

Pharmacy Examining Board 3/2/2023
Additional Materials
Item D. Public Hearing on EmR 2303 for Phar 1, 5, 7, 10, and 19, Relating to Registration of Pharmacy Technicians

Date: March 1, 2023

To: Pharmacy Examining Board

From: Michael DeBisschop, Pharm.D.

Re: Feedback on Emergency Rule 2303

Thank you for allowing me to express my comments on the rulemaking process around pharmacy technician registration. I appreciate the board's work in this area, since defining roles and responsibility of all our various pharmacy professionals is no easy task. Although these rules are designed to ensure appropriate roles and authority of technicians to practice pharmacy, they do, by their nature, also then define other adjacent roles, such as student pharmacists, interns, and other unlicensed or unregistered personnel in the pharmacy.

Through teaching pharmacy law, and precepting students in different years, I help prepare students pharmacists for their practice both during enrollment in pharmacy school and after graduation. My overall goal is to provide students with experiences that make them the best pharmacist they can be, as well as to help them pass the MPJE for licensure. Please note that the comments in this document are my own personal opinions and do not represent those of my employer.

I am grateful for the opportunity to provide comments and suggestions in the following areas:

1. **I respectfully request that the board ensure that it is clear in the rules that interns, and, to the extent statutorily possible, recent graduates who have applied for pharmacist licensure and students of all years are not subject to technician registration.** This has been a source of confusion that I have heard of from pharmacists.
 - a. Exemption from registration is established for interns (as defined in Phar 17) in 7.62(3) as an exception to a prohibition, which is confusing to a reader. **I ask the board to consider adding interns as defined in Phar 17.02(4) to the statement in Phar 7.62(1) for greater clarity.**
 - b. P3/4 students who are working in a pharmacy outside of pharmacy school are covered in 7.62(1).
 - c. P1/2 students who are working in a pharmacy outside of pharmacy school are not covered explicitly and currently must register as technicians under these rules. I believe this does not send a forward thinking and modern message about Wisconsin pharmacy education and practice. Our first and second years undergo clinical training early in their curriculum and should have the opportunity to practice these skills to the extent determined by their employer, not the state. Work is an important part of the education and professionalization of these future pharmacists. **Consider explicitly allowing P1/2 students, when not practicing as interns, and under appropriate supervision, to practice under the authority of 450.03(1)(i), which allows "any person, other than a pharmacy technician, who is providing services as directed, supervised, and inspected by a pharmacist who has the power to direct, decide, and oversee the implementation of the services rendered"** to engage in the practice of pharmacy without licensure. This will differentiate this group from pharmacy technicians.

- d. Currently, new graduates, who have applied for licensure but have not yet had action taken on their license, are not statutorily defined as well and must register as pharmacy technicians. I ask the board to **consider explicitly allowing these individuals, under appropriate supervision, to practice pharmacy under this statute (450.03(1)(i)) as well.**
2. Throughout Phar, where technicians are intended to be included, **I ask the board to consider including not just 450.03(1)(gm) – which is techs who have applied but before registration granted – but also 450.03(1)(e),** which is where the authority for pharmacy technicians is located in this section. An example of this would be the remote dispensing site delegation under Phar 7.43(7).
3. Section V of Phar 7 is extremely difficult to parse due to the way in which it is written.
 - a. **I ask the board to consider ensuring definitions of general and direct supervision are applicable to all of Phar 7 and any other chapters necessary,** as possible.
 - b. **I ask the board to consider defining “unlicensed pharmacy staff” (or a similar term) to be as clear as possible and exclude all who are intended to be excluded.** To my understanding, these are supposed to be cashiers, clerks, drivers, and others who are not trained or delegated any pharmacy practice acts. Technicians are “unlicensed,” and not excluded in Phar 7.60(3), yet it appears they are supposed to be excluded from the provisions of this chapter. Perhaps a different term would be clearer? Two options I can think of might be “uncredentialed pharmacy staff” or “pharmacy support personnel” (as they are referred to in Phar 19.02(6)).
 - c. Phar 7.60(3) defining pharmacy staff is confusing, as it defines this as “any staff practicing in the pharmacy who are not otherwise licensed or registered under s. 450.03 (1) (f), (g), or (gm), Stats.” This is confusing since those practicing pharmacy under these statutes are not licensed or registered.
 - d. I ask the board to **consider including delivery of a drug or device to a patient as a permitted task for pharmacy staff.** Currently under the Emergency Rule, this remains within the “practice of pharmacy” defined in 450.01(16); thus, as staff may not practice pharmacy, they may not deliver or transfer a drug to another. This would imply that anyone handing another person a drug (like a cashier or delivery driver in their duties) would have to be registered as a technician. Expressly permitting this action would avoid that.
 - e. **Suggest creating a separate section for those practicing under 450.03(1)(f), (g), and as interns under Phar 17.02(4),** to be as clear as possible regarding their supervision and roles. I realize that technicians are the focus, but, as written, it is difficult to distinguish students’ and interns’ roles, authority, and supervision from technicians.
4. I ask the board to clearly define which roles require general and direct supervision:
 - a. I request to consider **explicitly stating in Phar 19 that registered technicians can operate under general supervision.**
 - b. In some cases, it appears that P1s and P2s on rotation in pharmacy school can be under general (Phar 17), in others direct (EmR, Phar 7.62 (2)). **Can this be clarified?**
 - c. Regarding the communication modes used during supervision – Phar 7.62(2) allows in person or through telecommunication means for direct supervision. Its implied this is permitted for general supervision through remote dispensing site regulations. **I ask the**

