

TSBP RECEIVED THE FOLLOWING COMMENTS IN FAVOR OF 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

TSBP received the form letter below from the following 191 pharmacists:

Abraham, Leejia	Corbell, Zach	James, Richard
Adams, Gina	Crumley, Scott	Jones, Michael
Addison, James	Diffa, Nina	Jones, Paul
Adewoye, Oyejide	Doshier, Larry	Kanu, Prima
Alabi, Kudirat	Drabczuk, Gary	Karachiwala, Fehmida
Alfaro, Carlos	Draper, William	Kawar, Mary
Amad, Chidi	Dunlap, Lana	Kelley, Birdie
Amadi, Kalu	Dunnet, Lauren	Kerth, Wendy
Anderson, Zachary	Dust, Stacey	Kieu, Erica
Andrew, Kristi	Esmailji, Ali	Kim, Christine
Andrew, Kristi	Esqueda, Jacqueline	Kintz, Victor
Arvishetty, Sunil	Evans, Janna	Kirk, Terrie
Asghar, Sakina	Faldet, Wendy	Koen, Frank
Au, Mary	Farinde, Abimbola	Koon, David
Awazi, Joyce	Flores, Hilsia	Lason, Scott
Baek, Jeff	Fredrickson, Scott	Le, Anthony
Barfield, Carolyn	Frendo, Nerissa	Le, Chuong
Barnhart, Emily	Garcia, Allan	Lewis, Lashuntae
Baumann, Sherrie	Garcia, Cassandra	Ljie, Kennedy
Belman, Cheryl	Garcia, David	Lott, Calvin
Betts, Creshaun	Garcia, Janine	Lu, Winston
Bhakta, Pragna	Gardimalla, Hari	Lujan-Francis, Bernadette
Blanton, Brandy	Garza, Jose	Mack, V.R.
Brown, Seth	George III, Emanuel	Marshall, Nena
Burkhall, Sheila	George, Christal	Mathew, Saju
Busby-Tice, Pam	Ghafoor, Rashid	McCubbin, Monica
Caldwell, Julie	Gillock, Amy	McCuin, Patricia
Casarez, Ysela	Greene, Antonio	Melton, Diana
Castillo, Johanna	Griffin, Yvonne	Mey, Sovong
Cathey, John	Gunhuran, Plenie	Meza, Arnold
Cereceres, Ramon	Harper, Crystal	Mitchell, Julie
Charoennimuang, Prinya	Heath, Stacie	Mohamud, Suleiman
Chau, Lena	Heimer, Tracy	Morrison, Sarah
Che, Meyahnwi	Heskes, Beau	Nagarsheth, Kunal
Cheruvu, Ramesh	Ho, Vu	Ned, Tiffany
Choi, Nari	Hoenes, Diane	Newsome, Cheryl
Chuang, Huan-Ching	Howard, Robyn	Nguyen, Cindy
Collins-Lott, Millicent	Huggar, David	Nguyen, Kim
Compton, Valencia	Hunt, Mabel	Nguyen, Phuong
Contreras, Daniel	Huynh, Kim	Nguyen, Robert
Cooke, Joshua	Jacob, Reni	Nguyen, Van Tuong

Njoga, Esther
Ntaryike, Gladys
Olson, Steve
Patel, Amish
Patel, Chaitali
Patel, Deepty
Patel, Mala
Patel, Nihali
Patel, Paresh
Patel, Resham
Patel, Rina
Peavey, Carolyn
Pennal, Jan
Perez, Leticia
Pham, Thao
Pilli, Malini
Pulis, Jon
Puryear, James
Rajabali, Huzeifa
Ralston, Meikwan
Reddy, Praveen
Rodriguez, Hiram
Ross, James

Rossler, Kevin
Ruiz, Manuel
Ruiz, Maritza
Russell, Lisa
Salinas, Donna
Saunders, Kimberly
Shelton, Adriana
Shelton, Mitchell
Shultz, Bill
Simon, Camille
Snyder, Jason
Solis, Jorge
Soliz, Linda
Solomon, Arthur
Soma, Ebey
Soman, Steve
Soto, Juan
Stewart, Susan
Ta, Tam
Taylor, Claudia
Thammasithiboon, Van
Thomas, Keith
Thomas, N

Thomas, Tyrice
Tran, Kim
Trivedi, Gaurang
Truong, Nga
Turay, Isatta
Turrentine, Larry
Uthurusame, Virginia
Vaughan, Luke
Veselka, Debbie
Villanueva, Joan
Wade, Sherrie
Waugh, Martin
Wei, Chien-Wey
White, Christopher
Wilbanks, Jennifer
Williams, Chonda
Williford, Steve
Winter, Veronica
Zamutt, Mark
Zezulka, Erika
Zulfiqar, Quratulain
Fieber, Brandii

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 adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing me to help determine adequate staffing when I am on duty in my pharmacy 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.

Since the ratios were first adopted in the late eighties, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. I work in a busy pharmacy and could use additional help from time to time from well-trained certified technicians. However, current board rules arbitrarily prohibit me and other pharmacists in four of the seven practice settings from exercising my professional judgment as to appropriate staffing levels. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies would let me spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

I contacted my pharmacy school friends now practicing in other states that do not have ratios and they told me that having more tech help is a much less stressful and much safer work environment than not having enough trained technicians. Their experience has been that the more eyes on the prescription actually increases accuracy and allows them time to attend to clinical issues.

Because in Texas I am limited on the number of technicians with whom I can work, I find that I am often spending about half of my time doing the work of a technician. I did not spend seven years in pharmacy school to count, pour, lick and stick. The Board should change the rules to allow pharmacists to use our professional judgment to determine adequate staffing needs. The Board has the power and should hold licensees accountable if any laws or rules regarding the appropriate use of technicians are violated.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

TSBP received the form letter below from the following 58 pharmacy technicians:

Amaya, Christina

Ash, Cynthia

Avila, Ricardo

Beaty, Jeff

Billings, Kelli

Brandt, Stephanie

Buck, Marcia

Burton, Janelle

Castaneda, Victoria

Castro, Jennifer

Coligan, Bill

Cosper, Chase

Cruz, Alma

Davis, Kendall

Dennis, Thelma

Faeldog, Michael

Flores, Tony

Garces, Daniel

Garcia, Tiffany

Glover, Tamyra

Godfrey, Caitlin

Godfrey, Lisa

Green, Kenneth

Gujrani, Rajiv

Gulley, Lisa

Hartman, Harvey

Hornberger, Donna

Istre, Lorraine

Johnson, Sarah

Jones, Douglas

Kia, Michael

Lancelin, Oliver

Lang, Bridget

Lee, Helen

Linkhout, Charles

Martinez, Brandi

Medel, Avelino

Mendoza, Bea

Miranda, Sandra

Mohsen, Mirna

Montgomery, Lisa

Negron, Austin

Oberkamp, Ruth

Parra, Fermin

Priest, Danette

Rodriguez, Adrianna

Rubin, Taaron

Summers, Robert

Tipton, Juli

Veal, LaBrell

Vega, Albert

Velasco, Haydee

Vinton, Lauralie

Vixama, Erica

Wheeler, Lorene

Willis, Nina

Yescas, Diana

Zimmerman, Randall

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 a PTCB certified technician, proud to be working for a busy retail pharmacy in Texas. While my job can be exhausting at times, I find it very fulfilling knowing that I am helping people be healthy. I was surprised to learn recently from my manager that the reason that we do not have more trained technicians like me helping behind the counter especially during busy times such as late afternoons, early evenings and on weekends, is because the Board of Pharmacy will not allow it. I hope that you will consider changing this rule. I know of no other Texas health care professions have arbitrary ratios on the number of unlicensed support personnel. It makes no sense to impose a stricter limitation on the use of technicians in a retail setting, especially considering the stringent requirements for all Texas technicians to be PTCB certified and well-trained.

I am not asking the Board to expand my duties as a certified technician, but just allow the pharmacy to hire more technicians like me to assist with the administrative and product related tasks, enabling my pharmacist to be able to spend more time out front caring for our patients.

I am requesting that the Board vote in favor of the proposed rule at the November 4 meeting which would eliminate the pharmacist to technician ratios in all Texas pharmacies so that we can provide better patient care in a much less stressful and much safer workplace.

Sincerely,

TSBP received the form letter below from the following 27 pharmacist.

Abbey, Sharon
Abitua, Ace
Adhiambo, Christa
Anwar, Rumman
Baker, Cassidy
Bernard, Kimberly
Boyd, Monica
Buerger, Steve
Carrington, Arnetta
Case, John
Corich, Al
Lewis, Richard
Lukose, James
Magembe, Wilfred
Nelson, Darrell
Okafor, Chito
Onyekere, Ijeoma
Pacanovsky, Matt
Paik, Laura
Petty, Sumer
Reddy, Sandeep
Taylor, Kevin
Thomas, Joyce
Tucker, Tyler
Wheatley, Ava
Wilson, Quinne
Zheng, Lian

Dear Gay Dodson:

I am a pharmacist practicing in the state and I work every day to provide Texans with quality health care. The Texas State Board of Pharmacy recently issued a Proposed Rule that would eliminate the pharmacist to technician ratio in the retail pharmacy setting. Many states and some pharmacy practice settings in Texas (Class C, D, and F) operate safely with no ratio restrictions. Since current pharmacy laws already hold the pharmacist accountable to accuracy of prescriptions regardless of the number of technicians involved in the filling process, the current ratio does not enhance patient safety.

Benefits to approving the Proposed Rule and eliminating the ratio include:

- More cost effective pharmacy care as pharmacists will spend less time on technical duties and supervision, instead focusing on verification, quality and consultation
- More eyes on a prescription without interruptions actually increases accuracy, as opposed to fewer technicians multitasking
- Pharmacists are already held legally responsible for prescription accuracy and the number of techs involved would not change that. Technology in the retail setting is also available to help the pharmacists enhance patient safety and fulfill their core duties of verification and quality.

Sincerely,



TEXAS FEDERATION OF DRUG STORES

"The Voice of Chain Pharmacy in the State of Texas"

October 29, 2013

Texas State Board of Pharmacy
333 Guadalupe Street
Box 21
Austin, Texas 78701-3942
Attention: Allison Benz

Dear Ms. Benz,

On behalf of the Texas Federation of Drug Stores (TFDS) and the 2,798 pharmacies that our members operate, we would like to first thank the Board for their forward thinking approach in considering the elimination of the tech ratio in all pharmacies including both Class A and Class G.

Eliminating the ratio is the appropriate step to allow pharmacists to practice to their full potential and so that there is flexibility to increase supportive personnel as business needs change. That said, we understand that some members may have concerns with such a large change and respectfully support and respect whatever decision the Board makes.

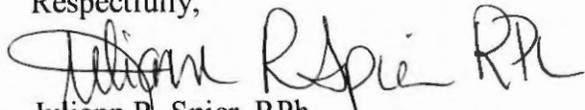
If the Board does not approve the proposed rules, TFDS would ask members to consider a taskforce or other study to properly evaluate the appropriate ratio. In the interim, we request the Board considers raising the Class A ratio to 4:1. Since Class G pharmacies perform limited duties and do not carry inventory, we would ask the Board to continue with the elimination of the ratio on G or an interim change similar to Class A. In addition, we would respectfully request that the Board expedite the study to the extent reasonable possible and in a manner that all involved can carefully evaluate the ratio elimination and feel comfortable that this action would not have a negative impact in any way on patient safety. TFDS members would be happy to volunteer for a task force or industry stakeholder group to assist the Board and the many pharmacists that we represent.

Other stakeholders have raised concerns about a larger ratio without increasing tech education requirements. While TFDS firmly supports further study of education and scope of practice for technicians, we feel that any evaluation of an appropriate ratio should be a separate undertaking.

An important component of any expanded ratio would be to compare other states with no ratio. Some of these states have statutory language within their Board's rules and regulations that would truly allow and protect the pharmacists' professional judgment in regards to the number of techs that they are comfortable in supervising. Perhaps adding similar wording to the proposed rules would further assist those that have concerns with the changes in ratio.

Thank you in advance for your consideration of our letter and please know that we are here to assist the Board in any way.

Respectfully,


Juliann R. Spier, RPh
President – Texas Federation of Drug Stores.

October 30, 2013

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

By Fax: 512-305-8008

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

Dear Ms. Benz:

The National Association of Chain Drug Stores¹ (NACDS) thanks the Texas State Board of Pharmacy ("TSBP") for the opportunity to comment on the proposed rule changes under 22 TAC §§291.32 and 291.153 that eliminate the pharmacist to pharmacy technician ratio in Class A and Class G pharmacies. We commend TSBP for pursuing this rulemaking that would give pharmacists the ability to optimize use of pharmacy technicians in their practices to better serve their patients.

Why Ratios Should Be Eliminated

Patient demand for the healthcare services provided by pharmacists continues to grow, and that demand will only amplify as various reforms to healthcare delivery system made by the Affordable Care Act are implemented. Texas pharmacists are eager to provide important services such as medication therapy management and disease management to their patients. However, the extent to which pharmacists can engage in these types of direct patient care activities depends heavily on pharmacists' ability to delegate to pharmacy technicians the administrative and nondiscretionary work that must also be performed in a pharmacy.

The existing pharmacist to pharmacy technician ratios that arbitrarily limit the number of pharmacy technicians in certain classes of pharmacies impede pharmacists' ability to optimize use of pharmacy technicians to perform non-discretionary tasks. Eliminating these ratios will allow pharmacists to determine the appropriate number of technicians for their pharmacy

¹ The National Association of Chain Drug Stores (NACDS) represents traditional drug stores, supermarkets, and mass merchants with pharmacies – from regional chains with four stores to national companies. Chains operate more than 40,000 pharmacies and employ more than 3.5 million employees, including 130,000 pharmacists. Our members dispense over 2.6 billion prescriptions annually, which is more than 72 percent of annual prescriptions in the United States. In the state of Texas, NACDS represents 22 companies operating more than 3,091 pharmacies.

practice setting, based on the needs of their individual operation, in order to best meet the needs of their patients.

