

Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)**INDEPENDENT REGULATORY
REVIEW COMMISSION****RECEIVED**Independent Regulatory
Review Commission

March 20, 2025

IRRC Number: 3396

(1) Agency

Department of State, Bureau of Professional and
Occupational Affairs, State Board of Pharmacy

(2) Agency Number: 16A

Identification Number: 5433

(3) PA Code Cite:

49 Pa. Code §§ 27.1, 27.11, 27.12, 27.12a, 27.18, 27.31, 27.91, 27.403, 27.701–27.705

(4) Short Title: Pharmacy Technician and Pharmacy Technician Trainee Registration

(5) Agency Contacts (List Telephone Number and Email Address):

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(6) Type of Rulemaking (check applicable box):

 Proposed Regulation **FINAL REGULATION** Final Omitted Regulation Emergency Certification Regulation; Certification by the Governor Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

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), amended the Pharmacy Act to provide for the registration of pharmacy technicians and pharmacy technician trainees. This final-form rulemaking is needed to effectuate Act 140 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.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Act 140 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 directed the Board 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.”

With regard to fees, this rulemaking is further authorized by section 390-8.2(a) of the Pharmacy Act. In addition, section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)) authorizes the Commissioner to issue all certificates and other official documents of the various professional and occupational examining boards and, unless otherwise provided by law, to fix the fees to be charged by the boards within the Bureau of Professional and Occupational Affairs.

Lastly, section 6383(b)(2) of the Child Protective Services Law (23 Pa.C.S. § 6383(b)(2)) (relating to education and training) authorizes the Board to require its licensees to complete training in child abuse recognition and reporting.

(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 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. Under section 3.3(b)(4), the registration fee for trainees can be no more than one-half the registration fee for technicians. 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, 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 the skills of 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 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 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 amendments establishes 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 and pharmacy technician trainees, and for renewal of pharmacy technician registrations, 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 determined that \$70 – which the Board determined is the average renewal fee for pharmacy technicians nationally – was appropriate.

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 these pharmacy technician training regulations are similar to many of the states surrounding Pennsylvania. Additionally, the chosen fee amounts 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.

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). The final regulations for regulation # 16A-66 (IRRC No. 3361) were published on October 19, 2024.

(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).

The proposed rulemaking was delivered to IRRC and the legislative standing committees on February 21, 2024, and subsequently published in the *Pennsylvania Bulletin* on March 2, 2024, for thirty days of public comment. The Board received 12 public comments and comments from IRRC. A list of commenters is provided (see Attachment “C”). There were no comments received from the House Professional Licensure Committee or the Senate Consumer Protection and Professional Licensure Committee. The Board subsequently met and discussed all comments at its regular public meetings on June 18, 2024 and July 30, 2024, and voted to proceed with the final-form rulemaking at its August 27, 2024 meeting, with minor amendments to § 27.11(j), § 27.31(b.1), § 27.702(a), (b)(3) and (c), and § 27.705(1) and (2), as well as the addition of new subsection (5) to § 27.701, new subsection (d) to § 27.702 and new subsection (3) to § 27.703.

(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 as many as 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 rulemaking. The Board estimates that, initially, as many as 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. 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) 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 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 the filing and processing 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 as pharmacy technicians/trainees 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 as many as 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 ($\$55 \times 20,000$ 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 costs: \$55 ($\$15 + \$22 + \$3 + \15), which is the same cost borne by applicants who apply for pharmacy technician registration without first becoming a trainee.

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 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, 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.

The Pharmacy Board is one that has historically operated in a fiscally sound manner, consistently maintaining an adequate surplus to cover its projected fees and costs. To the extent any shortfall should develop as a result of, for example, the pharmacy technician application fee being set too low, the Board is in a position to absorb such a shortfall until such time as it is able to undergo the planned evaluation of its entire fee schedule and make whatever adjustments are necessary during that process.

(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.**

With regard to applicants for pharmacy technician registration: they 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 Board-approved programs that were not employer-based, 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 offered through their employer, or who meets the grandfather requirements, will have their employer send the Board a signed and dated verification form.

With regard to applicants for pharmacy technician trainee registration: they 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 24-25	FY +1 25-26	FY +2 26-27	FY +3 27-28	FY +4 28-29	FY +5 29-30
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	\$1,100,000	\$165,000	\$1,670,000	\$165,000	\$1,670,000
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	\$1,100,000	\$165,000	\$1,670,000	\$165,000	\$1,670,000
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 2021-2022	FY -2 2022-2023	FY -1 2023-2024	Current FY 2024-2025
State Board of Pharmacy	\$2,909,512	\$3,300,056	\$3,096,496	\$3,823,000

(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 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.

(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, June 27, 2023, Nov. 7, 2023, Mar. 19, 2024, June 18, 2024, July 30, 2024 and Aug. 27, 2024. |
| C. The expected date of delivery of the final-form regulation: | Spring 2025 |
| D. The expected effective date of the | Upon notice or publication of the |

final-form regulation:	final-form rulemaking in the <i>Pennsylvania Bulletin</i> .
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 2025: March 18, April 29, June 17, July 29, August 26, October 7 and December 2, 2025. More information can be found on the Board's website (www.dos.pa.gov/pharmacy).

