

TSBP RECEIVED THE FOLLOWING COMMENTS OPPOSING THE PROPOSED  
PHARMACIST TO TECHNICIAN RATIO RULE CHANGES

- §291.32 Concerning Class A Pharmacies
- §291.53 Concerning Class B Pharmacies
- §291.153 Concerning Class G Pharmacies

**From:** Jeffrey Abeldt  
**Sent:** Monday, August 19, 2013 12:04 PM  
**To:** Gay Dodson  
**Subject:** technician ratio

Gay,

I feel the unlimited technician ratio has many snags. The board should first look to its mission statement. After reading the mission statement it seems the boards responsibility is to the public. I feel by changing the ratio it could affect the public poorly in at least 3 ways and cannot come up with a positive change by moving to unlimited.

- 1) The rate of errors would increase. There should be some statistical information on how many errors pharmacist make with x number of technicians they are supervising. That would be the first number I would want to look at. After reading the disciplinary actions on the website and see all the errors that are being made with the current technician ratio, it does not make much sense to increase the number of people a pharmacist is having to supervise. It stands to reason that more errors would be made.
- 2) Another area it seems would be affected would be the area of diversion. Again I go back to the board website that references all the technicians that get in trouble for diversion. It stands to reason that if you decrease the amount of supervision the technicians have that the amount of diversion will go up.
- 3) Lastly, my understanding of the law is that a pharmacist must counsel on every new prescription. Maybe I am slow, but there is no way a pharmacist could physically do the counseling on as many prescriptions that even 4 qualified technicians can generate, much less unlimited.

These are only 3 ways that I see that making the ratio unlimited does not meet the mission statement of the board. I really cannot come up any ways that it would "promote, preserve, and protect the public health, safety, and welfare". It seems that it would compromise the previously mentioned. The only way I could ever see increasing the ratio would be to have different certifications for technicians and give them more liability and responsibility. This is a whole different conversation that we are not ready for yet.

Thank you for your attention in this matter,

Jeffrey V Abeldt  
BrickStreet Pharmacy  
314 W Rusk  
Tyler, TX 75701  
903-533-8155  
903-533-8158 fax

October 30, 2013

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street, Suite 3-600  
Austin, Texas 78701  
Fax (512) 305-8008

Dear Ms. Benz,

I support Texas Pharmacy Association's position on the proposed elimination of the current technicians to pharmacist ratio. I restate it here as:

- That TPA [continue to] support and foster a comprehensive study regarding the education and scope of practice for Pharmacy Technicians;
- And in order to protect public health and patient safety, [that] TPA oppose elimination of the pharmacist to pharmacy technician supervision ratio until such study has been completed and more comprehensive information is available; and
- In the interim, based on the results of the Association's survey of the membership, [that] TPA support a change in the supervision ratio from 1:3 to 1:4 [for class A and B pharmacies]

In addition, I believe this move would benefit large pharmacies at the expense of patient safety.

During my time as an officer in TPA and a Delegate to the TPA House of Delegates, there was no greater supporter of having a technician position on the TPA Board of Directors. In addition, I also approved of the appointment of a technician to the TSBP Board.

Respectfully submitted,



Virgene K. Adams, RPh, FASCP.  
Tx 18969  
Past TPA President

October 31, 2013

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

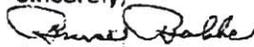
Dear Ms. Benz,

I am writing to oppose the proposed rule change on eliminating the pharmacist-to-technician supervision ratio. Although TPA is proposing an interim change in the supervision ratio from 1:3 to 1:4, I do not think the current ratio of 1:3 should be changed.

- 1) It is a public health and patient safety issue – I am concerned that as supervision ratios increase, there will be a corresponding increase in possible dispensing errors.
- 2) I also believe that there will be a dilution of the professionalism that licensed pharmacists currently provide – how much time will there be for patient counseling when the pharmacist is trying to supervise more than three technicians?
- 3) As supervision ratios increase, will there be adequate time for pharmacists to provide extra services such as patient immunizations?

Please consider retaining the pharmacist supervision ratios to 1:3 or no more than 1:4 to preserve the high quality of professional service that the citizens of Texas now receive from their pharmacists.

Sincerely,



Bruce Bakke, R.Ph., MBA, FASCP  
910 Kings Canyon Drive  
Grapevine, Texas 76051  
[b.bakke@verizon.net](mailto:b.bakke@verizon.net)  
817-454-5541

-----Original Message-----

From: Pamela Beadle

Sent: Tuesday, September 17, 2013 10:51 PM

To: Gay Dodson

Subject: RPh to Tech ratio

Hello, I wanted to echo the thoughts of my peers and urge the State Board to please reconsider dropping the pharmacist to Tech ratio. In my opinion this will be catastrophic to the safety of the public who puts their trust in us each and every day. To ask a pharmacist to fill hundreds and hundreds of prescriptions a day and give flu shots and give advice and catch errors in dosing and drug interactions and fend off problem after problem and not give them the backup and manpower needed to do all this is a catastrophe waiting to happen. We were all taught that the pharmacist is the last line of defense a patient has in the chain of prescribing medication. Please do not abandon the safety and the trust of our patients and their families. I respectfully urge the state board to keep the ratio as it is. Thank you for your time

Pam Beadle RPh

Sent from my iPhone

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street, Suite 3-600  
Austin, Texas 78701  
Fax (512) 305-8008

Allison,

I would like to voice my opposition to eliminating the pharmacist to technician ratio. I do not feel that this is in the best interest in the safety of patients. In my opinion, this could lead to possible increases in dispensing errors. However, I would support the change from 1:3 to 1:4 as a maximum. I feel that there has not been an adequate time devoted to study the ramifications of the elimination of the ratio. And until there have been more comprehensive studies and more information is available I cannot support the elimination of the ratio. Thank you.

Frank Calhoun, RPh.

-----Original Message-----

From: Jeff Carson

Sent: Monday, August 19, 2013 2:08 PM

To: Becky Damon

Subject: Technician ratios in the state of Texas

To whom it may concern,

My family has owned and operated pharmacies in the San Antonio area for over forty years. We have seen a lot of changes in that time, some good and some bad. This is a potential change that could be both. I certainly agree that in today's practice of pharmacy technicians can do a lot of great things and decrease the overall burden to pharmacists. However, there needs to be a limit or that decrease in burden could become an increase in liability. Our pharmacies are what you would call hybrids. We do both conventional pharmacy as well as prescription compounding both sterile and non-sterile. In the regular dispensing pharmacy, there are only so many prescriptions a pharmacist can SAFELY check. At some point, you can have too many technicians producing too many prescriptions for one pharmacist to check. So in this instance, my experience tells me that having more than 4 techs per one pharmacist is about maxed out. I don't see where it is either efficient or safe for technicians to produce more completed, ready to check prescriptions than the pharmacist can check in a reasonable amount of time. This does NOT free up the pharmacist to provide more cognitive services like counseling. It simply pushes more and more prescriptions thru the workflow faster than the pharmacist can do final verifications. Having huge piles of prescriptions waiting final verification sitting around in piles creates a cluttered environment that is more likely to result in a dispensing error than a clean and organized environment.

However, there are other pharmacy environments that could see significant benefit from increased ratios beyond 3 or 4 per pharmacist. For example, long term care specialty pharmacies are quite different from traditional dispensing pharmacies. Since there is very little contact (if any) with the patient, and therefore very little interruptions in the process of final verification being completed by the pharmacist on duty, there would be an appropriate need for say up to 6 technicians per pharmacist. You may even be able to argue for 7. Also, in the pharmacy engaged in compounding both sterile and non-sterile, there could also be some significant advantages. In order to stay compliant with USP guidelines, as well as state and federal guidelines, there are a significant and growing number of continuous quality improvement and control issues that require an ever increasing amount of time to complete and stay up to date with. It would be of significant benefit to have say up to 6 technicians per pharmacist to help with this. But here again, at some point there are just too many technicians producing too much finished product for one pharmacist to keep track of.

At some point more is not better. At some point more is actually dangerous. I just cannot support going from a restricted 3 all the way to unlimited! That just isn't a rational change. I am always for change that improves outcomes. But have we not learned our lessons from the past that too much change too fast leads to human failures?

I am very excited about adding the new class of pharmacy A-S. Let's go one step further and add Class A-NS (non-sterile compounder) and Class A-SNS (sterile and non-sterile compounder) as well as Class-ALTC (long term care specialty). Then we can assign appropriate technician ratios to each category as well as start training our compliance officers in the specific areas of expertise.

In addition, I would also be in support of increased fees with each of these new categories in order to provide more resources to the TSBP in hopes of improving it's ability to regulate in these areas of expertise.

Sincerely,

Jeff Carson, R.Ph.

Chief-of-Staff

Oakdell Pharmacy, Inc.

210-240-8316 cell

October 30, 2013

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

Dear Ms. Benz:

The purpose of this letter is to express my strong opposition to the elimination of the Pharmacist- to-Technician supervision ratio of 1:3 in class A and B pharmacies as proposed in rules published Sept. 28 in the Texas Register.

For more than a year, TPA has proposed and continues to support a comprehensive study regarding the education and scope of practice for Pharmacy Technicians to gather timely, relevant data to help determine what, if any, should be an appropriate supervision ratio. In recognition that such a study will take some time, I am in agreement with TPA's suggested amendment to the ratio supporting an interim change in the supervision ratio **from 1:3 to 1:4** as a compromise. I do **not** support the elimination of the supervision ratio.

I believe that a patient's health and safety is the primary responsibility of the pharmacist and should be everyone's ultimate objective. Protecting the health and safety of the patient also is TSBP's **only** charge. TSBP is **THE** state agency charged with protecting Texans' health and safety relating to **ALL** matters involving prescription medication. The TSBP proposal to eliminate the pharmacy technician supervision ratio puts that critical goal at risk and is a step that must not be taken at this time. I do not agree with or support the elimination of the supervision ratio.

Sincerely,

Sherrill Carter  
Concerned Patient

Untitled

10/30/2013

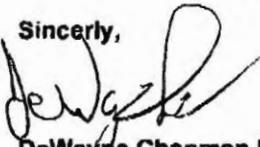
Allison Benz RPh. Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe St #3-600  
Austin TX 78701  
Fax 512-305-8008

Re: Pharmacy Technician Ratio

As an Independent Pharmacist and Owner, I urge opposition to the unlimited pharmacist to pharmacy technician ratio. I feel this will be bad and unsafe for the People of the State of Texas. Giving unlimited ratio will cause the pharmacist on duty the inability to watch numerous people. This lack of supervision could cause potential loss of pharmacy controls and lead to possible errors. A current ratio of 4:1 would be more than sufficient for todays pharmacist.

I am afraid some pharmacy entities would abuse this rule change in the name of profit. I raise a question to the board, who is responsible for the responsible ratios of pharmacist to technicians if it was unlimited? Would the Owner of the Pharmacy who is not the pharmacist, or the Pharmacist In Charge be the one voice to determine the safe ratio.

Sincerely,



DeWayne Chapman RPh  
Mabank Family Pharmacy

-----Original Message-----

From: Chizoba []

Sent: Monday, October 28, 2013 6:38 AM

To: Allison Benz

Subject: Oppose change in tech ratio

I oppose to changing, eliminating or increasing the ratio, this will pose a major threat to the public. Our mission is to always protect the public. Pharmacist already have increasing demands and distractions that cause medication error. This change can eventually destroy the profession. Please let's always move towards the direction to protect the public.

Sincerely,

Chizoba Chinwuba-Ojiogo, Pharmd

-----Original Message-----

From: Ellen Church

Sent: Monday, August 12, 2013 10:57 PM

To: Becky Damon

Subject: Technician Ratio

To the Texas State Board of Pharmacy,

Unlimited ratio of technicians to pharmacist, you have done an injustice to the general public and to staff pharmacists. In a busy pharmacy it is hard enough to oversee 3 technicians. If medications are involved, there will not be enough overseeing of the technicians. Large companies will increase the number of technicians and not increase number of pharmacists.

I would like the Board to reconsider. If medication is being dispensed in the building a 4:1 is enough. If NO medication is being dispensed the ration could be larger.

Ellen. M. Church, RPh

Texas State Board of Pharmacy  
Tower 3 Suite 600  
333 Guadalupe St.  
Austin, Texas 78701

Ref: Upcoming hearing on tech ratio.

Dear Board Members and Staff:

The recent vote of allowing unlimited tech hours will be a disaster to the practice of retail pharmacy in Texas. I often experience a 1/4 ratio and that seems to be acceptable if the techs or techs in training are competent and familiar with all the work stations in the pharmacy. This situation does not occur often when the staff is trained. Turnover in stores occurs all the time. There is always openings in our stores.

If you allow the tech ratio to be unlimited you will give CVS the ability to act in an even more reckless manner. In today's environment at CVS we work under the worst conditions that I have ever seen in the industry. The company falsely reports number of scripts filled so that our tech hours are already reduced. When we complain about having more tech hours we are told by our supervisors that you must fill more and give more flu shots and we will give you more hours. If we are even more aggressive with our demands we are told that we are not following workflow and then the supervisor comes in and watches us work and makes a few adjustments and suggestions. Every time I have had a supervisor come in and watch, observe or coach us they spend most of the time on their smart phone texting someone or returning calls. When they do become part of our workflow by helping fill rx's they are slow and have no clue what is going on in the pharmacy. The time spent in the pharmacy by the supervisor is limited and they actually slow us down because they are slow.

One other issue about the retail environment is the continuing pressure to fill, fill, fill and increase your script count each week, make budget fills scripts within 15 minutes if they want to wait. The pharmacists in my store are fast, accurate and have been around for years. I am a preceptor and have seen pharmacists interns and pharmacists leave after they have completed their requirements to be a pharmacist due to workload and stressful situations.