Role of Pharmacy Technician Will NOT Change

We are not asking TSBP to expand or change technician duties. Technicians will continue to perform non-judgmental tasks that are explicitly defined by TSBP under the direct supervision of a pharmacist who is responsible for verifying the accuracy of all acts, tasks and functions. An internal study performed by an NACDS member company showed that pharmacists spend about 43% of their time doing technician tasks in states with a 1:3 ratio. Eliminating the ratio will not lead to technicians replacing pharmacists, but it will reduce workload pressures and free pharmacists from routine product handling functions so they can spend more time caring for and counseling patients.

Patient Safety Will Be Enhanced

The concept of a technician to pharmacist ratio is an antiquated one that is no longer appropriate in today's pharmacy practice environment, especially given the innovative workflow models and new technologies that are employed in today's pharmacies. Pharmacists are in the best position to determine staffing needs. Errors occur when staffing is inadequate. By having more eyes on a prescription, and by focusing technicians on specific product or administrative tasks, pharmacists will encounter fewer interruptions.

No Safety Issues in Texas Pharmacies that are Not Currently Subjected to Pharmacist to Pharmacy Technician Ratios or in States with No Ratios

Eliminating the ratios for the remaining three classes of pharmacy does not establish a dangerous precedent jeopardizing patient safety and placing the public at risk. In fact, our experience in Texas shows that for classes C, D, E and F pharmacies that are not subject to pharmacist to pharmacy technician ratios, patient safety has not been compromised. Further, there is no evidence that corporate-owned hospitals and clinics, or other facilities that operate pharmacies under these license classes, have abused the ability to utilize a number of technicians that the licensee deems necessary for the operations in their particular pharmacy practice setting.

Many state Boards of Pharmacy have relaxed or eliminated restrictive ratios altogether to allow for optimal use of pharmacy technicians. Notably, 16 states plus the District of Columbia have no ratio. Montana and New Jersey have ratios, but allow the ratio to be exceeded upon the board granting a waiver. Your counterparts serving on other Boards of Pharmacy who share the Board's mission to protect patient safety have testified before TSBP that patient safety is not an issue and the unlimited ratios have not been abused. TSBP has also received from other Board of Pharmacy Executive Directors reassuring this Board that there has been no harm to patient safety.

Further, many pharmacy leaders including the National Association of Boards of Pharmacy (NABP), share the view that the technician to pharmacist ratio should be eliminated entirely.²

Empower the Pharmacist

We believe that pharmacists are fully capable of determining the appropriate number of technicians that they can safely utilize to assist them with duties in the pharmacy. This approach is working well in many states (as discussed above.) However, if the Board is looking to further clarify that pharmacists will have the complete discretion to exercise their professional judgment in determining the number of technicians that they will supervise, language such as the following would accomplish this:

“Consistent with patient safety, no pharmacist shall supervise more technicians than he or she can safely supervise.”

Board Has Authority to Act

Keep in mind that for many decades, the Legislature has given TSBP the authority to promulgate rules for supportive personnel. Further in 1997, the Legislature enacted SB 609 sponsored by Senators Madla and Van de Putte that specifically directed TSBP to establish rules for pharmacy technicians.

In the past, TSBP has been known as a leader willing to take dramatic, bold action to promote public safety and advance the practice of pharmacy. Texas was the first board in the nation to require technicians become certified. Given the Board’s pioneering history in pharmacy policy, we strongly encourage the Board to modernize the regulations for supervision of pharmacy technicians by eliminating the antiquated ratio.

Time to Take a Vote

Over the past year, the board has held three open public meetings on this subject, and has patiently listened to all stakeholders. TSBP has received extensive comments from pharmacy stakeholders in all practice settings. There has been no evidence shown that patient safety will be compromised if the ratios are eliminated. Rather, the overwhelming comments are aligned with our position that TSBP should allow the pharmacist to use their professional judgment to determine adequate and safe staffing ratios.

Now is the time for TSBP to carefully review all the meeting minutes and written comments that have been provided at the last three meetings, review the public hearing comments submitted and listen closely to the oral testimony at the November public hearing. By taking a VOTE on the proposed rules on November 4th, the board is fulfilling its duties to the public.

² The National Association of Boards of Pharmacy Task Force on Pharmacy Manpower Shortage Committee Report for 1999-2000 recommended the elimination of pharmacy technician ratios.

Conclusion

As NACDS has previously conveyed to TSBP over the past year in public testimony and the attached written comments submitted last August, we strongly support eliminating the arbitrary pharmacist to pharmacy technician ratio for all classes of pharmacies operating in the state of Texas. Give pharmacists the flexibility to evaluate the needs of their individual practice settings and determine the appropriate number of certified trained technicians to safely and efficiently meet the needs of their patients.

We urge TSBP to do what is in the best interest of patients and public safety by adopting the proposed rules that will allow pharmacists to maximize the use of pharmacy technicians. We appreciate TSBP considering our input on this rulemaking.

Sincerely,

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

Mary Staples
Regional Director, State Government Affairs

Attachment

ATTACHMENT



NATIONAL ASSOCIATION OF
CHAIN DRUG STORES



TEXAS FEDERATION OF DRUG STORES

"The Voice of Chain Pharmacy in the State of Texas"

August 2, 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:

On behalf of 23 companiesⁱ that operate approximately 2,798 chain pharmacies throughout the state of Texas, the National Association of Chain Drug Stores ("NACDS")ⁱⁱ and the Texas Federation of Drug Stores (Federation)ⁱⁱⁱ ask that the Texas State Board of Pharmacy ("TSBP") eliminate the arbitrary and antiquated technician to pharmacist ratios on all classes of pharmacy.

Texas pharmacists are eager to practice at the top of their license which will create the best patient care and greater efficiencies for our expanding health care system. We want to maximize the use of well-trained certified technicians in our pharmacies as they are essential to the pharmacy care team. Adequate staffing of technicians will allow pharmacists and pharmacies to provide a higher level of care to patients.

Let us be clear that we are NOT asking the Board to change or expand technicians' duties. Rather, we want pharmacists to be freed up from performing technician duties so that pharmacists can provide better patient care and practice to the maximum of their capabilities.

Why the Ratios Need to Be Eliminated

In the community pharmacy setting, the extent to which pharmacists are able to engage in direct patient care activities is dependent upon pharmacists' ability delegate non-judgmental tasks to technicians. For this reason, NACDS and the Federation support the ability of pharmacists to supervise as many technicians as they can safely monitor.

The concept of a technician to pharmacist ratio is an antiquated one that is no longer appropriate in today's pharmacy practice environment. Arbitrary ratios prevent pharmacies from maximizing use of pharmacy technicians to perform non-discretionary tasks so that pharmacists may focus on providing cognitive services to their patients. Recognizing this to be true, many state boards of pharmacy have over the years relaxed or eliminated restrictive ratios to allow for optimal use of pharmacy technicians. Other groups, including the National Association of Boards of Pharmacy (NABP), share the view that the technician to pharmacist ratio should be eliminated entirely. No other Texas health care provider has a limit on the number of unlicensed support personnel they can employ to perform nondiscretionary duties.

In today's reformed health care system, health care providers including pharmacists, face increasing pressure to deliver high quality health care services to a greater number of patients. Innovative workflow models and use of pharmacy technicians to perform administrative and nondiscretionary tasks are integral to maximizing the time pharmacists spend with patients and meeting an increasing demand for pharmacy services. To this end, it is critical that restrictive technician to pharmacist ratios be eliminated to allow practicing pharmacists to evaluate their individual practice settings and determine the appropriate staffing scenarios for their pharmacy to meet the needs of their patients.

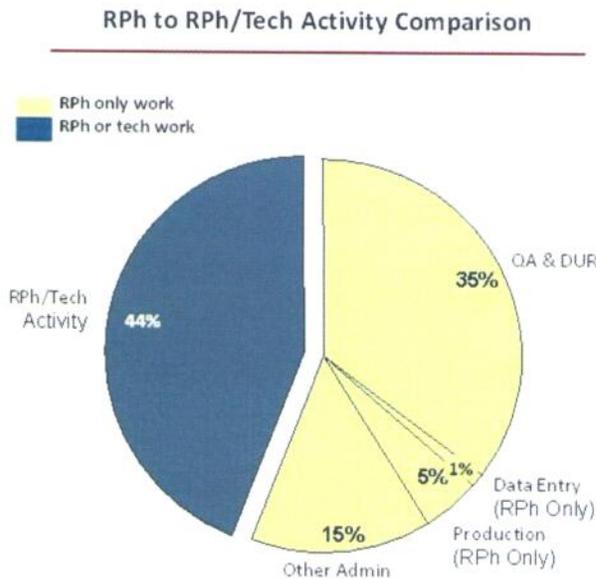
Elimination of technician to pharmacist ratios will enable pharmacists to focus more on counseling patients, performing medication therapy management, providing disease management programs, engaging in other important pharmaceutical patient care services, and conferring with other health care professionals, thus permitting a higher level of service to patients. These services offered by community pharmacists help patients better adhere to their medication regimens and ultimately serve to improve patients' health and wellness and reduce our nation's health care costs.

Technicians Role Will Not Change

In the community pharmacy setting, pharmacy technicians do not work independently, but are supervised by licensed pharmacists. Having the ability to delegate non-judgmental tasks to pharmacy technicians enables pharmacists to focus on counseling patients, performing medication therapy management, providing disease management programs, engaging in other important pharmaceutical patient care services, and conferring with other health care professionals, thus permitting a higher level of service to patients. In Texas, the role of the technician is well defined.

Board Chart Outlining Limited Duties of Texas Pharmacy Technicians in Class A Retail Pharmacies Under the Direct Supervision of a Pharmacist - Technicians Must Be Trained, Certified & Registered	
Initiate & receive refill authorization request	YES
Enter prescription data into a data processing system	YES
Prepare & package drug orders (e.g., tablets/capsules, measure liquids or place them into a container)	YES
Affix prescription label and auxiliary labels to the prescription container	YES
Reconstitute medications	YES
Prepackage & label prepackaged drugs	YES
Load bulk unlabeled drugs into automated dispensing system	YES
Compound non-sterile preparations	YES
Compound sterile preparations (after completing the required 40 hour training)	YES
Compound bulk preparations	YES

Texas Pharmacists Are Handcuffed by 3:1 Ratio - Currently Spending Too Much Time Doing Technician Work



If the arbitrary ratios were eliminated, pharmacist could spend a greater proportion of time on pharmacist only activities such as patient counseling, quality assurance, administering flu shots and other vaccinations, and work involving C-IIs.

Due to the limitations of the 3-1 technician to pharmacist ratio, pharmacists practicing in retail pharmacies today are having to carve out time from their other important work to complete tasks that could otherwise be done by a technician in accordance with the TSBP rules. A recent internal study done by a national pharmacy chain showed that in states like Texas with a 3-1 technician to pharmacist ratio, pharmacists spend 44% of their time completing technician tasks rather than performing pharmacists' activities.

Myths versus Facts:

NACDS and the Federation want to address some common misperceptions relating to the elimination of the technician to pharmacist ratio.

Myth: Technicians will replace pharmacists. -- Not true!

Pharmacists are highly trained professionals who provide important patient care services, demand for which continues to grow following healthcare reform. Unfortunately, pharmacists' ability to provide these services is hampered by the administrative and nondiscretionary work that must also be performed in a pharmacy. Pharmacy technicians can help with these nonjudgmental tasks, allowing pharmacists to perform the important professional services that they are trained to do.

Rule 22 TAC 291.32 (d)(2)) provides clear and appropriate limits on what work pharmacy technicians can and cannot do. Under no circumstance could a pharmacy technician perform the types of duties in a pharmacy that requires a pharmacist's professional discretion.

Myth: If the TSBP were to remove the perceived safety net of the ratio, retail pharmacies would force employee pharmacists to supervise more technicians than they are comfortable with supervising. -- Not true!

Ultimately, the Board has the authority to initiate disciplinary proceedings against licensees and registrants that violate any of the pharmacy practice laws and rules relating to appropriate use of pharmacy technicians.

Myth: *Eliminating the technician to pharmacist ratio will jeopardize patient safety. -- Not true!*

A recent study performed by the University of Oklahoma College of Pharmacy showed that the majority of pharmacists perceive a reduction in medication errors to be associated with the use of certified pharmacy technicians. Notably, all pharmacy technicians in the state of Texas must be certified. The strict training and certification requirements already in place ensure that pharmacy technicians are well-prepared to safely perform their duties in pharmacies.

Eliminating the technician to pharmacist ratio will allow pharmacists to use their professional judgment to determine how many well-qualified technicians they need and can safely supervise to meet the needs of their patients. Ultimately, pharmacy technicians will remain under the direct supervision of a licensed pharmacist who is responsible for verifying the accuracy of all acts, tasks, and functions performed by pharmacy technicians working under them per the requirements of 22 TAC 291.32 (d)(2), which further serves to protect patient safety.

Myth: *Eliminating the technician to pharmacist ratio will result in pharmacies hiring too many pharmacy technicians for one pharmacist to safely monitor. -- Not true!*

Eliminating the technician to pharmacist ratio would allow pharmacists to use their professional discretion to determine how many technicians to supervise. Pharmacists would have the flexibility to evaluate the needs of their individual practice settings and determine the appropriate number of technicians to safely and efficiently meet the needs of their patients. This approach to technician supervision is currently in place in 16 states plus the District of Columbia, and has been an effective method in those states. Additionally two other states, Montana and New Jersey, have ratios on the books, but allow the ratio to be exceeded upon the board granting a waiver.