ATTACHMENT “A”

PHARMACY STAKEHOLDERS LIST

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Harrisburg, PA 17101-1199

Pennsylvania Society of Health System Pharmacists (PSHP)
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Chalfont, PA 18914

The Hospital and Healthsystem Association of Pennsylvania (HAP)
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Director, Clinical Compliance & Quality
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Harrisburg PA, 17105-8600

Attn: Jill McCormack, Regional Director, NACDS
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Arlington, VA 22209

Dr. Jayanth Panyam, Dean
School of Pharmacy
Temple University
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Philadelphia, PA 19140

Regulatory Affairs
Pennsylvania Medical Society
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Morgan Plant & Associates
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Malady & Wooten LLP
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Harrisburg, PA 17101

Celgene Corporation
Attn: Mitch Marks, Director of State Government Relations

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Omniceil

Laura S. Romeo, R.Ph.
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Connective Rx

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Allegheny Health Network

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Jennifer Welch, PharmD
Acme Markets

Nicole Campbell
Division Chief
Pennsylvania Department of Education
Division of Law Enforcement Education and Trade Schools
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Ed McGinley
Pharmacy Management Consultants, LLC

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	<p>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 Check, available at https://www.fbi.gov/services/cjis/identity-history-summary-checks.</p> <p>Please note: For applicants currently living, working, or</p>

	<p>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	<p>All applicants must obtain and submit a National Practitioner Data Bank Self-Query report.</p>
Education Verification	<p>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.</p>
Valid Identification	<p>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.</p>
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 January 19, 2019, 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	<p>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 Check, available at https://www.fbi.gov/services/cjis/identity-history-summary-checks.</p> <p>Please note: For applicants currently living, working, or</p>

	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.
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.

[draft form]

**Verification of Pharmacy Technician Practice
for Applicants Seeking Registration via Grandfathering**

This information is required *only for individuals seeking registration via grandfathering*. To be eligible for registration via grandfathering, an applicant must have worked as a pharmacy technician for at least one year between January 19, 2019 and January 19, 2021. Individuals who did not work as a pharmacy technician for at least one year between January 19, 2019 and January 19, 2021 do not need to provide this information or complete this form.

The pharmacy manager/supervisor/owner of the pharmacy where the applicant worked as a pharmacy technician between January 19, 2019 and January 19, 2021 must complete this page. (Attach additional forms if the applicant worked as a pharmacy technician at more than one pharmacy between January 19, 2019 and January 19, 2021.)

I certify that _____
Name of Applicant Seeking Registration as a Pharmacy Technician via Grandfathering

worked at the Pharmacy Practice Location _____

from _____ to _____

for a total of _____ hours in the role of a pharmacy technician.

Pharmacist's Name (print):	
Pharmacist's State License Number:	
Expiration Date of Pharmacist's License:	
Pharmacy Name:	
Address of Pharmacy:	
Telephone Number of Pharmacy:	

By my signature below, I hereby certify, under the penalties of perjury, that the information above is true and correct.

Signature

Date

[draft form]

Verification of Pharmacy Technician Training

The below information is required for all individuals seeking registration as a pharmacy technician *other than those seeking registration via grandfathering. (To be eligible for grandfathering, an individual must have worked as a pharmacy technician for at least one year between January 19, 2019 and January 19, 2021).* Individuals seeking registration via grandfathering should instead complete the "Verification of Pharmacy Technician Practice."

The applicant, _____, successfully completed a Board-approved pharmacy technician training program, namely:

- Pharmacy Technician Certification Board (PTCB) Certification
- National Healthcareer Association (NHA) Certification
- A PTCB-recognized, NHA-recognized or other pharmacy technician education/training program recognized nationally for admission to the PTCB or NHA certification exams.
- A pharmacy technician training program that holds a current accreditation from the American Society of Health-System Pharmacists (ASHP) and Accreditation Council for Pharmacy Education (ACPE) or their successor.
- A pharmacy technician training program provided by an educational institution whose pharmacy technician programs are nationally or regionally accredited by the U.S. Department of Education.
- A pharmacy technician training program provided by the United States Armed Forces.
- A pharmacy technician training program from a school licensed by the Pennsylvania State Board of Private Licensed Schools.
- A pharmacy employer. For pharmacy technician training programs offered by an employer:
 - A readily accessible copy of the pharmacy technician training program, including details as to how the an individual's competency is to be assessed, is kept in the pharmacy at all times.
 - All documentation related to the training is and shall be maintained at the pharmacy by the pharmacist manager.
 - The pharmacist manager was and is responsible for providing the training program and ensuring that the training program meets the requirements under 49 Pa. Code § 27.702(a) (related to pharmacy technician training programs).

Provide a description of the training program, including the education/training program title, topics covered and completion date:

By my signature below, I hereby certify, under the penalties of perjury, that the information above is true and correct.

Signature

Date

List of Commenters

Daniel Heller
Medical Tower Pharmacy Manager

Mahesh Paladugu

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UPMC Corporate Services
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**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**


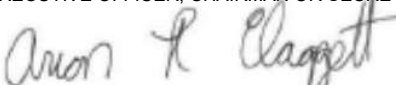

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

March 20, 2025

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>Bureau of Professional and Occupational Affairs,</u> <u>State Board of Pharmacy</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-5433</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY:  CHRISTINE ROUSSEL, Pharm.D., R.Ph.</p> <p>TITLE <u>Board Chairperson</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p> <p>BY:  ARION R. CLAGGETT</p> <p>TITLE <u>Acting Commissioner</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: </p> <p><u>3/3/2025</u> DATE OF APPROVAL</p> <p>(Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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FINAL 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) hereby amends §§ 27.1, 27.11, 27.12, 27.18, 27.31, 27.91 and 27.403 and adds §§ 27.12a and 27.701—27.705.