Rules and regulations are broken every day at CVS. This company does not like to follow even the minimum rules in place for all of us to follow in Texas. Just the simple counseling task is changed by CVS. We are brought to counsel patients at the register or consultation window if the customer has a chance to win the \$1000.00 survey question about customer service. This is not a random survey. This survey prints out on the receipt if a patient has maintenance meds with refills. One of the questions on the survey is were you counseled. This is CVS's way of showing the TSBP that we are counseling patients. The folks that are left out are the ones with antibiotics or maybe the patient that only comes in occasionally. To the point, the people that need counseling never see a pharmacist or get a chance to talk to the pharmacist.

Countless hours are given to the company both by pharmacists who stay late, arrive early or attend meetings, training sessions or have phone conferences at home. We are encouraged to do things that help drive business. One of the requirements is to call patients that have not picked up new rx's. If a patient's bottle is empty I believe that is an indication to return to the pharmacy for more maintenance meds. Techs make as many as 200 calls a week asking if patients need their maintenance med refilled. Part of our evaluation each year is based on how many customers pick up their refills. My sister gets calls from CVS and they are aggressive when asking about refills. This practice has gone too far in my opinion. We are told do not take no for an answer from customer. Keep pushing them to take the refills.

I am speaking on behalf of many of the pharmacists in Texas.  
Please hear our plea.

I vote on 1/4 but remember to make the company accountable and put some teeth in the law. Pharmacists have taken the brunt of the punishment too long. Don't listen to the liaison person from our company. He lies and smiles.

Concerned pharmacist

October 20, 2013

Allison Benz  
Texas State Board of Pharmacy  
William Hobby Bldg., Suite 3-600  
333 Guadalupe St.  
Austin, Texas 78701

Allison Benz

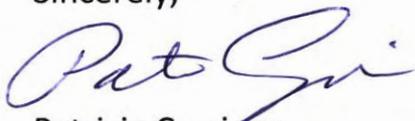
I am writing as concerned citizen of Texas about the decision of the Board to change the ratio of pharmacist to technicians in the drug store chain pharmacies. I **OPPOSE THIS CHANGE.**

The pharmacists that work in this environment are already burdened with too many tasks. One has only to watch a pharmacist and technicians in the setting to see that confusion and stress are present all the time.

The Board of Pharmacy is mandated to protect Texas citizens. Adding to the pharmacist's burden is not a wise choice.

I see the addition of more techs as a money saver for Walgreens, HEB and CVS but not a safe place to get prescriptions filled.

Sincerely,



Patricia Corrigan  
2318 Boulder Run  
Georgetown Texas

**M. Lynn Crismon, Pharm.D., FCCP, BCPP**

9600 Murmuring Creek Dr.  
Austin Texas 78736

Ph: 512-663-5068  
email: [Crismon1951@gmail.com](mailto:Crismon1951@gmail.com)

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October 31, 2013

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

Via Electronic Transmission to: [allison.benz@tsbp.state.tx.us](mailto:allison.benz@tsbp.state.tx.us)

Dear Ms. Benz:

I am writing to express my concern about the proposed amendment to TSBP rule §291.32 that would eliminate pharmacist to technician supervision ratios.

Above all, the responsibility of the Texas State Board of Pharmacy is to protect the public. In my opinion, the proposed rule does not adequately protect the public and is not in the best interest of the citizens of Texas.

First, please allow me to emphasize that I am highly supportive of pharmacy technicians and other types of supportive personnel in order to enhance the efficiency of the pharmacist and promote high quality patient care. In fact, as a student pharmacist intern, I learned value lessons from a highly experienced technician with whom I worked. However, technicians are assuming increasingly complex duties, and they are doing this without any minimum standards for education and training. In comparison with technical personnel in other health care disciplines (e.g., radiology, dentistry, laboratory, physical therapy, nursing), pharmacy, to the best of my knowledge, is the only health profession to have no educational requirements for its supportive personnel. To enhance this potential risk by eliminating all ratios for technician supervision creates a catastrophe in waiting for the profession of pharmacy.

I sincerely recommend that the Board table this proposed rule and instead appoint a taskforce to make recommendations to the Board on the educational requirements of pharmacy technicians and then tie education with supervision ratios. Technicians perform different roles in different practice settings, and it is highly likely that different technician roles require different types of education and training. The profession needs technicians with the appropriate education, training, and skill sets for the roles that they are asked to perform. Satisfactory completion of the PTCB exam is a low bar to qualify a person to practice as a pharmacy technician. It requires a minimum knowledge base, and does not assess skills or competency. While satisfactory completion of the PTCB combined with on-the-job training might be appropriate for a technician practicing in a closely supervised situation, it is not adequate for technicians who are practicing with minimal pharmacist supervision or for those performing complex tasks.

In fact, one possible option to explore is whether there should be different supervision ratios depending either on the education of the technician or the potential risk of the duties being performed by the technician or both. We must avoid lulling ourselves into complacency and assume that all pharmacies will assure that their technicians are appropriately trained and supervised. One only needs to look at the recent New England Compounding Center fiasco for evidence of the disastrous outcomes of maintaining inadequate standards. Rather, I beg the Board to be proactive and put the appropriate safeguards in place to assure that the citizens of Texas are appropriately protected.

Please note that the opinions expressed here are my own and do not necessarily represent those of the faculty of The University of Texas College of Pharmacy or of the administration of The University of Texas at Austin.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Lynn Crismon, Pharm.D.", with a stylized flourish at the end.

M. Lynn Crismon, Pharm.D.  
Texas pharmacy license #22035

cc: Jeanne Waggener, R.Ph., TSBP President  
Gay Dodson, R.Ph., TSBP Executive Director/Secretary

1133 Tracy Place  
Carlsbad, Nm 88220

September 30, 2013

Allison Benz  
333 Guadalupe Street Suite 3-600  
Austin, Texas 78701  
Fax 512-305-8008

Dear Allison

I have chaired the Pharmacy Technician Committee for several years in New Mexico. After years of discussions we recently changed the 1:4 tech ratio requirement and left it up to the Pharmacist in Charge to determine the Tech ratio that was appropriate for the practice setting.



You can expect a visit from Chris Jerry who lost his daughter due to a fatal mistake by an untrained Pharmacy Technician in a state that had no requirements for technicians. He started a foundation to increase competencies and accountability for pharmacy technicians.

There is no data supporting that eliminating or reducing Tech ratios causes any problems. There is also no data supporting that eliminating or reducing doesn't cause harm.

The question asked that caught our attention after the fact. The board of Pharmacy is here to protect the public safety. How does decreasing or eliminating the tech ration increase or improve protection of the public safety?

I am a licensed Texas Pharmacist and the Chair of the New Mexico Board of Pharmacy and just wanted to share my experience with this issue. Good luck with your decision.

Sincerely,

Danny Cross R.Ph.

Alex Del Valle  
Clinical Care Pharmacy  
2770 North Sam Houston Pkwy West  
Houston, Texas 77346

October 30, 2013

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

To Allison Benz, Texas State Board of Pharmacy Director of Professional Services:

My name is Alex Del Valle, and I am a pharmacy technician at Clinical Care Pharmacy in Houston, Texas. The purpose of this letter is to express my strong opposition to the elimination of the Pharmacist- to-Technician supervision ratio of 1:3 in class A and B pharmacies as proposed in rules published Sept. 28 in the Texas Register.

For more than a year, TPA has proposed and continues to support a comprehensive study regarding the education and scope of practice for Pharmacy Technicians to gather timely, relevant data to help determine what, if any, should be an appropriate supervision ratio. In recognition that such a study will take some time, I am in agreement with TPA's suggested amendment to the ratio supporting an interim change in the supervision ratio **from 1:3 to 1:4** as a compromise. I do **not** support the elimination of the supervision ratio.

I believe that a patient's health and safety is the primary responsibility of the pharmacist and should be everyone's ultimate objective. Protecting the health and safety of the patient also is TSBP's **only** charge. TSBP is **THE** state agency charged with protecting Texans' health and safety relating to **ALL** matters involving prescription medication. The TSBP proposal to eliminate the pharmacy technician supervision ratio puts that critical goal at risk and is a step that must not be taken at this time. I do not agree with or support the elimination of the supervision ratio.

Sincerely,



Alex Del Valle, CPhT  
Clinical Care Pharmacy Technician  
281-272-8700

Allison Benz or Gay Dodson,

This letter is sent to express my 'no' opinion for the increase in Technician to Pharmacist ratio. I'm sure you will convey this to The board. The reasons involve trust, distractions and technicians going outside their legal restrictions. I have a couple of examples for each, there are more.

We have many reliable Technicians that make our jobs, as pharmacists, a lot more efficient. Unfortunately, all one has to do is look at the newsletter, there are many that we have to keep a very close eye on. Two that I became aware of are [REDACTED] and [REDACTED], both have had board action. [REDACTED] was a technician that I had trusted and, when I was covering, relied on. I was surprised when loss prevention mentioned that he had gotten away with 94 bottles of Hydrocodone/APAP in one month. [REDACTED] was someone that I trusted enough to cosign on a car loan, imagine my surprise when the pharmacy manager told me she had been fired for faking fax control prescription approvals. The question comes to mind, why would the board increase the probability of this occurring?

By increasing the ratio, then the probability of diversion is increased. The pharmacist must then be even more vigilant, which becomes more of a distraction. Two technicians, [REDACTED] and one whose name I've forgotten, were distractions even without worrying about diversion. [REDACTED] decided that she would not type up, nor prep, a prescription for zyrtec syrup because the doctor wrote for 5mg/5ml and our system showed 1mg/1ml. I know this sounds crazy, I thought she was joking until she walked away and refused to take the basket. The unnamed technician worked at [REDACTED], he gave me the medication for a tegretol suspension prescription. The liquid was clear, he was unconcerned and I had to prepare it myself. There was no return on the message that I left for manager on the matter.

So I had become more distracted over consequential matters of typing and prepping. Worst yet is when technicians take on the responsibilities of the pharmacist. [REDACTED] and [REDACTED] both decided that they would help me out by answering patient questions. [REDACTED] classic was a young woman, a fellow store employee, was experiencing bleeding while on clindamycin. [REDACTED] felt this was normal and I had to cut a doctor phone call short to rush over to correct the situation. [REDACTED] committed another classic, journal ready mistake. She read the warnings on a patient's information sheet and let the patient know that her diltiazem was for her angina, heart attack. The patient had not had a heart attack and became very concerned that she was being left out of the loop. Once again, I had to cut a phone call short and salvage the situation. Instead of bringing the patient to the clinical expert, they decided to handle it because they thought they knew the answers.

There are so many more examples from myself and my peers. There are always 'war stories', which makes me wonder why The Board would even bring this proposal up. It will cause more diversion, distractions and negative patient outcomes.

Addendum, I just checked The Board's web site and was surprised to see that [REDACTED] is still active with no disciplinary action. Aside from the counseling incident above, I help Loss Prevention install extra cameras and we caught her stealing phentermine. She signed a document admitting to this and I haven't seen her since. How can she still be a certified technician? Simple, the system is broken. We are asked to trust the system.



David A. Estrada, RPh

12107 Diamond Run

Helotes, Tx 78023

-----Original Message-----

From: Jd Fain

Sent: Saturday, September 21, 2013 10:32 AM

To: Gay Dodson

Subject: Technician ratio

Dear Ms. Dodson,

I would like to express my opinion concerning the subject of technician ratios.

I don't think the ratio should be unlimited. This would put excess pressure, stress and responsibility on the pharmacist. The pharmacy profession is already one of the most stressed and regulated professions. It would also compromise patient safety and public safety in my opinion.

I would rather see a ratio placed on the number of prescriptions filled per day and the number of pharmacists required to be on duty. This would help relieve stress levels and improve patient care. My suggestion would be one pharmacist on duty per 300-350 prescriptions per 10 hour shift.

Thank you for your help and consideration,

J.D. Fain PharmD  
Pieratt's Pharmacy  
233S.Manse  
Giddings Tx  
78942  
979-542-3164

Dean Flanagan Pharm D, MBA, CDE

217 N Weaver

Gainesville, Tx 76240

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street, Suite 3-600  
Austin, Texas 78701  
Fax (512) 305-8008

Allison, I have been a register Pharmacist for thirty five years. I have been a preceptor for numerous years. I am an adjunct professor for Texas Tech University Health Science Center School of Pharmacy. I can tell you without any doubt that the ratio of technicians to Pharmacist should not be increased to more than three to one. I have trained many technicians and Pharmacy students. It is difficult to monitor every thing they do and the welfare of patients will be sacrificed for the economic gain of the corporate Pharmacy chain. This in no doubt a change stimulated by the corporate big box script mill. I request that there be no change for the welfare and benefit of the health care public.

R Dean Flanagan Pharm D, MBA, CDE

**To:**

**Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe St., Suite 3-600  
Austin, Texas 78701  
FAX: 512-305-8008**

**From:**

**John Franklin, R.Ph.  
Franklin Pharmacy  
1013 Brook Ave  
Wichita Falls, TX 76301  
FAX: 940-692-2931**

**I oppose the elimination of the pharmacist-technician ratio and support an increase from the current 1:3 ratio to 1:4 for class A & B pharmacies.**

**Individual pharmacists could be threatened if they refuse to go along with an absurd workload / ratio.**

Thank you,



**John Franklin**

**From:** Michael J Garcia  
**Sent:** Thursday, September 12, 2013 1:10 PM  
**To:** Gay Dodson  
**Subject:** Technician Ratio

Gay Dodson, R.Ph.  
Executive Director  
Texas State Board of Pharmacy  
Austin, TX 78701

My name is Michael Garcia and I am a 4<sup>th</sup> year professional student from the University of Texas at Austin College of Pharmacy. I want to take this opportunity to express a few concerns I have about increasing the technician ratio in a pharmacy. I have had the privilege to work as a hospital technician before pharmacy school and have worked at H-E-B as a technician/pharmacist intern during pharmacy school. I feel that as a future pharmacist, this experience has given me a better grasp on what side of this debate I choose to support. Increasing the tech ratio will only make it harder for a pharmacist to monitor their actions. My main concerns are patient safety and drug diversion. We are going to get an influx of new, inexperienced technicians which will increase the probability of making mistakes. This puts additional stress on pharmacist to catch these mistakes. We're human and we're bound to miss one of those mistakes. As for drug diversion, additional stress is again put on the pharmacist for accurate monitoring of controlled substance inventory. Pharmacists are going to be preoccupied counseling, transfers, verifying, etc. As a new upcoming pharmacist, the thought of increasing the technician ratio worries me because it is already hard enough to handle 3 technicians under a pharmacist's supervision. At the end of the day, it's my license that is on the line and the safety of the community with which I'm concerned.

