct[,]and immediate [and] personal supervision of a pharmacist in accordance with the following:

- (1) Hypodermic needles and syringes may be sold without a prescription.
- (2) Hypodermic needles and syringes shall be kept in the prescription area of the pharmacy, as defined in § 27.1 (relating to definitions), and be accessible only by pharmacists and pharmacy personnel authorized to be in the prescription area of the pharmacy while the pharmacy is open.

(t) A pharmacist may only refill a prescription at a reasonable time prior to the time when the

contents of the prescription shall be consumed according to prescriber's directions.

* * * * *

RENEWAL OF PHARMACIST LICENSE, PHARMACY TECHNICIAN
REGISTRATION AND PHARMACY PERMIT

§ 27.31. Biennial renewal.

(a) A holder of a pharmacy permit shall renew the permit every 2 years, in [odd-number] odd-numbered years. Renewal requires completion of a form mailed to the holder by the Board in advance of the renewal period or completion of an online electronic form, and payment of the specified fee.

(b) A licensed pharmacist shall renew the license every 2 years, in even-numbered years. Renewal requires completion of a form mailed to the pharmacist by the Board in advance of the renewal period or completion of an online electronic form, and payment of the specified fee. A pharmacist shall also submit proof of compliance with the continuing education requirements of § 27.32 (relating to continuing education).

(b.1) A registered pharmacy technician shall renew the registration every 2 years, in odd-numbered years. Renewal requires completion of a form mailed to the pharmacy technician by the Board in advance of the renewal period or completion of an online electronic form, and payment of the specified fee.

(c) A pharmacist, pharmacy technician or holder of a pharmacy permit who fails to timely renew shall cease practice or operation until the license, registration or permit is renewed. The holder may be subject to disciplinary action, and will be assessed an additional fee of \$5 for each month or part of month after which renewal occurs beyond the date specified by the Board. Notice of

lapsed pharmacy permits shall be forwarded to other Commonwealth agencies, including the Department of Health, the Department of [Public Welfare] Human Services and the Department of Aging.

(d) A pharmacist allowing the license to lapse may so notify the Board on the renewal form. Reasons shall be briefly stated, and the pharmacist’s pocket license and display license shall be surrendered to the Board with the renewal form. A pharmacist who has had a lapsed license for 1 year or more, and who then seeks to reactivate the license, will be required to show current proficiency to practice pharmacy. The full-time practice of pharmacy in another state, during the period of lapsed licensure in this Commonwealth, will be evidence of current proficiency. A holder of a lapsed license who engaged in activities outside the profession of pharmacy during the lapsed period shall complete hours of continuing education equivalent to the hours which he would have been required to take had he held an active license.

* * * * *

FEES

§ 27.91. Schedule of fees.

An applicant for a license, certificate, permit or service shall pay the following fees at the time of application:

Application for pharmacy intern certificate	\$35
Application for pharmacist license	\$45
Certification of examination scores or internship hours	\$25
Verification of licensure	\$15
Assistant pharmacist biennial renewal	\$120

Registered pharmacist biennial renewal	\$190
Registered pharmacist late renewal penalty	\$25
New pharmacy permit application	\$125
Reinspection of new pharmacy after failure at first inspection	\$115
Pharmacy permit change without inspection	\$45
Pharmacy permit change when inspection required	\$125
Change in pharmacy ownership or Board of Directors	\$30
Verification of permit.	\$15
Biennial renewal of pharmacy permit	\$125
Pharmacy permit late renewal penalty	\$25
Application for approval to administer injectables.	\$30
Biennial renewal of approval to administer injectables	\$30
<u>Application for pharmacy technician registration</u>	<u>\$30</u>
<u>Application for pharmacy technician registration – conversion from pharmacy technician trainee</u>	<u>\$15</u>
<u>Application for pharmacy technician trainee registration</u>	<u>\$15</u>
<u>Biennial renewal of pharmacy technician registration</u>	<u>\$70</u>

* * * * *

**ADMINISTRATION OF INJECTABLE MEDICATIONS, BIOLOGICALS AND
IMMUNIZATIONS**

* * * * *

§ 27.403. Conditions for administration.

(a) A pharmacist or pharmacy intern who is granted authority may administer injectable medications, biologicals and immunizations to persons who are more than 18 years of age. A person is more than 18 years of age on the day following the person’s 18th birthday.