Myth: *Pharmacists will not have jobs because technicians will replace pharmacists. -- Not true!*

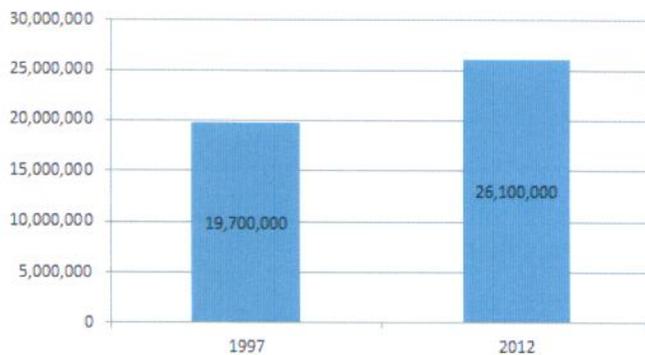
The demand for pharmacists' professional services is growing. Pharmacists are the only licensee in the pharmacy that is qualified and appropriately licensed to provide these many important services that range from patient counseling to quality assurance to drug utilization reviews. Below is a list of just some of the critical services pharmacists, not technicians, are commonly and increasingly called upon to provide to patients in the retail setting.

- ✓ Provide oversight for all tablets and capsules, liquid, and prescriptions for both controlled and non-controlled substances;
- ✓ Patient counseling on first fills and when there is complex therapy
- ✓ Complex clinical adherence issues that helps enhance patient care and lower health care costs;
- ✓ Patient care services such as medication therapy management; the provision of immunizations; and others.

- ✓ Handle all prescriber calls requesting a new script for an existing customer;
- ✓ Complete the production of any prescriptions, as well as any compound production;
- ✓ Handle all inbound and outbound calls from doctors and address any customer questions;
- ✓ Other administrative duties including managing all controlled substance inventory related tasks such as ordering, receiving, stock checks, processing paperwork, perform any patient level recalls;
- ✓ Provide individual coaching to all pharmacy staff members;
- ✓ Handle management responsibilities such as review of weekly/monthly reports, team meetings and management visits.

Myth: If ratios are eliminated, the chain pharmacies will eliminate the competition. -- Not true!

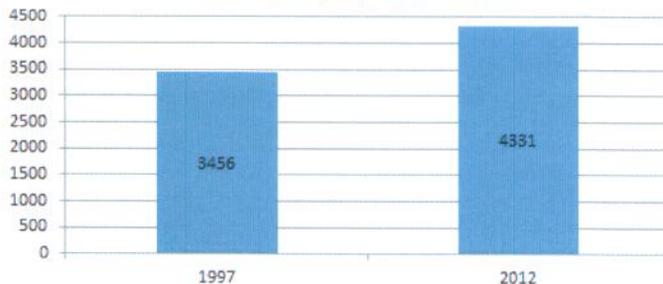
Texas Population Continues to Grow



As the Texas population continues to grow, the need for health care providers will continue to grow. In 1997, there were 19.7 million Texans; by 2012, the population had grown to 26.1 million, and was the fastest growing state in the nation. There should be plenty of business for all.

Texas Retail Pharmacies 1996 vs. 2012

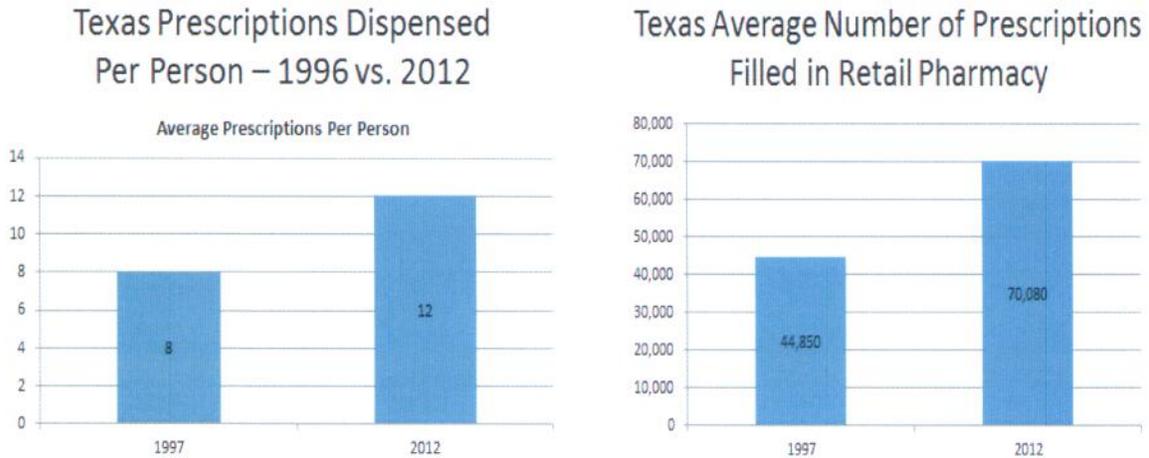
More Chain & Independent Retail Pharmacies
to Serve Growing Population in Texas



There are more pharmacy licenses issued in Texas as the population grows.

In 2011, 3.7 billion prescriptions were filled in retail pharmacies nationally – a 29% increase since 2000. More scripts are being filled each year in Texas, and as the population ages, prescription demand will continue to rise. In 1996, the average Texan had 8 prescriptions; by 2012, the average was 12.

Texas retail pharmacies dispensed an average of 44,850 in 1996; by 2012, the average prescriptions dispensed per pharmacies was 70,080.



It is important to note that in states without ratios, the number of chain versus independent pharmacies has remained constant. *Chain pharmacies are not eliminating the competition.*



Clear Disparity in Texas Between Ratio in Retail Pharmacy vs. Other Practice Settings

The disparity between the technician-to-pharmacist ratio in the retail pharmacy setting vs. other settings is notable and unjustified. As the chart below illustrates, there are numerous other practice settings in Texas that either have no ratio, or have a ratio much higher than 3:1. Considering that technicians in all of the different settings must undergo the same certification requirement and complete training that is appropriate to their practice setting, we see no rationale for imposing a stricter and arbitrary limitation on the use of technicians in the retail pharmacy setting.

TEXAS PHARMACY CLASSES OF PHARMACY TECHNICIAN TO PHARMACIST RATIOS		
CLASS A	COMMUNITY (Retail)	3:1
	DO NOT DISPENSE MORE THAN 20 DRUGS	5:1
CLASS B	NUCLEAR	3:1
CLASS C	INSTITUTIONAL (Hospitals)	NONE – ratio explicitly prohibited by law
CLASS D	CLINIC	NONE
CLASS E	NON-RESIDENT (Mail Order)	NONE
CLASS F	FREESTANDING EMERGENCY MEDICAL CARE	NONE
CLASS G	CENTRAL PROCESSING (Medication order processing - no drugs)	6:1
	SATELLITE PHARMACY (licensed as a Class A or Class C pharmacy)	3:1

Comparing Texas Techs to Tech in States with No Ratios:

It is noteworthy that in states that do not have a ratio, there have been no indicators to suggest excessive staffing of technicians, nor have there been any proven issues of patient safety. Furthermore, when compared to other states with no ratios, Texas has notably tougher standards for technicians. Considering the strict requirements that technicians must meet in order to qualify to work in Texas, the Board can rest-assured that Texas technicians are similarly well-prepared to safely perform their duties in pharmacies.

TEXAS TECHNICIAN REQUIREMENTS vs. STATES WITH NO RATIO -			
STATE	LICENSE	REGISTER	CERTIFY
TEXAS	NO	YES	YES
Alaska	YES	NO	NO
Arizona	YES	NO	YES
Delaware	NO	NO	NO
District of Columbia	NO	NO	NO
Hawaii	NO	NO	NO
Illinois	NO	YES	YES
Iowa	NO	YES	NO
Kentucky	NO	YES	NO
Maryland	NO	YES	YES
Michigan	NO	NO	NO
Missouri	NO	YES	NO
New Hampshire	NO	YES	YES
New Mexico	NO	YES	YES
Ohio	NO	NO	NO
Oregon	YES	NO	YES
Pennsylvania	NO	NO	NO
Rhode Island	YES	NO	YES
Vermont	NO	YES	NO

Retail Pharmacies Need to Continue to Adapt to Changing Times to Remain Competitive and Viable in the Emerging New World of Health Care

Today's pharmacists do so much more than they did a decade ago, and their roles will continue to evolve in light of the healthcare reform laws that have prompted changes in healthcare delivery models. As pharmacists continue to engage more in the provision of direct patient care activities and other activities that require pharmacists' professional discretion, there is a strong need to maximize efficiencies to serve patients' needs. Being able to optimize the use of technicians to perform the non-discretionary tasks and handle third party issues for the growing number of prescriptions is integral to achieving this aim. Furthermore, new technologies and innovative practices that pharmacies have implemented over the years have gone a long way towards improving patient safety and better patient care outcomes, and lowering health care costs. In light of all of developments and changes in pharmacy practice, it is time to modernize the rules and eliminate the antiquated technician ratio.

Conclusion

It is important to note that neither pharmacy operations for both the Veterans Administration and the military have never had a technician to pharmacist ratio. For all of the reasons stated above, NACDS and TFDS urge the Board to consider eliminating the technician to pharmacist ratio for all classes of pharmacy. Please do not hesitate to contact us with any questions. Mary can be reached at: 817-442-1155, mstaples@nacds.org or Brad can be reached at 512-658-1990, brad@bradshields.com.

Sincerely,



Mary Staples
Regional Director, State Government Affairs



Brad Shields, II
Texas Federation of Drug Stores

ⁱ Alberstons, Brookshire Brothers, Brookshire Grocery, Costco, CVS/Caremark, Gibson, Good Neighbor Pharmacies, Health Mart, H-E-B, Kmart, Kroger, Lifecheck, Market Basket, Medicine Chest, Medicine Shoppe, OMNICARE, QVL, Recept, Safeway/Randalls/Tom Thumb, Target, United, Walgreens, and Walmart.

ⁱⁱ NACDS represents traditional drug stores, supermarkets, and mass merchants with pharmacies – from regional chains with four stores to national companies including franchisors. Chains operate more than 41,000 pharmacies and employ more than 3.8 million employees, including 132,000 pharmacists. They fill over 2.7 billion prescriptions annually, which is more than 72 percent of annual prescriptions in the United States. In Texas, NACDS members operate 3,100 pharmacies, employing more than 243,956 Texans including 10,285 pharmacists.

ⁱⁱⁱ The Texas Federation of Drug Stores (TFDS), is a non-profit trade association representing 14 companies that operate more than 2,500 community retail pharmacy outlets in the State of Texas.

October 24, 2013

Gay Dodson
Executive Director
Texas State Board of Pharmacy

Dear Ms. Dodson,

Our pharmacy operations in Texas are central processing pharmacies that are licensed as Class G pharmacies. The class G license was recently developed (2011) and embraces the use of technology to re-deploy work from dispensing pharmacies and provide support services to those pharmacies that is efficient and accurate. Class G pharmacies are not open to the public, have no drugs in the facility and work exclusively via electronic sharing of data.

Some excerpts from the Class G rules:

- (2) Any facility established for the primary purpose of processing prescription drug or medication drug orders shall be licensed as a Class G pharmacy under the Act. A Class G pharmacy shall not store bulk drugs, or dispense a prescription drug order.
- (ii) A pharmacist may delegate to pharmacy technicians and pharmacy technician trainees any nonjudgmental technical duty associated with the preparation and distribution of prescription drugs provided:
 - (I) 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; and
 - (iii) Pharmacy technicians and pharmacy technician trainees may perform only nonjudgmental technical duties associated with the preparation of prescription drugs, as follows:
 - (I) initiating and receiving refill authorization requests; and
 - (II) entering prescription or medication order data into a data processing system.

The very nature of Class G pharmacies eliminates distractions for both pharmacists and technicians that may be sources of errors in retail pharmacies. That is, frequent phone calls, customer interactions etc. The atmosphere in a Class G pharmacy is one of quiet, efficient work. There is no drug inventory, and therefore no chance of drug diversion. All of the technicians work is held in a queue for pharmacist verification. Due to the electronic nature of the workflow, the pharmacist can safely

supervise a much larger number of technicians than his/her counterpart in a retail pharmacy.

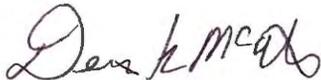
To be licensed in Texas as a technician, one must successfully pass the Pharmacy Technician Certification (PTCB) Exam. PTCB is sponsored by a coalition of The APHA, NABP, and ASHP and is nationally accepted as the entry level competency exam for technicians. It includes basic pharmacy science, mathematics, pharmacy law, and basic pharmacology. The Texas Board of Pharmacy recently submitted a request for proposal to have all available exams measured and validated by an outside impartial panel. The result was that PTCB is the best choice for Texas as it measures the entry level competency of technician candidates in a reliable and validated method. The competency of technicians and the jurisdiction over the licenses of the pharmacy, pharmacist in charge, verifying pharmacist and technician provide a safety net for Texas citizens and elimination of the supervision ratio does not reduce safety and quality of services.

Express Scripts pharmacies comply with all of the rules excerpted above, only employ certified and licensed technicians and have active, unencumbered licenses with the Texas State Board of Pharmacy. The pharmacies have a history of compliance and have had no concerns or complaints from board inspectors.