Michael Garcia  
Pharm D. Candidate 2014  
Intern# 27430



**AMERICAN PHARMACIES  
BOARD OF DIRECTORS**

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September 30, 2013

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

Dear Ms. Dodson:

We are writing to oppose the proposed rules to eliminate the pharmacist- pharmacy technician supervision ratio of 1:3 in class A, B & G pharmacies. We are highly concerned that the Texas State Board of Pharmacy's recommendation is to eliminate the ratio entirely rather than modify it, and we feel that more extensive research is needed before even considering such action.

American Pharmacies is an independent pharmacy purchasing cooperative with more than 600 member pharmacies, 95% of them In Texas. Our independent pharmacists enjoy close, community-based relationships with their patients and patient safety and welfare is our #1 concern. Accordingly, the APRx Board of Directors has voted to oppose elimination of the pharmacist-technician supervision ratio and instead support a change in the ratio from 1:3 to 1:4 for Class A and Class B pharmacies.

While we recognize and support the need for pharmacists to devote more time to patient care and consulting, we feel eliminating the ratio is neither wise nor warranted. We recognize that prescription volumes at most retail pharmacies continue to rise with our aging population; therefore we support raising the ratio to 1:4 to address this need. We strongly encourage the Pharmacy Board to devote more time and resources to studying this important safety issue further before making major changes to the ratio or eliminating it entirely.

Thank you for your consideration.

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

To:

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe St, Suite 3-600  
Austin, TX 78701  
Fax: 512-305-8008

From:

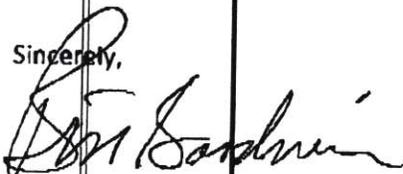
William D Goodwin R.Ph.  
1533 Brook Lane  
Celina, TX 75009  
Phone: 469-323-3303

October 31, 2013

Dear Ms. Benz,

I am opposed to the proposal of eliminating the pharmacist to technician ratio. Public health and safety is not a matter of the "least common denominator". If so; the Board could consist of one or two members instead of eleven, or airlines could fly with one pilot instead of two. I highly encourage the Board to use common sense in protecting the public health of the citizens of Texas. That is the duty of the Board as stated in the Mission Statement.

Sincerely,



William D Goodwin, R.Ph.

**TO:**  
**Allison Benz, R.Ph., M.S.**  
**Director of Professional Services**  
**Texas State Board of Pharmacy**  
**333 Guadalupe Street, Suite 3-600**  
**Austin, Texas 78701**  
**Fax (512) 305-8008**

Hello-

I am sending this letter to voice my **OPPOSITION** to the proposed TSBP rule that would eliminate the pharmacist to technician ratio.

I feel that the current ratio of 1 pharmacist per 3 technicians should be left in place and would hesitatingly support the Texas Pharmacy Association's proposal of a **MAXIMUM** ratio of 1 pharmacist per 4 technicians.

In my opinion, eliminating the ratio would pave the way for large chains like CVS to further lower pharmacist coverage of work shifts by replacing pharmacists with technicians and thus lead to **INCREASED MEDICATION DISPENSING ERRORS AND REDUCED PATIENT CARE LEVELS!!!!!!!!!!!!**

**PLEASE** do not eliminate the 1:3 ratio without a comprehensive study of the effect on patient safety and care levels.

Sincerely,



James Arthur Hanrahan, R.Ph.

2208 Creekview  
Carrollton, TX 75006  
Texas Pharmacist License Number 49638  
Expiration Date 07/31/2014

**Sent:** Friday, September 27, 2013 11:40 AM

**To:** Gay Dodson

**Subject:** \*\*\*technician ratio\*\*\*

Hi Gay, Long time since we have seen each other. I will be very brief. To properly oversee your technicians, teach them on a day to day basis (& it takes that) and do your on work, unlimited technician ratio would in my opinion be a nightmare. Hope you are doing well. Kind of been out of pocket but maybe I will see you in the near future

Bentley Hawley

September 3, 2013, 2013

To: The members of Texas state board of pharmacy

Recently it was brought to my attention that the board intends to allow unlimited technicians in the Class A pharmacies.

Since the board's primary responsibility is the safety of the Texas citizens, I would suggest that you would have a committee study the ramifications of such a radical change. There could be a need for more education requirements, etc, to insure the safety of the citizens of the state.

Having a store full of technicians with a high school education and one pharmacist who is responsible for everything that goes on in the ordering, stocking, and the dispensing process could lead to very negative outcomes.

Sincerely,

Doyle High, R.Ph.

**From:** A H

**Sent:** Monday, October 28, 2013 11:09 PM

**To:** Allison Benz

**Subject:** Written Comments Concerning Proposed Changes to the Pharmacist to Technician Ratios

Texas Board of Pharmacy Members  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street, Suite 3-600  
Austin, Texas 78701

Board of Pharmacy members,

I ask you to carefully consider the implications and unintended consequences of changing the pharmacist to technician ratios. I also ask the Board to carefully consider the statements made in favor of changing the pharmacist to tech ratio in all classes of pharmacies. I have read many of the comments submitted in support of a change. An overwhelming majority of the comments in favor have been sent in by corporate retail chain pharmacists and middle managers. The central argument in nearly all these comments has been how dangerous it is to work with too little staff. The Board of Pharmacy does not limit the number of technicians that can work in a pharmacy. It limits the number of technicians one pharmacist can supervise in a pharmacy. The problem these pharmacists and middle managers have is with their respective companies and their refusal to provide an adequate number of pharmacists. It is not the ratio the Board of Pharmacy has set.

Retail pharmacists have been pushed to their breaking point. There has never been more tasks, responsibilities and liability placed on pharmacists than there is now. I have personally experienced this as a PIC at two different grocery store chains in two different states. As the PIC I had absolutely no discretion concerning the staffing of the pharmacy. The staffing decisions were made by non-pharmacist corporate middle managers thousands of miles away. The staffing ratios outlined by the TSBP are the only protection a PIC has against dangerous and unsafe staffing. Removing this regulatory check will endanger the health safety and well being of the citizens of Texas.

Pharmacy technicians are an invaluable part of the pharmacy team. There is no doubt they alleviate some of the massive workload forced onto pharmacists by corporate retail chain pharmacy management. Sub Chapter B, Rule 291 (C) states, "Pharmacists are solely responsible for the direct supervision of pharmacy technicians and pharmacy technician trainees and for designating and delegating duties". Sub Chapter B, Rule 291, (2) Duties (i) states "a pharmacist verifies the accuracy of all acts, tasks, and functions performed by pharmacy technicians and pharmacy technician trainees; (ii) pharmacy technicians and pharmacy technician trainees are under the direct supervision of and responsible to a pharmacist". This alone is an enormous task for one pharmacist. Add to this the responsibility and liability of dispensing and counseling on 300 to 400 prescriptions in a 12 to 14 hour shift, immunizations, record keeping and ensuring compliance with state and federal law and it becomes impossible. Removing the ratio requirement and allowing more technicians into the pharmacy does nothing but increases the stress on the pharmacist and endanger the public.

I ask the Board to carefully and thoughtfully evaluate the following question. Who benefits from a change in the pharmacist to technician ratio? The citizens of Texas certainly will not benefit. The pharmacists licensed by this board will not benefit. The only benefit will be to the big corporate pharmacy chains that have so aggressively lobbied you for this change. I believe it will be a huge mistake for the Board to ease and/or voluntarily give up regulatory control at a time when our health care system is undergoing a massive change with millions of people entering the system via the Affordable Care Act. This is a time for the Board to be ever more vigilant in order to protect the health, safety and welfare of the citizens of Texas.

Respectfully,

Arden J. Hill, RPh, PharmD

**Michael Patrick Hughes Jr.,**  
2109 Sawdust Road Apt 4102  
The Woodlands, TX 77380  
281-827-8339  
October 30<sup>th</sup>, 2013  
RE: Proposed Changes to Current Supervision Ratios

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street, Suite 3-600  
Austin, Texas 78701  
Fax (512) 305-8008

Dear Members of the Board:

Your mission reads as follows: *To promote, preserve, and protect the public health, safety, and welfare by fostering the provision of quality pharmaceutical care to the citizens of Texas through the regulation of the practice of pharmacy, the operation of pharmacies, and the distribution of prescription drugs in the public interest.*

As a retail pharmacist, I urge you to reconsider increasing the supervisory technician ratio to unlimited. This change would not be in the best interest of public health and safety. Under this new rule, retail drug pharmacies could choose to decrease the number of pharmacists working in exchange for more technicians. This will no doubt cause a bottleneck effect at the pharmacist's station in retail pharmacies, putting more pressure on the pharmacist to verify more scripts than they are able. This will lead to an increase in medication errors.

Sincerely,



Michael Patrick Hughes Jr., PharmD., RPh.

**From:** Hallmark Pharmacy  
**Date:** October 9, 2013 at 12:39:27 PM CDT  
**To:** "[allison.benz@tsbp.state.tx.us](mailto:allison.benz@tsbp.state.tx.us)"  
**Subject:** Fw: TECH RATIOS

Allison Benz RPh MS  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe street, Suite 3-600  
Austin, TX 78701

RE: tech ratios

I would like to know WHO thought that a limit on technicians was a bad thing?

It sounds like someone with a profit motive rather than concerned about public health.

The chains and especially mail order would save \$100,000.00 +/- per 3 techs, do the math.

This action could trigger a surplus of pharmacists and lower salaries across the board, a big payday for CEOs. The chains and mail order have already put the profit in the hands of a few people instead of spreading it over a larger number of people. ie: Your local independent Pharmacies who tend to live and spend their money in the local economy. Now they want more pharmacists out of the way. The monopolist mentality of buying the competition instead of competing, under the guise of economies of scale to save the public money, when in actuality it eliminates the competition and increases their profits and there is no reason not to raise prices.

I would really like to know "WHO" and "WHY" the elimination of the techs to pharmacist ratios would be a "GOOD" thing.

Thank you for your response:

Richard Irby Owner  
HALLMARK PHARMACY  
1316 Sycamore School Rd Ste.130  
Fort Worth, TX 76134  
Ph# 817-293-2441 Fax# 817-568-0955

Obinna Izundu  
Walmart Pharmacy #964  
9441 Alameda Avenue  
El Paso, TX 79907

September 30, 2013

Gay Dodson  
Executive Director  
Texas State Board of Pharmacy  
333 Guadalupe Street  
Austin, TX 78701

Dear Mr. Dodson:

I am writing to request an opportunity to voice my support in favor of modifying the current pharmacist to technician ratio.

Currently, the pharmacist to technician ratio cannot be above 1 to 3 in the community setting. While I understand the rationale behind this law, I believe most retail settings will benefit from allowing 4 technicians to work under the supervision of one pharmacist. This is especially useful in the training of new technicians. While we strive to hire technicians with experience, new technicians still have to learn the system before they can completely assimilate with the company's system and procedures.

In addition, this change will benefit areas like El Paso, TX which is experiencing a shortage in pharmacist. With the increased responsibilities of incorporating medication therapy management and immunizations into our practice, allowing an additional technician will afford us the time to focus on these additional responsibilities.

With the Affordable care act set to kick off next month, I foresee an increase in customer base and this will present a dilemma in companies striving to balance reducing medication costs and maintaining enough staff to handle the customer load. I believe adding a technician will be a more fiscally feasible option than adding an additional pharmacist.

For this reason, I support implementing the technician ratio to allow a pharmacist to supervise up to 4 technicians at a time.

Please contact me if you have any questions or need additional support on this issue.

Sincerely,

Obinna Izundu, Pharm.D.  
Pharmacy Manager  
254-498-6585  
oizundu@hotmail.com

-----Original Message-----

From: [aizundu](#)]

Sent: Thursday, October 24, 2013 9:42 AM

To: Allison Benz

Subject: Re: Proposed Rules - 22 TAC §§ 291.32; 291.53; 291.153

Obinna Izundu

October 24, 2013

Allison Benz R.Ph., M.S.

Director of Profession Services, Texas State Board of Pharmacy Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-600

Austin, TX 78701

Dear Allison Benz:

I am writing to request an opportunity to voice my support in favor of modifying the current pharmacist to technician ratio. Currently, the pharmacist to technician ratio cannot be above 1 to 3 in the community setting. While I understand the rationale behind this law, I believe most retail settings will benefit from allowing 4 technicians to work under the supervision of one pharmacist. This is especially useful in the training of new technicians. While we strive to hire technicians with experience, new technicians still have to learn the system before they can completely assimilate with the company's system and procedures. In addition, this change will benefit areas like El Paso, TX which is experiencing a shortage in pharmacist. With the increased responsibilities of incorporating medication therapy management and immunizations into our practice, allowing an additional technician will afford us the time to focus on these additional responsibilities. With the Affordable care act set to kick off next month, I foresee an increase in customer base and this will present a dilemma in companies striving to balance reducing medication costs and maintaining enough staff to handle the customer load.

I believe adding a technician will be a more fiscally feasible option than adding an additional pharmacist. For this reason, I support implementing the technician ratio to allow a pharmacist to supervise up to 4 technicians at a time. Please contact me if you have any questions or need additional support on this issue.

Sincerely,

Sincerely,

Obinna Izundu

Pharmacy Manager

Bolivar Johnson  
Clinical Care Pharmacy  
2770 North Sam Houston Pkwy West  
Houston, Texas 77346

October 30, 2013

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

To Allison Benz, Texas State Board of Pharmacy Director of Professional Services:

My name is Bolivar Johnson, and I own and operate Clinical Care Pharmacy in Houston, Texas. The purpose of this letter is to express my strong opposition to the elimination of the Pharmacist-to-Technician supervision ratio of 1:3 in class A and B pharmacies as proposed in rules published Sept. 28 in the Texas Register.