* * * * *

(d) A pharmacy intern who has been authorized by the Board to administer injectable medications, biologicals and immunizations to persons who are more than 18 years of age and influenza immunizations by injectable or needle-free delivery methods to persons 9 years of age or older under § 27.401 (relating to qualifications for authority) may do so only under the direct[,] and immediate [and] personal supervision of a pharmacist who holds an active authority to administer injectable medications, biologicals and immunizations.

(e) A pharmacist or pharmacy intern shall administer injectable immunizations in accordance with treatment guidelines established by a physician and the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices Guidelines or another competent authority approved by the Board.

* * * * *

PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

§ 27.701. Qualifications for pharmacy technician registration.

An applicant for a pharmacy technician registration shall meet the following requirements:

- (1) Be at least 17 years of age.
- (2) Possess a high school diploma or equivalent.
- (3) Complete a Board-approved pharmacy technician training program.
- (4) Submit to a criminal history record check.

§ 27.702. Pharmacy technician training programs.

(a) A Board-approved pharmacy technician training program shall at a minimum cover and establish competency testing in the following areas of pharmacy practice:

- (1) Roles and responsibilities of the pharmacy technician.
- (2) Knowledge of prescription medications.
- (3) Knowledge of strengths or dose, dosage forms, physical appearance, routes of administration, and duration of drug therapy.
- (4) The dispensing process.
- (5) Pharmaceutical calculations.
- (6) Interacting with patients.
- (7) Third party procedures, payments and billing practices.
- (8) Compounding.
- (9) Confidentiality.
- (10) Requirements for preparing, labeling, dispensing, storing, prepackaging, distributing and administration of medications.
- (11) Hazardous drug handling and disposal.
- (12) Patient safety and error prevention strategies.
- (13) Diversion prevention.
- (14) Federal and State laws and regulations governing the practice of pharmacy.

(b) The following shall be considered Board-approved program providers:

- (1) Pharmacy employers.
- (2) A program that holds a current accreditation from the American Society of Health-

System Pharmacists and Accreditation Council for Pharmacy Education or their successor.

(3) Nationally recognized pharmacy technician training programs including, but not limited to, those recognized by the Pharmacy Technician Certification Board and National Healthcareer Association for admission to their respective certification exams.

(4) Educational institutions whose pharmacy technician programs are nationally or regionally accredited by the United States Department of Education.

(5) The U.S. Armed Forces.

(6) Schools licensed by the State Board of Private Licensed Schools.

(c) Pharmacy employers that offer a pharmacy technician training program shall keep a readily accessible copy of the pharmacy technician training program, including details as to how the individual’s competency is to be assessed, in the pharmacy at all times. At the time of filing an application with the Board for registration as a pharmacy technician, the pharmacist manager shall certify, on a form provided by the Board, that the applicant has successfully completed the pharmacy technician training program. Documentation of the training shall be maintained at the pharmacy by the pharmacist manager.

§ 27.703. Qualifications for pharmacy technician trainee registration.

An applicant for a pharmacy technician trainee registration shall meet the following requirements:

(1) Be at least 16 years of age.

(2) Submit to a criminal history record check.

§ 27.704. Expiration of pharmacy technician trainee registration.

An applicant may receive only one pharmacy technician trainee registration which shall expire 2 years after the date of issuance or upon obtaining registration as a pharmacy technician under

§ 27.701 (relating to qualifications for pharmacy technician registration).

§ 27.705. Grandfather requirements for an existing practitioner to be registered as a pharmacy technician.

An applicant may qualify for a registration as a pharmacy technician through grandfathering if the following are met:

(a) The applicant practiced for at least one year between January 29, 2019, and January 29, 2021, and provides proof, acceptable to the Board, of such employment, including:

(1) A verification from the applicant’s employer attesting that the person was employed as a pharmacy technician for at least 1 year between January 29, 2019, and January 29, 2021.

(2) Copies of the person’s Federal W-2 or 1099 forms for tax years 2019 and 2020.

(b) The applicant submits the applicant for registration as a pharmacy technician within 1 year of the effective date of this section, pays the applicable fee, submits to a criminal history record check and meets all applicable requirements other than § 27.701(2) and (3) (relating to qualifications for pharmacy technician registration). When 1 year from the effective date of this section has passed, no further applications will be accepted under this section.

(c) This section will sunset on _____ (Editor’s note: the blank refers to the date that is one year from the effective date of this section.)