Effective Date

The regulations will be effective upon final-form publication 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 “[t]o 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 enactment of the act of November 30, 2020 (P.L. 1306, No. 140) (Act 140), the Board was directed to promulgate regulations to implement the registration of pharmacy technicians and pharmacy technician trainees. With regard to fees, this rulemaking is further authorized by section 390-8.2(a) of the act, which provides that all fees required under this act shall be fixed by the Board by regulation and shall be subject to the act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act. Additionally, section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)) authorizes the Commissioner to issue all certificates and other official documents of the various professional and occupational examining boards and, unless otherwise provided by law, to fix the fees to be charged by the boards within the Bureau of Professional and Occupational Affairs.

Background and Need for this Final-Form Rulemaking

Prior to the enactment of Act 140, 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 final-form rulemaking is needed to effectuate Act 140 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.

The Board is amending § 27.1 (relating to definitions) to align the existing definition for “pharmacy technician” with the definition in Act 140, and add definitions for “pharmacy technician trainee” and “direct and immediate personal supervision.” To address the possibility for misuse of medications by licensees, the Board is amending § 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. The Board is amending § 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.

The Board is adding § 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.

The Board is amending § 27.31 (relating to biennial renewal) by adding subsection (b.1) to provide for the renewal of pharmacy technician registrations every 2 years in odd-numbered years. Additionally, subsection (c) is amended to include pharmacy technicians in the category of

licensees or registrants who 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.

Under the act of April 15, 2014 (P.L. 411, No. 31) (Act 31 of 2014), which amended 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) (CPSL), all persons applying for a health-related license or applying for renewal of a health-related license from a health-related Board – of which the State Board of Pharmacy is one – are required to obtain training in child abuse recognition and reporting. The Board is amending its regulations to make clear that the mandatory training requirements set forth in section 6383(b)(3)(i) and (ii) of the CPSL apply to pharmacy technicians and pharmacy technician trainees. Specifically, § 27.31(b.1) is amended to incorporate the requirement that all pharmacy technicians seeking to renew a license complete at least 2 hours of approved continuing education in child abuse recognition and reporting as a requirement for renewal under section 6383(b)(3)(ii) of the CPSL.

The Board is amending its schedule of fees at § 27.91 to include the initial pharmacy technician registration fee of \$30, the pharmacy technician trainee fee of \$15, and the conversion fee of \$15 for a pharmacy technician trainee transitioning to a pharmacy technician within 2 years of becoming a trainee. The Board arrived at the \$30 initial pharmacy technician registration fee by reviewing its current fee schedule. Currently, a student who is applying to obtain a pharmacy intern certificate must pay \$35, and a pharmacist filing an initial licensure application pays \$45. In reviewing these fees, the Board determined that the most equitable solution was to charge a fee of \$30 for initial pharmacy technician registration. A biennial renewal fee for pharmacy technicians

of \$70 has also been added to this section. The Board took into consideration the current renewal fees for its other license types, namely, a \$190 renewal fee for pharmacists and a \$125 renewal fee for pharmacy permits. Additionally, the Board considered the renewal fees of other regional states and the national average pharmacy technician renewal fee which came out to just over \$70, and found a biennial registration fee of \$70 to be equitable. 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 Procurement (BFP).

The Board is also proposing five new sections relating to the registration of pharmacy technicians and pharmacy technician trainees, §§ 27.701—27.705. Section 27.701 sets forth the basic requirements to qualify for a technician 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 to a criminal history record check. Subsection 27.701(5) is added to incorporate the requirement that applicants for pharmacy technician registration complete at least 3 hours of approved training in child abuse recognition and reporting as required under section 6383(b)(3)(i) of the CPSL. Section 27.702 addresses pharmacy technician training programs, including subsection (a) which delineates what competencies must be covered to meet the standards of a Board-approved pharmacy technician training program, subsection (b) which provides a list of Board-approved program providers, and subsection (c) which delineates the requirements applicable to pharmacy employers that offer pharmacy technician training programs. In the final rulemaking, subsection (d) has been added,

which provides that training programs may be subject to audit by the Board to ensure compliance with the requirements of § 27.702. See, also, “*Summary and Response to Comments*,” below.

Section 27.703 sets forth the minimum requirements to obtain pharmacy technician trainee registration, including (1) being at least 16 years of age, and (2) submitting to a criminal history record check. Subsection 27.703(3) is added to incorporate the requirement that applicants for pharmacy technician trainee registration complete at least 3 hours of approved training in child abuse recognition and reporting as required under section 6383(b)(3)(i) of the CPSL. Section 27.704 provides that pharmacy technician trainee registrations expire 2 years after they are issued, and an individual may receive only one trainee registration. Section 27.705 sets forth the grandfather requirements that allow an existing practitioner to be registered as a pharmacy technician. Grandfathering is available to individuals who worked as a pharmacy technician for at least 1 year during the 2-year period prior to the effective date under Act 140, i.e., between January 29, 2019 and January 29, 2021. Such individuals may be registered even if they do not possess a high school diploma and have not completed a Board-approved pharmacy technician program.