For more than a year, TPA has proposed and continues to support a comprehensive study regarding the education and scope of practice for Pharmacy Technicians to gather timely, relevant data to help determine what, if any, should be an appropriate supervision ratio. In recognition that such a study will take some time, I am in agreement with TPA's suggested amendment to the ratio supporting an interim change in the supervision ratio **from 1:3 to 1:4** as a compromise. I do **not** support the elimination of the supervision ratio.

I believe that a patient's health and safety is the primary responsibility of the pharmacist and should be everyone's ultimate objective. Protecting the health and safety of the patient also is TSBP's **only** charge. TSBP is **THE** state agency charged with protecting Texans' health and safety relating to **ALL** matters involving prescription medication. The TSBP proposal to eliminate the pharmacy technician supervision ratio puts that critical goal at risk and is a step that must not be taken at this time. I do not agree with or support the elimination of the supervision ratio.

Sincerely,

Bolivar Johnson  
Clinical Care Pharmacy Owner  
281-272-8700



# King's Compounding Pharmacy®

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Amarillo, TX 79106  
(806) 358-4576 fax (806) 358-4323  
www.kingscompoundingpharmacy.com



093013

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street, Suite 3-600  
Austin, Texas 78701  
Fax (512) 305-8008

Ms Benz,

I have been concerned about the possibility of eliminating any kind of ratio limitations between pharmacists supervision of technicians. I run a moderately slow number wise pharmacy, but we handle hospice patients and compound a significant number of our prescriptions. I feel that the ration now existing allows me to supervise adequately 3 technicians doing various jobs and allow me to do what I need to keep my patients care the number one priority. Possibly, I could handle one more technician.

I also know full well that you cannot legislate morality, and many pharmacies do not abide by the rules now provided. To abandon the rule would open too many doors for unsupervised opportunities. I know now that occasionally my techs will be waiting in line to ask a question or clarify a situation. How approachable would one pharmacist be for 20 technicians?

Based on my experience of 37 years as a licensed TEXAS pharmacist I cannot see any reason, other than abuse, that anyone would want to eliminate restrictions to supervision. Please consider these views as you make recommendations.

Sincerely

A handwritten signature in black ink that reads 'Robin Johnson RPh'. The signature is written in a cursive style.

Robin Johnson, RPh

-----Original Message-----

From: Chris Kautz

Sent: Sunday, August 25, 2013 11:38 AM

To: Becky Damon

Subject: Proposed Changes to Pharmacist to Pharmacy Technician Ratio

Ms. Damon,

I am a pharmacist with Medco/Express Scripts in Fort Worth, Texas. I have seen many changes in pharmacy practice in the 35 years I have been a licensed pharmacist, both in retail and the PBM sectors.

I believe the proposed changes to allow more pharmacy technicians per supervising pharmacist will adversely affect the practice of pharmacy from not only a job security perspective but, more importantly, from a patient safety perspective.

When less pharmacists are required according to the law but prescriptions still need to be checked for patients that are waiting for their medications, the likelihood that a dispensing error may occur will increase. Emphasis on performance "rates" will increase and short cuts may be taken or important safety checks may be overlooked, even with safeguards in place. The impact on the security of pharmacist jobs in the future is obvious.

I understand that businesses would be in favor of the change because they are looking at it as it affects their bottom line and are not looking at it from either a job security or patient safety perspective.

Patient safety should be the overriding factor in The Texas State Board of Pharmacy's decision regarding the proposed change to the Pharmacist to Pharmacy Technician ratio. I am asking The Board to vote against the proposed change to the ratio. More than anything, our patients deserve our full attention when it comes to their safety.

Thank you for taking the time to consider my request.

Sincerely,  
Christine Kautz

**Larry Krasner**  
**6723 Duffield Court**  
**Dallas, TX 75248**

October 22, 2013

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

Dear Allison,

I am writing you concerning the proposed regulation eliminating the pharmacist-technician ratio in community pharmacy settings. **I am against this idea and hope the board does not adopt it.** I would be in favor of a 1 pharmacist to 5 technicians ratio instead of no limit at all on technicians.

I believe that in order to provide the citizens of Texas with the best and safest of pharmaceutical care, there needs to be a limit on how many technicians one pharmacist can supervise. I understand that the chain and mail order pharmacies would like infinity as the ratio, but their main concern is profit and not the safety and welfare of the patient. **I would suggest some kind of a pilot program or study in order to observe which ratio would be the overall best of the choices.**

Thank you for your consideration of my opinion.

Professionally yours,



Larry Krasner, R. Ph.  
UT Southwestern Campus Pharmacy, Dallas, Texas 75390

Melissa M. Landin  
18007 Quiet Grove Ct.  
Humble, Texas 77346

October 30, 2013

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

To Allison Benz, Texas State Board of Pharmacy Director of Professional Services:

My name is Melissa Landin, and I am a fourth year student pharmacist at the Texas A&M Rangel College of Pharmacy. The contents of my letter reflect my own opinions and beliefs, not those of Texas A&M University. The purpose of this letter is to express my strong opposition to the elimination of the Pharmacist- to-Technician supervision ratio of 1:3 in class A and B pharmacies as proposed in rules published Sept. 28 in the Texas Register.

For more than a year, TPA has proposed and continues to support a comprehensive study regarding the education and scope of practice for Pharmacy Technicians to gather timely, relevant data to help determine what, if any, should be an appropriate supervision ratio. In recognition that such a study will take some time, I am in agreement with TPA's suggested amendment to the ratio supporting an interim change in the supervision ratio from 1:3 to 1:4 as a compromise. I do **not** support the elimination of the supervision ratio.

I believe that a patient's health and safety is the primary responsibility of the pharmacist and should be everyone's ultimate objective. Protecting the health and safety of the patient also is TSBP's **only** charge. TSBP is **THE** state agency charged with protecting Texans' health and safety relating to **ALL** matters involving prescription medication. The TSBP proposal to eliminate the pharmacy technician supervision ratio puts that critical goal at risk and is a step that must not be taken at this time. I do not agree with or support the elimination of the supervision ratio.

Sincerely,



Melissa M. Landin  
Pharm.D. Candidate 2014  
Texas A&M Health Science Center  
Rangel College of Pharmacy  
mm1belcher@aol.com

**B E Leissner R.Ph.  
P O Box 415  
Nursery, TX 77976**

**(361) 573 7471  
belrings@aol.com**

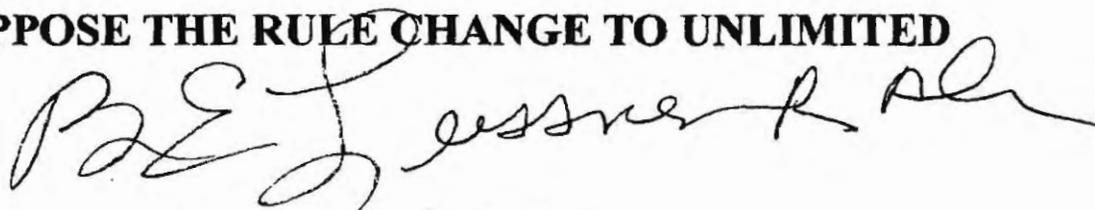
**Allison Benz, R.Ph. , M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street  
Austin, TX 78701**

**I wish to register a STRONG PROTEST against the proposed rule change to allow unlimited number of Pharmacy Techs to be supervised by a Pharmacist.**

**I am still in active practice and my experience with the ratio of 3 to 1 is very satisfactory. I really have a problem of changing it to 4 to 1 but unlimited would be a disaster. The so called argument that it would give more time for patient contact is hog wash.**

**The only Pharmacist that would benefit from this would be the mail order practice where they have NO patient contact. I work in both independent and chain settings and with the current ratio, we have plenty of time for patient contact. I would not want the constant pressure of having to supervise more techs than I do now.**

**I OPPOSE THE RULE CHANGE TO UNLIMITED**



**# 13321**

-----Original Message-----

From: Luis Lester

Sent: Tuesday, September 17, 2013 2:51 AM

To: Gay Dodson

Subject: Pharmacy Technician Ratio

It is my belief that the unlimited ratio of technicians vs pharmacist is a tremendous mistake and will only be used to benefit the bottom line. Our job has become increasingly difficult in the past years and managing more staff will make it more difficult. It is my belief that patient health will be compromised.

Sent from my iPhone

Ashley Livings  
Clinical Care Pharmacy  
2770 North Sam Houston Pkwy West  
Houston, Texas 77346

October 30, 2013

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

To Allison Benz, Texas State Board of Pharmacy Director of Professional Services:

My name is Ashley Livings, and I am a pharmacy technician at Clinical Care Pharmacy in Houston, Texas. The purpose of this letter is to express my strong opposition to the elimination of the Pharmacist-to-Technician supervision ratio of 1:3 in class A and B pharmacies as proposed in rules published Sept. 28 in the Texas Register.

For more than a year, TPA has proposed and continues to support a comprehensive study regarding the education and scope of practice for Pharmacy Technicians to gather timely, relevant data to help determine what, if any, should be an appropriate supervision ratio. In recognition that such a study will take some time, I am in agreement with TPA's suggested amendment to the ratio supporting an interim change in the supervision ratio **from 1:3 to 1:4** as a compromise. I do **not** support the elimination of the supervision ratio.

I believe that a patient's health and safety is the primary responsibility of the pharmacist and should be everyone's ultimate objective. Protecting the health and safety of the patient also is TSBP's **only** charge. TSBP is **THE** state agency charged with protecting Texans' health and safety relating to **ALL** matters involving prescription medication. The TSBP proposal to eliminate the pharmacy technician supervision ratio puts that critical goal at risk and is a step that must not be taken at this time. I do not agree with or support the elimination of the supervision ratio.

Sincerely,



Ashley Livings, CPbT  
Clinical Care Pharmacy Technician  
281-272-8700

-----Original Message-----

From: bertlopez

Sent: Monday, October 21, 2013 7:42 PM

To: Allison Benz

Subject: Re: Proposed Rules - 22 TAC §§ 291.32; 291.53; 291.153

Norberto Lopez, Jr.

October 21, 2013

Allison Benz R.Ph., M.S.

Director of Profession Services, Texas State Board of Pharmacy Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-600

Austin, TX 78701

Dear Allison Benz:

As a licensed pharmacist, I want to urge the Texas State Board of Pharmacy to NOT adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. In contrast, this would open a pandora's box of negative issues in Texas that will have a direct effect on all pharmacists and patients' safety. I see major corporations salivate at the opportunity to load pharmacists with work that would maximize profits and not patient outcomes. Paying 2 pharmacists and 6 techs is more expensive than paying 1 pharmacist and 6 techs. Corporations would not see the need to hire additional pharmacist and now with Texas having 8 pharmacy schools there will be on excessive supply of pharmacist and less jobs because of budgeted labor cost cutting.

I read the minutes of the state board talking about this issue and it made sense that mail order pharmacies would benefit from this type of action thus, the reason I believe Express Scripts supports deregulation of the pharmacist to tech ratio. This would benefit them because PBM's just put pills in a bottle and do not readily interact with patients and are not available to customers. Thus, the same PBM's will lower prices and reimbursements causing a stress on retail pharmacies and the pharmacists that are immediately accessible to customers and their needs. As we see today many pharmacists, especially independents, cannot compete or are at the mercy of PBM's because of unfair practices due to cost cutting. The pharmacist to tech ratio levels the field for all pharmacies. My pharmacy currently runs, during peak times, 2 pharmacist and 5 techs. We are stressed but capable to service all pharmacy services to customers. Pharmacists are the bottle neck for all pharmacy services not technicians.

You can fill up a pharmacy with technicians but at the end of the day the pharmacist is the one who will verify, authorize and administer pharmacy services, authorize and approve staffing issues like scheduling, hiring and training, and address patient concerns, just to mention a few responsibilities. The state board summer newsletter top 10 reason for a warning notices could be minimized by adding more pharmacists not technicians. Pharmacist are restricted by budgeted labor hours set by their employers not by the number of technicians in the pharmacy. If the ratio is changed it does not mean that 6 techs will be hired. It means that there is no need for 2 pharmacist at one time.

If 1 pharmacist takes 1 minute to counsel 1 patient and fills 300 scripts per day that is 300 minutes or 5 hours. But that 1 pharmacist has to take another minute to verify that script is correct and in addition to counseling that is 10 hours of 2 of the many responsibilities pharmacist carry on their shoulders. That is without a lunch and any break. There are still other services that time has not accounted for nor serviced. The system is not broken so there is no need to fix it.

There is no guaranty that we will have more time to conduct pharmacy services. There have been no studies that show any benefit to patients or pharmacist. Therefore, approving the elimination of the current ratio would be irresponsible and ill advised. Today's ratio level the field to ensure that there are sufficient pharmacist providing services to customers. Techs cannot counsel, immunize, be in charge of controlled inventories, etc. The summer's newsletter that address top reasons for the issuance of warning notices can be only addressed by pharmacist not techs.

I urge the Board to take action at the November 4th meeting to ensure patient safety and care by voting to UPHOLD the ratios on all classes of pharmacy.

Sincerely,

Norberto Lopez, Jr.

7135423991

Pharmacist

October 21, 2013

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe St, Suite 3-600  
Austin, TX 78701  
Fax: 512-305-8008

Dear Ms. Benz,

I am writing in regards to the proposed changes concerning Class A pharmacies. I have been a licensed pharmacist since July of 2009 and am opposed to the elimination of the pharmacist-to-technician ratio for community pharmacies. I speak only on behalf of Class A pharmacies because this is the capacity in which I work.