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PHARMACY**

**Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 772-8528**

February 21, 2024

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Pharmacy
16A-5433 Pharmacy Technician Registration

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Pharmacy pertaining to 16A-5433 Pharmacy Technician Registration.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CR'.

Christine Roussel, Pharm.D.,R.Ph
State Board of Pharmacy

CKM/elb
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Michael McDonald, Policy Director, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Marc Farrell, Regulatory Unit Counsel, Department of State
Ariel E. O'Malley, Counsel, State Board of Pharmacy

From: [Bulletin](#)
To: [Worthington, Amber](#)
Cc: [Adeline E. Gaydosh](#)
Subject: [External] Re: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION
Date: Wednesday, February 21, 2024 8:52:03 AM
Attachments: [image001.png](#)

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Good morning, Amber,

Thank you for sending this proposed rulemaking package. It is scheduled for publication in the 3/2 issue of the *Pennsylvania Bulletin*.

Have a terrific day!

Adeline

Adeline Gaydosh | Legal Assistant
agaydosh@palrb.us | 717.783.3984
Legislative Reference Bureau
Pennsylvania Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120

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Independent Regulatory
Review Commission

February 21, 2024

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, February 21, 2024 7:48 AM
To: Bulletin <bulletin@palrb.us>
Subject: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION

Please provide a written (email) confirmation of receipt of delivery of the attached rulemaking.

Please be advised that the State Board of Pharmacy is delivering the below proposed rulemaking:

16A-5433 Pharmacy Technician Registration (Proposed)

- This proposed rulemaking effectuates Act 140 of 2020, providing a regulatory framework for the registration of pharmacy technicians and pharmacy technician trainees. It sets forth criteria for pharmacy technician training programs, as well as the standards of practice and registration fees for both pharmacy technicians and pharmacy technician trainees.

Thank you for your attention to this matter.

RECEIVED

Erica L. Bennetch | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.775.8145 | Fax: 717.787.0251
erbennetch@pa.gov | www.dos.pa.gov
(preferred pronouns: she, her, hers)

Independent Regulatory
Review Commission

February 21, 2024

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From: [Nicole Sidle](#)
To: [Worthington, Amber](#); [Francesca Summa](#)
Subject: RE: [EXTERNAL]: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION
Date: Wednesday, February 21, 2024 2:20:45 PM

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This has been received.

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February 21, 2024

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, February 21, 2024 7:49 AM
To: Francesca Summa <fsumma@pahousegop.com>; Nicole Sidle <Nsidle@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION

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Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov
Preferred Pronouns: We/Us, They/Them/Theirs
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From: [Vazquez, Enid](#)
To: [Worthington, Amber](#); [Monoski, Jesse](#)
Subject: RE: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION
Date: Wednesday, February 21, 2024 11:23:37 AM

Independent Regulatory
Review Commission
February 21, 2024

Received.

Thank you.

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, February 21, 2024 7:49 AM
To: Vazquez, Enid <enid.vazquez@pasenate.com>; Monoski, Jesse <jesse.monoski@pasenate.com>
Subject: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION

EXTERNAL EMAIL

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Amber A. Worthington, PLS | Legal Office Administrator 2
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P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
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From: [Barton, Jamie](#)
To: [Worthington, Amber](#); [Orchard, Kari L.](#); [Brett, Joseph D.](#)
Subject: RE: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION
Date: Wednesday, February 21, 2024 9:13:43 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

February 21, 2024

Received.

Thank you!



*Ms. Jamie Barton
Senior Legislative Assistant
Office of State Rep. Frank Burns, Majority Chairman
Professional Licensure Committee*

*332 Main Capitol Building
Harrisburg PA 17120-2072
(717) 772-8056 - Phone
(717) 772-9965 - Fax*

www.PaHouse.com/Burns

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, February 21, 2024 7:49 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>
Subject: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION

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Thank you for your attention to this matter.

Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523

February 21, 2024

From: [Smeltz, Jennifer](#)
To: [Worthington, Amber](#)
Subject: RE: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION
Date: Wednesday, February 21, 2024 8:28:43 AM

Received.

Jen Smeltz
Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175

From: Worthington, Amber <agontz@pa.gov>
Sent: Wednesday, February 21, 2024 7:49 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Subject: DELIVERY NOTICE: REGULATION 16A-5433 PHARMACY TECHNICIAN REGISTRATION

ⓘ CAUTION : External Email ⓘ

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