board to clarify if both means of communication could be used for both types of supervision at any time, or only with certain roles or tasks.

5. Phar 7.62 (5)-(7) provides rules for managing pharmacist training, delegating, and verifying competency of tasks for pharmacy staff. **I ask the board to consider doing the same for registered technicians in Phar 19.**
6. As currently written, Phar 19.02(6) prohibits a technician from providing supervision to another technician or support personnel. Many techs act as supervisors to other techs as a job function. In addition, tech-check-tech involves a level of supervision in inspecting the practice of another. I believe the intent is to prevent a tech from supervising pharmacy practice of another tech, which is appropriate. **I ask the board to clarify this rule to exclude job-related supervision and tech-check tech activities.**

Thank you for taking these items into consideration in development of the permanent rules. I really appreciate the board's hard work and the difficulty involved in parsing out appropriate roles, responsibilities, and authority while remaining flexible and fostering modern pharmacy practice. Please do not hesitate to reach out with any questions.



DATE: March 2, 2023
TO: John Weitekamp, Chairman
Members, Pharmacy Examining Board (PEB)
FROM: Danielle Womack, Vice President of Public Affairs
Pharmacy Society of Wisconsin
SUBJECT: EmR 2303: Pharmacy Technician Registration

On behalf of the Pharmacy Society of Wisconsin's more than 4,000 members, I would like to thank you for the opportunity to share our thoughts on Emergency Rule 2303, relating to pharmacy technician registration.

The Pharmacy Society of Wisconsin is dedicated to advancing pharmacy practice with the ultimate purpose of enhancing patients' lives. Therefore, we appreciate the Pharmacy Examining Board's work in implementing 2021 Wisconsin Act 100, which requires the registration of pharmacy technicians.

Upon reviewing the emergency rule, we respectfully suggest some changes based on feedback from our membership. These changes will bring more clarity to the chapter for technicians while ensuring that the intent of the legislation is carried out. Below are the changes that PSW respectfully and specifically requests.

- **Students:** There have been many questions regarding how the emergency rule applies to students enrolled in schools of pharmacy. As currently written, student pharmacists completing hours for the licensure internship requirement are not required to register, but other students working in a pharmacy must register. While we are working closely with the schools to share this information and have created an FAQ and visual guide, the handling of this group of learners has generated much confusion. Most schools have not previously counted introductory pharmacy practice experience (IPPE) rotations as hours for the licensure internship requirement." Therefore, student pharmacists completing these IPPE rotations and their experiential practice sites have raised concerns about registering as pharmacy technicians to complete experiential requirements early in their pharmacy school curriculum.

Additionally, student pharmacists may wear multiple hats at various times when employed by an organization – serving as a technician on the weekend, an intern during the week, and an experiential learner on a rotation. The complexity for the student pharmacist, the school of pharmacy, and the practice site can potentially impact staffing and patient care. I have attached the flowchart we created for students; the chart's complexity demonstrates the rule's complexity.

Given that the law intends to register pharmacy technicians, not students completing practicum hours that may or may not be counted toward the internship requirement, we would request that the rule is clear that all student pharmacists are exempt from the requirement to register as a pharmacy technician.

