

**TEXAS STATE BOARD OF PHARMACY**  
**CHAPTER 291 PHARMACIES**  
**SUBCHAPTER A. ALL CLASSES OF PHARMACIES**

**RULE §291.29. Exemption from Pharmacy Technician Certification Requirements**

- (a) *Purpose.* The board encourages all pharmacy technicians to become certified. However, the board will consider petitions for exemption on a case by case basis. This section outlines procedures for pharmacy technicians to petition the Board for an exemption to the certification requirements established by Section 20A of the Act.
- (b) *Long-term Employees.* Pharmacy technicians who, on September 1, 2001, will have been continuously employed as a pharmacy technician in this state for at least 10 years.
- (1) *Eligibility.*
- (A) A pharmacy technician may petition the board for an exemption from the certification requirements established by Section 20A of the Act if the technician has been continuously employed at a pharmacy in this state since September 1, 1991.
- (B) Initial petitions for the exemption must be received by January 1, 2002.
- (2) *Petition process.*
- (A) A pharmacy technician shall petition the board for the exemption. The petition shall contain the following:
- (i) name of the pharmacy technician;
  - (ii) name, address, and license number (if known) of the Texas pharmacies where the pharmacy technician has been employed;
  - (iii) dates of employment in each pharmacy;
  - (iv) name of the pharmacy technician's supervisor in each pharmacy where the technician was employed;
  - (v) name, address and license number of the pharmacy at which the pharmacy technician is currently working;
  - (vi) a notarized statement signed by the pharmacy technician stating that:
    - (I) the pharmacy technician has been continuously employed as a pharmacy technician at a pharmacy in this state since September 1, 1991;
    - (II) the information provided in the petition is true and correct; and
  - (vii) a notarized statement signed by the pharmacist-in-charge of the pharmacy the pharmacy technician is currently working, stating that:
    - (I) the pharmacist-in-charge supports the pharmacy technician's petition for exemption from certification;
    - (II) the pharmacy technician has completed the pharmacy technician training program at the pharmacy; and
    - (III) the pharmacist-in-charge has personally worked with and observed that the pharmacy technician is competent to perform the duties of a pharmacy technician.
- (B) Each petition shall be considered on an individual basis. In determining whether to grant the exemption, the board shall consider the information contained in the petition and additional information including the following:
- (i) the accuracy and completeness of the petition;
  - (ii) the employment history of the pharmacy technician and whether it can be verified;
  - (iii) the following information concerning the pharmacy where the pharmacy technician is currently working:
    - (I) the degree of compliance on previous compliance inspections;
    - (II) history of disciplinary action by the board or other regulatory agencies against the license held by the pharmacy or pharmacists working at the pharmacy.
- (C) After review of the petition, the pharmacy technician and the pharmacist- in-charge of the pharmacy where the pharmacy technician is currently working shall be notified in writing of approval or denial of the petition. If the petition is approved, the pharmacy technician will be sent an exemption certificate, which shall be displayed at the pharmacy where the pharmacy technician is currently working.
- (3) *Limitations.*
- (A) The exemption granted under this section may only be used at the pharmacy noted in the petition and may not be transferred to another pharmacy. If the pharmacy technician ceases employment at the pharmacy or changes employment, the exemption is canceled.
- (B) After January 1, 2001, pharmacy technicians exempted from certification may not perform any of the duties restricted to a certified pharmacy technician.
- (c) *Rural counties.* Pharmacy technicians working in counties with a population of 50,000 or less.
- (1) *Eligibility.* A pharmacy technician may petition the board for an exemption from the certification requirements established by Section 20A of the Act if the technician works in a county with a population of 50,000 or less.

(2) *Petition process.*

- (A) A pharmacy technician shall petition the board for the exemption. The petition shall contain the following:
- (i) name of the pharmacy technician;
  - (ii) name, address, and license number of the pharmacy where the pharmacy technician is employed;
  - (iii) name of the county in which the pharmacy is located and the most recent official population estimate for the county from the Texas State Data Center;
  - (iv) a notarized statement signed by the pharmacy technician stating:
    - (I) the reason(s) the pharmacy technician is asking for the exemption, including reason(s) the pharmacy technician has not taken and passed the National Pharmacy Technician Certification Exam or other examination approved by the Board;
    - (II) the information provided in the petition is true and correct; and
  - (v) a notarized statement signed by the pharmacist-in-charge of the pharmacy the pharmacy technician is currently working, stating that the:
    - (I) pharmacist-in-charge supports the pharmacy technician's petition for exemption;
    - (II) pharmacy technician has completed the pharmacy technician training program at the pharmacy; and
    - (III) pharmacist-in-charge has personally worked with and observed that the pharmacy technician is competent to perform the duties of a pharmacy technician.
- (B) Each petition shall be considered on an individual basis. In determining whether to grant the exemption, the board shall consider the information contained in the petition and additional information including the following:
- (i) the accuracy and completeness of the petition;
  - (ii) reason(s) the pharmacy technician is asking for the exemption;
  - (iii) the population of the county;
  - (iv) the number of pharmacies located in the county and adjacent counties and the number of pharmacy technicians working in these pharmacies;
  - (v) unemployment rate in the county and adjacent counties;
  - (vi) the following information concerning the pharmacy where the pharmacy technician is currently working:
    - (I) the degree of compliance on previous compliance inspections;
    - (II) history of disciplinary action by the board or other regulatory agencies against the licenses held by the pharmacy or pharmacists working at the pharmacy.
- (C) After review of the petition, the pharmacy technician and the pharmacist- in-charge of the pharmacy where the technician is working shall be notified in writing of approval or denial of the petition.
- (i) If the petition is approved, the pharmacy technician shall be sent an exemption certificate, which shall be displayed at the pharmacy where the pharmacy technician is working.
  - (ii) In lieu of the exemption, the board may grant the pharmacy technician up to an additional 12 months to take and pass the National Pharmacy Technician Certification Exam or other examination approved by the Board. During this additional time, the pharmacy technician shall be designated a pharmacy technician trainee.

(3) *Limitations.*

- (A) The exemption granted under this section may only be used at the pharmacy noted in the petition and may not be transferred to another pharmacy. If the pharmacy technician ceases employment at the pharmacy or changes employment, the exemption is canceled.
- (B) After January 1, 2001, pharmacy technicians exempted from certification may not perform any of the duties restricted to a certified pharmacy technician.
- (C) If the population of the county exceeds 50,000, the Board shall cancel the exemption. The pharmacy technician and the pharmacist-in-charge of the pharmacy shall be notified when an exemption is canceled.

(d) *Requirements for pharmacy technicians granted exemptions.*

- (1) The pharmacist-in-charge shall notify the board, within 10 days, if the pharmacy technician terminates employment at the pharmacy.
- (2) Each exempt pharmacy technician shall be required to complete the same number of continuing education hours as required for a certified pharmacy technician.