

RULE ANALYSIS

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

Short Title: Pharmacist to Technician Ratio

Rule Numbers: §291.32

Statutory Authority: Texas Pharmacy Act, Chapter 551-566 and 568-569, 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, change the ratio for Class A pharmacies from 1:3 to 1:14.

Background: The Board directed staff to draft amendments to the rules changing the ratio requirements.

The Board reviewed and voted to propose the amendments during the November 5, 2013, meeting. The proposed amendments were published in the December 13, 2013, issue of the *Texas Register* at 38 TexReg 8997.

1 **CHAPTER 291. PHARMACIES**
2 **SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)**
3 **§291.32**

4 The Texas State Board of Pharmacy proposes amendments to §291.32, concerning Personnel.
5 The proposed amendments to §291.32, if adopted, change the pharmacist to technician ratio from
6 1:3 to 1:4 for Class A pharmacies.

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

10 Ms. Dodson has determined that, for each year of the first five-year period the amended rule will
11 be in effect, the public benefit anticipated as a result of enforcing the amendments will allowing
12 a Class A pharmacy to have an additional pharmacy technician while safely operating the
13 pharmacy. There is no fiscal impact for individuals, small or large businesses, or to other entities
14 which are required to comply with the amended rule.

15 Written comments on the amendments may be submitted to Allison Benz, R.Ph., M.S., Director
16 of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600,
17 Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., January
18 24, 2014.

19 The amendments are proposed under §§551.002, 554.051, and 554.053 of the Texas Pharmacy
20 Act (Chapters 551 - 566, 568 and 569, Texas Occupations Code). The Board interprets §551.002
21 as authorizing the agency to protect the public through the effective control and regulation of the
22 practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules
23 for the proper administration and enforcement of the Act. The Board interprets §554.053 as
24 authorizing the agency to determine the ratio of pharmacists to pharmacy technicians in a
25 pharmacy.

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

28 **§291.32. Personnel.**

29 (a) - (c) (No change.)

30 (d) Pharmacy Technicians and Pharmacy Technician Trainees.

31 (1) (No change.)

32 (2) Duties.

33 (A) - (B) (No change.)

34 (C) Pharmacy technicians and pharmacy technician trainees may perform only nonjudgmental
35 technical duties associated with the preparation and distribution of prescription drugs, as follows:

36 (i) initiating and receiving refill authorization requests;

37 (ii) entering prescription data into a data processing system;

38 (iii) selecting a stock container [~~taking a stock bottle~~] from the shelf for a prescription;

39 (iv) preparing and packaging prescription drug orders (i.e., counting tablets/capsules, measuring
40 liquids and placing them in the prescription container);

41 (v) affixing prescription labels and auxiliary labels to the prescription container;

42 (vi) reconstituting medications;

43 (vii) prepackaging and labeling prepackaged drugs;

44 (viii) loading bulk unlabeled drugs into an automated dispensing system provided a pharmacist
45 verifies that the system is properly loaded prior to use;

46 (ix) compounding non-sterile and sterile prescription drug orders; and

47 (x) compounding bulk preparations.

48 (3) Ratio of on-site pharmacist to pharmacy technicians and pharmacy technician trainees.

49 (A) Except as provided in subparagraph (B) of this paragraph, the ratio of on-site pharmacists to
50 pharmacy technicians and pharmacy technician trainees may be 1:4 [~~1:3~~], provided the
51 pharmacist is on-site and at least one of the four [~~three~~] is a pharmacy technician. The ratio of
52 pharmacists to pharmacy technician trainees may not exceed 1:3 [~~1:2~~].

