

RULE REVIEW ANALYSIS

Introduction: THIS RULE REVIEW IS SUBMITTED TO THE BOARD FOR CONSIDERATION AS AN ADOPTED REVIEW

Short Title: Pharmacy Technicians

Rule Number: Chapter 297

Statutory Authority: Government Code, §2001.039, added by Acts 1999, 76th Legislature, Chapter 1499, Article 1, Section 1.11.

Background: Review of these sections follow the Board's rule review plan.

1 **TITLE 22 EXAMINING BOARDS**
2 **PART 15 TEXAS STATE BOARD OF PHARMACY**
3 **CHAPTER 297 PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES**
4

5 **§297.1 Purpose**
6

7 The purpose of this chapter is to provide a comprehensive, coherent regulatory scheme for the
8 registration and training of pharmacy technicians and pharmacy technician trainees in this state.
9 The provisions of this chapter, in conjunction with the Texas Pharmacy Act (Chapters 551 - 566
10 and 568 - 569, Texas Occupations Code, as amended), govern the method for the issuance of a
11 registration to a pharmacy technician and a pharmacy technician trainee in Texas.
12

13
14 **§297.2 Definitions**
15

16 The following words and terms, when used in this chapter, shall have the following meanings,
17 unless the context clearly indicates otherwise.
18

19 (1) Act--The Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Texas Occupations
20 Code, as amended.
21

22 (2) Board--The Texas State Board of Pharmacy.
23

24 (3) Pharmacy technician--An individual who is registered with the Board as a pharmacy
25 technician and whose responsibility in a pharmacy is to provide technical services that do not
26 require professional judgment regarding preparing and distributing drugs and who works under
27 the direct supervision of and is responsible to a pharmacist.
28

29 (4) Pharmacy technician trainee--An individual who is registered with the board as a pharmacy
30 technician trainee and is authorized to participate in a pharmacy's technician training program.
31

32
33 **§297.3 Registration Requirements**
34

35 (a) General.
36

37 (1) Individuals who are not registered with the Board may not be employed as or perform the
38 duties of a pharmacy technician or pharmacy technician trainee.
39

40 (2) Individuals who have previously applied and registered as a pharmacy technician,
41 regardless of the pharmacy technician's current registration status, may not register as a
42 pharmacy technician trainee.
43

44 (3) Individuals who apply and are qualified for both a pharmacy technician trainee registration
45 and a pharmacy technician registration concurrently will not be considered for a pharmacy
46 technician trainee registration.
47

48 (b) Registration for pharmacy technician trainees. An individual may register as a pharmacy
49 technician trainee only once and the registration may not be renewed.
50

51 (1) Each applicant for pharmacy technician trainee registration shall:

52
53 (A) have a high school or equivalent diploma (e.g., GED), or be working to achieve a high
54 school or equivalent diploma. For the purposes of this subparagraph, an applicant for
55 registration may be working to achieve a high school or equivalent diploma for no more than two
56 years;

57
58 (B) complete the Texas application for registration that includes the following information:

59
60 (i) name;

61
62 (ii) addresses, phone numbers, dates of birth, and social security numbers; however, if an
63 individual is unable to obtain a social security number, an individual taxpayer identification
64 number may be provided in lieu of a social security number along with documentation indicating
65 why the individual is unable to obtain a social security number; and

66
67 (iii) any other information requested on the application.

68
69 (C) meet all requirements necessary in order for the Board to access the criminal history
70 record information, including submitting fingerprint information and paying the required fees.

71
72 (2) Once an applicant has successfully completed all requirements of registration, and the
73 board has determined there are no grounds to refuse registration, the applicant will be notified
74 of registration as a pharmacy technician trainee and of his or her pharmacy technician trainee
75 registration number.

76
77 (3) Pharmacy technician trainee registrations expire two years from the date of registration or
78 upon issuance of registration as a registered pharmacy technician, whichever is earlier.

79
80 (c) Initial registration for pharmacy technicians.

81
82 (1) Each applicant for pharmacy technician registration shall:

83
84 (A) have a high school or equivalent diploma (e.g., GED), or be working to achieve a high
85 school or equivalent diploma. For the purpose of this clause, an applicant for registration may
86 be working to achieve a high school or equivalent diploma for no more than two years; and

87
88 (B) either have:

89
90 (i) taken and passed the Pharmacy Technician Certification Board's National Pharmacy
91 Technician Certification Examination or other examination approved by the board and have a
92 current certification certificate; or

93
94 (ii) been granted an exemption from certification by the board as specified in §297.7 of this
95 title (relating to Exemption from Pharmacy Technician Certification Requirements); and

96
97 (C) complete the Texas application for registration that includes the following information:

98
99 (i) name;

100
101 (ii) addresses, phone numbers, dates of birth, and social security numbers; however, if an
102 individual is unable to obtain a social security number, an individual taxpayer identification

103 number may be provided in lieu of a social security number along with documentation indicating
104 why the individual is unable to obtain a social security number; and

105
106 (iii) any other information requested on the application.