Summary of and Response to Comments

One commenter, an independent pharmacy manager, expressed an overall concern that the regulations “will not only add to the tremendous burden that we already bear but will do nothing to increase the safety and well being of the public.” Registration for pharmacy technicians and pharmacy technician trainees is a legislative creation. It arises out of the General Assembly’s passage of Act 140. This final-form rulemaking is necessary to implement that act. Therefore, in promulgating these regulations, the Board is merely fulfilling its statutory obligation.

With regard to § 27.11(j), IRRC asked that the phrase “including but not limited to” be deleted in order to improve the provision’s clarity. This change has been made in the final-form rulemaking. In addition, a commenter suggested that the responsibility for reporting terminated employees to the Board in § 27.11(j) should not be limited to just pharmacist managers but rather should allow for reporting by a “pharmacy delegate.” The Board believes the concept of a pharmacy “delegate” is too vague. For this provision to work, it must be clear who specifically will be held accountable should the necessary reporting not occur. Placing responsibility on pharmacist managers leaves no doubt that they are the ones who will be subject to discipline if the reporting requirement is not met.

Regarding § 27.12 (practice of pharmacy and delegation of duties), a commenter asked the Board to “consider language around direct and immediate supervision by a pharmacist, as there are going to be situations where a technician is working in a role where a pharmacist is not physically present.” The legislature provided a definition of “direct and immediate personal supervision” in Act 140 itself – a definition which the Board believes is both clear and sufficiently specific. Another commenter expressed concern that the regulation failed to permit remote order entry by a technician as intended in Act 140. The statute is quite clear on this subject. Section 3.3(1) provides that: “Except as provided under section 3.4, a pharmacy technician shall be responsible to and under the direct and immediate personal supervision of a board-licensed pharmacist.” Section 3.4 provides: “A pharmacy technician may conduct data entry, including prescription entry, drug order or patient information, into a patient profile via technological means without the immediate supervision of a board-licensed pharmacist” if four specified conditions are

met. Given this specificity, the Board believes the language in the act speaks for itself, and therefore does not need to be repeated in the regulation.

Another commenter, a self-described “closed-door pharmacy,” expressed a concern that the regulations will have unintended consequences on entities such as itself that do not provide the types of traditional or “walk-in” pharmacy services commonly offered by a retail/neighborhood pharmacy. Specifically, the commenter objects to the list of permissible pharmacy technician duties at § 27.12(d)(2), which the commenter indicates “could be interpreted to require” the registration of “a majority of [the commenter’s] 1,000+ employees as Technicians, even though a very small number of [those] employees assist in the practice of pharmacy.” The commenter suggests deleting § 27.12(d)(2) in its entirety and essentially replacing it with language from the definition of pharmacy technician. It is important to note that the provisions identified by the commenter as problematic, including the list of allowable duties at § 27.12(d)(2), are not new, nor have they come into existence as part of this rulemaking. Those provisions have been in place since 1998. The only changes being made in this rulemaking are simply to add the phrase “or pharmacy technician trainee” and remove subsection (d)(2)(v) relating to assisting pharmacists in preparing and reconstituting parenteral products and other medications. As it relates to the remainder of the examples of allowable types of activities in (d)(2) which a pharmacy technician may perform, they are the same as they have been for the last 26 years.

Several commenters and IRRC had questions regarding § 27.91, and specifically the chosen dollar amounts of the application fees for pharmacy technician registration (\$30), pharmacy technician trainee registration (\$15), pharmacy technician registration converting from a trainee

registration (\$15), as well as the amount of the biennial renewal fee for registered pharmacy technicians (\$70).

The Board currently licenses pharmacists and pharmacy interns. Pharmacy interns are students on their way to becoming pharmacists. Registration as a pharmacy intern is available to individuals who have completed at least two years of college leading to enrollment in a Pharm.D. program at an accredited pharmacy school. Pharmacy interns must earn at least 1,500 acceptable intern hours. An intern registration is valid for 6 years. The level of complexity to review and process a pharmacy intern application is somewhat more involved than a pharmacy technician application.

The current application fee for pharmacy interns is \$35 (increased from \$30 in 2009). The current application fee for a pharmacist license is \$45 (increased from \$40 in 2009). The current biennial renewal fee for a registered pharmacist is \$190 (increased from \$150 in 2009). The application fee for a new pharmacy permit is \$125 (increased from \$100 in 2009) and the biennial fee to renew a pharmacy permit is likewise \$125 (also increased from \$100 in 2009). These fees have all remained at their current levels for the last 15 years.

One commenter suggests that the \$70 renewal fee should be lowered because “Pennsylvania has no requirements to check anything for renewal” as far as continuing education hours, and thus the Board does “not have any duties related to issuing the renewal registration.” The commenter also suggested that the application fee should be the same dollar amount as the renewal fee. It is important to understand, however, the difference between application fees and biennial renewal fees.

For those applying for licensure, initial application fees are reflective of the anticipated costs associated with reviewing and processing each application. The application fee is borne by individual applicants. This is in contrast to payment of biennial renewal fees, which is a ministerial process. Renewal applications are processed electronically; applicants provide verification and information in an online application which is processed through established online procedures. For the day-to-day operating expenses of the Board – which includes administrative, legal and investigatory oversight – revenue is derived primarily from the renewal fees paid by licensees to renew their license every two years. Renewal fees are relied upon for general overhead costs of administration that are not covered by some other source of revenue (such as application fees). Renewal fees also cover certain costs related to processing complaints, legal fees and other costs, and costs for inspection, investigation and enforcement. Renewal fees account for upwards of 85% or more of the Board’s total revenue each biennium. The fee for biennial renewal is not meant to cover the cost of renewal or balance the budget of the Board, but to have pharmacy technicians participate in paying for some of the expenses of the Board. This rulemaking is not to address any shortfall in revenue.