53 (B) As specified in §568.006 of the Act, a Class A pharmacy may have a ratio of on-site
54 pharmacists to pharmacy technicians/pharmacy technician trainees of 1:5 provided:

55 (i) the Class A pharmacy:

56 (I) dispenses no more than 20 different prescription drugs; and

57 (II) does not produce sterile preparations including intravenous or intramuscular drugs on-site;
58 and

59 (ii) the following conditions are met:

60 (I) at least four are pharmacy technicians and not pharmacy technician trainees; and

61 (II) The pharmacy has written policies and procedures regarding the supervision of pharmacy
62 technicians and pharmacy technician trainees, including requirements that the pharmacy
63 technicians and pharmacy technician trainees included in a 1:5 ratio may be involved only in one
64 process at a time. For example, a technician/trainee who is compounding non-sterile preparations
65 or who is involved in the preparation of prescription drug orders may not also call physicians for
66 authorization of refills.

67 (e) (No change.)

68

RULE ANALYSIS

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

Short Title: Pharmacist to Technician Ratio

Rule Numbers: §291.53

Statutory Authority: Texas Pharmacy Act, Chapter 551-566 and 568-569, 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, change the ratio for Class B pharmacies from 1:3 to 1:14.

Background: The Board directed staff to draft amendments to the rules changing the ratio requirements.

The Board reviewed and voted to propose the amendments during the November 5, 2013, meeting. The proposed amendments were published in the December 13, 2013, issue of the *Texas Register* at 38 TexReg 8998.

1 **SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)**
2 **§291.53**

3 The Texas State Board of Pharmacy proposes amendments to §291.53, concerning Personnel.
4 The proposed amendments to §291.53, if adopted, change the pharmacist to technician ratio from
5 1:3 to 1:4 for Class B pharmacies.

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

9 Ms. Dodson has determined that, for each year of the first five-year period the amended rule will
10 be in effect, the public benefit anticipated as a result of enforcing the amendments will allowing
11 a Class B pharmacy to have an additional pharmacy technician while safely operating the
12 pharmacy. There is no fiscal impact for individuals, small or large businesses, or to other entities
13 which are required to comply with the amended rule.

14 Written comments on the amendments may be submitted to Allison Benz, R.Ph., M.S., Director
15 of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600,
16 Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., January
17 24, 2014.

18 The amendments are proposed under §§551.002, 554.051, and 554.053 of the Texas Pharmacy
19 Act (Chapters 551 - 566, 568 and 569, Texas Occupations Code). The Board interprets §551.002
20 as authorizing the agency to protect the public through the effective control and regulation of the
21 practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules
22 for the proper administration and enforcement of the Act. The Board interprets §554.053 as
23 authorizing the agency to determine the ratio of pharmacists to pharmacy technicians in a
24 pharmacy.

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

27 **§291.53. Personnel.**

28 (a) Pharmacists-in-Charge.

29 (1) General.

30 (A) - (B) (No change.)

31 (C) Each Class B pharmacy shall have one pharmacist-in-charge who is employed on a full-time
32 basis, who may be the pharmacist-in-charge for only one such pharmacy; provided, however,
33 such pharmacist-in-charge may be the pharmacist-in-charge of:

34 (i) more than one Class B pharmacy, if the additional Class B pharmacies are not open to provide
35 pharmacy services simultaneously; or

36 (ii) during an emergency, up to two Class B pharmacies open simultaneously if the pharmacist-
37 in-charge works at least 10 hours per week in each pharmacy for no more than a period of 30
38 consecutive days.

39 (2) Responsibilities. The pharmacist-in-charge shall have the responsibility for, at a minimum,
40 the following:

41 (A) - (K) (No change.)

42 (L) legally operating [~~legal operation of~~] the pharmacy, including meeting all inspection and
43 other requirements of all state and federal laws or rules governing the practice of pharmacy.