107
108 (D) meet all requirements necessary in order for the Board to access the criminal history
109 record information, including submitting fingerprint information and paying the required fees; and

110
111 (E) pay the registration fee specified in §297.4 of this title (relating to Fees).

112
113 (2) Once an applicant has successfully completed all requirements of registration, and the
114 board has determined there are no grounds to refuse registration, the applicant will be notified
115 of registration as a registered pharmacy technician and of his or her pharmacy technician
116 registration number. If the pharmacy technician applicant was registered as a pharmacy
117 technician trainee at the time the pharmacy technician registration issued, the pharmacy
118 technician trainee registration expires.

119
120 (d) Renewal.

121
122 (1) All applicants for renewal of a pharmacy technician registration shall:

123
124 (A) complete the Texas application for registration that includes the following information:

125
126 (i) name;

127
128 (ii) a addresses, phone numbers, dates of birth, and social security numbers; however, if an
129 individual is unable to obtain a social security number, an individual taxpayer identification
130 number may be provided in lieu of a social security number along with documentation indicating
131 why the individual is unable to obtain a social security number; and

132
133 (iii) any other information requested on the application.

134
135 (B) pay the renewal fee specified in §297.4 of this title; and

136
137 (C) complete 20 contact hours of continuing education per renewal period in as specified in
138 §297.8 of this title (relating to Continuing Education).

139
140 (2) A pharmacy technician registration expires on the last day of the assigned expiration
141 month.

142
143 (3) If the completed application and renewal fee are not received in the board's office on or
144 before the last day of the assigned expiration month, the person's pharmacy technician
145 registration shall expire. A person shall not practice as a pharmacy technician with an expired
146 registration.

147
148 (4) If a pharmacy technician registration has expired, the person may renew the registration by
149 paying to the board the renewal fee and a delinquent fee that is equal to the renewal fee as
150 specified in §297.4 of this title.

151

152 (5) If a pharmacy technician registration has expired for more than one year, the pharmacy
153 technician may not renew the registration and must complete the requirements for initial
154 registration as specified in subsection (c) of this section.
155

156 (6) After review, the board may determine that paragraph (5) of this subsection does not apply
157 if the registrant is the subject of a pending investigation or disciplinary action.
158

159 (e) An individual may use the title "Registered Pharmacy Technician" or "Ph.T.R." if the
160 individual is registered as a pharmacy technician in this state.
161

162

163 **§297.4 Fees**

164

165 (a) Pharmacy technician trainee. The fee for registration shall be \$47 and is composed of the
166 following fees:
167

168 (1) \$40 for processing the application and issuance of the pharmacy technician trainee
169 registration as authorized by the Act, §568.005;
170

171 (2) \$2 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I,
172 Government Code; and
173

174 (3) \$5 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,
175 Subchapter G, Occupations Code.
176

177 (b) Pharmacy technician.
178

179 (1) Biennial Registration. The board shall require biennial renewal of all pharmacy technician
180 registrations provided under Chapter 568 of the Act.
181

182 (2) Initial Registration Fee. The fee for initial registration shall be \$75 for a two year registration
183 and is composed of the following fees:
184

185 (A) \$67 for processing the application and issuance of the pharmacy technician registration
186 as authorized by the Act, §568.005;
187

188 (B) \$3 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I,
189 Government Code; and
190

191 (C) \$5 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,
192 Subchapter G, Occupations Code.
193

194 (3) Renewal Fee. The fee for biennial renewal of a pharmacy technician registration shall be
195 \$71 and is composed of the following:
196

197 (A) \$67 for processing the application and issuance of the pharmacy technician registration
198 as authorized by the Act, §568.005;
199

200 (B) \$2 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I,
201 Government Code; and
202

203 (C) \$2 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,
204 Subchapter G, Occupations Code.

205
206 (c) Duplicate or Amended Certificates. The fee for issuance of a duplicate or amended
207 pharmacy technician trainee registration certificate or pharmacy technician registration renewal
208 certificate shall be \$20.

