



To: Pennsylvania Independent Regulatory Review Commission (IRRC)  
Regarding  
STATE BOARD OF PHARMACY  
[49 PA. CODE CH. 27]  
Pharmacy Technician Registration: Draft Regulations

From: Steven L. Sheaffer, Pharm.D., R.Ph  
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My name is Steve Sheaffer. I am a retired pharmacist; my entire career was primarily focused on hospital and health system pharmacy; including my final 16 years as a faculty member at Philadelphia College of Pharmacy / USciences. My teaching focus was on hospital pharmacy, medication safety, medication systems/automation and oversight of practice including practice standards, accreditation and legal/regulatory bodies including the Board of Pharmacy. I also served as a hospital pharmacy director at Mercy Catholic Medical Center.

I have also been very engaged in leadership roles with both the Pennsylvania Society of Health System Pharmacists (PSHP) and our National Affiliate, the American Society of Health System Pharmacists (ASHP). I had the pleasure of working directly with late Representative DeLuca and his staff in support of the passage of HB770 in 2020 that created the legislative mandate for the PA Board of Pharmacy (PA SBOP) to register pharmacy technicians. And to assure appropriate training, oversight and accountability of them by their supervising pharmacists. Pennsylvania was one of the last states to officially recognize the essential role that pharmacy technicians play in the medication use process in all pharmacy practice settings where medications are dispensed. And to create minimal training standards to reduce public risk from medication errors and to take punitive action if technicians engage in drug diversion. **For these reasons I was very supportive of the legislation and now the regulations that enable the requirements of HB770 to be implemented.**

I do have several concerns that I wish to raise with the draft regulations as proposed by the PA SBOP.

#### **GRANDFATHERING (27.705)**

My greatest concern is with the "Grandfathering" allowance for pharmacy technicians already working as such. The "Grandfathering" conditions address the following part of HB770 where Rep. DeLuca wanted to assure that those already trained and already practicing as a pharmacy technician when the PA SBOP requirement became effective would not need to register as a technician trainee. Instead they would register as a pharmacy technician without additional training as mandated for technician trainees.

From HB 770: "(4) An individual practicing as a pharmacy technician for at least one year of the **two-year period immediately preceding the**

effective date of this section shall not be required to comply with clause (3) (i) or (ii), provided the individual applies within one year of the promulgation of regulations by the board implementing this section."

Consistent with the legislative requirements, **I would suggest the effective date of these requirements is NOT until the board finalizes their regulations to make these requirements effective. I would urge the PA SBOP to modify the following dates and time to be from the date the regulations are finalized; NOT the time frame (2019-2020) when the legislation was being acted on by our Legislative bodies.**

**"§ 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 all of the following are met:

(1) The applicant practiced for at least 1 year between January 29, 2019, and January 29, 2021, and provides proof, acceptable to the Board, of this employment, including:

(i) 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."

**Failure to modify the Grandfathering Clause will create an undue hardship for both practicing pharmacy technicians and their employers. It also will contribute to worsening an existing shortage of pharmacy technicians.**

**ACCOUNTABILITY FOR TRAINING RECORDS 27.702 (c )**

My second concern is accountability for documentation and related records verifying that the pharmacy technician has completed the "board approved" training requirements. My understanding is that enforcement will be by PA SBOP inspectors. If the pharmacist manager fails to properly train the technician, it is unclear what would happen to a pharmacy technician if the training was deemed unacceptable. The technician would not be capable of or responsible for identifying the scope of their training and related competency requirements. There should be a provision that allows for the technician to receive supplemental training to meet expectations of a "Board-approved pharmacy technician training program". The accountability for not properly training the pharmacy technician should rest with the pharmacist manager; not the pharmacy technician.

Thank you for considering my comments.

Steven Sheaffer