As a pharmacist, I feel it is my job to oversee the pharmacy ranging from the sales of over-the-counter items to direct supervision of all technicians. With the ratio in place now, the majority of the time I work alongside three technicians. The technicians I work with are extremely competent and I trust them to alert me when phone calls or questions arise that require a pharmacist to intervene. I understand their importance and I respect the knowledge they possess concerning the computer system, insurance claims and their many other responsibilities to keep the pharmacy running smoothly. Even with this trust and respect, when a technician answers the phone or is speaking to a patient, I try to be constantly aware of what is going on around me and what is being communicated to our patients. I feel that I am able to oversee three, possibly four, technicians with confidence, but I don't see how any pharmacist in a community setting can directly supervise more than that number while still completing their other duties. I am not sure what eliminating the ratio is trying to accomplish when you can have clerks who do not count toward the ratio performing some tasks and interns who also do not count toward the ratio performing others.

I work at an independent pharmacy and I am fortunate to be employed by an individual whom is also a pharmacist. My employer is aware of the multitasking required to work in retail pharmacy and who has also made safety a top priority. I do not know that is the case in all retail pharmacies. My concern is that you have individuals supporting this change who have never stepped foot in a retail pharmacy and do not realize what it takes to correctly fill prescriptions, counsel patients, answer questions from doctors, etc. It is certainly up to the employer and pharmacist in charge to appropriately staff the pharmacy to ensure that a pharmacist is able to carry out these tasks, but I think by eliminating the ratio you are only opening the door to employers cutting back on pharmacist hours and an increased number of mistakes. Eliminating the ratio and possibly cutting back pharmacist hours would put more stress on a single pharmacist, therefore increasing the chance of a mis-fill. I understand that reimbursement fees are constantly shrinking and to eliminate the pharmacist-to-technician ratio could help to reduce the cost of filling a prescription, but at what risk? I think there would be major safety concerns if the ratio were eliminated.

In summary, I believe the ratio can be increased without compromising patient safety, but to eliminate the ratio all together is opening the door to possible abuse by employers who are only concerned with increasing their profit.

Yours truly,

A handwritten signature in cursive script that reads "Sara Mae Lott". The signature is written in black ink and is positioned above the printed name.

Sara Mae Lott, PharmD

-----Original Message-----

From: Jeff Lurey  
Sent: Monday, August 19, 2013 10:20 AM  
To: Gay Dodson  
Subject: Tech ration changes in TX

Gay,

Good morning. I hope you are well.

It's been quite some time since we have spoken. I surely miss the days when I served on the Georgia Board of Pharmacy (1992-2004) and attended all the NABP meetings.

I am now the Director of the Georgia Pharmacy Association's Academy of Independent Pharmacy (AIP) and we represent more than 475 independent pharmacies in Georgia. I am still very active and involved with the profession, not only at the state level, but also the national level.

I recently heard the Texas Board of Pharmacy passed a Rule that will allow an unlimited ratio of technicians to pharmacists. Please don't think I am trying to meddle in the affairs of the Texas Board, but I felt compelled to write and let you know how dangerous I feel this Rule is to the health and safety of the citizens of Texas. Even though I do not work in a pharmacy anymore, I still remember how difficult it was to manage multiple technicians in a busy pharmacy (and Georgia's ration was 3 to 1).

I'm not sure if the Rule-posting process in TX is similar to GA, but we are allowed to send comments to the GA Board regarding the promulgation of Rules/Regs. If appropriate, please share my comments with the members of the TX Board. I hope other pharmacists in TX are equally as concerned and will speak out against the passage of this Rule.

I appreciate all that you do for Pharmacy and I look forward to hearing from you.

Jeff Lurey, R.Ph.  
AIP Director  
50 Lenox Pointe NE  
Atlanta, GA 30324

October 29, 2013

Texas State Board of Pharmacy  
William P. Hobby Building  
Tower 3, Suite 600  
333 Guadalupe St.  
Austin, Texas 78701

**Re: Proposed Changes to Current Supervision Ratios**

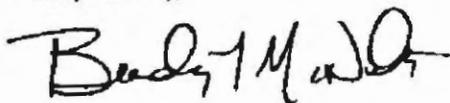
Dear Members of the Board:

As a future pharmacist, I urge you to reconsider any changes regarding the supervisory ratio of pharmacists to technicians. Safe and effective medical care is the hallmark of our profession. Safety simply cannot be guaranteed when there are an unlimited number of technicians acting on behalf of a pharmacist at any given time. Ours is a trusted profession, and any rules change that would jeopardize that trust bears your strictest scrutiny.

As the volume of prescriptions filled in Class A pharmacies increases every year, so does the need for pharmacists to verify their safe dispensing and use. In 2005, *Pharmacotherapy*, the respected journal of the American College of Clinical Pharmacy, ran an article on fatal errors and their connection to the modern pharmacist's workload, and its message is applicable here. If the pharmacist-to-technician ratio is removed, then the possibility exists for a company to increase its technician staff and its number of prescriptions filled per hour, all while keeping minimal Registered Pharmacist staffing. The pharmacist would be the bottleneck in a high volume process, leading to a scenario predisposed to medication errors.

I stand with the Texas Pharmacy Association and their opposition to removing the supervisory ratio. The Board exists to protect the public, and this change runs counter to that purpose.

Respectfully,



Brady McNulty '14, PharmD Candidate

PO Box 271088

Corpus Christi, TX 78427

(843) 425 -3781

Allison Banz, Rph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe street, Suite 3-600  
Austin, Texas 78701

Dear Allison Banz,

I am Harry Melnick RPh., Have been practicing pharmacy for 55 years. I have had much experience with pharmacy tech and other assistant individuals in the practice of pharmacy. I can tell you one thing that the more people you have around you the more likely you are to make mistakes. I know the techs are trained and the prescriptions are filled by machines. Still the more distractions you have the more probability of mistakes.

I feel that the board's proposal to eliminate the ratio if taken without much thinking. This can only help the chain stores.

I think 3 techs to one pharmacist is more than enough but probably too much.

I would like the board to reconsider changing the ratio.

Sincerely,

Harry Melnick RPh.

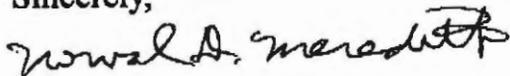
Norval D Meredith, R.Ph  
300 CR 459  
Ballinger, TX 76821

October 31, 2013

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
Fax 512-305-8008

I would like to state my opposition to the elimination of pharmacy tech supervision ratios. I have worked in pharmacy for over 45 years, much of that time as the owner and PIC of Keel Drug. I have seen first hand the importance of a pharmacist supervising every prescription from beginning to the end of each fill. There are so many valuable steps where a mistake can take place. I have made filling scripts and helping patients a life long commitment and I feel that increasing the tech to pharmacist ratio would be putting patients at risk. Remember as pharmacist, our goal is to help patients.

Sincerely,



Norval D Meredith, R.Ph

-----Original Message-----

From: tmielke

Sent: Monday, October 28, 2013 12:17 PM

To: Allison Benz

Subject: Re: Proposed Rules - 22 TAC §§ 291.32; 291.53; 291.153

Terry Mielke

October 28, 2013

Allison Benz R.Ph., M.S.

Director of Profession Services, Texas State Board of Pharmacy Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-600

Austin, TX 78701

Dear Allison Benz:

As a licensed pharmacist, I want to urge the Texas State Board of Pharmacy to immediately NOT adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that A HIGHER RATIO IS NEEDED. It would allow me to help determine adequate staffing when I am on duty in my pharmacy and will enhance patient care and public safety because I will have more time to focus on what I have been trained to do, interact with and counsel patients.

I know that as a pharmacist, I am stretched between all the hats that I wear. As stated above, I think that the ratio of 1:3 is too low and should be a higher ratio of 1:5 or 1:6, but unlimited puts me at risk if appropriate policies and procedures are not put into place. It is my license on the line to oversee all that happened under my watch.

Sincerely,

Terry R. Mielke

Linda L Miller, CPhT  
625 FM 382  
Ballinger, TX 76821

October 30, 2013

Allison Benz, R. Ph.,M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
Fax 512-305-8008

Dear Ms. Benz,

I would like to voice my opposition to the elimination of pharmacy tech supervision ratios. As a certified pharmacy technician, I know first hand the importance of pharmacist watching every prescription in detail as it goes thru the filling process. There are so many steps where a mistake can take place. Having more technicians working under one pharmacist is only going to put patients at risk. Filling scripts correctly and helping patients with their medication needs is our ultimate goal. Let's not forget what we are here for!

Sincerely,

Linda L Miller, CPhT

A handwritten signature in cursive script that reads "Linda L Miller".

10-29-2013

Moore's Pharmacy Inc.

101 W Sinton St.

Sinton, Texas 78387

To: Allison Benz, R. Ph., M. S.

Director of Professional Pharmacy

Texas State Board of Pharmacy

333 Guadalupe Street, Tower II, Room 225

I oppose our pharmacy board voting to eliminate the pharmacist-to-technician ration in class A, B, and G Pharmacies and ask that our board vote for no more than a 1:4 ration on the following grounds.

1. The safety of our patients will be placed in jeopardy and SAFETY is the main purpose of the State Board of Pharmacy. I have practiced over 50 years as a pharmacist in Texas and I have seen and witnessed the ratio of errors even at the 1:3 ratio. I understand the need of help to fill prescriptions but the proposed way WILL have an increase in harmful errors to patients.
2. Our state board members need to form a task force for a full study of the need of the ratios to go beyond this number. No true study has been done to document the need or the risk of increased errors by the proposed elimination of the ratios.

I ask the members of the board to carefully consider their vote.

Thank you,

Bill Moore, R. Ph.

Past President of the Texas Pharmacy Association

8549 Golfers Ln  
Woodway, TX 76712  
October 7, 2013

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

Dear Ms. Benz:

I have been a registered pharmacist in this state for over forty years. I have been in both academics teaching pharmacy and also in the retail setting. In no way would I agree to or support the elimination of the supervisory ratio of pharmacist to technicians.

I would prefer the ratio to remain the same but could learn to accept a 1:4 ratio as a compromise. Complete elimination of the ratio is totally unacceptable.

I once had a primary doctor that had 17 P.A.'s, none of which he actually supervised. Without any restrictions, things will get out of hand in a hurry by the greedy who do not care about safety or concern about the patients.

**PLEASE VOTE NO** on total elimination of the pharmacist to technician ratio.

Respectfully Yours,



H. Keith Morgan, R.Ph., Ph.D.

**From:** Lloyd and Irma Morvant  
**Sent:** Thursday, October 24, 2013 11:11 AM  
**To:** Allison Benz  
**Subject:** Rule eliminating pharmacy tech ratios

As a pharmacist I believe Proposed Rules – 22 TAC §§ 291.32; 291.53; 291.153 eliminating pharmacist to technician ratios would be a detriment to public safety. A single pharmacist working a twelve hour day trying to supervise six technicians is a recipe for disaster. Who will pay the price for this cost savings measure, the patient. I feel the Texas Board of Pharmacy should act in the interest of patient safety and keep the ratio in force.

Lloyd A. Morvant

-----Original Message-----

From: Melvin Musgrove

Sent: Monday, September 16, 2013 5:09 PM

To: Gay Dodson

Subject: Rules

Gay,

I am opposed to the pharmacist-tech ratio of being unlimited . I would support increasing the ratio to 1:4. This change really concerns me. The mission if the State Board if PhArmacy us to protect the health and safety of the citizens if Texas. In my opinion an unlimited ratio would be just the opposite. As a community pharmacist with 44 years of experience , I can say that there isn't a pharmacist in the state that could supervise an unlimited number if techs without seeing an increase in prescription errors , I would urge the board not to approve this change. Thanks for your consideration and please forward my concerns to my peers on the board.

Sincerely,

Melvin Musgrove R.ph

Sent from my iPhone

-----Original Message-----

From: fwtxcowboy2

Sent: Wednesday, October 23, 2013 8:02 PM

To: Allison Benz

Subject: Re: Proposed Rules - 22 TAC §§ 291.32; 291.53; 291.153

Phillip Nail

October 23, 2013

Allison Benz R.Ph., M.S.

Director of Profession Services, Texas State Board of Pharmacy Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-600

Austin, TX 78701

Dear Allison Benz:

As a licensed pharmacist, I want to urge the Texas State Board of Pharmacy not to adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing owners to eliminate the ratios on all classes of pharmacy will only serve to allow the dismissal of pharmacists. In high volume pharmacies with multiple pharmacists I believe all but one pharmacist will be removed and additional technicians added to reduce overhead. This will put the burden of one pharmacist having to try to verify the correctness of every prescription filled. I do not believe chain pharmacy management will use this opportunity to add technician to staff to already overworked pharmacists because of the increase in overhead.

Sincerely,

Phillip Nail, R. Ph.

-----Original Message-----

From: notprovided

Sent: Friday, October 18, 2013 6:27 PM

To: Allison Benz

Subject: Re: Proposed Rules - 22 TAC §§ 291.32; 291.53; 291.153

Withheld Pharmacist

October 18, 2013

Allison Benz R.Ph., M.S.

Director of Profession Services, Texas State Board of Pharmacy Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-600

Austin, TX 78701

Dear Allison Benz:

I'm supposed to send you a pre-cut message urging you to remove the pharmacist-technician ratio, but I do not agree with it. The letter mentions that pharmacist-technician ratios were adopted in the late 80s, and that technicians have become much more competent. And that our friends in other states are much happier with additional technician help.

I do have friends in other states, and some are happier, some are not. Some states allow their technicians to check voicemails as well, does that mean that Texas should also blindly follow suit? Additionally, pharmacist are doing a lot more now than they were back in the 80s. In the late 80s, pharmacy was still a "lick-n-stick" profession. There was more able to be done back then by a technician than there is today. Very few sales can go through to a patient without pharmacist intervention. Namely, sales on refill medications. All new medications require counseling.

I find that the limiting step in our busy pharmacies is not the number of technicians we have, but the number of pharmacists available to perform pharmacist duties. I suppose by eliminating pharmacist-technician ratios, we could have more technicians, but I fail to see how that would help.

When you have just one pharmacist on duty, and a good portion of work tied exclusively to pharmacists (reviewing prescriptions, counselling, providing immunizations, MTMs, taking new prescription orders, etc.), then what you really need is more pharmacists available to provide these services. By removing the ratio, I can see a reduction in pharmacist hours (i.e. pharmacies that have 3 pharmacists a day will now have just 2) with an increase in technician hours. Extra technicians can help check patients out, but each patient still deserves their right to pharmacist counsel. With just one pharmacist, only one patient can be counseled at a time.