Given the differences that exist between the operational environments of a Class G pharmacy and Class A and Class B retail pharmacy settings, we request that the proposed rules for Class G pharmacies that eliminate pharmacist/technician ratios be allowed to move forward for adoption by the Board of Pharmacy.

I am happy to provide further testimony and background as I will be at the board meeting on November 4th.

Sincerely,



Dennis K. McAllister R.Ph., FASHP
Senior Director, Pharmacy Regulatory Affairs
Express Scripts
Dennis_mcallister@express-scripts.com
602-513-2759



PrimeMail
2901 Kinwest Parkway, Suite 350
Irving, TX 75265

October 28, 2013

Gay Dodson, RPh
Executive Director/Secretary
Texas State Board of Pharmacy
William P. Hobby Building, Suite 3-600
333 Guadalupe Street
Austin, Texas 78701

Dear Ms. Dodson:

I am resending this letter in response to the upcoming November Texas Board of Pharmacy meeting in which the pharmacist to technician ratio will be discussed. This letter was originally submitted for your consideration in August.

I am writing to you as a pharmacist with 15 years of pharmacy experience. I recently transitioned from a retail community practice setting to mail order pharmacy. I met you personally in 2005 while in a previous role with a retail pharmacy to introduce a new dispensing system. My role at the Irving, Texas Prime Therapeutics mail order pharmacy is managing our Pharmacy Resource Center (PRC). My team is comprised of pharmacists, certified pharmacy technicians and support personnel. Our primary role is counseling patients on prescriptions filled by our mail order pharmacies as well as facilitating resolution of any medication issues over the telephone. Additionally, we perform outreach to physician offices to help member's obtain new or renewal prescriptions. We provide pharmacist access 24 hours a day, 7 days a week. Our practice setting is highly collaborative within our department as well as with our member service and pharmacy departments.

Transitioning from a retail practice setting to a mail order practice setting has been a professional growth opportunity for me in many regards. One of which is how our department utilizes our pharmacy technicians and pharmacists to optimize their skill sets and knowledge. We work collaboratively to document and resolve issues using a team approach. Our pharmacy technicians triage, document, and perform initial research of the member issue. Our pharmacists are able to use this information to develop their management strategy. Once the pharmacist and patient discuss the issue and determine a plan of action, the team works collaboratively to resolution. Our department is integral to meeting our organization's purpose to "help people get the medicine the need to feel better and live well."

Our department has guidelines and training in place so that all staff is aware of functions they are allowed to perform pursuant to state pharmacy regulations. This oversight and management approach facilitates staff only performing specific functions allowed by state regulations. We also perform retrospective call monitoring to check that all team members are strictly adhering to these guidelines and calls are appropriately routed to pharmacists for management of pharmacist-only duties. This is an example of how our organization has developed processes and training to appropriately oversee pharmacy technician and pharmacist functions.

I am writing to express my support for eliminating the existing pharmacist to technician ratio in Texas. This would allow Texas pharmacists to develop innovative patient care models and would bring Texas pharmacy practice in line with current industry thinking.

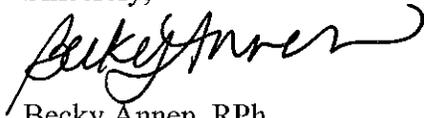
The concept of pharmacist to pharmacy technician ratios was developed at a time in our profession when technicians were a new concept, had little or no formal training and were employed outside the authority of the Board of Pharmacy. Today pharmacy technicians have evolved into a fully registered occupation complete with formal training programs and competency assessments regulated by the Board of Pharmacy.

I have seen firsthand how to optimize the use of pharmacy technicians and pharmacists to foster a collaborative work environment in which each is working at the top of their registration or license. We have an environment of collaboration with appropriate oversight between our pharmacists and pharmacy technicians. The result is being able to provide high quality care and positive patient care interactions.

I support eliminating the technician to pharmacist ratio in Texas as the right thing to do in order to allow pharmacists in Texas to continue to provide innovative patient care.

If I can provide further information please do not hesitate to contact me at 972-630-1010 or bannen@primetherapeutics.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky Annen", written in a cursive style.

Becky Annen, RPh
Manager, Pharmacy Resource Center
Prime Therapeutics

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

From: rxm.

Sent: Monday, October 28, 2013 10:47 AM

To: Allison Benz

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

Grey Baldwin

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 adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing me to help determine adequate staffing when I am on duty in my pharmacy 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.

Since the ratios were first adopted in the late eighties, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. I work in a busy pharmacy and could use additional help from time to time from well-trained certified technicians. However, current board rules arbitrarily prohibit me and other pharmacists in four of the seven practice settings from exercising my professional judgment as to appropriate staffing levels. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies would let me spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

Because in Texas I am limited on the number of technicians with whom I can work, I find that I am often spending about half of my time doing the work of a technician. The Board should change the rules to allow pharmacists to use our professional judgment to determine adequate staffing needs. The Board has the power and should hold licensees accountable if any laws or rules regarding the appropriate use of technicians are violated.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

Grey Baldwin

Pharmacy Supervisor - Walgreens

October 19, 2013

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

RECEIVED
2013 SEP 23 PM 4:23
TX STATE BD
OF PHARMACY

RE: Proposed Rule to Eliminate Pharmacist to Technician Ratios in All Classes of Pharmacy in the State of Texas

Dear Ms. Benz:

On behalf of HEB, I appreciate the opportunity to submit comments regarding the proposed rule to eliminate pharmacist to technician ratios in the State of Texas (Rules §291.32, §291.53, and §291.153) and ask the Board to strongly consider adopting this Rule.

My role as an HEB pharmacist is rather unique. I am the manager of our Pharmacy Contact Center, which is a class G pharmacy. Under this classification, we are allowed a ratio of 1:6. We accept phone calls for 24 HEB pharmacies, with plans to expand. I currently employ 3 pharmacists and 18 technicians. Contact center pharmacists take new prescriptions, refill authorizations, perform drug utilization review, complete transfers and counsel patients via phone. Our technicians have the ability to reach out to the contact center pharmacists or a store pharmacist if needed. We are a huge asset to the stores. Not only does our service enable the store pharmacist to focus more on patient care but it also lessens the huge distraction of a ringing phone. Our technicians are able to provide exceptional customer service without being pulled in different directions. Our environment is controlled and we work with very few distractions. On an average week, roughly 24,000 calls come into the 24 stores we serve. Of those 24,000 calls, we are able to handle about 60%. The other 40% are answered by store personnel. Of the 24,000 calls, approximately 15% require a pharmacist. The other 85% are refill requests, status/price checks and general questions that can be handled by a technician. If we were allowed to assign more technician help at key times throughout the day, according to the needs of the business, technicians would be able to handle a higher percentage of those calls and the pharmacists (both at the contact center and in-store) would be able to spend more time focusing on patient counseling, quality assurance, medication adherence and the patient's overall health in general.

Our technicians are assessed on a weekly basis and a percentage of calls are monitored to ensure proper information is being delivered and customer service is a top priority. Our Pharmacists and technicians are trained as soon as new operating procedures are in effect. I am well aware of each technician's competencies and feel certain that if given the ability to staff more appropriately at key times throughout the day, patient care would be improved significantly.

Pharmacists are very keen to the known competencies of their certified technician staff. I believe every practice site is unique and it is ultimately the pharmacist and pharmacy license holder's obligation to ensure best practices are being followed with patient safety as our number one concern. Different environments require varying levels of support. Pharmacists are more than capable of using their individual professional judgment to assess the competency of their support staff and should have that option and not be constrained by ratio requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Benavides". The signature is fluid and cursive, with a large initial "T" and "B".

Tracy Benavides, Pharm.D.
HEB Pharmacy Contact Center
Manager

October 31, 2013

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

Allison Benz,

Thank you for taking the time to read this letter regarding the proposed tech ratio rules. Working in several practice settings and in three states over the last seventeen years I think I can bring not only my opinion but also real experiences to your attention. I would like to share with you those practice settings and working with and without a tech to pharmacist ratio.

I began my career with Walgreens in West Texas where there was a tech ratio. It was a very stressful environment. We always wished there was at least one more person to help. I remember when OBRA 90 became law and counseling was difficult because as pharmacists we were still typing prescriptions, counting pills, and labeling bottles. We had to shift from one counter and spend more time at the counseling window. We would be rushed to go back to the filling area and get prescriptions ready then back to the counseling window to tell the patient about their medication. I remember a lot of pressure on us to hurry and get the prescription filled. The pressure to rush out a prescription that we had prepared from start to finish increased chances of errors.

I transferred to Colorado a few years later and worked in a low volume pharmacy. In this situation the volume dictated how many technicians I would supervise. One thing that sticks out most in my mind in Colorado was the time I spent with patients. I got to know them and was available to answer their questions because most of the time I had my technicians prepare the prescription. I verified the prescription and sold it to the patient. When they were paying for their prescription I counseled them. The most technicians I supervised in Colorado were two based on the volume of that store.

My next position was in the state of Hawaii where there is no ratio. I worked in an Independent Pharmacy. We had several technicians. Sometimes I worked with as many as four in that setting. It was not difficult to supervise them. All I had to do was the final check on the prescription that they prepared for me and hand it to the cashier. While the cashier took their money I could consult and answer any questions the patient had. The pharmacists also spent a lot of time counseling patients on over the counter products including homeopathic and vitamin products.

Kaiser Permanente Hawaii was my next job in a very high volume pharmacy. I remember one day having tremendous anxiety when I realized I would be supervising six technicians. I can understand why some pharmacists are resistant to

allowing more than three technicians. But I can assure you it was not a bad day supervising that many technicians. The difference was that in all my other practice settings previously I had not worked with any licensed technicians. At this time Kaiser was requiring all their technicians to become PTCB certified although the state did not require it. That day I stood at the pick up window and counseled on the prescriptions I verified. Every single patient was counseled that day. I did not have to type a prescription, count any pills, or label any bottles except for a few schedule two prescriptions. This was how most of my days went at Kaiser. We had several days where technicians were managing the inventory and doing other duties to help the operation run smoothly. During my yearly performance evaluation that year my supervisor praised me on the high volume of prescriptions I verified with high accuracy. Having enough technician help to prepare the prescription and I only verified and counseled patients was the reason for that in my opinion.

The next position I held was as a staff pharmacist at another Independent pharmacy in Hawaii. There were days we had several technicians and had between one to four pharmacists. In this position I was able to do what we now call Comprehensive Medication Reviews. The owner of this pharmacy and his wife began a program called the Senior Medication Management & Wellness. We did reviews in the pharmacy and at senior functions such as luncheons. I learned a lot about patient care in this setting because I was not doing technician duties. Everyday we counseled on prescriptions but because we had enough technician help to do other duties I was able to take patients back to a room and go over their medications. I rarely assembled medications in this setting. Typing in prescriptions was about the only technician function I did here. Several times a day I had the opportunity to show a patient how to use their blood glucose meter. Another responsibility I had was to run a report on medications that would be refilled soon. I could call doctors for refills if necessary and patients to tell them their prescription was ready. If a study could be done I feel we had very compliant patients in this setting. I also followed up with patients on their antibiotics as well. I could come up with examples for hours about successes I had with patients in this setting. I had a lot of time with patients teaching them instead of typing, counting and labeling.

The last position I held in Hawaii was a pharmacy manager at Safeway. The volume once again dictated my technician help. There were never more than two technicians at this pharmacy. I did work on another island at a Safeway pharmacy with higher volume. I do not remember having more than three to one ratio there but we did have interns to supervise. I was never overwhelmed or felt that my accuracy was compromised in that situation. It was enhanced because technicians were trained well and the interns were knowledgeable.

I now work for HEB in Victoria, Texas. We are a high volume pharmacy and the limit on technician help hinders what I can do. I am often assembling or typing in a prescription and have patients waiting for consultation or an immunization. We have been able to do very little Medication Therapy Management. We also have several clerks we call Pharmacy Care Representatives. Sometimes we have

technicians working in this position but they cannot rebill a prescription on insurance, reconstitute an antibiotic, type in a prescription or assemble it because it would put us over on our technician ratio. This slows down the workflow and only causes patients to wait longer. Ultimately the prescription must go through the pharmacist to verify it. Safety is increased if more eyes see the prescription. Sometimes a patient might be waiting and I need to type, assemble and verify the prescription. I must take extra caution when doing this because it is only my eyes checking everything. I believe that increasing or eliminating the ratio would decrease wait times in my pharmacy. It would also increase the amount of time I have to do patient consults, immunizations, Medication Therapy Management and health screenings. I would put technicians in positions to get prescriptions ready but also give them duties to help the pharmacists with Health Screenings and Medication Therapy Management.

I feel that the tech ratio in Texas should be eliminated based on my work experiences in Colorado and Hawaii. The volume will control how much help a pharmacist receives in some practice settings. As our practice evolves we need more technicians that are now licensed and trained better than ever before to do their job functions. This would free pharmacists up to do the functions that we were trained to do. I think this would improve patient safety by decreasing errors made by overwhelmed pharmacists. It would also increase patient education because we would have time to share our knowledge with our patients. Thank you once again for allowing me to share my opinion and work experience. I hope my experience without a tech ratio shows that the ratio should be eliminated in Texas.