44 (b) Owner. The owner of a Class B pharmacy shall have responsibility for all administrative and
45 operational functions of the pharmacy. The pharmacist-in-charge may advise the owner on
46 administrative and operational concerns. The owner shall have responsibility for, at a minimum,
47 the following, and if the owner is not a Texas licensed pharmacist, the owner shall consult with
48 the pharmacist-in-charge or another Texas licensed pharmacist:

49 (1) establishing [~~establishment of~~] policies for procurement of prescription drugs and devices and
50 other products dispensed from the Class B pharmacy;

51 (2) establishing [~~establishment of~~] policies and procedures for the security of the prescription
52 department including the maintenance of effective controls against the theft or diversion of
53 prescription drugs;

54 (3) if the pharmacy uses an automated pharmacy dispensing system, reviewing and approving all
55 policies and procedures for system operation, safety, security, accuracy and access, patient
56 confidentiality, prevention of unauthorized access, and malfunction;

57 (4) providing the pharmacy with the necessary equipment and resources commensurate with its
58 level and type of practice; and

59 (5) establishing [~~establishment of~~] policies and procedures regarding maintenance, storage, and
60 retrieval of records in a data processing system such that the system is in compliance with state
61 and federal requirements.

62 (c) Authorized nuclear pharmacists.

63 (1) General.

64 (A) - (C) (No change.)

65 (D) Authorized nuclear pharmacists are solely responsible for the direct supervision of pharmacy
66 technicians and pharmacy technician trainees and for delegating nuclear pharmacy techniques
67 and additional duties, other than those listed in paragraph (2) of this subsection, to pharmacy
68 technicians and pharmacy technician trainees. Each authorized nuclear pharmacist shall:

69 (i) [~~shall~~] verify the accuracy of all acts, tasks, or functions performed by pharmacy technicians
70 and pharmacy technician trainees; and

71 (ii) [~~shall~~] be responsible for any delegated act performed by pharmacy technicians and
72 pharmacy technician trainees under his or her supervision.

73 (E) - (F) (No change.)

74 (2) (No change.)

75 (3) Duties. Duties which may only be performed by an authorized nuclear pharmacist are as
76 follows:

77 (A) receiving verbal therapeutic prescription drug orders and reducing these orders to writing,
78 either manually or electronically;

79 (B) receiving verbal, diagnostic prescription drug orders in instances where patient specificity is
80 required for patient safety (e.g., radiolabeled blood products, radiolabeled antibodies) and
81 reducing these orders to writing, either manually or electronically;

82 (C) interpreting and evaluating radioactive prescription drug orders;

83 (D) selecting [~~selection of~~] drug products; and

84 (E) performing the final check of the dispensed prescription before delivery to the patient to
85 ensure that the radioactive prescription drug order has been dispensed accurately as prescribed.

86 (d) Pharmacy Technicians and Pharmacy Technician Trainees.

87 (1) - (3) (No change.)

88 (4) Ratio of authorized nuclear pharmacist to pharmacy technicians and pharmacy technician
89 trainees.

90 (A) The ratio of authorized nuclear pharmacists to pharmacy technicians and pharmacy
91 technician trainees may be 1:4 [~~1:3~~], provided at least one of the four [~~three~~] is a pharmacy
92 technician and is trained in the handling of radioactive materials.

93 (B) The ratio of authorized nuclear pharmacists to pharmacy technician trainees may not exceed
94 1:3 [~~1:2~~].

95 (e) (No change.)

96

RULE ANALYSIS

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

Short Title: Pharmacist to Technician Ratio

Rule Numbers: §291.153

Statutory Authority: Texas Pharmacy Act, Chapter 551-566 and 568-569, 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, change the ratio for Class G pharmacies from 1:6 to 1:8.

Background: The Board directed staff to draft amendments to the rules changing the ratio requirements.

The Board reviewed and voted to propose the amendments during the November 5, 2013, meeting. The proposed amendments were published in the December 13, 2013, issue of the *Texas Register* at 38 TexReg 9001.