This is not going to improve the situation. You could have a pharmacy run by one pharmacist and eighty technicians, and it will still be inadequate.

Big business will always want more technicians and less pharmacists, because it is cheaper that way. Stock prices have to go up. But does the Texas public really need overworked pharmacists managing their medication?

Note: I'd rather not provide my information, due to fear of retaliation from my employer at a large-chain pharmacy. All I ask is that regardless of whether my information is present or not, weigh the options carefully and keep in mind the Texas public. Money is never more important than the safety and well-being of our public. By keeping restrictive pharmacist-technician ratios, it forces employers to keep more pharmacists on duty, that or suffer lost profits due to customers leaving. An upset customer is far better than a dead patient.

Sincerely,

Withheld  
Pharmacist

**Via Electronic Transmission to: [allison.benz@tsbp.state.tx.us](mailto:allison.benz@tsbp.state.tx.us)**

October 31, 2013

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: Discussion on Technician Ratios

Dear Ms. Benz:

I am writing today on behalf of the National Community Pharmacists Association (NCPA) in opposition to the proposed amendments to §291.32, that if adopted, would eliminate the pharmacist to technician ratio for Class A pharmacies. NCPA represents the interests of America's community pharmacists, including the owners of more than 23,000 independent community pharmacies. Together they represent an \$88.7 billion health care marketplace, dispense nearly 40% of all retail prescriptions, and employ more than 300,000 individuals, including over 62,000 pharmacists. In Texas alone there are over 1,570 community pharmacies that employ a projected 18,840 residents.

NCPA has serious concerns with proposals to entirely eliminate technician ratios. Our organization has a long-standing position that supports the use of pharmacy technicians in community pharmacies to enhance the pharmacist's role in the provision of quality pharmacist care. NCPA believes the proper training and supervision of technicians by pharmacists is critical to the health and safety of patients. It is our thought that proper supervision is a key factor in successful utilization of technicians maximizing their roles. Once a pharmacy's workload increases there should not be a unilateral allowance of increased technician utilization.

A study conducted by Malone and colleagues titled, "Pharmacist Workload and Pharmacy Characteristics Associated with the Dispensing of Potentially Clinically Important Drug-Drug Interactions," concluded that factors significantly related to an increased risk of dispensing a potential drug-drug interaction included, among others, pharmacy staffing. The authors stated that unfortunately, implementation of automation and other pharmacy staffing may not sufficiently compensate for the increased pharmacist workload, leading to an increased risk of dispensing a potential drug-drug interaction.<sup>1</sup>

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<sup>1</sup> *Med Care* 2007;45: 456-462

We contend that elimination of ratios is not in the best interest of pharmacists or the patients they serve. As the mission of the Texas State Board of Pharmacy is to promote, preserve, and protect the public health, safety, and welfare of its citizens, NCPA does not agree that state boards of pharmacy should allow individual pharmacies to set their own ratios. There should be clear delineation of the roles of pharmacists and technicians. NCPA does support the enhanced utilization of technicians so that pharmacists have more time to provide patient care services. However, we think the elimination of pharmacist to technician ratios could prove counter to the goal of improving patient outcomes and lowering overall health care spending.

While we do not have a formal position on an exact ratio, we are opposed to leaving open the number of technicians that a pharmacist may oversee. We believe this is particularly important as many pharmacists work in environments in which they have no ability to control the number of technicians they are compelled to safely oversee. We respectfully request your careful consideration of our comments.

Sincerely,



Ronna B. Hauser, PharmD  
VP Policy and Regulatory Affairs

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

It is TSBP major responsibility to establish processes that will ensure the public safety. I was extremely surprised to see the board would consider the elimination of tech/pharmacist ratios in class A, B and G pharmacies in Texas. This will have the potential to create an environment conducive for medication errors.

In the literature you can find extensive documentation that indicates work environment is most important factor in the prevention of medication errors. Creating a situation in which 1 pharmacist is ask to go beyond what is humanly possible to actively supervise is an incident waiting to happen. It is necessary to come to a responsible compromise and set a ratio that is reasonable to ensure patient safety.

The people of Texas have entrusted the TSBP with the task to provide assurance that they served in a safe manner. Please keep that goal at heart and agree to a compromise that protects our public.

Thanks,



Glenda Nieves, RPH

**From:** oteh ojiogo]

**Sent:** Tuesday, October 29, 2013 7:57 AM

**To:** Allison Benz

**Subject:**

I strongly oppose to any change in the current tech ratio. Increasing or eliminating the tech ratio will not only be detrimental to our profession but will also jeopardize public safety.

Sincerely,

Oteh Ojiogo, PharmD

-----Original Message-----

From: mistypaddack

Sent: Sunday, October 27, 2013 11:57 AM

To: Allison Benz

Subject: Re: Proposed Rules - 22 TAC §§ 291.32; 291.53; 291.153

Misty Paddack

October 27, 2013

Allison Benz R.Ph., M.S.

Director of Profession Services, Texas State Board of Pharmacy Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-600

Austin, TX 78701

Dear Allison Benz:

As a licensed pharmacist, I want to urge the Texas State Board of Pharmacy to NOT adopt the change of pharmacist to tech ratio. I feel it will put undo burdon on the pharmacist by eliminating the professional partner help and increasing the number of subordinates I am required to directly supervise.

Sincerely,

Misty A Paddack

Shiv Patel

4500 S Lancaster Rd Dallas, TX 75216

Pharm D. Candidate (P4)

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street, Suite 3-600  
Austin, Texas 78701  
Fax (512) 305-8008

Hi Ms. Benz,

I am currently a fourth year pharmacy student at Texas Tech University Health Science Center in Dallas and also a former technician and intern at a retail pharmacy. I was informed that there is a possibility of increasing the pharmacist-to-technician ratio from 3:1 to no limitations. I feel like this could be a real big hazard to not only the pharmacist & technicians, but also the patients who we take care of on a daily basis. The job of a pharmacist can be extremely stressful when having to overshadow 3 technicians while also performing daily tasks and I feel that this new possible increase would only further that stress and lead to more adverse events for the patients that we serve. I am hoping that you read this letter and reconsider changing the current ratio when taking into consideration all the possible downsides of the increased technician coverage.

Sincerely,

Shiv Patel

Pharm D. Candidate, TTUHSC (P4)

**From:** Bill Poteet  
**Sent:** Thursday, October 31, 2013 3:03 PM  
**To:** Becky Damon  
**Subject:** Elimination of the Pharmacist-to-Technician ratio

Please pass to Allison Benz, R.Ph., M.S

Subject: Elimination of the Pharmacist-to-Technician ratio

Don't do it.

The state government has already weakened the pharmacy profession by authorizing **too many** pharmacy schools.

We will soon (THREE YEARS) have too many pharmacists and a weakening of the ration will eliminate a pharmacy position.

The chain pharmacies will love it. Less payroll and more profit.

Already, some chains are hiring new pharmacists for only thirty-two hours a week.

The chains that I have worked for for the past twenty years do not care about the health of the pharmacy profession in Texas. They only care about **PROFIT**.

If you lessen the ratio, stores will hire a tech instead of a pharmacist, and you just cost a pharmacist his/her job.

Bill Poteet, R.Ph., MBA  
Captain, USN (Ret)

-----Original Message-----

Sent: Monday, September 30, 2013 11:42 AM

To: Gay Dodson

Subject: technician to pharmacist ratio

Ms. Dodson

We are compromising patient care by changing ratio. Everyone knows this to be true. The patient is first and foremost.

Thank You

Barry K Powers

Dear Sirs;

I am writing to request the ratio of 1:3 remain as is. It is my opinion that to increase that ratio is to put the safety of the public at risk. Since public safety is the stated mission of the Board of Pharmacy, why would you consider increasing this ratio? Since there are more pharmacists graduating that cannot find jobs, it does not make sense to use fewer pharmacists while at the same time increasing production. The labor cost of filling one production unit (a prescription) will decrease while allowing fewer checks on the accuracy and appropriateness of the medication for that particular patient. Increasing this ratio will line the pockets of the PBMs and large chains while potentially endangering the safety of the public.

10-28-13

Bill Reddell

Tx Lic 20142

August 21, 2013

Texas State Board of Pharmacy  
Gay Dodson, Secretary of TSBP

Subject: Unlimited Technician Ratios

We, at Roberds Pharmacy, would like to express our voice against the ruling that will allow "unlimited technician ratios".

Texas State Board of Pharmacy was originated to protect the public and so for that reason, the ruling of "unlimited tech ratios" should not be taken into effect. We all feel this decision will create dangerous environment for pharmacists to work in and in turn jeopardize patients' safety and lives. Being practicing pharmacists for many years, we feel that the ratio of 1:3 of pharmacist to technicians is the max that we could handle on a daily basis. Retail chain pharmacists do not even have time to counsel patients for new prescriptions with this current ratio of 3 techs to 1 pharmacist. Therefore, increasing this ratio to the impossible "unlimited number of technicians to pharmacist" will turn the profession of pharmacy into a disaster within us and in the eyes of the public. More and more pharmacists will not be able to handle the high loads of stress put on them at work for overseeing the unlimited number of technicians in the pharmacy. This leads to more misfills which ultimately hurts the public. Not only the patients are at risk, pharmacy jobs are also at risk.

We sincerely ask Texas State Board of Pharmacy to reconsider this law because if this ruling comes into effect, more tragedies are foreseen and our profession of pharmacy is at stake. TSBP is here for the people and so are we. That is why we need to vote against this proposed law.

Thank you for your consideration.

Sincerely yours,

Roberds Pharmacy

*Jodie Roberds, RPh*  
*Frank Shellabilllette RPh*  
*Sharon*  
*Jan Anderson CPhT*  
*Jayla Faddine*  
*Vanessa*  
*Willie Mae Richie*

**From:** Jodie Roberds  
**Sent:** Monday, August 26, 2013 4:04 PM  
**To:** Gay Dodson  
**Subject:** Unlimited Tech Ratio

August 26, 2013

Texas State Board of Pharmacy  
Attention to: Gay Dodson, Secretary of TSBP

Subject: Unlimited Technician Ratios

Representing myself and colleagues who are certified pharmacy technicians, we would like to express our voice against the ruling that will allow "unlimited technician ratios".

TSBP was originated to protect the public and so for this reason, the ruling of "unlimited tech ratios" should not be taken into effect. We all feel this decision will create dangerous environment for pharmacists to work in and in turn jeopardize patients' safety and lives. More and more pharmacists will not be able to handle the high loads of stress we put on them for overseeing the unlimited number of technicians in the pharmacy. This in turn leads to more misfills which ultimately hurts the public. Not only the patients are at risk, pharmacy jobs are also at risk.

Being a pharmacy technician, we do not want any more responsibilities on our shoulders. With more responsibilities, our license is on the line because we do not have the years of education and expertise of a pharmacist to perform their extra tasks. We do not want to be doing any extra training or education to meet any further standards if this ruling comes into effect.

We sincerely ask Texas State Board of Pharmacy to reconsider this law because if this ruling comes into effect, more tragedies are foreseen and our profession of pharmacy is at stake. The profession of pharmacy will not be a respected profession like before anymore due to a different environment this law will create for both pharmacists and technicians. TSBP is here for the people and so are we. That is why we need to vote against this proposed law.

Thank you for your consideration.

Sincerely yours,

Jan Anderson, CPhT  
Yen Nguyen, CPhT  
Willie Richie, CPhT  
Taylor Fodderie, CPhT

-----Original Message-----

From: updatepharmd

Sent: Monday, October 28, 2013 1:27 AM

To: Allison Benz

Subject: Re: Proposed Rules - 22 TAC §§ 291.32; 291.53; 291.153

Janie Robles

October 28, 2013

Allison Benz R.Ph., M.S.

Director of Profession Services, Texas State Board of Pharmacy Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-600

Austin, TX 78701

Dear Allison Benz:

As a licensed pharmacist, I want to urge the Texas State Board of Pharmacy to not immediately adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that by allowing this change it will not enhance patient care and public safety because it will companies to limit the number of pharmacists on duty expending the number of technicians.

I urge the Board to not take action at the November 4th meeting to eliminate the arbitrary ratios on all classes of pharmacy.

Sincerely,

Janie

**Asisla Rodriguez  
1206 N 7<sup>th</sup> Street  
Ballinger, TX 76821**

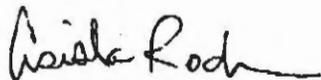
**October 30, 2013**

**Allison Benz, R. Ph.,M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
Fax 512-305-8008**

**Dear Ms. Benz,**

**I would like to voice my opposition to the elimination of pharmacy tech supervision ratios. As a pharmacy clerk, I see first hand the importance of pharmacist watching every prescription in detail as it goes thru the filling process. There are so many steps where a mistake can take place. Having more technicians working under one pharmacist is only going to put patients at risk. Helping patients with their medication needs is our ultimate goal. As a patient of a pharmacy, I know that I would feel safer with my medications being filled and checked by a pharmacist to tech ratio, as it is now.**

**Sincerely,**



**Asisla Rodriguez**

Nina M Rodriguez  
215 S. Broadway  
Ballinger, TX 76821

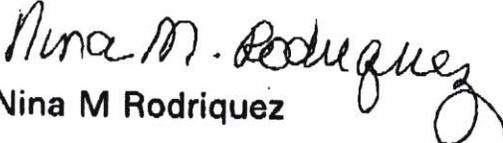
October 30, 2013

Allison Benz, R. Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
Fax 512-305-8008

Dear Ms. Benz,

I would like to voice my opposition to the elimination of pharmacy tech supervision ratios. As a pharmacy clerk, I see first hand the importance of pharmacist watching every prescription in detail as it goes thru the filling process. There are so many steps where a mistake can take place. Having more technicians working under one pharmacist is only going to put patients at risk. Helping patients with their medication needs is our ultimate goal. As a patient of a pharmacy, I know that I would feel safer with my medications being filled and checked by a pharmacist to tech ratio, as it is now.