For those reasons, it is inapposite to compare the basis on which application fees are determined (to cover actual costs of processing) and the basis on which renewal fees are set (to fund the Board). More specifically, the fact that there are no continuing education submissions for the Board to review when it comes time for a pharmacy technician to renew his or her license does not mean the \$70 renewal fee was set too high, nor does the absence of continuing education mean the renewal fee amount can (or should) be lowered. Additionally, by structuring fees in a manner

wherein the renewal fee is more than the application fee, it creates less of a burden for individuals initially entering a profession than for individuals who are already licensed and have been practicing. This is particularly true here, where the Board will be starting to register two types of licensee for the first time (pharmacy technicians and pharmacy technician trainees).

The Board was initially presented with substantially higher application fees to consider for pharmacy technicians (\$135) and pharmacy technician trainees (\$67.50), as preliminarily proposed by BFP. BFP bases its fees on the actual cost of providing the services, calculated by assessing the time to process the application and the pay rate for individuals involved in that process. These fees were discussed at the Board's regularly scheduled public meeting on November 1, 2022. The Board's meetings are routinely attended by representatives of the regulated community, including representatives of the Pennsylvania Pharmacy Association (PPA) and the Pennsylvania Society of Health-System Pharmacists (PSHP). Stakeholders and the Board were unanimous in their strong opposition to the suggested fee amounts, which were deemed unreasonable, unacceptable, unfair and inequitable as compared to Board's current fee schedule for other licensees. In particular, the Board could not reconcile charging more (let alone, substantially more) for pharmacy technicians to apply for registration than is currently being charged for pharmacy interns (\$35) and pharmacists (\$45).

The fee amounts were again discussed at the Board's meetings on December 6, 2022, March 21, 2023, and June 27, 2023. The Board indicated its desire to keep the pharmacy technician application fee as low as possible so as not to create a barrier to licensure for individuals about to embark upon becoming registered for the first time and in many instances entering a new career

path. The average starting wage for pharmacy technicians in Pennsylvania is between \$15–\$18 per hour. Ultimately the Board determined, based upon consideration of the Board’s current fee schedule for other licensees and its current fiscal picture, a lower application fee of \$30 was more appropriate than the fee presented by BFP. The Board intends to review its application fee schedule for all licensees the next time a renewal fee increase is needed. At that time, the Board will review and reassess the pharmacy technician application fee.

While the fees of other states are not determinative of the Board’s calculations in setting its own fees, they are informative and helpful in cases where it appears a particular fee seems significantly higher, or significantly lower, than comparable fees in other states. Of 11 surrounding states, a \$30 application fee for pharmacy technician registration will place Pennsylvania second lowest (only Rhode Island and West Virginia, at \$25 each, are lower). With regard to the biennial renewal fee, the Board determined that \$70, which is the average renewal fee for pharmacy technicians nationally and places Pennsylvania in line with surrounding states (five states charge the same amount or more; six states charge less), was appropriate.

While the Board is empathetic to the concerns raised by IRRC and the stakeholders, the Board is duty bound to ensure that it remains fiscally sound so that it may carry out the mandates of the General Assembly set forth in the act in furtherance of public health and safety. At the same time, the Board has purposefully chosen the noted fee amounts so as not to place a hardship on a very important, large group of soon-to-be newly registered individuals. From a timing perspective, pharmacy technicians will have one year from the date the final regulations are published to apply for registration. So, by way of example only, if the regulations are published as final in May 2025,

pharmacy technicians will have to pay the \$30 application fee sometime before May 2026. Those who apply for registration as pharmacy technician trainees will have to bear half that cost, \$15, and then eventually bear an additional \$15 fee sometime over the ensuing 2 years if/when they apply to convert to a technician registration. As far as the biennial renewal fee, pharmacy technicians will renew their registrations in odd-numbered years. This means that the earliest any registered technician will have to bear the \$70 renewal fee is 2027.

Throughout the discussions regarding the pharmacy technician and trainee fees, it became apparent that consideration should be given to ensuring that the distribution of the Board's fees is done in an equitable manner across the various categories of licensure. Moreover, given that many of the dollar amounts in the Board's current fee schedule were established in 2009 and have not been adjusted since, it is anticipated that when BFP does its next annual budget review there will be a close examination of all fees along with recommendations as to what increases are necessary. Furthermore, once registration of pharmacy technicians and trainees is actually underway, the Board will be keeping a close eye to see what fiscal impacts arise as a result and take that information into consideration when making fee adjustments for all license types. The Pharmacy Board is one that has historically operated in a fiscally sound manner, consistently maintaining an adequate surplus to cover projected fees and costs. To the extent any shortfall should develop as a result of, for example, the pharmacy technician application fee being set too low, the Board is in a position to absorb such a shortfall until such time as it is able to undergo the planned thorough evaluation of its entire fee schedule and make whatever adjustments are necessary.