209
210
211 **§297.5 Pharmacy Technician Trainees**

212
213 (a) A person designated as a pharmacy technician trainee shall be registered with the board
214 prior to beginning training in a Texas licensed pharmacy.

215
216 (b) A person may be designated as a pharmacy technician trainee for no more than two years
217 and the requirements for registration as a pharmacy technician must be completed within the
218 two year period.

219
220
221 **§297.6 Pharmacy Technician and Pharmacy Technician Trainee Training**

222
223 (a) Pharmacy technicians and pharmacy technician trainees shall complete initial training as
224 outlined by the pharmacist-in-charge in a training manual. Such training:

225
226 (1) shall meet the requirements of subsections (d) or (e) of this section; and

227
228 (2) may not be transferred to another pharmacy unless:

229
230 (A) the pharmacies are under common ownership and control and have a common training
231 program; and

232
233 (B) the pharmacist-in-charge of each pharmacy in which the pharmacy technician or
234 pharmacy technician trainee works certifies that the pharmacy technician or pharmacy
235 technician trainee is competent to perform the duties assigned in that pharmacy.

236
237 (b) The pharmacist-in-charge shall assure the continuing competency of pharmacy technicians
238 and pharmacy technician trainees through in-service education and training to supplement initial
239 training.

240
241 (c) The pharmacist-in-charge shall document the completion of the training program and certify
242 the competency of pharmacy technicians and pharmacy technician trainees completing the
243 training. A written record of initial and in-service training of pharmacy technicians and pharmacy
244 technician trainees shall be maintained and contain the following information:

245
246 (1) name of the person receiving the training;

247
248 (2) date(s) of the training;

249
250 (3) general description of the topics covered;

251
252 (4) a statement that certifies that the pharmacy technician or pharmacy technician trainee is
253 competent to perform the duties assigned;

254
255 (5) name of the person supervising the training; and
256
257 (6) signature of the pharmacy technician or pharmacy technician trainee and the pharmacist-
258 in-charge or other pharmacist employed by the pharmacy and designated by the pharmacist-in-
259 charge as responsible for training of pharmacy technicians and pharmacy technician trainees.
260
261 (d) A person who has previously completed the training program outlined in subsection (e) of
262 this section, a licensed nurse, or physician assistant is not required to complete the entire
263 training program outlined in subsection (e) of this section if the person is able to show
264 competency through a documented assessment of competency. Such competency assessment
265 may be conducted by personnel designated by the pharmacist-in-charge, but the final
266 acceptance of competency must be approved by the pharmacist-in-charge.
267
268 (e) Pharmacy technician and pharmacy technician trainee training shall be outlined in a training
269 manual. Such training manual shall, at a minimum, contain the following:
270
271 (1) written procedures and guidelines for the use and supervision of pharmacy technicians and
272 pharmacy technician trainees. Such procedures and guidelines shall:
273
274 (A) specify the manner in which the pharmacist responsible for the supervision of pharmacy
275 technicians and pharmacy technician trainees will supervise such personnel and verify the
276 accuracy and completeness of all acts, tasks, and functions performed by such personnel; and
277
278 (B) specify duties which may and may not be performed by pharmacy technicians and
279 pharmacy technician trainees; and
280
281 (2) instruction in the following areas and any additional areas appropriate to the duties of
282 pharmacy technicians and pharmacy technician trainees in the pharmacy:
283
284 (A) Orientation;
285
286 (B) Job descriptions;
287
288 (C) Communication techniques;
289
290 (D) Laws and rules;
291
292 (E) Security and safety;
293
294 (F) Prescription drugs:
295
296 (i) Basic pharmaceutical nomenclature;
297
298 (ii) Dosage forms;
299
300 (G) Drug orders:
301
302 (i) Prescribers;
303
304 (ii) Directions for use;

305
306 (iii) Commonly-used abbreviations and symbols;
307
308 (iv) Number of dosage units;
309
310 (v) Strengths and systems of measurement;
311
312 (vi) Routes of administration;
313
314 (vii) Frequency of administration; and
315
316 (viii) Interpreting directions for use;
317
318 (H) Drug order preparation:
319
320 (i) Creating or updating patient medication records;
321
322 (ii) Entering drug order information into the computer or typing the label in a manual system;
323
324 (iii) Selecting the correct stock bottle;
325
326 (iv) Accurately counting or pouring the appropriate quantity of drug product;
327
328 (v) Selecting the proper container;
329
330 (vi) Affixing the prescription label;
331
332 (vii) Affixing auxiliary labels, if indicated; and
333
334 (viii) Preparing the finished product for inspection and final check by pharmacists;
335
336 (I) Other functions;
337
338 (J) Drug product prepackaging;
339
340 (K) Written policy and guidelines for use of and supervision of pharmacy technicians and
341 pharmacy technician trainees; and
342
343 (L) Confidential patient medication records.
344
345 (f) Pharmacy technicians and pharmacy technician trainees compounding non-sterile
346 pharmaceuticals shall meet the training and education requirements specified in the rules for the
347 class of pharmacy in which the pharmacy technician or pharmacy technician trainee is working.
348
349 (g) Pharmacy technicians and pharmacy technician trainees compounding sterile
350 pharmaceuticals shall meet the training and education requirements specified in the rules for
351 class of pharmacy in which the pharmacy technician or pharmacy technician trainee is working.
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356 **§297.7 Exemption from Pharmacy Technician Certification Requirements**
357