1 **SUBCHAPTER H. OTHER CLASSES OF PHARMACY**

2 **22 TAC §291.153**

3 The Texas State Board of Pharmacy proposes amendments to §291.153, concerning Central
4 Prescription Drug or Medication Order Processing Pharmacy (Class G). The proposed
5 amendments to §291.153, if adopted, change the pharmacist to technician ratio from 1:6 to 1:8
6 for Class G pharmacies.

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

10 Ms. Dodson has determined that, for each year of the first five-year period the rule will be in
11 effect, the public benefit anticipated as a result of enforcing the amendments will allow a
12 Class G pharmacy to have additional pharmacy technicians while safely operating the pharmacy.
13 There is no fiscal impact for individuals, small or large businesses, or to other entities which are
14 required to comply with the amended rule.

15 Written comments on the amendments may be submitted to Allison Benz, R.Ph., M.S., Director
16 of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600,
17 Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., January
18 24, 2014.

19 The amendments are proposed under §§551.002, 554.051, and 554.053 of the Texas Pharmacy
20 Act (Chapters 551 - 566, 568 and 569, Texas Occupations Code). The Board interprets §551.002
21 as authorizing the agency to protect the public through the effective control and regulation of the
22 practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules
23 for the proper administration and enforcement of the Act. The Board interprets §554.053 as
24 authorizing the agency to determine the ratio of pharmacists to pharmacy technicians in a
25 pharmacy.

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

28 **§291.153. Central Prescription Drug or Medication Order Processing Pharmacy (Class G).**

29 (a) - (b) (No change.)

30 (c) Personnel.

31 (1) - (2) (No change.)

32 (3) Pharmacists.

33 (A) (No change.)

- 34 (B) Duties. Duties which may only be performed by a pharmacist are as follows:
- 35 (i) receiving oral prescription drug or medication orders and reducing these orders to writing,
36 either manually or electronically;
- 37 (ii) interpreting prescription drug or medication orders;
- 38 (iii) selecting [~~selection of~~] drug products;
- 39 (iv) verifying the data entry of the prescription drug or medication order information at the time
40 of data entry prior to the release of the information to a Class A, Class C, or Class E pharmacy
41 for dispensing;
- 42 (v) communicating to the patient or patient's agent information about the prescription drug or
43 device which in the exercise of the pharmacist's professional judgment, the pharmacist deems
44 significant, as specified in § 291.33(c) of this title (relating to Operational Standards);
- 45 (vi) communicating to the patient or the patient's agent on his or her request information
46 concerning any prescription drugs dispensed to the patient by the pharmacy;
- 47 (vii) assuring that a reasonable effort is made to obtain, record, and maintain patient medication
48 records;
- 49 (viii) interpreting patient medication records and performing drug regimen reviews; and
- 50 (ix) performing a specific act of drug therapy management for a patient delegated to a pharmacist
51 by a written protocol from a physician licensed in this state in compliance with the Medical
52 Practice Act.
- 53 (4) Pharmacy Technicians and Pharmacy Technician Trainees.
- 54 (A) - (B) (No change.)
- 55 (C) Ratio of on-site pharmacists to pharmacy technicians and pharmacy technician trainees. A
56 Class G pharmacy may have a ratio of on-site pharmacists to pharmacy technicians and
57 pharmacy technician trainees [~~pharmacy technicians/pharmacy technician trainees~~] of 1:8 [4:6]
58 provided:
- 59 (i) at least seven [~~five~~] are pharmacy technicians and not pharmacy technician trainees; and
- 60 (ii) the pharmacy has written policies and procedures regarding the supervision of pharmacy
61 technicians and pharmacy technician trainees.
- 62 (5) (No change.)
- 63 (d) - (e) (No change.)