One commenter observed that § 27.403 (conditions for administration) addresses the

administration of injectables by pharmacists and pharmacy interns, and asked “what are the conditions for technicians?” Act 140 of 2020 did not give any such authority to administer injectables to pharmacy technicians. A more recently passed statute, Act 77 of 2024 (P.L. 852, No. 77) does address this subject; however, that act was only very recently signed (July 12, 2024), and does not take effect until November 14, 2024. The changes brought about by Act 77 of 2024 will be included in a future rulemaking.

One commenter suggested the Board should have employers run the criminal history record checks (CHRCs) required for pharmacy technician applicants in § 27.701(4) and pharmacy technician trainees in § 27.703(2), and have the employers keep the CHRCs on file. This is not something the Board does with other applicants. It is the applicant’s responsibility to obtain the necessary CHRCs and submit them to the Board.

IRRC and one commenter asked what constitutes a board-approved training program under § 27.702, and whether there was a specific process for becoming one. In the final-form rulemaking, the Board has amended § 27.702(a) to make it clearer what needs to happen for a training program to be “board-approved.” First, the provider of the training program must be one of the six types of providers listed in § 27.702(b)(1)-(6). Second, the content of the training program itself must include the areas of pharmacy practice listed in § 27.702(a)(1)-(14). If those two conditions are met, the training program is board-approved. The Board has also added new subsection (d) in the final-form rulemaking, which provides that pharmacy technician training programs may be subject to audit to ensure compliance with the requirements of § 27.702.

One commenter suggested that § 27.702(a) should be rewritten to allow pharmacies to tailor

their employer training program to specific areas of need, while another suggested that the training program requirements “should be more flexible so that pharmacy employers can design custom training programs that align with the duties their technicians may perform.” Limiting training to a specific set of applicable job duties within a particular pharmacy setting is not the purpose of a board-approved training program. Rather, its purpose is to ensure that when an individual applies for registration as a pharmacy technician in the Commonwealth, they have a minimum level of competence. Once that individual obtains a registration, that individual may end up working in a variety of different settings. There is no registration specific to just retail pharmacies or just closed-door pharmacies. Additionally, if a particular pharmacy employer – whether it be a retail pharmacy, a closed-door pharmacy or the like – is not capable of educating a pharmacy technician in the full panoply of pharmacy areas, then that employer should not offer its own training program.

One commenter expressed concerns regarding the inclusion of pharmacy technician training programs accredited by the U.S. Department of Education and the State Board of Private Licensed Schools in § 27.702(b)(4). All applications for registration as a pharmacy technician will be subject to review, and the Board will be reviewing all transcripts that are submitted with the applications. The Board will have the right to deny an application should it discover that a program does not meet the qualifications set forth in § 27.702(a). In addition, in this final rulemaking the Board has added new subsection (d), pursuant to which training programs may be audited by the Board to ensure compliance with the requirements of § 27.702.

One commenter suggested that the proposed regulations lack a process for determining eligibility for registration in Pennsylvania for practicing pharmacy technicians moving to

Pennsylvania from another state, such as those who completed a ASHP or ACPE accredited training program in a state other than Pennsylvania. The commenter feared that “not having a process for these practicing technicians to move to PA for employment will further expand technician shortages in PA creating a pharmacy workforce challenge.” Pharmacy technicians moving to Pennsylvania who completed an ASHP or ACPE accredited training program will not be subject to an additional process; § 27.702(b)(2) already includes American Society of Health-System Pharmacists (ASHP) and Accreditation Council for Pharmacy Education (ACPE) programs as approved programs. There is no requirement that the programs occur or the training be completed in Pennsylvania.

With regard to § 27.702(b)(3), IRRC asked that the phrase “including but not limited to” be deleted in order to improve the clarity of this provision. This change has been made in the final-form rulemaking.

Two commenters suggested that the proposed regulations do not appear to recognize pharmacy technicians who have achieved and maintain certification through the Pharmacy Technician Certification Board (PTCB) or National Healthcareer Association (NHA). Their concern is that future pharmacy technicians certified and registered in another state, but not registered in Pennsylvania, would need to complete a training program despite already being certified and likely registered in another state. Simply put, under § 27.702(b)(3), if an applicant has completed a training program recognized by the PTCB or NHA, gained admission to one of their respective certification exams and then applies for registration in Pennsylvania by providing proof of said certification – the applicant will have fulfilled the requirement of completing a Board-

approved training program.

One commenter suggested a small language alteration §27.702(c) with regard to pharmacy employer training programs, to indicate that both documentation and accountability reside with the pharmacy and pharmacist manager. Another commenter agreed, stating that accountability should rest with the pharmacist manager, not the pharmacy technician. Section 27.702(c) has been amended to explicit place responsibility for the training program on the pharmacist manager.

In practice, applicants who are trained via an employer-based training program will generally find out early on in the process – at the time they file an application for registration – whether there are any problems or deficiencies with the training program they completed. A notice will be sent to the applicant identifying any areas of additional training that must be obtained, a timeframe within which the applicant must respond, and any additional details that may be relevant to correcting the deficiency. This would also provide an opportunity for the employer to bolster its training program so that future applicants trained by that employer could avoid the same deficiency problems.

With regard to § 27.703 (qualifications for pharmacy technician trainee registration), one commenter asked whether the introduction of registration invokes liability insurance requirements. Act 140 of 2020 did not impose any such insurance requirements.