358 (a) Purpose. The board encourages all pharmacy technician trainees to become certified by
359 taking and passing the National Pharmacy Technician Certification Exam or other examination
360 approved by the board. However, the board will consider petitions for exemption on a case by
361 case basis. This section outlines procedures to petition the board for an exemption to the
362 certification requirements established by §568.002 of the Act (relating to Pharmacy Technician
363 Registration Required).

364
365 (b) Long-term exempt pharmacy technicians. Long-term exempt pharmacy technicians are
366 pharmacy technicians who, on September 1, 2001, had been continuously employed as a
367 pharmacy technician in this state for at least 10 years and who received an exemption from the
368 board.

369
370 (c) Rural county exempt pharmacy technicians. Rural county exempt pharmacy technicians are
371 pharmacy technicians working in counties with a population of 50,000 or less and meet the
372 following requirements.

373
374 (1) Eligibility. An individual may petition the board for an exemption from the certification
375 requirements established by §568.002 of the Act (relating to Pharmacy Technician Registration
376 Required) if the individual works in a county with a population of 50,000 or less.

377
378 (2) Petition process.

379
380 (A) An individual shall petition the board for the exemption. The petition shall contain the
381 following:

382
383 (i) name of the individual;

384
385 (ii) name, address, and license number of the pharmacy where the individual is employed;

386
387 (iii) name of the county in which the pharmacy is located and the most recent official
388 population estimate for the county from the Texas State Data Center;

389
390 (iv) a notarized statement signed by the individual stating:

391
392 (I) the reason(s) the individual is asking for the exemption, including reason(s) the
393 individual has not taken and passed the National Pharmacy Technician Certification Exam or
394 other examination approved by the board; and

395
396 (II) that the information provided in the petition is true and correct; and

397
398 (v) a notarized statement signed by the pharmacist-in-charge of the pharmacy the individual
399 is currently working, stating that the:

400
401 (I) pharmacist-in-charge supports the individual's petition for exemption;

402
403 (II) individual has completed the pharmacy technician training program at the pharmacy;
404 and

406 (III) pharmacist-in-charge has personally worked with and observed that the individual is
407 competent to perform the duties of a pharmacy technician.

408
409 (B) Each petition shall be considered on an individual basis. In determining whether to grant
410 the exemption, the board shall consider the information contained in the petition and additional
411 information including the following:

- 412 (i) the accuracy and completeness of the petition;
- 413 (ii) reason(s) the individual is asking for the exemption;
- 414 (iii) the population of the county;
- 415 (iv) the number of pharmacies located in the county and adjacent counties and the number
416 of pharmacy technicians working in these pharmacies;
- 417 (v) unemployment rate in the county and adjacent counties; and
- 418 (vi) the following information concerning the pharmacy where the individual is currently
419 working:

- 420 (I) the degree of compliance on previous compliance inspections; and
- 421 (II) history of disciplinary action by the board or other regulatory agencies against the
422 licenses held by the pharmacy or pharmacists working at the pharmacy.

423
424 (C) After review of the petition, the individual and the pharmacist-in-charge of the pharmacy
425 where the individual is working shall be notified in writing of approval or denial of the petition.
426

427 (D) If the petition is approved, the individual shall register with the board as a pharmacy
428 technician.

429
430 (3) Limitations.

431 (A) The exemption granted under this section may only be used at the pharmacy noted in the
432 petition and may not be transferred to another pharmacy. If the pharmacy technician ceases
433 employment at the pharmacy or changes employment, the exemption is canceled.
434

435 (B) If the population of the county exceeds 50,000, the board shall cancel the exemption. The
436 pharmacy technician and the pharmacist-in-charge of the pharmacy shall be notified when an
437 exemption is canceled.