Sincerely,

Patricia Bergau, RPh
Pharmacy Manager
HEB Pharmacy #554
1505 E. Rio Grande
Victoria, Texas 77901
361-572-8001

October 10, 2013

Allison Benz RPh

Texas State Board of Pharmacy

I am aware that the Board will soon be taking a vote on the Pharmacist/Technician ratio for class A Pharmacies. I have been a retail Pharmacist for over 30 years. The greatest stress that I have ever experienced as a Pharmacist was when I did not have enough Technician help. I was always very comfortable with performing all the Pharmacist duties including supervising the technicians. But it is stressful and dangerous when a Pharmacist has to also perform duties that could and should legally be performed by auxiliary personnel. Each individual store has its own set of circumstances. Each team of Technicians is unique. For this reason I do not feel that it makes sense to say that all stores should adhere to the same Pharmacist/Technician ratio. For Pharmacists to be able to expand their professional activities and get away from the manual process of filling a prescription I think it is critical to utilize our Certified Technicians to their fullest extent.

Currently I manage a Central Fulfillment center which is licensed as a class A pharmacy. This is a perfect example of how Class A pharmacy environments can differ. Because so much of our prescription processing is through automation we have a completely different environment than that of a store pharmacy and therefore have different needs and limitations. I do not feel it makes sense for my Central Fulfillment center to function under the same ratio as the retail pharmacy down the street. The optimal ratio will differ even between two retail pharmacies based on their uniqueness. I don't think an arbitrarily set ratio that may not allow them to function accurately or productively is appropriate.

I feel strongly that it should be up to the PIC of a pharmacy to determine the correct staffing ratio for that individual and unique pharmacy. I hope that the board will place this responsibility in the hands of each PIC rather than to continue to dictate a standard ratio.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "Sheryll Brown". The signature is fluid and cursive, with the first name being the most prominent.

Sheryll Brown RPh

October 29, 2013

Jeanne Waggener, R.Ph.
President
Texas State Board of Pharmacy
William P. Hobby Building, Suite 3-600
333 Guadalupe Street
Austin, TX 78701

Re: Technician ratio

Dear Ms. Waggener,

Thanks, for the opportunity to comment regarding the proposed rules related to the technician-to-pharmacist ratio. More importantly, thanks to you and your fellow members for your dedicated service to the citizens of Texas and to the profession of pharmacy. I am writing to express my support specifically for the proposed rules eliminating the ratio for Class A and Class G pharmacies.

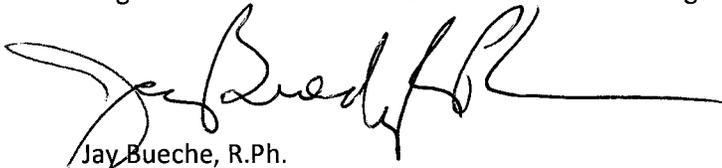
As you know, the practice of pharmacy is changing at a rapid pace. The last five years alone have brought about monumental changes to the profession. For example, Pharmacies have become a key provider of immunization services delivering over 25% of influenza vaccinations for the 2013 flu season. Third party payers are now involved in close to 100% of prescriptions for many pharmacies as compared to 80-85% just a decade ago. These processors have become even more demanding with prior authorizations, step therapy, audits and other cost management requirements continually increasing the time demands on technicians. With healthcare reform expanding pharmacy services to millions of Texans potentially over the next couple of years, even more prescriptions will fall under a third party payer. More importantly, our profession will face escalating pressures to adapt in the coming years as pharmacy margins for "dispensing" product will continue to be compressed at an alarming rate. Pharmacies will have to find ways to provide additional services such as MTM, DSM, and adherence improvement just to name a few and all of these services will require heavy technician involvement outside of what would be considered traditional dispensing functions. At the same time, many pharmacies will look to find a niche in specialty pharmacy where high touch case management will be the norm requiring an immense amount of technician time to sort through the maze of third party cost management processes and ensure that medications are properly stored, handled and reach patients as intended for proper therapy. Furthermore, the push for pharmacists being a manager of patient outcomes for chronic disease as opposed to just a point of delivery of product will require new approaches to the practice of pharmacy. My fear is that an arbitrary ratio will hold back our profession.

That said, I understand that the primary role of the board is to protect the health and welfare of the public. While I do believe that an expanded ratio does just that, I also understand that an immediate move to no ratio in class A pharmacies may cause discomfort to some. I would not be opposed to further study of a ratio expansion, but I would ask that the Board consider at a minimum the

Jay Bueche, R.Ph.

previously proposed ratio of 4:1 in the interim to allow the industry or a Board task force to present further evidence of the necessity for a broader ratio. However, I would ask that the Board also consider passing the proposed rules for elimination of the class G ratio. In my experience, a vast number of dispensing errors are caused by the inability to focus on a single task (i.e. multi-tasking) at a time. Class G pharmacies by nature have limits on the number of tasks that a tech perform and when deployed in support of class A pharmacies can help minimize the interruptions and errors that occur. My experience comes from the HEB contact center which takes a large percentage of calls off of the pharmacies served by the facility and performs other routine functions (e.g. refill processing, transfers, new prescriptions, third party issue resolution, etc.) that can be done easily by off-site pharmacists and technicians.

Again, I appreciate the opportunity to comment on the proposed rules and appreciate the diligence and care that the Board takes in exercising their critical duties.

A handwritten signature in black ink, appearing to read "Jay Bueche", with a long horizontal flourish extending to the right.

Jay Bueche, R.Ph.

443 Oak Trace

New Braunfels, TX 78132

October 14, 2013

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

RE: Proposed Rule to Eliminate Pharmacist to Technician Ratios in All Classes of Pharmacy in the State of Texas

Dear Ms. Benz:

I appreciate the opportunity to submit comments regarding the proposed rule to eliminate pharmacist to technician ratios in the State of Texas (Rules §291.32, §291.53, and §291.153) and ask the Board to strongly consider adopting this Rule.

I started with H-E-B as a Student-Pharmacist Intern in 2006. I've been lucky enough to hold multiple roles with the company, including that of staff pharmacist and positions at the corporate office. Our pharmacies provide prescription services along with other professional healthcare services such as immunizations, medication therapy management (MTM), disease state management, and preventive health screenings to the patients in the communities that we serve. I transitioned to the corporate office due to my love of direct patient care services. I am proud to work for a company that also has a deep appreciation for patient care and works to develop roles and responsibilities of the community pharmacist.

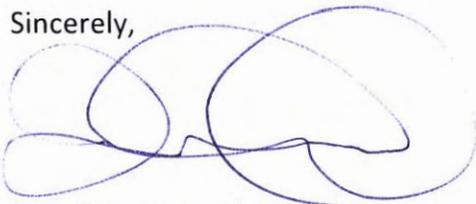
As it exists in its current state, the 1:3 ratio Rule presents barriers for a pharmacist who is under pressure to provide thorough, yet efficient health-care services to a growing patient population. While H-E-B processes hundreds of thousands of prescriptions every week, we also pride ourselves in our offering of patient-care services. H-E-B is proud to be considered by our patients as a wellness destination. Every month, we have "regulars" who receive free and low cost health screenings during Second Saturday events. We also provide a vast array of immunization services. Further, we are working to expand our MTM and disease state management programs in all of our locations. These offerings not only serve the community, but also allow our pharmacists to practice community pharmacy at a higher level.

The ratio Rule places unnecessary restrictions on pharmacy workflow and takes away from time that can be spent providing direct patient care. Due to this ratio, a pharmacist spends a good portion of the day completing administrative and non-judgmental tasks (duties that can, and should, be completed by a pharmacy technician). It is essential to create an environment which promotes strong patient-pharmacist relationships, which include direct, face-to-face interactions. If these ratios were eliminated and the pharmacist had the flexibility to assign more technician help at key times, according to the needs of their practice site and based on current Board-determined roles and responsibilities, one could focus to a greater extent on

being an integral healthcare provider, which includes offering and supporting patient care programs.

If the Board were to remove these restrictive 1:3 ratio rules, a pharmacist would be able to rely upon their individual professional judgment and known competencies of their registered technician staff in order to safely and effectively serve the public. Different practice environments require different levels of support staff. The pharmacist ultimately has responsibility to schedule appropriately and will act accordingly to have a positive impact on patient care and pharmacy operations. While efficiency is key, it is unlikely that license holders would make decisions or set policies that would jeopardize patient safety or patient outcomes. If they did, they would be under the scrutiny of the Board. Further, it is important to recognize that there are varying levels and competencies of pharmacy technicians. Many have strong educational backgrounds, effective communication skills, and sound business minds. These skills can be leveraged by the pharmacist and utilized in unique pharmacy environments, especially those that offer advanced patient care services.

Sincerely,



Jose Cervantes, PharmD
Clinical Manager, Pharmacy Professional Services
H-E-B Grocery Company

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

From: reni.chacko

Sent: Friday, October 25, 2013 9:47 AM

To: Allison Benz

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

Reni Chacko

October 25, 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 adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing me to help determine adequate staffing when I am on duty in my pharmacy 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.

Since the ratios were first adopted in the late eighties, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. I work in a busy pharmacy and could use additional help from time to time from well-trained certified technicians. However, current board rules arbitrarily prohibit me and other pharmacists in four of the seven practice settings from exercising my professional judgment as to appropriate staffing levels. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies would let me spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

Because in Texas I am limited on the number of technicians with whom I can work, I find that I am often spending about half of my time doing the work of a technician. . The Board should change the rules to allow pharmacists to use our professional judgment to determine adequate staffing needs. The Board has the power and should hold licensees accountable if any laws or rules regarding the appropriate use of technicians are violated.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

Reni Chacko

Pharmacy Manager

September 21, 2013

Allison Benz, R.Ph., M.S.
Texas State Board of Pharmacy
William Hobby Building
333 Guadalupe Street, Suite 3-600
Austin, TX 78701-3942

RE: Proposed Rules for Elimination of Pharmacy Technician Ratios in the State of Texas

Dear Ms. Benz,

After careful thought and input from colleagues regarding these proposed rule changes, the only scenario in which I can possibly fathom a pharmacist not wanting to eliminate technician ratios, would be those who are afraid of losing their jobs. They are afraid and scared that technicians could some- day, some-way, replace pharmacists in their current roles. To those pharmacists, I say they should be afraid. They should be very afraid. After all, these are the pharmacists who are not interested in providing quality patient care. They are not interested in taking the time to adequately counsel, immunize patients, perform MTM services, disease state management, or any other duties outside of counting and pouring. The thought of expanding the role of the technician frightens them. I say the only way for us as pharmacists to advance our profession, to truly be seen as providers, is for us to come out from behind the counter.

It doesn't take an expert to know that pharmacists are often overworked and overwhelmed with their workload. Not only are they performing pharmacist duties, but they often have to perform non-judgmental duties. Why is this happening? The answer is three-fold.

First of all, with current ratio limitations set at 1:3, pharmacists are forced to either hire non- qualified applicants to be pharmacy clerks or just forgo having an individual in the store in fear they may go out of the mandated ratio.

Secondly, due to budget constraints, they cannot afford to have more technicians on the payroll. The concept that we would have so many technicians working at one time under a single pharmacist would only apply to those pharmacies that have an unlimited budget and payroll. I am certainly unfamiliar with anyone who works under that model! In addition, if you were able to hire more technicians and fewer clerks, you would not need as much pharmacist involvement as everyone behind the counter would be a qualified educated employee. The result of the current rule is overworked, overwhelmed pharmacists who put their patients' safety at risk.

Lastly, technicians are limited in their scope of practice. If we begin to see a technician also as an integral part of the healthcare team, and perhaps even provide advanced training opportunities to qualified candidates, the ability for the pharmacist to get out and get involved in patient care might one day become a reality.

Pharmacists should be the ones who decide how many technicians they can supervise. This is based not only on the ability of the pharmacist, but on the competency of the technician. We are pretty intelligent

folks. Have more faith in us. Have more confidence in us. Have the ability to see what the future of pharmacy could look like if our roles were changed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lauren Clark', written in a cursive style.

Lauren Clark, Pharm.D.
Pharmacy Manager
HEB Pharmacy #639
1801 E. 51st Street
Austin, TX 78723
512-474-2662
laurenclarkrph@gmail.com

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

From: uph30

Sent: Thursday, October 17, 2013 3:17 PM

To: Allison Benz

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

Mitzi Clark

October 17, 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 adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing pharmacists to help determine adequate staffing will enhance patient care and public safety because pharmacists will have more time to focus on our most valuable contribution to our patients--counseling and advising.

Since the ratios were first adopted in the late eighties, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies would let pharmacists spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

The Board has the power and certainly should hold licensees accountable if any laws or rules regarding the appropriate use of technicians are violated. I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy.

Sincerely,

Mitzi Clark

September 20, 2013

Allison Benz, R.Ph., M.S.
Texas State Board of Pharmacy
William P. Hobby Building
333 Guadalupe St, Suite 3-600
Austin, TX 78701-3942

To Ms. Benz:

As President Elect of the Capital Area Pharmacy Association (CAPA) and as a Pharmacy Manager for HEB Pharmacy, I am writing to you to leave feedback regarding the proposed rule to eliminate the Pharmacist to Technician ratio in the State of Texas.

I have managed four different HEB Pharmacies over the last 10 years. These pharmacies have varied in volume from less than 1500 scripts/week to more than 5000 scripts/week. I feel that my experience managing these four pharmacies has given me a very good understanding of the dynamics of this issue and the challenges that retail pharmacists face.

I strongly support eliminating the Pharmacist to Technician ratio in Class A pharmacies in the State of Texas. I feel that the Pharmacist in Charge is the appropriate individual to decide how many technicians they can safely and effectively supervise at their individual practice setting. Pharmacists today are spending too much time on administrative and nonjudgmental duties. These duties, which can be delegated to pharmacy technicians, are taking pharmacists away from essential pharmacist only functions such as counseling, performing final verification, administering immunizations, performing medication therapy management activities, etc. Ultimately, this time spent on nonjudgmental duties is taking time away from the pharmacist to adequately supervise the technicians in their pharmacy.

