

RULE ANALYSIS

Introduction: THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS AN ADOPTED RULE

Short Title: Continuing Education

Rule Numbers: §297.8

Statutory Authority: Texas Pharmacy Act, Chapter 551-569, Occupations Code:

- (1) Section 551.002 specifies that the purpose of the Act is to protect the public through the effective control and regulation of the practice of pharmacy; and
- (2) Section 554.051 gives the Board the authority to adopt rules for the proper administration and enforcement of the Act.

Purpose: The amendments, if adopted, update the continuing education requirements for pharmacy technicians.

The Board reviewed and voted to propose the amendments during the May 5, 2015, meeting. The proposed amendments were published in the June 26, 2015, issue of the *Texas Register* at 40 TexReg 4190.

1 **CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN**
2 **TRAINEES**

3 **22 TAC §297.8**

4 The Texas State Board of Pharmacy proposes amendments to §297.8, concerning Continuing
5 Education Requirements. The amendments, if adopted, decrease the number of in-service hours
6 allowed for continuing education from 10 to 5 hours; clarify the requirements for continuing
7 education hours; and clarify the types of programs pharmacy technicians may count for
8 continuing education.

9 Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year
10 period the rule is in effect, there will be no fiscal implications for state or local government as a
11 result of enforcing or administering the rule.

12 Ms. Dodson has determined that, for each year of the first five-year period the rule will be in
13 effect, the public benefit anticipated as a result of enforcing the amendment will be ensuring
14 pharmacy technicians have the appropriate continuing education. There is no fiscal impact for
15 individuals, small or large businesses, or to other entities which are required to comply with this
16 section.

17 Comments on the amendments may be submitted to Allison Benz, R.Ph., M.S., Director of
18 Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600,
19 Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., August 3,
20 2015.

21 The amendments are proposed under §551.002 and §554.051 of the Texas Pharmacy Act
22 (Chapters 551 - 566, 568, and 569, Texas Occupations Code). The Board interprets §551.002 as
23 authorizing the agency to protect the public through the effective control and regulation of the
24 practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules
25 for the proper administration and enforcement of the Act.

26 The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 566, 568, and
27 569, Texas Occupations Code.

28 ***§297.8. Continuing Education Requirements.***

29 (a) Pharmacy Technician Trainees. Pharmacy technician trainees are not required to complete
30 continuing education.

31 (b) Pharmacy Technicians.

32 (1) All pharmacy technicians shall be exempt from the continuing education requirements during
33 their initial registration period.

34 (2) All pharmacy technicians must complete and report 20 contact hours of approved continuing
35 education obtained during the previous [~~per~~] renewal period in pharmacy related subjects in
36 order to renew their registration as a pharmacy technician. No more than 5 [~~10~~] of the 20 hours
37 may be earned at the pharmacy technician's workplace through in-service education and training
38 under the direct supervision of the pharmacist(s).

39 (3) A pharmacy technician may satisfy the continuing education requirements by: [~~For renewals~~
40 ~~received after January 1, 2015, one hour specified in paragraph (2) of this subsection shall be~~
41 ~~related to Texas pharmacy laws or rules.~~]

42 (A) successfully completing the number of continuing education hours necessary to renew a
43 registration as specified in paragraph (2) of this subsection;

44 (B) successfully completing during the preceding license period, one credit hour for each year of
45 the renewal period, in pharmacy related college course(s); or

46 (C) taking and passing the Pharmacy Technician Certification Exam (PTCE) during the
47 preceding renewal period, which shall be equivalent to the number of continuing education hours
48 necessary to renew a registration as specified in paragraph (2) of this subsection.

49 (4) To renew a registration, a pharmacy technician must report on the renewal application
50 completion of at least twenty contact hours of continuing education. The following is applicable
51 to the reporting of continuing education contact hours.

52 (A) For renewals received after January 1, 2015, at least one contact hour of the 20 contact hours
53 specified in paragraph (2) of this subsection shall be related to Texas pharmacy laws or rules.

54 (B) Any continuing education requirements which are imposed upon a pharmacy technician as a
55 part of a board order or agreed board order shall be in addition to the requirements of this
56 section.

57 (5) [(4)] Pharmacy technicians are required to maintain records of completion of continuing
58 education for three years from the date of reporting the hours on a renewal application. The
59 records must contain at least the following information:

60 (A) name of participant;

61 (B) title and date of program;

62 (C) program sponsor or provider (the organization);

63 (D) number of hours awarded; and

64 (E) dated signature of sponsor representative.

65 (6) [(5)] The board shall audit the records of pharmacy technicians for verification of reported
66 continuing education credit. The following is applicable for such audits.

67 (A) Upon written request, a pharmacy technician shall provide to the board copies of the record
68 required to be maintained in paragraph (5) [(4)] of this subsection or certificates of completion
69 for all continuing education contact hours reported during a specified registration period. Failure
70 to provide all requested records by the specified deadline constitutes prima facie evidence of a
71 violation of this rule.