Sincerely,

  
Nina M Rodriguez

Philip D. Rolland, Pharm. D  
PIC for Keel Drug Store  
2001 Hutchings Ave., Ste A  
Ballinger, TX 76821

October 30, 2013

Allison Benz, R. Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
Fax 512-305-8008

Dear Ms. Benz,

I would like to voice my opposition to the elimination of pharmacy tech supervision ratios. I have been a licensed pharmacist for 29 years, and and a pharmacy tech before that. I have seen first hand the importance of pharmacist watching every prescription in detail as it goes thru the filling process. There are so many steps where a mistake can take place. Having more technicians working under one pharmacist is only going to put patients at risk. Filling scripts correctly and helping patients with their medication needs is our ultimate goal. Let's remember why we became pharmacist in the first place!

Sincerely,



Philip D. Rolland, PIC/Pharm.D

**From:** Elizabeth Rosas  
**Sent:** Tuesday, September 10, 2013 10:58 PM  
**To:** Gay Dodson  
**Subject:** Pharmacist to Technician Ratio

Hello,

It has been brought to my attention that efforts are being made to increase or eliminate the current pharmacist to technician ratio in Texas. I am extremely concerned about this proposal because I believe this will affect patient safety and be a disservice to the public. Being a pharmacist, I know the difficulty that comes with multi-tasking and adding more technicians to supervise may lead to a potential error that goes unseen. Ultimately, errors do fall upon the pharmacist. Pharmacists already accept liability and take responsibility for their patients, and this is unfairly increased if technicians are hired without regard to a ratio.

I know other pharmacists share this concern, and I hope this perspective is taken into account when delegation takes place. Thank you so much for your time.

God Bless,  
Elizabeth Rosas, PharmD, RPh

**From:** Jim Roskopf  
**Sent:** Thursday, October 31, 2013 10:48 PM  
**To:** Becky Damon  
**Subject:** Pharmacist Tech Ratios

Please forward to:

Dear Alicia Benz,

I am a Pharmacist at a retail chain store in Plano, Texas. I have worked in the profession for over 35 years. I feel quite strongly that it would be a mistake to change the ratio of Pharmacists to tech from 1:3. In retail pharmacy we are already working in a precarious environment, too many demands, with not enough support. Rather than increasing the ratio of pharmacists to technicians, more pharmacists should be on duty for the well being of the pharmacists and the patients. We are responsible for the actions of our technicians, and the safety of our patients, and there IS/ SHOULD be reasonable limits.

Also please consider the number of Pharmacists that are now being graduated for Texas Pharmacy Schools alone.

Sincerely,  
Sheri Roskopf RPh

R. Louis Rumsey R.Ph.

Elam Road Pharmacy

9209 Elam Road Ste 105

Dallas, Texas 75217

October 31, 2013

Dear Texas State Board of Pharmacy Members,

My name is Ronald Louis Rumsey R.Ph. and I am writing to express my opposition to the elimination of the Pharmacist – to- Technician supervision ratio. Personally, I would recommend a 1:4 supervision ratio.

I own Elam Road Pharmacy in Dallas, Texas. We fill about 225 prescriptions, on average, on a daily basis. I currently employ 4 Certified Technicians. My technicians have been with me for 20 years, 18 years, 13 years, and 9 years, respectively. My Techs are well trained, experienced, and very professional.

We have a workflow system at my store. One technician inputs the prescription information into the computer, the second technician gets the medicine ready, and the third technician labels the prescription. I will then check the prescription for accuracy and then counsel the patient. Essentially, 3 technicians look at each prescription. Even though I have a great staff, I estimate that I catch 5 to 10 mistakes a day. One or two of these mistakes may be a serious mistake. This could be a wrong drug, a wrong drug strength, wrong directions, or wrong drug from the stock bottle.

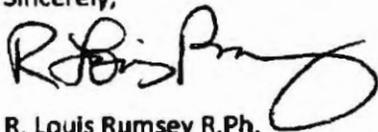
We basically, have 3 technicians filling prescriptions most of the time. The fourth tech may not be working due to scheduling or the 4<sup>th</sup> technician may be doing clerical work.

To be honest, I would not feel comfortable supervising more than 4 technicians. As the supervising pharmacist you have a tremendous amount of responsibility to make sure the work of your technicians is accurate.

To be blunt, I think that a pharmacist supervising more than 4 technicians would decrease the safety for the public, using a retail pharmacy. As a pharmacist of 33 years, I would not want to get any of my prescriptions filled at a pharmacy with more than a 1 to 4 ratio of pharmacist to technicians.

Thank you for allowing me to express my opinion.

Sincerely,



R. Louis Rumsey R.Ph.

[LRumsey@aol.com](mailto:LRumsey@aol.com)

Jessi Saucedo, CPhT  
501 N 3<sup>rd</sup> Street  
Ballinger, TX 76821

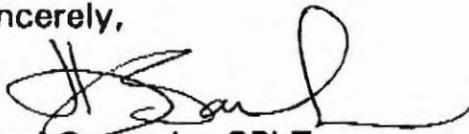
October 30, 2013

Allison Benz, R. Ph.,M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
Fax 512-305-8008

Dear Ms. Benz,

I would like to voice my opposition to the elimination of pharmacy tech supervision ratios. As a certified pharmacy technician, I know first hand the importance of pharmacist watching every prescription in detail as it goes thru the filling process. There are so many steps where a mistake can take place. Having more technicians working under one pharmacist is only going to put patients at risk. Filling scripts correctly and helping patients with their medication needs is our ultimate goal. Let's not forget what we are here for!

Sincerely,



Jessi Saucedo, CPhT

-----Original Message-----

From: eschopf7

Sent: Friday, October 18, 2013 12:47 PM

To: Allison Benz

Subject: Re: Proposed Rules - 22 TAC §§ 291.32; 291.53; 291.153

Emily Schopf

October 18, 2013

Allison Benz R.Ph., M.S.

Director of Profession Services, Texas State Board of Pharmacy Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-600

Austin, TX 78701

Dear Allison Benz:

As a licensed pharmacist, I want to urge the Texas State Board of Pharmacy to consider keeping the pharmacist to technicians ratios in place.

Technicians are not required to have any type of degree program to become licensed. A national licensure system exists, and anyone who can read a study book can pass this test, and with some experience, become a technician. It is far from being the professional education they need in order to make unsupervised judgement decisions. Many people that are employed as technicians do not see it as a lifetime career, but rather a stepping stone to something that offers much better pay and career choices. We need an associates degree program to teach technicians a basic understanding of pharmacology before I would feel comfortable with unlimited ratios. Increase technician quality and pay so it is a viable career option.

Large companies are petitioning for this change because they want to use a central dispensing facility and have the pharmacist on duty out front strictly counselling, performing MTM and vaccinations.

While this sounds good in theory, unless the technician is educated enough and licensed to run the dispensing side of things, this is currently just not feasible.

While a good use of a seven year pharmacy education is clinical services, and many pharmacists resent the count, pour, lick and stick stigma, unless the law allows technicians to run the day to day operations without a pharmacist to examine every prescription and tablet that leaves the pharmacy it is going to be difficult to make this change. Having unlimited ratios is not going to change this factor.

I strongly feel the ratios should stay in place at this time. Changing the structure and requirements to become a technician, and improving the knowledge and quality of technicians is the way to move pharmacy forward and put pharmacists where they belong, practicing clinical working, and moving away from dispensing.

Sincerely,

Emily Schopf

**From:** Tom Siegenthaler  
**Sent:** Monday, August 12, 2013 12:45 PM  
**To:** Becky Damon  
**Subject:** Rule Change

Dear Sirs

I am shocked to learn that the State Board of Pharmacy is considering removing ALL limits on the ratio of techs to pharmacists.

I am opposed to this change, and wonder what would prompt the State Board to put the public of Texas at such a risk.

I can not imagine what response we could possibly make after this causes a patients harm or death.

Tom Siegenthaler, RPh  
Pharmacy Solutions  
1921 W. Pioneer Parkway  
Arlington, Texas 76013

October 28, 2013

Texas State Board of Pharmacy  
333 Guadalupe St. Suite 3-600  
Austin, Tx. 78701

Dear Board Members:

I oppose the elimination of the pharmacist-to-technician ratio in class A,B and G pharmacies.

I have been a practicing community pharmacist for over 30 years, and there is no way to safely supervise an unlimited number of technicians. I currently supervise one and sometimes two technicians, and during busy hours that can be a challenge.

I have worked with numerous, talented technicians over the years, and no matter how good they are, they are not pharmacists! Eliminating the ratio would have a negative effect on the health and safety of the citizens of Texas.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Smith, RPh.", with a large, stylized flourish at the beginning.

Brian E. Smith, RPh.  
Pharmacist/Owner  
Big State Drug  
Irving, Tx.

Brown's Pharmacy  
2021 N MacArthur #120  
Irving, Tx 75061  
(972) 254-8156

October 30, 2013

Texas State Board of Pharmacy  
333 Guadalupe St Suite 3-600  
Austin, Tx 78701

Dear Board Members:

I oppose the elimination of the pharmacist-to-technician ratio in class A, B, and G pharmacies.

I have been a practicing community pharmacist for over 30 years, and there is no way to safely supervise an unlimited number of technicians. I currently supervise two technicians and during busy hours that can be a challenge. I have worked with numerous, talented technicians over the years, and no matter how good they are, they are not pharmacists and are not trained to make decisions like a pharmacist does.

Eliminating the pharmacist-to-technician ratio would have a negative effect on the health and safety of the citizens of Texas.

Sincerely,

A handwritten signature in black ink that reads "Stacy L. Smith Rph". The signature is written in a cursive style.

Stacy L. Smith, Rph  
PIC/Owner

**Kimberley S Stengel, CPhT, PhTR**

Kimberley Stengel, CPhT, PhTR  
5809 Marilyn Drive  
Austin, TX 78757

October 29, 2013

Allison Benz, RPh, MS  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street, Suite 3-600  
Austin, TX 78701  
FX (512) 305-8008

Dear Ms. Benz:

I am writing to ask that the Board reconsider their position on elimination of the pharmacist to technician ratio in Class A pharmacies. This rule change is on the agenda for the Board's next meeting on November 4th. I've been a technician in community pharmacies over 20 years. A change in the ratio to anything other than 1:4 could be detrimental to the community at large. I ask that the Board modify their stance on the ratio, in regard to Class A pharmacies, until the following factors are considered.

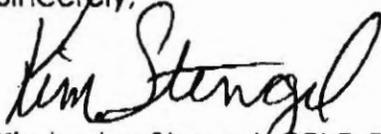
Elimination of the ratio (or a ratio greater than 1:4) would result in a decrease of much needed direct supervision of technicians with less than 5 years experience or have not completed an ACPE approved training program. Several non-ACPE approved programs, offering technician training, are "tech mills" and don't provide the appropriate education needed to become a useful member of the pharmacy team.

Class A pharmacies not only process prescriptions (Class G) but dispense prescriptions directly to the public. Unlike hospital/institutional pharmacy, there is not another medical professional's set of eyes between the pharmacy and the patient. Retail pharmacies are not limited to the number or type of medications they carry (Class B or D). There is greater probability and risk for an end user to receive a miss-filled medication from a community pharmacy.

At this point in time, without further studies on technician education and prescription error rates, a proposition to increase the pharmacist to technician ratio greater than 1:4 in a Class A pharmacy, is unwarranted, unadvised and a threat to the public safety of Texas residents. I ask the Board to take a limited approach to changing the pharmacist to technician ratio.

Thank you for your time and consideration.

Sincerely,

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

Kimberley Stengel, CPhT, PhTR

October 20, 2013

Allison Benz  
Texas State Board of Pharmacy  
William Hobby Bldg., Suite 3-600  
333 Guadalupe St.  
Austin, Texas 78701

Allison Benz

I am writing as a concerned citizen of Texas about the decision of the Board to change the ratio of pharmacist to technicians in the drug store chain pharmacies.

**I OPPOSE THIS CHANGE.**

The pharmacists that work in this environment are already burdened with too many tasks. One has only to watch a pharmacist and technicians in the setting to see that confusion and stress are present all the time.

The Board of Pharmacy is mandated to protect Texas citizens. Adding to the pharmacist's burden is not a wise choice.

I see the addition of more techs as a money saver for Walgreens, HEB and CVS but not a safe place to get prescriptions filled.

Sincerely,



Alan Strickland  
2318 Boulder Run  
Georgetown Texas  
78626



Professional  
Prescription  
Compounding Center

*the* **MED-SHOP**  
**PHARMACY**  
*P.O. Box 279*  
*Hughes Springs, Texas 75656*



**GEORGE TEEL, R.Ph.**

**(903) 639-3508**

Allison Benz, R.ph., Director of Professional Services

Texas State Board of Pharmacy

333 Guadalupe st., Suite 3-600

Austin, Texas 78701

I am taking this opportunity to address the proposed rules that would eliminate the Pharmacist to Technician supervision ratio of 1:3.

To have an unlimited supervision ratio would put a tremendous burden on the Pharmacists involved in those settings. I believe that there needs to be careful and further study on this proposal.

The State Board of Pharmacy has stressed over the years about its role as a protector of the consumer, if this proposal is approved I believe that the Board is taking steps backward in that role.

Best Regards,

George Teel, R.ph.



## TEXAS ASSOCIATION OF INDEPENDENT PHARMACY OWNERS



40 FM 1960 W #193 Houston, TX 77090-3530  
Office: 281-888-7489 • taipounite@aol.com

Allison Benz, R.Ph., M.S.  
Director of Professional Services  
Texas State Board of Pharmacy  
333 Guadalupe Street, Suite 3-600  
Austin, Texas 78701  
Fax (512) 305-8008

October 30, 2013

Dear Texas State Board of Pharmacy,

The Texas Association of Independent Pharmacy Owners would like to express our disapprovals of the proposed rules regarding the Pharmacist to Technician ratio. TAIPO members support a rule that would increase the ratio from the current 1:3 to a 1:4. It is imperative that the Texas State Board of Pharmacy considers the safety of the public in changing the Pharmacist to Technician Ratio. In a Hospital setting where there is no ratio, the medication passes through the checking process of another licensed medical professional, i.e. nurse, before it is administered to the patient. In the retail setting the Pharmacist bears the ultimate responsibility for the accuracy of the medication received by patients and there is no additional nurse or physician that verifies the accuracy of the medication order prior to it reaching the patient.