Eliminating this ratio will allow all non-pharmacist individuals to register as a technician-in-training or as a technician. This would then allow the TSBP to require all individuals working in a Class A Pharmacy to be registered by the TSBP. This will result in higher quality healthcare due to fewer errors being made by lesser trained individuals, decreased time spent by pharmacists performing nonjudgmental duties, and increased time for pharmacists to spend with patients and on cognitive services.

On a related issue, it is my opinion that we need to not only be allowed to utilize more technicians but that our technicians be allowed to do more. Recent communication from Joe DaSilva from TPA in September stated that the TPA Board supports changing the ratio from 1:3 to 1:4 while they initiate a comprehensive study regarding the education and scope of practice for Pharmacy Technicians. In my opinion such a study will more adequately address this secondary issue. Pharmacy, like other healthcare fields, is in a transformation phase. In order for Pharmacy to transform to meet the evolving needs of today's healthcare system, we need to be able to utilize our technicians to assist the

Allison Benz
September 20, 2013
Page 2

pharmacist in a greater capacity than we are currently able. Before that step can be taken we need to ensure that education, training, and licensure requirements for technicians are adequate to address potential safety concerns that may arise. The study that TPA proposes is best served to help identify future roles for pharmacy technicians. This may include a higher level of technician certification than is available or required today.

I am aware that the Board of Pharmacy will be discussing the elimination of the pharmacist to technician ratio at the next Board meeting in November. I will try and attend the Board meeting so that I can provide direct feedback at that time. I invite the Board Staff to visit my pharmacy and observe the challenges pharmacists face today in high volume retail pharmacies.

Thank you for your support.

Sincerely,

Mark Comfort, PharmD
President Elect - CAPA
Pharmacy Manager, PIC
HEB Pharmacy #425
1000 E 41st St
Austin, TX 78751

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

-- From: Pharmacy

Sent: Friday, September 27, 2013 12:11

PM To: Gay Dodson

Subject: Tech ratio rule

Hi- John Dyer from MD Pharmacy here. Writing to say from the retail, independent, mom and pop shop perspective; we support an unlimited tech ratio. We believe the TPA, AIP, and TPBC fears of the unlimited ratio are unfounded although we are members of the aforementioned organizations. Thank you- John

Sent from my iPad

10/17/2013 17:00 2815765511

MD PHARMACY

PAGE 01/01

M/D. PHARMACY, INC.
11540 EAGLE DR. STE. A
BAYTOWN, TX 77523
281-576-0106

Allison Benz, RPh., M.S.,

Hi. John here at MD Pharmacy writing to say that I support eliminating the Technician ratio. I believe that if you are correctly running your pharmacy then you should be able to hire as many Techs and Clerks as it takes to get the job done.

Thank you



John Dyer, R.Ph., Pharm D.

From: Connie Ewald
Sent: Tuesday, October 08, 2013 1:52 PM
To: Allison Benz
Subject: RE: Questions

Hi Allison,

I wanted to say that I do support the removal of the ratio. I think that pharmacists should be focused on patient care and overseeing the technicians. I see that the pharmacist can end up doing a tech job when the pharmacy gets busy.

Connie S. Ewald, R.Ph.
Director of Pharmacy Practice
& Pharmacist in Charge
5001 C Stateline Ave. Texarkana, TX 75503
800-785-4197 ext 23907

September 17, 2013

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

Dear Ms. Benz,

I support the proposed rule (Rules §291.32, §291.53, and §291.53) that would eliminate pharmacist to technician ratios in Texas and ask the Board to strongly consider adopting this rule.

The intent of the ratio is to protect patients; presumably because a pharmacist can not be expected to safely supervise more than three technicians. That is ridiculous. The 1:3 ratio does not increase or decrease the effectiveness, efficiency or safety of the filling process. Rather, it is the quality of the people who make up the pharmacy team who make the difference.

Pharmacists should be able to decide how many technicians they are capable of safely supervising. Naturally, this decision would be based on their knowledge of their technicians' competencies and their business needs. My technician assessments are based on the accuracy of their work, their ability to perform all of the technical aspects of the job, their knowledge of the laws, their ability to provide patient-centered services and the content of their charter. My technicians are knowledgeable and trustworthy, which is extremely important, because I know I could do so much more for my patients if I was allowed the flexibility to staff accordingly during peak times of the day.

The education of pharmacists has evolved over the last decade and so should the practice of pharmacy in Texas. I have trained extensively to provide a higher level of services in the areas of medication therapy management, health screenings, immunizations, disease state management, and patient counseling; but I hardly have the time to provide these services. I spend at least 50% of my day dealing with all of the technical and administrative aspects of filling a prescription. If I was able to freely schedule technicians, as I deemed necessary, then I could spend more time providing the professional services stated above.

Ultimately, I will still be responsible for the supervision of my technicians, no matter if there are 2, 5, or 10 technicians working. Staffing metrics, prescription volume, and pharmacy budget will also help me sort out the appropriate number of pharmacy staff. I am confident that eliminating the 1:3 ratio is the right choice. My technicians are well trained and we have operating procedures that have created a system conducive to a safe and efficient process. Again, the pharmacist is the most capable of judging the competencies of their support staff and should be able to have that option and not be restrained by ratio requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Fagan", with a long, sweeping flourish extending to the right.

Brian Fagan, Pharm.D.
Pharmacy Manager
HEB Pharmacy #659

September 19,2013

Allison Benz, R.Ph., M.S
Texas State Board of Pharmacy
William P Hobby Building
333 Guadalupe Street, Suite 3-600
Austin, Tx 78701-3942

RE: Proposed rule to Eliminate Pharmacist to Technician Ratios in All Classes
of Pharmacy in the State of Texas

Dear Ms Benz,

I thank you for the opportunity to address the issues surrounding the Rules of to State of Texas regarding Pharmacist to Technician ratios.

The current ratio of 1:3 is quite restrictive to the current practice of pharmacy. I spend a large portion of my day completing nonjudgmental tasks that I could easily assign to a well qualified and trained technician. HEB has qualified technicians who can preform all the tasks assigned to them. I work in a high volume business atmosphere, where we are limited to what we can prioritize because of the current ratio.

Some of our technicians are involved in what I would categorize as "non-production" as far as assembly of prescriptions. We have technicians who are assigned to Physician and Insurance phone calls, these technicians spend an entire day on the phone notifying the Physicians of various issues or working on behalf of our customers, with their Insurance companies to adjudicate prescriptions. We also have technicians who are involved in Health Screenings (blood pressure checks, blood glucose testing, cholesterol screening), and we have to count these technicians in our current ratio. These type of services is where pharmacy has wanted to be since I graduated over 20 years ago We have wanted to be more involved in being a integral part of the patient's healthcare team, and these services allow us to do just that. We have on many screening occasions, been the first to find high blood sugar or high blood pressure in a patient, having to refer them to a physician for further diagnosis and treatment. This is a vital service to our community that technicians perform.

These are just two examples of how we now depend on our pharmacy technicians to assist us in providing positive patient outcomes to our customer base, and I can only see their role increasing.

I am finding that a larger portion of my day is spent in patient counseling (prescriptions and OTC recommendations) and administering immunizations. But this causes angst because I find myself thinking of how many prescriptions I need to get back to and fill. If I had more technicians to fill the prescriptions, we would not feel the pressure to be

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

From: dogminnieinspiron

Sent: Sunday, October 20, 2013 11:12 PM

To: Allison Benz

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

Patricia Garcia

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 technician, I want to urge the Texas State Board of Pharmacy to immediately adopt the proposed rules that would eliminate the pharmacist to technician ratios.

Having more tech help is a much less stressful and much safer work environment than not having enough trained technicians. When asked other pharmacists they said that their experience has been that the more eyes on the prescription, actually increases accuracy and allows them time to attend to clinical issues.

The Board should change the rules to allow pharmacists to use professional judgment to determine adequate staffing needs. The Board has the power and should hold licensees accountable if any laws or rules regarding the appropriate use of technicians are violated.

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

Sincerely,

Patricia

September 17, 2013

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

RE: Feedback on rule to Eliminate Pharmacist to Technician Ratios in All Classes of Pharmacy in Texas

Ms. Benz:

I am one of the Regional Pharmacy Directors at HEB and wish to take this opportunity to submit some comments in support of adopting the proposed rule to eliminate pharmacist to technician ratios in Texas (Rules §291.32, §291.53, and §291.153).

As you are likely aware, HEB currently operates over 230 pharmacies in Texas and employs a very large number of Pharmacists and registered Technicians and Technician Trainees. Filling scripts is the core of our business and Professional Services such as Immunizations, MTM, and health screenings are an equally important service that we offer our Customers and Partners. The existing 1:3 ratio rule is absolutely a handicap for our Pharmacists as they attempt to deliver the full scope of services that not only HEB offers to our Customers, but I would say other Pharmacy retailers as well. Although the future is still unclear as to how the new Health Care laws will affect Pharmacy and Patients, what is clear is that Pharmacists will be expected to be involved in a Patient's healthcare at a much higher level than ever before.

The existing ratio keeps many of our Pharmacists from delivering on this expectation because they are currently required to spend a great deal of time completing tasks that may be non-judgmental or simply administrative. With flexibility in Technician staffing, the Pharmacist would certainly have the time to be more involved in a patient's healthcare so that the possibility of better compliance and a better outcome for the patient would be realized.

Without this 1:3 ratio gone, Pharmacists would be able to assign/schedule Technicians according to the needs of the business (fillings prescriptions or providing the previously mentioned professional services) and any other needs related to a specific site, whether that be due to facility design or event. Of course, Pharmacists would still have supervision responsibilities over the technicians, but this would allow Pharmacist to assign Technicians according to their specific strengths resulting in far better performance in terms of efficiency and Customer Service.

It is my opinion that the Pharmacist must have the ability to use their own judgment in properly staffing the Pharmacy in which they not only spend every day working in and understand the specific needs/demands of that site, but also know the abilities of their Technicians. I believe that Pharmacists have an obligation to deliver the best Healthcare

September 18, 2013

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

RE: Proposed Rule to Eliminate Pharmacist to Technician Ratios in All Classes of Pharmacy in the State of Texas

Dear Ms. Benz:

On behalf of HEB, I appreciate the opportunity to submit comments regarding the proposed rule to eliminate pharmacist to technician ratios in the State of Texas (Rules §291.32, §291.53, and §291.153) and ask the Board to strongly consider adopting this Rule.

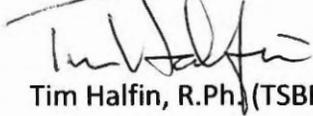
HEB currently operates 232 pharmacies in the State of Texas and employs over 700 pharmacists, 1400 registered pharmacy technicians and technician trainees, and 400 other non-registered individuals. I supervise 24 of these pharmacies and routinely see the barriers that the current 1:3 ratio presents to our pharmacists who are striving to go beyond the dispensing function and who want to use their hard earned education to its fullest by providing professional healthcare services such as immunizations, medication therapy management (MTM), disease state management, and preventive health screenings to the citizens of the State of Texas. We know that the demands for prescription and professional services will continue to increase due to the aging of the population and the changes that will be brought about by the Affordable Care Act. This will lead to more patients who require not only more medications but more specialized medications and personal services which, historically, have only been provided on a smaller scale. The pharmacist will be required to intervene to a greater extent in a patient's educational and healthcare needs to provide optimal outcomes.

Today a pharmacist spends a good portion of their day completing administrative and non-judgmental tasks that could be delegated to pharmacy technicians if it weren't because of the limitations imposed by the 1:3 ratio. If these ratios were eliminated and the pharmacist had the flexibility to assign more technician help at key times the needs of the patient would be better served and the pharmacist could give greater focus to being an integral healthcare provider by doing such things as spending more of their time on patient counseling, quality assurance, communicable disease prevention, medication adherence, and validating the legitimacy of controlled substance prescriptions.

The pharmacist makes professional decisions each day that affect the lives of the individuals they serve. The pharmacist must be allowed to use their professional judgment to determine the right use of technicians in their particular practice setting. They are the most familiar with the competencies and abilities of their staff and are in the best position to make this decision.

I am in support of eliminating pharmacist to technician ratios. Continuing with the current ratio is surely to result in more of what we already have – overburdened pharmacists who are limited in their abilities to provide the best patient outcomes. By eliminating the ratios we have an opportunity to create an environment where pharmacists can do more of what they are trained and educated to do to improve the health and welfare of the Texans they serve.

Respectfully,

A handwritten signature in black ink, appearing to read "Tim Halfin". The signature is written in a cursive style with a long horizontal stroke at the end.

Tim Halfin, R.Ph. (TSBP license #26099)
Regional Pharmacy Director
H-E-B Houston Division
(email:halfin.timothy@heb.com)

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

From: nina.l.hines

Sent: Thursday, October 17, 2013 2:02 PM

To: Allison Benz

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

Nina Hines

October 17, 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 CPhT, I want to urge the Texas State Board of Pharmacy to immediately adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing pharmacists to help determine adequate staffing when he/she is on duty in his/her pharmacy will enhance patient care and public safety because they will have more time to focus on what they have been trained to do, interact with and counsel patients.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give my pharmacist a chance to be a true professional health care provider and practice at the top of their license.

Sincerely,

Sincerely,

Nina L Hines
9034246820

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

From: kemp711082002

Sent: Friday, October 18, 2013 11:57 AM

To: Allison Benz

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

T K

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 technician for 8 years, there is a danger for having little staff.

There is a lot of hard work involved and stress. There is too high a margin for error. There is not enough staff, and too many people training.