72 (B) Credit for continuing education contact hours shall only be allowed for programs for which
73 the pharmacy technician submits copies of records reflecting that the hours were completed
74 during the specified registration period(s). Any other reported hours shall be disallowed.

75 (C) A pharmacy technician who submits false or fraudulent records to the board shall be subject
76 to disciplinary action by the board [~~shall not submit false or fraudulent records to the board~~].

77 (7) The following is applicable if a pharmacy technician fails to report completion of the
78 required continuing education.

79 (A) The registration of a pharmacy technician who fails to report completion of the required
80 number of continuing education contact hours shall not be renewed and the pharmacy technician
81 shall not be issued a renewal certificate for the license period until such time as the pharmacy
82 technician successfully completes the required continuing education and reports the completion
83 to the board.

84 (B) A person shall not practice as a pharmacy technician without a current renewal certificate.

85 (8) A pharmacy technician who has had a physical disability, illness, or other extenuating
86 circumstances which prohibits the pharmacy technician from obtaining continuing education
87 credit during the preceding license period may be granted an extension of time to complete the
88 continued education requirement. The following is applicable for this extension:

89 (A) The pharmacy technician shall submit a petition to the board with his/her registration
90 renewal application which contains:

91 (i) the name, address, and registration number of the pharmacy technician;

92 (ii) a statement of the reason for the request for extension;

93 (iii) if the reason for the request for extension is health related, a statement from the attending
94 physician(s) treating the pharmacy technician which includes the nature of the physical disability
95 or illness and the dates the pharmacy technician was incapacitated; and

96 (iv) if the reason for the request for the extension is for other extenuating circumstances, a
97 detailed explanation of the extenuating circumstances and if because of military deployment,
98 documentation of the dates of the deployment.

99 (B) After review and approval of the petition, a pharmacy technician may be granted an
100 extension of time to comply with the continuing education requirement which shall not exceed
101 one license renewal period.

102 (C) An extension of time to complete continuing education credit does not relieve a pharmacy
103 technician from the continuing education requirement during the current license period.

104 (D) If a petition for extension to the reporting period for continuing education is denied, the
105 pharmacy technician shall:

106 (i) have 60 days to complete and report completion of the required continuing education
107 requirements; and

108 (ii) be subject to the requirements of paragraph (6) of this subsection relating to failure to report
109 completion of the required continuing education if the required continuing education is not
110 completed and reported within the required 60-day time period.

111 (9) The following are considered approved programs for pharmacy technicians.

112 (A) Any program presented by an Accreditation Council for Pharmacy Education (ACPE)
113 approved provider subject to the following conditions.

114 (i) Pharmacy technicians may receive credit for the completion of the same ACPE course only
115 once during a renewal period.

116 (ii) Pharmacy technicians who present approved ACPE continuing education programs may
117 receive credit for the time expended during the actual presentation of the program. Pharmacy
118 technicians may receive credit for the same presentation only once during a license period.

119 (iii) Proof of completion of an ACPE course shall contain the following information:

120 (I) name of the participant;

121 (II) title and completion date of the program;

122 (III) name of the approved provider sponsoring or cosponsoring the program;

123 (IV) number of contact hours awarded;

124 (V) the assigned ACPE universal program number and a "T" designation indicating that the CE
125 is targeted to pharmacy technicians; and

126 (VI) either:

127 (-a-) a dated certifying signature of the approved provider and the official ACPE logo; or

128 (-b-) the Continuing Pharmacy Education Monitor logo.

129 (B) Pharmacy related college courses which are part of a pharmacy technician training program
130 or part of a professional degree program offered by a college of pharmacy.

131 (i) Pharmacy technicians may receive credit for the completion of the same course only once
132 during a license period. A course is equivalent to one credit hour for each year of the renewal
133 period. One credit hour is equal to 15 contact hours.

134 (ii) Pharmacy technicians who teach these courses may receive credit towards their continuing
135 education, but such credit may be received only once for teaching the same course during a
136 license period.

137 (C) Basic cardiopulmonary resuscitation (CPR) courses which lead to CPR certification by the
138 American Red Cross or the American Heart Association or its equivalent shall be recognized as
139 approved programs. Pharmacy technicians may receive credit for one contact hour towards their
140 continuing education requirement for completion of a CPR course only once during a renewal
141 period. Proof of completion of a CPR course shall be the certificate issued by the American Red
142 Cross or the American Heart Association or its equivalent.

143 (D) Advanced cardiovascular life support courses (ACLS) or pediatric advanced life support
144 (PALS) courses which lead to initial ACLS or PALS certification by the American Heart
145 Association or its equivalent shall be recognized as approved programs. Pharmacy technicians
146 may receive credit for twelve contact hours towards their continuing education requirement for
147 completion of an ACLS or PALS course only once during a renewal period. Proof of completion
148 of an ACLS or PALS course shall be the certificate issued by the American Heart Association or
149 its equivalent.