January 6, 2014

**AMERICAN PHARMACIES
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Via Email

Ms. Gay Dodson, R.Ph.
Executive Director
Texas State Board of Pharmacy
333 Guadalupe St., Suite 3-600
Austin, Texas 78701

Dear Ms. Dodson:

American Pharmacies is an independent pharmacy buying cooperative, 100% owned and operated by and for its over 600 member pharmacies, 95% of which are based in Texas. We are dedicated to serving Texas patients with the highest level of quality care and protecting the interests of the independent pharmacy profession. Our member pharmacies appreciate close, community-based relationships with their patients. Our shareholder pharmacists are among the most trusted professionals in the state, and they consistently strive to protect the public's health, safety, and welfare.

We are writing to express American Pharmacies' support of the Texas State Board of Pharmacy's proposed rules to modify the pharmacist-pharmacy technician supervision ratio of 1:3 to 1:4 in Class A pharmacies, as published in the December 13, 2013 issue of the Texas Register. We recognize that prescription volumes at most retail pharmacies continue to rise with our aging population, and we support raising the ratio to 1:4 (rather than eliminating it altogether), to address this issue, while simultaneously ensuring that patients will be able to receive superior care, counseling, and consulting.

We sincerely appreciate the Texas State Board of Pharmacy's attention and responsiveness to our position on this matter.

Sincerely,

Handwritten signature of Mike Gohlke in black ink.

Mike Gohlke
President, American Pharmacies

Handwritten signature of Robert Kinsey in black ink.

Robert Kinsey, R.Ph.
Chairman, Board of Directors

January 6, 2014

Via Email

Ms. Gay Dodson, R.Ph.
Executive Director
Texas State Board of Pharmacy
333 Guadalupe St., Suite 3-600
Austin, Texas 78701

900 Congress Ave.
Suite 210
Austin, TX 78701
512.992.1219
512.992.1391 FAX

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Mike Pemberton,
R.Ph., Longview

**Executive
Director**

Michael J. Wright

Dear Ms. Dodson,

The Texas Pharmacy Business Council (TPBC) represents the largest coalition of independent pharmacists in Texas in the legislative and regulatory arena. Our mission is ensuring that patients receive access to quality pharmacy services and ensuring the economic viability and success of the community pharmacy profession. Public safety is at the heart of our operations, an objective that clearly corresponds with the Texas State Board of Pharmacy's mission.

The TPBC Board of Directors and the Board of Directors of its parent entity, American Pharmacies, have taken a position to oppose elimination of the pharmacist to pharmacy technician supervision ratio and support a change in the supervision ratio from 1:3 to 1:4 for Class A pharmacies. As you know, I attended the Texas State Board of Pharmacy's public hearing to articulate our position in this regard. TPBC and American Pharmacies' Directors, who are all community pharmacists, believe that safety and quality of care for Texas patients could be compromised if a ratio beyond 1:4 were ultimately adopted.

Therefore, we sincerely appreciate the Texas State Board of Pharmacy's receptiveness to our position, as demonstrated with the modification to the 1:4 ratio, as published in the December 13 issue of the Texas Register. We thank you for your responsiveness on this important matter.

Best Regards,



Michael W. Wright
Executive Director



Bruce Rogers, R.Ph.
Chairman, Board of Directors



NATIONAL ASSOCIATION OF
CHAIN DRUG STORES

January 17, 2014

Allison Benz, R.Ph., M.S.
Director of Professional Services
Texas State Board of Pharmacy
333 Guadalupe Street, Suite 3-600
Austin, Texas 78701

Re: Proposed Rules Changes under 22 TAC §§291.32 and 291.153

Dear Ms. Benz:

On behalf of our members operating approximately 3,091 pharmacies in the state of Texas, the National Association of Chain Drug Stores (NACDS) thanks the Texas State Board of Pharmacy ("TSBP") for the opportunity to comment on the proposed rule changes under 22 TAC §§291.32 and 291.153 that increases the pharmacist to pharmacy technician ratio in Class A and Class G pharmacies.

As we have conveyed to the Board on multiple occasions in comments and testimony, NACDS strongly supports eliminating the arbitrary pharmacist to pharmacy technician ratios that are imposed only on certain classes of pharmacies. Doing so would enable pharmacists in *all* classes of Texas licensed pharmacies to optimize use of pharmacy technicians in their practices to better serve their patients.