The technicians are not properly trained. There was time to train me, because there were enough pharmacists and techs back in 2005 to do so. Now, I do not know what is going on. There is terrible danger in this. This is the reason why pharmacies can never keep their hours up and so many people get the wrong drugs, it is a big mess. There will continue to be errors and people being hurt if this is not fixed. Consider people's lives and the dangers. Think of children, my children, all those pediatric doses that have to be so carefully considered, think of those. The elderly, think of those people, too.

Sincerely,

T.Y.K

2813033541

CPHT

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

From: julz6k

Sent: Wednesday, October 23, 2013 8:42 PM

To: Allison Benz

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

Julie Kerslake

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:

I am a pharmacist, proud to be working for a busy retail pharmacy in Texas. While my job can be exhausting at times, I find it very fulfilling knowing that I am helping people be healthy. I was surprised to learn recently from my manager that the reason that we do not have more trained technicians like me helping behind the counter especially during busy times such as late afternoons, early evenings and on weekends, is because the Board of Pharmacy will not allow it. I hope that you will consider changing this rule. I know of no other Texas health care professions have arbitrary ratios on the number of unlicensed support personnel. It makes no sense to impose a stricter limitation on the use of technicians in a retail setting, especially considering the stringent requirements for all Texas technicians to be PTCB certified and well-trained.

I am not asking the Board to expand my duties as a certified technician, but just allow the pharmacy to hire more technicians like me to assist with the administrative and product related tasks, enabling my pharmacist to be able to spend more time out front caring for our patients.

I am requesting that the Board vote in favor of the proposed rule at the November 4 meeting which would eliminate the pharmacist to technician ratios in all Texas pharmacies so that we can provide better patient care in a much less stressful and much safer workplace.

Sincerely,

Julie Kerslake, Pharm.D.

September 19, 2013

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

RE: Proposed Rule to Eliminate Pharmacist to Technician Ratios in All Classes of Pharmacy in the State of Texas

Dear Ms. Benz:

I appreciate the opportunity to submit comments regarding the proposed rule to eliminate pharmacist to technician ratios in the State of Texas (Rules §291.32, §291.53, and §291.153) and ask the Board to strongly consider adopting this Rule.

I manage HEB #494 in San Antonio that employs 13 licensed (pharmacists and certified technicians) and other personnel. My pharmacy provides prescription services along with other professional healthcare services such as immunizations, medication therapy management (MTM), disease state management, and preventive health screenings to the citizens of the State of Texas.

The 1:3 ratio Rule presents barriers for a pharmacist who is under pressure to provide thorough, yet efficient health-care services to a growing patient population. We will be required to intervene to a greater extent in a patient's educational and healthcare needs to provide optimal outcomes. Continuing the transformation of the dispensing pharmacists' role to "the most accessible healthcare professional" is vital to the well-being of the general public and promotes the need of the neighborhood pharmacist.

It is essential to create an environment which assures direct, face-to-face, pharmacist to patient contact. If these ratios were eliminated and the pharmacist had the flexibility to assign more technician help at key times, according to the needs of their practice site, one could focus to a greater extent on being an integral healthcare provider, one that would spend more of their time on patient counseling, quality assurance, communicable disease prevention, and medication adherence/prescription legitimacy.

Removal of these restrictions allow pharmacists to rely upon their individual professional judgment and known competencies of their staff within their practice sites to safely serve the public. The pharmacist and pharmacy license holder have the obligation to meet these different needs and will be held accountable for those decisions. The pharmacist is the one most capable of judging the competency of their support staff and not be handcuffed by the current out-dated ratio requirements.

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

Issue:

Texas State Board of Pharmacy proposed rule changes to eliminate the pharmacist to technician ratio.

Comment:

I would like to offer support for the elimination of the pharmacist : technician ratio under the following conditions:

1. That the BOP establish a three-tier level of practice for technicians with the following requirements.
 - a. Tier 1: Tech Manager
 - i. Bachelor degree, or more
 - ii. Two years of pharmacy experience
 - iii. Management responsibilities of all technicians
 - iv. Management responsibilities of all dispensing functions
 - v. Reports directly to pharmacist
 - b. Tier 2: Technician
 - i. Associates degree, or certified technician program
 - ii. One year of pharmacy experience
 - iii. General technician duties and responsibilities (current)
 - iv. Reports to Tech Manager and Pharmacist
 - c. Tier 3: Technician Trainee
 - i. Entry level with any degree or certificate
 - ii. Less than 1 year of pharmacy experience
 - iii. Limited/monitored duties and responsibilities
 - iv. Reports to Tech Manager and Pharmacist
2. That the Pharmacist continues to maintain all supervisory control of all technicians, duties, and responsibilities.

The basis for this opinion is that as the practice of pharmacy continues to evolve more and more into a clinical role, the dispensing functions can be managed by qualified technicians.

Respectfully submitted,

Creighton Maynard, RPh, MBA, FIACP

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

From: john.mcfadden

Sent: Friday, October 25, 2013 9:47 AM

To: Allison Benz

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

John McFadden

October 25, 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 manager of a community pharmacy located in Dallas, my job is to help my patients and customers get, stay and live well. One of the ways that I can do this is making sure I have enough staff on hand to meet the demands of the patients that we serve. Unfortunately, due to State Board of Pharmacy rules, I have to maintain a ratio of technicians to pharmacists that does not serve the best interest of the community we serve. The ratio puts limitations on the amount of patients we can serve, and requires our patients to sometimes bare the brunt of this through increased wait times. It also increases the stress levels for the pharmacist and technicians working durring peak business hours.

Ultimately the ratio overburdens the pharmacist, and restricts the amount of time that they can have face to face contact with thier patients.

I am not asking the Board to expand the duties of our certified technicians, but just allow the pharmacy to hire more technicians to assist with the administrative and product related tasks, enabling my pharmacist to be able to spend more time out front caring for our patients.

I am requesting that the Board vote in favor of the proposed rule at the November 4 meeting which would eliminate the pharmacist to technician ratios in all Texas pharmacies so that we can provide better patient care in a much less stressful and much safer workplace.

Sincerely,

John McFadden

Community Leader

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

From: victoria084

Sent: Thursday, October 24, 2013 12:47 PM

To: Allison Benz

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

Maria Medina

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:

As a licensed pharmacist, I want to urge the Texas State Board of Pharmacy to immediately adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing me to help determine adequate staffing when I am on duty in my pharmacy 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.

Since the ratios were first adopted in the late eighties, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. I work in a busy pharmacy and could use additional help from time to time from well-trained certified technicians. However, current board rules arbitrarily prohibit me and other pharmacists in four of the seven practice settings from exercising my professional judgment as to appropriate staffing levels. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies would let me spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

As we take on more responsibilities as far as health testing and immunizations, eliminating the tech ratio would be beneficial to the pharmacy. Also, it would create more job opportunities for people as well.

Because in Texas I am limited on the number of technicians with whom I can work, I find that I am often spending about half of my time doing the work of a technician. The Board should change the rules to allow pharmacists to use our professional judgment to determine adequate staffing needs. The Board has the power and should hold licensees accountable if any laws or rules regarding the appropriate use of technicians are violated.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

Maria Victoria Medina

9566830091

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

From: jjmesaros

Sent: Tuesday, October 22, 2013 10:02 AM

To: Allison Benz

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

Jeff Mesaros

October 22, 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 Texas licensed pharmacist, I believe that allowing pharmacists and pharmacies the ability to determine the appropriate staffing model for their individual practice settings improves productivity, efficiency and most importantly - improved patient health and safety.

One size does not fit all in pharmacy!

As pharmacists and technicians gain the ability to practice at the top of their professions or careers, I feel it improves job satisfaction and results in a better health care environment - for everyone.

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

Sincerely,

Jeff Mesaros

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

From: mannypharm

Sent: Saturday, October 19, 2013 7:17 PM

To: Allison Benz

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

Manoj Mohanlal

October 19, 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 adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing me to help determine adequate staffing when I am on duty in my pharmacy 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 urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely

Manoj Mohanlal

2146494747

Pharmacy Manager

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

From: rob.o.mora

Sent: Tuesday, October 22, 2013 11:42 PM

To: Allison Benz

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

Robert Mora

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 to immediately adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing me to help determine adequate staffing when I am on duty in my pharmacy 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.

Since the ratios were first adopted in the late eighties, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. I work in a busy pharmacy and could use additional help from time to time from well-trained certified technicians. However, current board rules arbitrarily prohibit me and other pharmacists in four of the seven practice settings from exercising my professional judgment as to appropriate staffing levels. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies would let me spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

Robert O. Mora

Pharmacy Manager

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

From: mmorgan]

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

To: Allison Benz

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

Michelle Morgan

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 adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing me to help determine adequate staffing when I am on duty in my pharmacy 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.

Since the ratios were first adopted in the late eighties, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. I work in a busy pharmacy and could use additional help from time to time from well-trained certified technicians. However, current board rules arbitrarily prohibit me and other pharmacists in four of the seven practice settings from exercising my professional judgment as to appropriate staffing levels. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies would let me spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

The Board should change the rules to allow pharmacists to use our professional judgment to determine adequate staffing needs. The Board has the power and should hold licensees accountable if any laws or rules regarding the appropriate use of technicians are violated.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

Michelle Morgan

Regional Pharmacy Supervisor

From: Kellye Moss
Sent: Monday, September 23, 2013 10:07 AM
To: Kerstin Arnold
Subject: FW: Technician Ratio in TX

Dear Mrs. Dodson

My name is Kellye Moss and I am a Market Director for Wal-Mart pharmacy in the Dallas area. I had been a practicing pharmacist in Texas for 17 years before moving into the next level of management and have seen the profession undergo many changes and transformations. I would like to express my views on the pharmacist:technician ratio in Texas pharmacies. Before becoming a pharmacist, I worked as a technician while attending pharmacy school so I have seen both sides of the practice. I have managed many different pharmacy locations for Wal-Mart encompassing both ends of the spectrum of volume in my 17 years.

When the topic arises about expanding or eliminating the pharmacist:technician ratio, many look at it as an opportunity to utilize less expensive employees to complete more of the workload and reduce the number of pharmacist needed at the retail level. As the practice of pharmacy has changed, we are no longer dispensers of medication. We have become pillars in patient care. We work closely with local physicians and our patients to oversee and attend to their medication therapy. We have taken counseling to a new level and expanded our role in the medical community. In order to continue to expand our roles in immunization therapy, healthcare screenings, and MTM, we desperately need to have the ability to work within the upper one-third of our license. We need to be able to utilize our trained technicians to complete tasks that are not mandatory for a pharmacist to complete and by no means is this to reduce the number of pharmacist needed at the retail level. It is simply to allow our profession to advance and provide more clinical services at the retail level to our patients who are currently underserved because of voids in our healthcare system.

As a manager, I feel that the business dictates the amount of supportive help you need within a pharmacy. This is not an opportunity to overstaff but to optimize patient care and safety. As a pharmacist, I feel I know how many technicians I can safely monitor in a practice setting. The demands of business change from day to day and even at different times of the day. We need to be able to have the supportive staff we need to provide the safest and most comprehensive patient care at all times and not be limited by a ratio that was set in the past. If we are able to have the supportive staff provide the non-clinical services, we can focus on the clinical aspects of our business with much more precision and accuracy.

The changes in our roles, profession, and business that we are facing requires us to change. I believe we must adjust roles and policies to keep up with the progress and provide the services and patient care that the public expects and needs from our pharmacists. I truly appreciate you listening to one pharmacist's view on eliminating the pharmacist:technician ratio and allowing our profession to continue to advance.

Sincerely--

Kellye Moss, RPh
Health and Wellness Market Director
Market 255
479-866-1017
Walmart *Save money. Live better.

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From: mamaboom1@aol.com [mailto:mamaboom1@aol.com]
Sent: Monday, October 21, 2013 3:31 PM
To: Becky Damon
Subject: GENERAL INFORMATION REQUEST

NancyNoteboom
221 Meadowcreek Ln
Burleson, Tx 76028
817-239-5926

Oct. 5, 2013

Texas State Board of Pharmacy

Dear Board

I am writing in support of the change of the pharmacist to tech ratio. I am in favor of the proposed no pharmacist to tech ratio. Currently, there are a number of states that don't have ratios in place. There are no studies that indicate that quality suffers with no ratios. Hospitals have always lived under the no ratio environments. It works well for them and there are no proposed changes to implement RPh to Tech ratios in the hospitals.

A pharmacy is only as professional, efficient, and accurate as your team (pharmacists and technicians). Training, continued training, education, and communication are necessary tools for any pharmacist and technician. As a pharmacist, we should be the mentors for our technicians. If we have a technician who is not meeting quality & efficiency standards then it is the pharmacist in charge or pharmacist duty to help a technician in correcting the areas of concerns. If after training, retraining, and communication, a technician does not improve, then formal steps need to be made for maybe a different career option. Technicians can grow in their knowledge and career with the proper guidance from their pharmacists. Technicians are a big asset in today's practice of pharmacy. However, a pharmacist has an obligation to develop the technicians' skills, knowledge, and provide opportunities that will enhance a pharmacist in their job.

I've worked in several pharmacy settings, most recently in retail. All pharmacies have payroll budgets which will prohibit corporations and owners from hiring too many technicians. In today's pharmacy practice with dispensing, counseling, immunization, and MTM, a pharmacist needs the assistance of technicians. If these technicians know what the pharmacist expectations are and are trained, then all these areas of pharmacy can be practiced in a timely manner following regulatory and company procedures. Every pharmacy work situation is different.

As highly trained professionals, a Pharmacist should be able to determine what the appropriate staffing for their store should be.