150 (E) Advanced cardiovascular life support courses (ACLS) or pediatric advanced life support
151 (PALS) courses which lead to ACLS or PALS recertification by the American Heart Association
152 or its equivalent shall be recognized as approved programs. Pharmacy may receive credit for four
153 contact hours towards their continuing education requirement for completion of an ACLS or
154 PALS recertification course only once during a renewal period. Proof of completion of an ACLS
155 or PALS recertification course shall be the certificate issued by the American Heart Association
156 or its equivalent.

157 (F) Attendance at Texas State Board of Pharmacy Board Meetings shall be recognized for
158 continuing education credit as follows.

159 (i) Pharmacy technicians shall receive credit for three contact hours towards their continuing
160 education requirement for attending a full, public board business meeting in its entirety.

161 (ii) A maximum of six contact hours are allowed for attendance at a board meeting during a
162 renewal period.

163 (iii) Proof of attendance for a complete board meeting shall be a certificate issued by the Texas
164 State Board of Pharmacy.

165 (G) Participation in a Texas State Board of Pharmacy appointed Task Force shall be recognized
166 for continuing education credit as follows.

167 (i) Pharmacy technicians shall receive credit for three contact hours towards their continuing
168 education requirement for participating in a Texas State Board of Pharmacy appointed Task
169 Force.

170 (ii) Proof of participation for a Task Force shall be a certificate issued by the Texas State Board
171 of Pharmacy.

172 (H) Attendance at programs presented by the Texas State Board of Pharmacy or courses offered
173 by the Texas State Board of Pharmacy as follows:

174 (i) Pharmacy technicians shall receive credit for the number of hours for the program or course
175 as stated by the Texas State Board of Pharmacy.

176 (ii) Proof of attendance at a program presented by the Texas State Board of Pharmacy or
177 completion of a course offered by the Texas State Board of Pharmacy shall be a certificate issued
178 by the Texas State Board of Pharmacy.

179 (I) Pharmacy technicians shall receive credit toward their continuing education requirements for
180 programs or courses approved by other state boards of pharmacy as follows:

181 (i) Pharmacy technicians shall receive credit for the number of hours for the program or course
182 as specified by the other state board of pharmacy.

183 (ii) Proof of attendance at a program or course approved by another state board of pharmacy
184 shall be a certificate or other documentation that indicates:

185 (I) name of the participant;

186 (II) title and completion date of the program;

187 (III) name of the approved provider sponsoring or cosponsoring the program;

188 (IV) number of contact hours awarded;

189 (V) a dated certifying signature of the provider; and

190 (VI) documentation that the program is approved by the other state board of pharmacy.

191 (J) Completion of an Institute for Safe Medication Practices' (ISMP) Medication Safety Self-
192 Assessment for hospital pharmacies or for community/ambulatory pharmacies shall be
193 recognized for continuing education credit as follows.

194 (i) Pharmacy technicians shall receive credit for three contact hours towards their continuing
195 education requirement for completion of an ISMP Medication Safety Self-Assessment.

196 (ii) Proof of completion of an ISMP Medication Safety Self-Assessment shall be:

197 (I) a continuing education certificate provided by an ACPE approved provider for completion of
198 an assessment; or

199 (II) a document from ISMP showing completion of an assessment.

200 (K) Programs approved by the American Medical Association (AMA) as Category 1 Continuing
201 Medical Education (CME) and accredited by the Accreditation Council for Continuing Medical
202 Education subject to the following conditions.

203 (i) Pharmacy technicians may receive credit for the completion of the same CME course only
204 once during a license period.

205 (ii) Pharmacy technicians who present approved CME programs may receive credit for the time
206 expended during the actual presentation of the program. Pharmacy technicians may receive
207 credit for the same presentation only once during a license period.

208 (iii) Proof of completion of a CME course shall contain the following information:

209 (I) name of the participant;

210 (II) title and completion date of the program;

211 (III) name of the approved provider sponsoring or cosponsoring the program;

212 (IV) number of contact hours awarded; and

213 (V) a dated certifying signature of the approved provider.

214 (L) In-service education provided under the direct supervision of a pharmacist shall be
215 recognized as continuing education as follows:

216 (i) Pharmacy technicians shall receive credit for the number of hours provided by pharmacist(s)
217 at the pharmacy technician's place of employment.

218 (ii) Proof of completion of in-service education shall contain the following information:

219 (I) name of the participant;

- 220 (II) title or description of the program;
- 221 (III) completion date of the program;
- 222 (IV) name of the pharmacist supervising the in-service education;
- 223 (V) number of hours; and
- 224 (VI) a dated signature of the pharmacist providing the in-service education.
- 225 (10) [~~(6)~~] Pharmacy technicians who are certified by the Pharmacy Technician Certification
226 Board and maintain this certification shall be considered as having met the continuing education
227 requirements of this section and shall not be subject to audit by the board provided one hour of
228 continuing education is related to Texas pharmacy law or rules.