438 (C) If the exemption granted under subparagraphs (A) or (B) of this paragraph is cancelled,
439 the pharmacy technician's registration is void and the registration certificate must be
440 surrendered to the Board.

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452 **§297.8 Continuing Education Requirements**

453 (a) Pharmacy Technician Trainees. Pharmacy technician trainees are not required to complete
454 continuing education.
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(b) Pharmacy Technicians.

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

(2) All pharmacy technicians must complete 20 contact hours of approved continuing education per renewal period in pharmacy related subjects in order to renew their registration as a pharmacy technician. No more than 10 of the 20 hours may be earned at the pharmacy technician's workplace through in-service education and training under the direct supervision of the pharmacist(s).

(3) One hour specified in subsection (a) of this section shall be related to pharmacy law.

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

(A) name of participant;

(B) title and date of program;

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

(D) number of hours awarded; and

(E) dated signature of sponsor representative.

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

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

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

(C) A pharmacy technician shall not submit false or fraudulent records to the board.

(6) Pharmacy technicians who are certified by the Pharmacy Technician Certification Board and maintain this certification shall be considered as having met the continuing education requirements of this section and shall not be subject to audit by the board.

§297.9 Notifications

(a) Display of Registration Certificate.

508
509 (1) A pharmacy technician or pharmacy technician trainee shall publicly display their current
510 registration certificate in their primary place of employment except as noted in paragraph (2) of
511 this subsection.

512
513 (2) A pharmacy technician or pharmacy technician trainee who only works in the inpatient
514 portion of a Class C pharmacy is not required to publicly display their current registration
515 certificate in the pharmacy, provided the pharmacist-in-charge makes and retains a copy of their
516 current registration certificate for inspection by a board representative.

517
518 (b) Change of Address and/or Name

519
520 (1) Change of address. A pharmacy technician or pharmacy technician trainee shall notify the
521 board electronically or in writing within 10 days of a change of address, giving the old and new
522 address and registration number.

523
524 (2) Change of name.

525
526 (A) A pharmacy technician or pharmacy technician trainee shall notify the board in writing
527 within 10 days of a change of name by:

528 (i) sending a copy of the official document reflecting the name change (e.g., marriage
529 certificate, divorce decree, etc.);

530 (ii) returning the current renewal certificate which reflects the previous name; and

531 (iii) paying a fee of \$20.

532
533 (B) An amended registration and/or certificate reflecting the new name of the pharmacy
534 technician or pharmacy technician trainee will be issued by the board.

535
536 (c) Change of Employment. A pharmacy technician or pharmacy technician trainee shall report
537 electronically or in writing to the board within 10 days of a change of employment giving the
538 name and license number of the old and new pharmacy and registration number.

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544 **§297.10 Registration for Military Spouses**

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546 For the purpose of §55.004, Occupations Code, an applicant for a pharmacy technician
547 registration who is the spouse of a person serving on active duty as a member of the armed
548 forces of the United States may complete the following procedures for registering as a
549 pharmacy technician.

550
551 (1) An applicant who holds a current registration as a pharmacy technician issued by another
552 state shall meet the requirements for registration as a pharmacy technician trainee as specified
553 in §297.3 of this chapter (relating to Registration Requirements).

554
555 (2) An applicant who held a pharmacy technician registration in Texas that expired within the
556 five years preceding the application date and the registration expired while the applicant lived in
557 another state for at least six months who meets the following requirements may be granted a
558 pharmacy technician registration. The applicant:

559
560 (A) shall complete the Texas application for registration that includes the following:
561
562 (i) name;
563
564 (ii) addresses, phone numbers, date of birth, and social security number; however, if an
565 individual is unable to obtain a social security number, an individual taxpayer identification
566 number may be provided in lieu of a social security number along with documentation indicating
567 why the individual is unable to obtain a social security number; and
568
569 (iii) any other information requested on the application;
570
571 (B) shall provide documentation that the applicant is the spouse of a member of the armed
572 forces of the United States to include:
573
574 (i) marriage certificate; and
575
576 (ii) military identification indicating that the:
577
578 (I) applicant is a military dependent; and
579
580 (II) applicant's spouse is on active duty status;
581
582 (C) shall pay the registration fee set out in §297.4 of this title;
583
584 (D) shall meet all necessary requirements in order for the board to access the criminal history
585 records information, including submitting fingerprint information and such criminal history check
586 does not reveal any charge or conviction for a crime that §281.64 of this title (relating to
587 Sanctions for Criminal Offenses) indicates a sanction of denial, revocation, or suspension; and
588
589 (E) is not required to have a current PTCB certificate.
590