Nearly every commenter and IRRC had questions regarding the grandfathering provision, § 27.705, which allows practitioners who worked as pharmacy technicians for at least one year between January 29, 2019 and January 29, 2021 to be registered, even if they do not possess a high school diploma or have not completed a Board-approved pharmacy technician program.

Commenters asked the Board to utilize a different set of dates, e.g., 2021 to 2023 or 2023 to 2025. On this point, the Board has no discretion. The timeframe is established in the statute and does not give the Board the authority to alter the timeline. To become registered, individuals who were employed for at least a year between January 29, 2019 and January 29, 2021 simply need to apply for registration and provide an employer verification or W-2/1099. Pharmacy technicians who do not fall inside the grandfathering window, i.e., after January 29, 2021, need to complete a board-approved training program. If any of those individuals already completed a Board-approved training program, they will not have to take another Board-approved training program prior to applying for registration. When they apply for registration, they will simply need to provide proof of having completed the training program they took.

One commenter suggested that the Board “consider allowing managers to authorize the registration to bypass training requirements and authorize registration for the existing workforce.” Act 140 of 2020 does not provide the Board with such authority.

IRRC asked why a grandfather applicant must provide both an employer verification and W-2/1099 forms for tax years 2019-2020 in § 27.705(1). The final rulemaking has been amended so that an applicant need only provide either a verification or the tax forms, rather than both.

Fiscal Impact and Paperwork Requirements

The amendments 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 this Commonwealth. The fees may be paid by their employers if their employers choose to pay their

fees. This final-form rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth. With regard to the mandatory training in child abuse recognition and reporting, there are many low-cost and free options available to complete the training, and therefore the Board anticipates any impact to be minimal.

This final-form rulemaking will require the Board to create online 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, BFP 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 the notice of proposed rulemaking, published at 54 Pa.B. 1060 (March 2, 2024) and a copy of a Regulatory Analysis Form to IRRC and to the chairpersons of the SCP/PLC and the HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board provided IRRC, SCP/PLC and HPLC with copies of the comments received on the regulation, as well as other documents when requested. In preparing this final-form rulemaking, the Board considered all comments received including IRRC's comments and 12 public comments. No comments were received from the

SCP/PLC or HPLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on March 20, 2025, the Board delivered this final-form rulemaking to IRRC, the SCP/PLC and HPLC. Under section 5.1(j.2) of the Regulation Review Act, the final-form rulemaking was deemed approved by the SCP/PLC and HPLC on _____, 2025. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, 2025, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Sara Trimmer, Executive Secretary, State Board of Pharmacy, P.O. Box 2649, Harrisburg, PA 17105-2649, (RA-Pharmacy@pa.gov).

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law, and all comments received were considered in drafting this final-form rulemaking.
- (3) Amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 54 Pa.B. 1060.
- (4) This final-form rulemaking is necessary and appropriate for the administration of Act

140 of 2020.

Order

The Board therefore ORDERS that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 27 are amended by amending §§ 27.1, 27.11, 27.12, 27.18, 27.31, 27.91 and 27.403, and adding §§ 27.12a and 27.701—27.705.
- (b) The Board shall submit the final-form regulation to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall submit the final-form regulation to IRRC, the SCP/PLC and the HPLC as required by law.
- (d) The Board shall certify the final-form regulation and deposit it with the Legislative Reference Bureau as required by law.
- (e) This final-form regulation shall take effect upon publication in the *Pennsylvania Bulletin*.

CHRISTINE ROUSSEL, Pharm.D., R.Ph.
Chairperson,
State Board of Pharmacy

Arion R. Claggett
Acting Commissioner, Bureau of
Professional and Occupational Affairs

ATTACHMENT “C”

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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 all of the following:

(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 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 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.

Practice of pharmacy—

* * * * *

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[,] 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[,] 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 do any of the following:
 - (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 has done any of the following:

- (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 paragraph, 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 an examination when directed by the Board, unless the failure is due to circumstances beyond his control, shall constitute an

- admission of the allegations against the pharmacy technician or pharmacy technician trainee, 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 paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he 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 a drug or device which contains more or less than the proportionate quantity of ingredient or ingredients specified by the person who prescribed the drug or device or which is of a brand or trade name other than that specified by the person prescribing the 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 the drug or device, unless the consent of the prescriber is first obtained to each specific prescription. This paragraph shall not be construed to prevent the addition of 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 Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).
 - (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 a 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 these returns, and a full refund shall be given to the original purchaser, including a third-party payor.
- (9) Has acted in a manner that presents 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. A PHARMACIST TECHNICIAN SHALL ALSO SUBMIT PROOF OF COMPLETION OF AT LEAST 2 HOURS OF APPROVED CONTINUING EDUCATION IN CHILD ABUSE RECOGNITION AND REPORTING AS REQUIRED UNDER 23 Pa.C.S. § 6383(b)(3)(ii) (RELATING TO EDUCATION AND TRAINING).

(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 all of 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.
- (5) COMPLETE AT LEAST 3 HOURS OF APPROVED TRAINING IN CHILD

ABUSE RECOGNITION AND REPORTING AS REQUIRED UNDER 23 Pa.C.S.

§ 6383(b)(3)(i) (RELATING TO EDUCATION AND TRAINING).

§ 27.702. Pharmacy technician training programs.