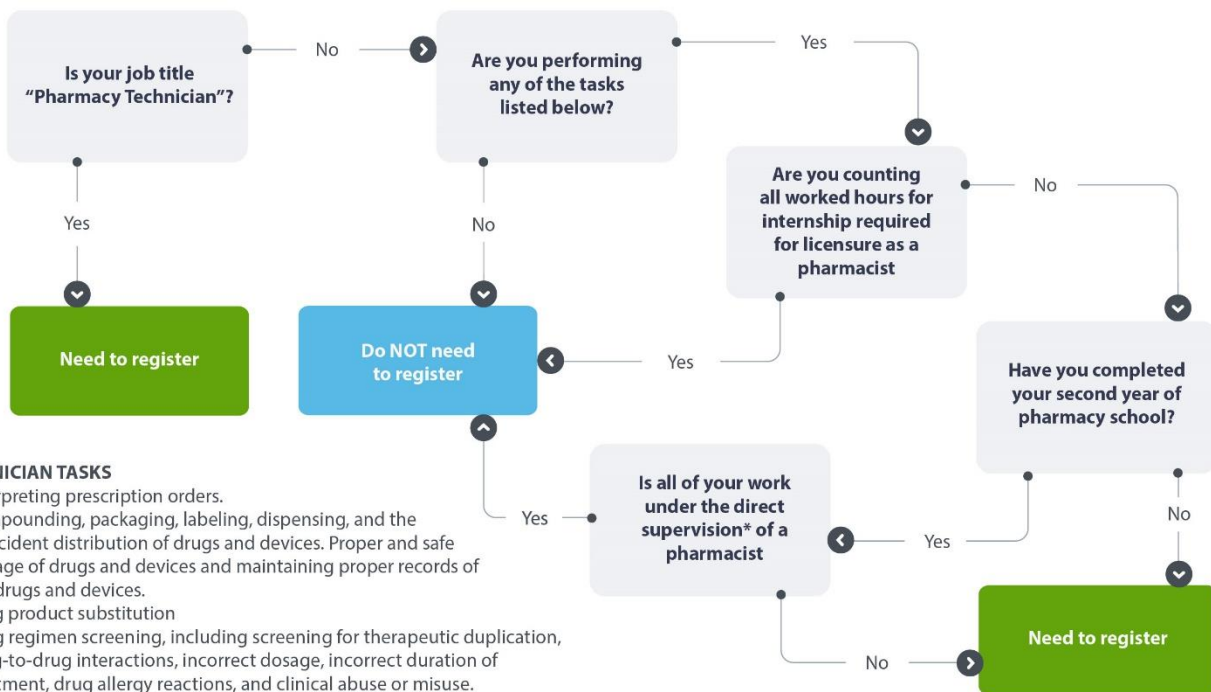
- **Phar 7.60 (3):** This section defines pharmacy staff but refers to some individuals as registered or licensed who are not registered or licensed under the law. We would suggest the language be revised to state:

Phar 7.60 (3) "Pharmacy staff" means any staff practicing in the pharmacy who are not otherwise licensed, or registered, or practicing under s. 450.03 (1) (f), (g), or (gm), Stats.

- Phar 7.43:** This section refers to who can remote dispense; it does not currently include pharmacy technicians as written. This may be an oversight, as those who have applied to be a technician are included, and the new remote dispensing rules allow technicians to remote dispense. We recommend that those practicing under 450.03(e) (i.e., pharmacy technicians) may also remote dispense.

To reiterate, our goal, like that of the PEB, is to advance pharmacy practice while ensuring patient safety, and we appreciate the PEB's diligence and work in implementing regulations regarding pharmacy technician registration. Thank you again for allowing me to submit comments on behalf of more than 4,000 Pharmacy Society of Wisconsin members.

Do I Need to Register as a Pharmacy Technician?



TECHNICIAN TASKS

- Interpreting prescription orders.
- Compounding, packaging, labeling, dispensing, and the coincident distribution of drugs and devices. Proper and safe storage of drugs and devices and maintaining proper records of the drugs and devices.
- Drug product substitution
- Drug regimen screening, including screening for therapeutic duplication, drug-to-drug interactions, incorrect dosage, incorrect duration of treatment, drug allergy reactions, and clinical abuse or misuse.
- Performing any act necessary to manage a pharmacy.
- Administering vaccines.

****Direct supervision*** means immediate availability to continually coordinate, direct and inspect in real time the practice of another