Please consider changing the current Pharmacist to Technician Ratio from 1:3 to 1:4.

Thank You,

Dr. Anjanette Wyatt  
President

10/30/2013

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

Dear Ms. Benz:

The proposed elimination of the Pharm Tech to Pharmacist ratio is a fantastic concept for me as a Chain Pharmacy, corporate bean counter! I can now hire 9 technicians to process the 600-800 prescriptions per day and now I don't need to hire another couple of overpaid Pharmacists to do so! You just added \$250,000 (by virtue of the elimination of the need for 2 other RPhs) to my bottom line and although we will likely have to add in some additional retaining fees for attorneys due to the escalation in lawsuits, it's a mere drop in the bucket compared with our new found savings!

This elimination of the ratio coupled with the soon to be EIGHT pharmacy schools in Texas producing a glutton of new and eager, in debt graduates, will also allow me to put salary pressures on my existing Pharmacists and make them more amenable to meeting my profit derived desires! It's truly going to be the golden age for corporate Pharmacy profits! Thank you Texas State Board of Pharmacy !

Signed,

The Texas Federation of Drug stores led by Herman-E-BUTT.

Now for the TRUTH:

The TRUTH IS that the ratio for Class A Pharmacies should likely be moved to 4:1 with a typical workflow being : 1 Tech at data entry, 2 Techs counting and filling and 1 Tech at the pickup or drive thru window. That is a safe work environment for a single Pharmacist to oversee.

The TRUTH IS that the definition of a Class A Pharmacy needs to be streamlined to cover ONLY community outpatient Pharmacies. There are far too many scopes of practice under the Class A designation currently.

The TRUTH IS when reading comments from middle managers who work for say the "Smiley faced Pharmacy" about how eliminating this Tech to Pharmacist ratio will "free their Pharmacists up to do more counseling, immunizations and MTM" is nothing more than a corporate talking point. I challenge anyone reading this to go to THREE "smiley faced Pharmacies" and talk to the Pharmacists working in these dispensing factories where an average day is 700 rxs how much time that they have for any task other than overseeing the filling process. How do I know? Have you ever called a "smiley faced pharmacy" for a Transfer and suffered through the inevitable 10 minute wait before the Pharmacist can catch their breath long enough to take the call? All that adding more technicians to this scenario would do is increase the number of Rx's that these Pharmacists would have to verify. This proposal is tantamount to a traffic engineer attacking the traffic congestion issues on I-35 in Austin by adding UNLIMITED roads feeding directly onto I-35 in Austin. It's ridiculous on its face.

The TRUTH IS the BUTT of all Pharmacies obviously has a vested (Translation: FINANCIAL) interest in seeing this ratio done away with as evidenced by the disproportionate number of BUTT Pharmacists responding in the "PRO" position. I am personally humored by the myopic view point of these employees who clamor for more clinical responsibilities and duties. As employees they are obviously unaware that the business fundamentals of Clinical Pharmacy practice simply ARE NOT in existence currently. One cannot pay a single Pharmacist even one day's salary consistently at a store by virtue of MTM or immunizations alone. Dispensing is STILL the underlying profit driver for Pharmacy. These Corporate, driven by profit Chain Pharmacies, are not going to have Pharmacists conducting clinical services at a LOSS. This is a FALSE argument being given by the Chain drug store owners.

The TRUTH IS that the Affordable Care Act DOES NOT provide Pharmacists a model for profitability in providing clinical services. Our financial viability is still going to be defined by DISPENSING. See below for PROOF.

- <http://www.pharmacist.com/walgreens-forms-three-new-acos>

"While the ACO final rule DOES NOT LIST PHARMACISTS as eligible professionals to form ACOs OR BE ELIGIBLE FOR SHARED SAVINGS, pharmacists can participate in ACOs. Asked if Walgreens pharmacists will somehow be able to participate financially in the new ACOs, Cohn said, "Walgreens as a whole will be participating in the savings, but we cannot provide more information about potential future financial elements of the ACOs at this time."

I continue to read that EMPLOYEE PHARMACIST proponents of the elimination of the Pharm Tech to Pharmacist ratio believe that it should be up to the Pharmacist on duty in each store to decide how many Technicians that they can safely supervise. The TRUTH IS that EMPLOYEE Pharmacists are NOT given much in the way of professional discretion and leeway and that most, if not all, are forced to accommodate their Chain Drug Store owner's "Best Practices" workflow. I'll give you one guess as to what the new "best practices workflow" model at chain stores will consist of if this ratio is eliminated? ANSWER: Many more Technicians and a lot LESS \$125,000 per year Pharmacists.

The TRUTH IS that many of these Employee Pharmacists working in a chain store environment already don't have even a 3:1 Ratio at ALL times in their stores and it's due to one thing, the corporate bottom line. These employee Pharmacists are already being told that they are at their Pharmacy department's maximum payroll and are often asked to slash hours, so where is the additional revenue going to come from to pay for these unlimited Technicians if this proposal is approved? I'll give you one guess.

The TRUTH IS that Pharmacists who are working in the Chain store environment and who have written letters in support of the elimination of the Pharm Tech to Pharmacist ratios aren't able to see beyond the horizon of their personal Pharmacy counter. For those of us who can see past it, it's readily apparent that this elimination of Tech to Pharmacist Ratios, coupled with the coming surge of new Pharmacy grads here in Texas, in addition to the ACA's lawfully defined role for Pharmacists as not being able to "participate financially in ACO's" is a recipe for employment disaster.

The TRUTH IS that Pharmacists are already being asked to verify too many prescriptions in the Community Pharmacy Chain drug store setting. Instead of the Texas State Board of Pharmacy bringing to the table the elimination of Tech to Pharmacist ratios, the State board should strongly consider that for every 300 prescriptions filled, on average, at a store, that there needs to be AT LEAST 1 FTE Pharmacist. For example, if a store were to average 303 Rx's a day, then that store would need to have AT LEAST 16 hours of Pharmacist coverage by 2 different Pharmacists. That is the SAFE and EFFECTIVE way to deal with the current work flow issues in community Class A Pharmacy. But OF COURSE the Lobbyists from the Texas Federation of Drug stores wouldn't propose this. It's BAD for their BOTTOM LINE.

In conclusion, when Pharmacists willfully take steps to remove themselves from the PROFIT generating portion of their profession (and it's STILL DISPENSING) while clinging to the Clinical Pharmacy practice dreams and wishes that we all heard of while attending Pharmacy school, Pharmacy will cease to be OUR profession and we will continue down the road of professional exploitation culminating in subpar working

conditions and decreasing financial rewards that ultimately will result in a working environment that is unsafe for the Public.

Sincerely,

Concerned Pharmacist AND PHARMACY OWNER.

X *The Truth*

---

**From:** Van Tran  
**Sent:** Monday, August 26, 2013 3:12 PM  
**To:** Gay Dodson  
**Subject:** Unlimited Tech Ratio

August 26, 2013

Texas State Board of Pharmacy  
Gay Dodson, Secretary of TSBP

Subject: Unlimited Technician Ratios

I, representing myself and my colleagues, would like to express our voice against the ruling that will allow “unlimited technician ratios”.

Texas State Board of Pharmacy was originated to protect the public and so for that reason, the ruling of “unlimited tech ratios” should not be taken into effect. We all feel this decision will create dangerous environment for pharmacists to work in and in turn jeopardize patients’ safety and lives. Being practicing pharmacists for many years, we feel that the ratio of 1:3 of pharmacist to technicians is the max that we could handle on a daily basis. Retail chain pharmacists do not even have time to counsel patients for new prescriptions with this current ratio of 3 techs to 1 pharmacist. Therefore, increasing this ratio to the impossible “unlimited number of technicians to pharmacist” will turn the profession of pharmacy into a disaster within us and in the eyes of the public. More and more pharmacists will not be able to handle the high loads of stress put on them at work for overseeing the unlimited number of technicians in the pharmacy. This leads to more misfills which ultimately hurts the public. Not only the patients are at risk, pharmacy jobs are also at risk.

We sincerely ask Texas State Board of Pharmacy to reconsider this law because if this ruling comes into effect, more tragedies are foreseen and our profession of pharmacy is at stake. TSBP is here for the people and so are we. That is why we need to vote against this proposed law. Thank you for your consideration.

Sincerely yours,  
Van

-----Original Message-----

From: annavu

Sent: Thursday, October 31, 2013 7:03 AM

To: Allison Benz

Subject: Re: Proposed Rules - 22 TAC §§ 291.32; 291.53; 291.153

Tram Vu

October 31, 2013

Allison Benz R.Ph., M.S.

Director of Profession Services, Texas State Board of Pharmacy Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-600

Austin, TX 78701

Dear Allison Benz:

As a licensed pharmacist, I want to discourage the Texas State Board of Pharmacy to adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that eliminating the ratio will have no impact on freeing up more of my time to help more patients. In fact I believe the opposite would happen. Greedy companies will use this as a way to hire cheaper help and less pharmacist.

The few pharmacist that have a job will be forced to oversee an unlimited number of techs that they can't honestly keep track of.

In an ideal world companies would use the no ratio for it's intended good to free up a pharmacist time to offer more direct help to patients.

However, lets be frank money often speaks a lot louder. I work for a busy big chain and I can tell you I don't get the 3 to one ratio as is. I'm lucky if I even get 1:1 help. Therefore my belief is that if this is passed quality of care will decrease not improve. All I will see is tons pharmacist laid off before they reach their retirement benefits and less pharmacist hire. If I'm lucky to keep my job I'll be forced to take on all the liability for the unlimited amount of techs my company decides I need to watch. Techs may be better trained now a days with certifications but I can tell you even my best make a few mistakes in a day. Now multiply that by the number of techs I would now have to watch and I feel med errors double.

Those for may use the argument that in the hospital setting there isn't the 3:1 ratio and it works. But it's not the same because in the hospital RPH do order entry not techs so there is less room for entry error. In the retail setting techs do most order entry and Rph do final verification. Also, hospitals have a multidisciplinary team of trained professionals and med errors still occur at high rates.

I urge the Board to vote against this proposal at the November 4th meeting to protect patient safety and care. Please do not let greedy chain owners convince you that this is in the best interst of out patients because it's only the best interst of their budgets.

Sincerely,

Tram Vu

Tram Vu

Virginia Wright, Head CPhT  
For Keel Drug Store  
206 N 4<sup>th</sup> Street  
Ballinger, TX 76821

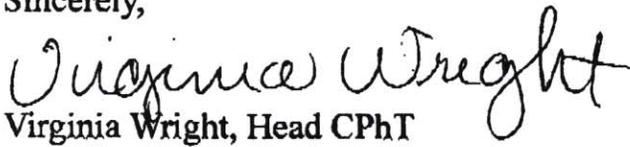
October 30, 2013

Allison Benz, R. Ph., M.S.  
Director of Professional Services  
TSBP  
Fax 512-305-8008

Dear Ms. Benz,

I would like to voice my opposition to the elimination of pharmacy tech supervision ratios. I have worked in a retail pharmacy for over 27 years, and know first hand the importance of having a pharmacist watch every prescription in detail as it goes thru the fill process. There are so many steps where a mistake can take place. More technicians working under one pharmacist is only going to put patients at risk. Filling scripts correctly and helping patients meet their medication needs is our ultimate goal. Let's not forget, what we are here for!

Sincerely,

  
Virginia Wright, Head CPhT



# Clinical Care Pharmacy, LLC

2770 NORTH SAM HOUSTON PARKWAY WEST  
HOUSTON, TX 77038  
(281) 272-8700 • FAX: (281) 272-8706

Clinical Care Pharmacy  
2770 North Sam Houston Pkwy West  
Houston, Texas 77038

October 30, 2013

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

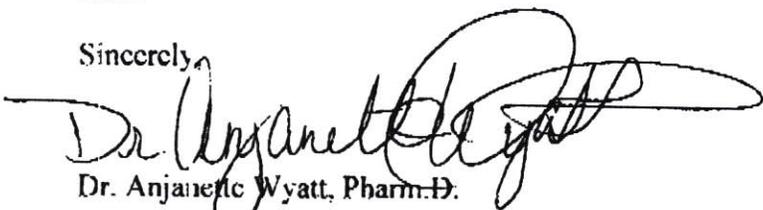
To Allison Benz, Texas State Board of Pharmacy Director of Professional Services:

My name is Dr. Anjanette Wyatt, and I own and operate Clinical Care Pharmacy in Houston, TX. The purpose of this letter is to express my strong opposition to the elimination of the Pharmacist- to-Technician supervision ratio of 1:3 in class A and B pharmacies as proposed in rules published Sept. 28 in the Texas Register.

For more than a year, TPA has proposed and continues to support a comprehensive study regarding the education and scope of practice for Pharmacy Technicians to gather timely, relevant data to help determine what, if any, should be an appropriate supervision ratio. In recognition that such a study will take some time, I am in agreement with TPA's suggested amendment to the ratio supporting an interim change in the supervision ratio **from 1:3 to 1:4** as a compromise. I do **not** support the elimination of the supervision ratio.

I believe that a patient's health and safety is the primary responsibility of the pharmacist and should be everyone's ultimate objective. Protecting the health and safety of the patient also is TSBP's **only** charge. TSBP is **THE** state agency charged with protecting Texans' health and safety relating to **ALL** matters involving prescription medication. The TSBP proposal to eliminate the pharmacy technician supervision ratio puts that critical goal at risk and is a step that must not be taken at this time. I do not agree with or support the elimination of the supervision ratio.

Sincerely,

  
Dr. Anjanette Wyatt, Pharm.D.  
Owner of Clinical Care Pharmacy  
(281) 272-8700