(a) ~~A Board-approved pharmacy technician training program shall at a minimum cover and establish~~ PROVIDED BY A BOARD-APPROVED PROGRAM PROVIDER AS SET FORTH IN SUBSECTION (b) SHALL BE CONSIDERED A BOARD-APPROVED TRAINING PROGRAM IF, AT A MINIMUM, IT COVERS AND ESTABLISHES competency testing in all of 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 a Board-approved program provider:

(1) A pharmacy employer.

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

(4) An educational institution whose pharmacy technician training programs are Nationally or regionally accredited by the United States Department of Education.

(5) The United States Armed Forces.

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

(c) A pharmacy employer that offers 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. THE PHARMACIST MANAGER SHALL BE RESPONSIBLE FOR PROVIDING THE TRAINING PROGRAM AND ENSURING THAT THE TRAINING PROGRAM MEETS THE REQUIREMENTS UNDER SUBSECTION (a). 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.

(d) A PHARMACY TECHNICIAN TRAINING PROGRAM MAY BE SUBJECT TO AUDIT TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. THE PROVIDER OF A TRAINING PROGRAM SUBJECT TO AUDIT SHALL PROVIDE ALL REQUESTED DOCUMENTATION WITHIN 30 DAYS OF A REQUEST BY THE BOARD.

§ 27.703. Qualifications for pharmacy technician trainee registration.

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

- (1) Be at least 16 years of age.
- (2) Submit to a criminal history record check.
- (3) COMPLETE AT LEAST 3 HOURS OF APPROVED TRAINING IN CHILD ABUSE RECOGNITION AND REPORTING AS REQUIRED UNDER 23 Pa.C.S. § 6383(b)(3)(i) (RELATING TO EDUCATION AND TRAINING).

§ 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 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 ONE OF THE FOLLOWING:

(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.

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

(2) The applicant submits the applicant APPLICATION 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 the requirements under § 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.

(3) This section will expire _____ (Editor’s Note: The blank refers to the date that is 1 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) 783-7156

March 20, 2025

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

Re: Final Rulemaking
State Board of Pharmacy
16A-5433: Pharmacy Technician Registration

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Pharmacy pertaining to 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., Chairperson
State Board of Pharmacy

CR/mjf/wc
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Andrew LaFratte, Deputy Policy Director, Department of State
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Marc J. Farrell, Regulatory Counsel, Department of State
Sean C. Barrett, Board Counsel, State Board of Pharmacy
State Board of Pharmacy

From: Monoski, Jesse <Jesse.Monoski@pasenate.com>
Sent: Thursday, March 20, 2025 8:43 AM
To: Christman, William; Dimm, Ian; joseph.kelly; Vazquez, Enid
Subject: Re: DELIVERY NOTICE: REGULATION: 16A-5433 - Boscola

Received.

RECEIVED

-Jesse

Independent Regulatory
Review Commission

March 20, 2025

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From: Christman, William <wchristman@pa.gov>
Sent: Thursday, March 20, 2025 8:41:48 AM
To: Monoski, Jesse <Jesse.Monoski@pasenate.com>; Dimm, Ian <Ian.Dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <Enid.Vazquez@pasenate.com>
Subject: DELIVERY NOTICE: REGULATION: 16A-5433 - Boscola

■ EXTERNAL EMAIL ■

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 final rulemaking.

Thank you for your attention to this matter.

- **16A-5433 – State Board of Pharmacy - Pharmacy Technician Registration**

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), amended the Pharmacy Act to provide for the registration of pharmacy technicians and pharmacy technician trainees. This final-form rulemaking is needed to effectuate Act 140 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.

Sincerely,



William Christman | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
2400 Thea Drive
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
wchristman@pa.gov | www.dos.pa.gov

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From: Orchard, Kari L. <KOrchard@pahouse.net>
Sent: Thursday, March 20, 2025 9:21 AM
To: Christman, William; Barton, Jamie; Brett, Joseph D.
Subject: RE: DELIVERY NOTICE: REGULATION: 16A-5433 - Burns

Received.

Kari Orchard
Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

RECEIVED

Independent Regulatory
Review Commission

March 20, 2025

From: Christman, William <wchristman@pa.gov>
Sent: Thursday, March 20, 2025 8:43 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Subject: DELIVERY NOTICE: REGULATION: 16A-5433 - Burns
Importance: High

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From: Nicole Sidle <Nsidle@pahousegop.com>
Sent: Thursday, March 20, 2025 9:29 AM
To: Christman, William; Cindy Sauder
Subject: RE: [EXTERNAL]: DELIVERY NOTICE: REGULATION: 16A-5433 - Emrick

This has been received.

RECEIVED

Independent Regulatory
Review Commission

From: Christman, William <wchristman@pa.gov>
Sent: Thursday, March 20, 2025 8:44 AM
To: Nicole Sidle <Nsidle@pahousegop.com>; Cindy Sauder <Csauder@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY NOTICE: REGULATION: 16A-5433 - Emrick
Importance: High

March 20, 2025

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• **16A-5433 – State Board of Pharmacy - Pharmacy Technician Registration**

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Sent: Thursday, March 20, 2025 8:43 AM
To: Christman, William
Subject: Re: DELIVERY NOTICE: REGULATION: 16A-5433 - Stefano

Received.

Jen

RECEIVED

Independent Regulatory
Review Commission

March 20, 2025

On Mar 20, 2025, at 8:41 AM, Christman, William <wchristman@pa.gov> wrote:

Ⓞ CAUTION : External Email Ⓞ

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Sincerely,

<image003.png>

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Office of Chief Counsel | Department of State
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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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