



From: Courtney Adams
To: ST_RegulatoryCounsel
Cc: Mark J. Zilner R.Ph.
Subject: [External] Pharmacy Technician Registration
Date: Friday, March 29, 2024 2:23:13 PM
Attachments: Comment Re. Pharmacy Technician Registration.pdf

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Hello,

Please see attached comments regarding pharmacy technician registration.

We appreciate your time. Have a great weekend!

Courtney

Courtney Adams

Executive Assistant to Mark J. Zilner, President & CEO, Owner

cadams@diamondpharmacy.com www.diamondpharmacy.com
 724.349.1111 x1036 645 Kolter Drive
 800.882.6337 x1036 Indiana, PA 15701
 724.599.3666

This communication may contain information that is proprietary, confidential, or exempt from disclosure. If you are not the intended recipient, please note that any other dissemination, distribution, use or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.



March 29, 2024

Sent Via Electronic Mail:

To: Regulatory Counsel, State Board of Pharmacy
RA-STRegulatoryCounsel@pa.gov

RE: Regulation No. 16A-5433 (Pharmacy Technician Registration)

Dear Madam or Sir:

Diamond Drugs, Inc. sincerely appreciates the opportunity comment on the proposed regulations regarding registration of Pharmacy Technicians. While we are in total agreement with the concept of requiring pharmacy technicians to register and receive appropriate training, as written, these regulations pose significant unintended consequences for a closed-door pharmacy like Diamond.

As you may know, Diamond Drugs, Inc.'s core business is providing comprehensive pharmacy services to correctional facilities, skilled nursing facilities and personal care homes. We provide these services under contract with these facilities. Thus, although our corporate headquarters at 645 Kolter Drive has been issued a retail pharmacy license, we do not provide pharmacy services on a "walk-in" basis like most retail/neighborhood pharmacies. Our operations scarcely resemble the standard retail pharmacy. These regulations operate as intended in a standard retail pharmacy, however, from the perspective of a closed-door pharmacy, we have the following specific concerns regarding the proposed regulation as written.

1. We wish to ensure that the duties of pharmacy technicians are defined in accordance with the Act. Some of general duties that were listed under Sec. 27.12(d)(2) regarding what a pharmacy technician "may" do could be interpreted to require Diamond to register a majority of our 1,000+ employees as Technicians, even though a very small number of our employees 'assist in the practice of pharmacy.' We suggest removing the vaguer language in Sec. 27.12(d)(2) to make it consistent with the definition of "Pharmacy Technician" in the Act.¹²

More specifically, we suggest deleting Sec. 27.12(d)(2) in its entirety and replacing it with the following:

"(2) Except as provided in subsection (d)(3), a pharmacy technician or pharmacy technician trainee may assist in the practice of pharmacy (as defined by 63 P.S. § 390-2(11)) under the direct, and immediate, personal supervision of a pharmacist."

¹ See 63 P.S. § 390-2(20) stating "Pharmacy technician" means an individual who: (i) Is registered with the board as a pharmacy technician. (ii) **May assist in the practice of pharmacy** under the direct and immediate personal supervision of a licensed pharmacist after meeting the requirements of this act and the regulations promulgated under this act. . . (emphasis added)

² Additionally, we believe it is worth noting that as written, many of the activities listed under Sec. 27.12(d)(2) do not fall under the definition of the "Practice of Pharmacy" as described in 63 P.S. § 390-2(11).

With regards to Sec. 27.12(d)(2) for illustrative purposes, Diamond's records relating to the practice of pharmacy are maintained by a variety of individuals and departments (depending on the specific record). As written, Sec. 27.12(d)(2)(iv) suggests that a number of individuals in our Accounting Department, IT Department, HR Department, and others would be required to obtain registration despite the fact that said individuals do not "assist in the practice of pharmacy."

Similarly, as written, Sec. 27.12(d)(2)(ii) implies the individuals in our shipping department and maintenance department would be required to register by virtue of merely moving a sealed incoming or outgoing package from one place to another.

In reviewing this suggestion, we urge the Board to take notice of the fact that while Pennsylvania does not have a Pharmacist to Technician Ratio, Diamond (and others like it) hold non-resident pharmacy licenses in justifications with ratios as low as 3-1. In most states, such ratios apply with equal force to both resident and non-resident pharmacies. Therefore, a broad definition of "Pharmacy Technician" will have a significant detrimental impact on a Pennsylvania pharmacy's ability to conduct business outside the Commonwealth.

In making the suggested changes, the Board will capture all of those employees intended.

2. Based on the volume of prescription orders we (and other closed-door pharmacies) handle on a day to day basis, all delegable duties are not performed by every individual who qualifies as a pharmacy technician (as defined by the Act). To gain efficiency, closed-door pharmacies have groups of "technician" employees performing a limited number of tasks. In short, while a retail technician must be a jack of all trades, a closed-door technician is a master of one. With that in mind, we feel it is important to grant closed-door pharmacies flexibility in the training of their employees. Otherwise, we will spend hundreds of hours and thousands of dollars on training that does not apply to their particular job description.

Therefore, 27.702(a) should be rewritten to include language allowing closed-door pharmacies to tailor their training the specific area of need e.g., "Pharmacy technician training programs shall at a minimum cover the following areas of pharmacy practice that are applicable duties of their individual job description".

Again, we appreciate the opportunity to comment on these regulations. We understand the Board's mandate to establish regulations for registering Pharmacy Technicians, and hope that you will consider these changes, especially in relation to the unique business model of Diamond Drugs, Inc., that may not have been considered in the Act.

Sincerely,



Mark J. Zilner, President & CEO, Owner
Diamond Drugs, Inc.
PA BOP Board Member 2012-2018