Our past comments and testimony outline the many sound reasons justifying changing the antiquated pharmacist to pharmacy technician ratios:

- Growing patient demand for pharmacy services such as medication therapy management and disease management and the corresponding need to delegate the pharmacy administrative tasks to pharmacy technicians so that pharmacists can focus on providing these services
- Elimination of ratios would empower pharmacists to determine the appropriate number of technicians to meet the needs of their individual practice sites.
- As your counterparts serving on other boards of pharmacy testified to during past board hearings, there is no evidence to suggest that eliminating the pharmacist to pharmacy technician ratio jeopardizes patient safety, and unlimited ratios in these states have not been abused.

While we were discouraged to see the Board withdraw the earlier proposed rule that would have eliminated the pharmacist to pharmacy technician ratio in Class A and Class G pharmacies entirely, we are supportive of increasing the ratio in the interim as the Board continues to evaluate this issue further in the near future.

We appreciate TSBP considering our input on this rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Mary Staples". The signature is written in a cursive, flowing style.

Mary Staples
Regional Director, State Government Affairs

NACDS Regional Office

1560 East Southlake Boulevard, Suite 230 • Southlake, TX 76092 • 817.442.1155 • www.NACDS.org



January 17, 2014

Allison Benz, RPh, MS
Texas State Board of Pharmacy
William P. Hobby Building
333 Guadalupe Street, Suite 3-600
Austin, TX 78701-3942

RE: Comments to Proposed Rules for Adoption

Dear Ms. Benz:

On behalf of HEB, I appreciate the opportunity to submit comments regarding the proposed new rules under §291.32 (Class A Pharmacy *Personnel*) and §291.153 (Class G Pharmacy *Personnel*).

H-E-B currently operates 235 pharmacies in the state of Texas and employs over 700 pharmacists, 1400 registered pharmacy technicians and pharmacy technician trainees, and 400 non-registered individuals. Our pharmacies provide prescription services along with other healthcare services such as immunizations, medication therapy management, disease state management, and health screenings to the citizens of Texas.

§291.32 (Class A Pharmacy *Personnel*) and §291.153 (Class G Pharmacy *Personnel*).

We appreciate the Board's willingness and understanding that there is a need for an increase in the pharmacist to technician ratio in the Class A and Class G Pharmacy settings beyond the 3:1 which currently exists. However, we do not believe the increase to a 4:1 will be sufficient and receptive to ever-present changing pharmacy models. Community pharmacy, in response to both the Affordable Care Act and the aging population, will be filling unprecedented numbers of prescriptions. In order to accommodate the sheer volume of prescriptions and adapt to the need for an increase in clinical requirements coupled with changing professional services provided by community pharmacy (i.e. Medication Therapy Management, Immunizations, Health Screenings, Disease State Management, Health Education, the Pharmacist as a Health Care Provider), we feel the pharmacist is capable of determining the number of pharmacy technicians he/she could safely supervise at any given time depending upon their unique practice setting and the competency level of the individual support personnel. Therefore, until the ratio is completely eliminated in the Class A setting, pharmacists will not be able to practice at the top of their license in our rapidly changing healthcare environment. Patient safety is enhanced when an adequate number of support personnel are available to the pharmacist allowing all pharmacy personnel to focus on their activities and minimizing distractions and interruptions. Whether there is a ration or not, the pharmacist and pharmacy are still responsible for the activities and outcomes of those activities in their practice setting.

Thank you for the consideration of our comments.

Please do not hesitate to contact me with any questions, concerns, or further assistance.

Respectfully,

Doug Read, Pharm.D.
Director of Pharmacy Compliance and Regulatory Affairs
H-E-B Pharmacy
3481 Fredericksburg Rd, Suite #2
San Antonio, TX 78201