With the current ratio, several circumstances could cause disruption in the pharmacy practice & effect quality. In busy stores, there usually is more than 1 pharmacist working. What if one of the pharmacists got sick or had an emergency and had to leave the pharmacy? If there were 6 technicians working (data entry, assembly, third party, helping with immunization), then by current law 3 of the technicians would have to leave. The pharmacy would get backed up with prescriptions, immunizations may not be given, and quality would suffer due to stress. But with the proposed change in ratio, the technicians could remain working and keep the workflow moving. The pharmacists have trained the technicians to know what is expected & provide the assistance the pharmacist needs. When I started in pharmacy, lunch was grabbing a few bites when you could. However, presently with the current trend of giving a pharmacist a few minutes away to regroup, de-stress, and have lunch, this presents another issue in pharmacies with more than 1 pharmacist working. If one pharmacist goes to lunch, we have to ensure that the RPh to tech ration is met by sending the techs to lunch. It would be more beneficial to workflow if we could stagger technician lunch breaks.

I strongly urge you to adopt the proposed unlimited pharmacist- tech ratio.

Sincerely yours,

Nancy Noteboom R.Ph

Past President Tarrant County Pharmacy Association

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

From: michaeloldham

Sent: Thursday, October 24, 2013 11:32 PM

To: Allison Benz

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

Michael Oldham

October 25, 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 a PTCB certified tech who works long hours and is a full time student. I am the lead technician at my pharmacy and I see no reason why this ratio should not be the decision of the pharmacist on duty. We are the ones working with him/her, and we and the customers are the ones who suffer at the hands of this arbitrary law. There is no good reason why the pharmacist on duty should not be in charge of setting the ratio they see fit to best serve the customers in a safe and effective way. Please reverse this law and give us back some control over our already overworked staff so we can take care of our customers. We take our customer's lives in our hands on a daily basis, and to deny a pharmacist the amount of staff they need is not only harmful to their practice, but also very harmful to our customers!! The right thing to do is to give us the tools to ensure the safety of the public.

Sincerely,

Michael Oldham

CPhT

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

From: [notts](#)

Thursday, October 17, 2013 10:47 AM

To: Allison Benz

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

Nicky Otts RPh

October 17, 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, and owner of several pharmacies, I want to urge the Texas State Board of Pharmacy to immediately adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing pharmacists to determine adequate staffing when on duty will enhance patient care and public safety because they will have more time to focus on what they have been trained to do, interact with and counsel patients.

Since the ratios were first adopted, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. Current board rules arbitrarily prohibit me and other pharmacists in four of the seven practice settings from exercising my professional judgment as to appropriate staffing levels. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies would let me spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

Pharmacists practicing in other states that do not have ratios have told me that having more tech help is a much less stressful and much safer work environment than not having enough trained technicians. Their experience has been that the more eyes on the prescription actually increases accuracy and allows them time to attend to clinical issues.

Because in Texas, pharmacists are limited on the number of technicians with whom they can work, significant time is spent doing the work of a technician. The Board should change the rules to allow pharmacists to use our professional judgment to determine adequate staffing needs.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

All the best

Nicky Otts, RPh

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

From: steven.pettit

Sent: Thursday, October 17, 2013 12:37 PM

To: Allison Benz

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

Steven Pettit

October 17, 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 adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. Additionally, I would advise against allowing the American Society of Health System Pharmacists (ASHP) dictate how education to pharmacy technicians should be permitted for technicians in a retail environment.

My time as a retail pharmacist has taught me that my staff can make a break a pharmacy that services it's patients well. arbitrary ratios only hurt this process.

The ASHP plans to make only ASHP accredited educational institutions acceptable for incoming pharmacy technicians. This will make many aspiring pharmacy technicians unable to afford the education needed.

Unfortunately, the institutions that are ASHP accredited are unnecessarily expensive.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Additionally, please consider stepping in and not accepting the ASHP proposal to require accredited education.

Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

Steven Pettit

9405772912

Pharmacy Manager



October 4, 2013

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

RE: Proposed Rule to Eliminate Pharmacist to Technician Ratios in All Classes of Pharmacy in the State of Texas

Dear Ms. Benz:

On behalf of HEB, I appreciate the opportunity to submit comments regarding the proposed rule to eliminate pharmacist to technician ratios in the State of Texas (Rules §291.32, §291.53, and §291.153) and ask the Board to strongly consider adopting this Rule.

HEB currently operates 232 pharmacies in the State of Texas and employs over 700 pharmacists, 1400 registered pharmacy technicians and technician trainees, and 400 other non-registered individuals. Our pharmacies provide prescription services along with other professional healthcare services such as immunizations, medication therapy management (MTM), disease state management, and preventive health screenings to the citizens of the State of Texas.

As it exists in its current state, the 1:3 ratio Rule presents barriers for a pharmacist who is under pressure to provide thorough, yet efficient health-care services to a growing patient population. In fact, due to the implementation of the Affordable Care Act and the maturation of the Generation X Baby Boomers, we are faced with current and future enormous growth of an aging customer base who require not only more medications but more-specialized medications and personal services which, historically, have only been provided on a smaller scale. The pharmacist will be required to intervene to a greater extent in a patient's educational and healthcare needs to provide optimal outcomes.

Due to the present ratio of 1:3, a pharmacist spends a good portion of their day completing administrative and non-judgmental tasks (duties of a pharmacy technician) –up to 50% in some cases-- instead of communicating with a patient about their new diabetes regimen, providing a meningitis vaccination, or promoting medication adherence via MTM. It is essential to create an environment which promotes direct, face-to-face, pharmacist to patient contact. If these ratios were eliminated and the pharmacist had the flexibility to assign more technician help at key times, according to the needs of their practice site, one could focus to a greater extent on being an integral healthcare provider, one that would spend more of their time on patient counseling, quality assurance, communicable disease prevention, and medication adherence. In addition, due to the epidemic of prescription drug abuse, a pharmacist is required to carve out more time in their day in order to validate the legitimacy of a controlled substance

prescription which may include calls to prescribers and verification with the DPS Prescription Access Texas Monitoring Program.

If the Board were to remove these restrictive and outdated 1:3 ratio rules, a pharmacist would be able to rely upon their individual professional judgment and known competencies of their certified technician staff in their unique and specific practice sites in order to safely serve the public. Different environments require varying levels of support. The pharmacist and pharmacy license holder have the obligation to meet these different needs and will be held accountable for those decisions. The pharmacist is the one most capable of judging the competency of their support staff should be able to have that option and not be handcuffed by ratio requirements.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Doug Read', with a stylized, cursive script.

Doug Read, Pharm.D.
H-E-B Director of Pharmacy Compliance and
Regulatory Affairs

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

From: Randy Shipp

Sent: Monday, September 23, 2013 11:32 AM

To: Kerstin Arnold

Subject: Texas Pharmacy Technician Ratio

Kerstin,

My name is Randy Shipp and I am a Market Health and Wellness Director for Wal-Mart Stores Inc. in the Dallas/Ft Worth area and I am also a licensed pharmacist. I spoke at the last board meeting in August about the pharmacy technician to pharmacist ratio. I addressed it from the standpoint of how going to an unlimited tech to pharmacist ratio would improve our quality of pharmacy techs. This might seem a little counter intuitive right at first because one would think that by adding more pharmacy techs that you would dilute your current level of knowledge. I believe this to be the opposite of what would occur if the ratio were lifted. I have talked to numerous pharmacists (retail and independent) that are holding on to techs that they would rather not have serve their patients. This is due poor customer service, inability to work with others, compliance issues, personal concerns, or lack of aptitude to learn the needed information to be a quality tech. The reason these pharmacist hold onto these techs is because they feel with all there is to do today that they cannot drop down to a 2:1 ratio for 6-8 weeks to find, hire, and train another pharmacy tech. By allowing the ratio to be unlimited you would see these pharmacists hiring on the front side and then placing the other employee in an area that might fit their skill set better. This could drastically improve employee morale, increase accuracy, and ultimately lead to improve patient care.

Another concern I have is that when we are working in stores with 2 pharmacists at one time we must be extremely careful during pharmacist break and lunch periods not to go over the 3:1 ratio. Pharmacists have to make a concerted effort at this time to stop and say "Ok what is my ratio now? Who is certified? Can I run 3:1? Who needs to leave or due non tech duties while the other pharmacist is out?" This is a distraction to the pharmacists and will lead to errors.

I started in pharmacy over a decade ago and the tech:rph ratio was 3:1 as long as one of the techs was certified. Since that time we have put more and more on our pharmacists all while seeing reimbursement rates drop. Now pharmacists are expected to verify patient/prescriber relationship, check PAT for medication abuse, be involved in controlling PSE sales, MTM, etc. None of these things were required just 10 years ago. There have been so many changes to the expectations of pharmacists, but we are not giving them any more help in terms of increasing the tech:rph ratio. I think we are doing a disservice to our patients by not allowing pharmacists to work at the top of their license. It has come time to reassess where we are as a profession and see what we can collectively do to help the pharmacists take better care of our patients.

In the last meeting it was brought up that only once has the state board went in and verified proper counseling. That was a shocking statement to me! Once again I think that pharmacists would be able to complete more of these pharmacist only tasks and take better care of the patients by increasing the ratio.

Thanks for your time and consideration,

Randy Shipp Pharm D
Market Health and Wellness Director
Market 550 - DFW
479-381-2649 cell

"To give anything less than your best is to sacrifice the gift" - Steve Prefontaine

This email and any files transmitted with it are confidential and intended solely for the individual or entity to whom they are addressed. If you have received this email in error destroy it immediately. *** Walmart Confidential ***

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

From: ejsinatra

Sent: Wednesday, October 23, 2013 5:32 PM

To: Allison Benz

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

Ellen Jane Sinatra

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 to immediately adopt the proposed rules that would eliminate the pharmacist to technician ratio for all classes of pharmacy. I believe that allowing me to help determine adequate staffing when I am on duty in my pharmacy 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.

Since the ratios were first adopted in the late eighties, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. I work in a busy pharmacy and could use additional help from time to time from well-trained certified technicians. However, current board rules arbitrarily prohibit me and other pharmacists in four of the seven practice settings from exercising my professional judgment as to appropriate staffing levels. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies would let me spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

Because in Texas I am limited on the number of technicians with whom I can work, I find that I am often spending about half of my time doing the work of a technician. I did not spend seven years in pharmacy school to count, pour, lick and stick. The Board should change the rules to allow pharmacists to use our professional judgment to determine adequate staffing needs. The Board has the power and should hold licensees accountable if any laws or rules regarding the appropriate use of technicians are violated.

I urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to eliminate the arbitrary ratios on all classes of pharmacy. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

Ellen Jane Sinatra

817 598-6648

PIC

From: Jeanne Stasny
Sent: Friday, October 11, 2013 1:17 PM
To: Gay Dodson
Subject: techratioletterfinal

Gay,

I know I have written before but just want to make sure we continue to provide support on this critical issue. Please let me know if you or the board have any questions or I can be a resource in any way.

July 26, 2013

Gay Dodson
Executive Director
Texas State Board of Pharmacy
Austin, TX

Dear Gay,

I hope this letter finds you well. I am writing to discuss current pharmacy practice improvement and specifically the technician ratio law.

I believe the technician ratio was implemented to protect patients and the quality of pharmacy practice. While its intent I appreciate, in reality it has failed this goal and at times been counterproductive to that cause.

Although we need to provide regulation to ensure quality pharmacy practice, we must focus our regulations in other areas such as counseling and DUR to ensure that all patients receive proper processing and interfacing of their medications.

The technician ratio cripples the pharmacist many times from maximizing their practice as they are forced to do many administrative tasks not served by technicians.

I recommend we remove the technician ratio and require the pharmacist in charge be accountable to the board and determine their technician needs as we further develop the interface of the individual patients and their medications with the pharmacist.

Our profession has been at a cross roads ever since we realized the age of manufactured pharmaceuticals and technology. I know Texas has many times joined other states or been the leader in this evolution. **I hope we continue to lead the country with progressive pharmacy practice that enables pharmacists to be utilized by the healthcare system to maximize patient care, the essence of why we exist.**

Please let me know if I can answer any questions or provide any effort to support you in this area.

Sincerely,

Jeanne Ann Stasny R.Ph.

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

From: rstephens

Sent: Monday, October 21, 2013 12:57 PM

To: Allison Benz

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

Richard Stephens

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 (Tx 32900), I urge 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 allowing the pharmacist to determine adequate staffing when on duty in the pharmacy will enhance patient care and public safety. This will enable the pharmacist more time to focus on what he/she has been trained to do-interact with and counsel patients.

Since the ratios were first adopted in the late eighties, the competency level and education of technicians has increased, and technology utilized in pharmacies has advanced dramatically. I oversee many busy pharmacies and I see firsthand how additional help from well-trained certified technicians can improve the standard of care. Having the ability to utilize more pharmacy technicians to assist with administrative and nonjudgmental work that is required in today's pharmacies enables the pharmacist to spend more time on activities that only a pharmacist can do, such as counseling patients, administering vaccines, controlled substance oversight and quality assurance.

I oversee pharmacies in other states that do not have ratios and I have seen firsthand how additional technician help creates a much less stressful and much safer work environment than not having enough trained technicians.

I encourage the Board to change the rules to allow pharmacists to use their professional judgment to determine adequate staffing needs.

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

Sincerely,

,

Richard Stephens

4253138259

VP Pharmacy

September 19, 2013

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

RE: Proposed Rule to Eliminate Pharmacist to Technician Ratios in All Classes of Pharmacy in the State of Texas

Dear Ms. Benz:

I appreciate the opportunity to submit comments regarding the proposed rule to eliminate pharmacist to technician ratios in the State of Texas (Rules §291.32, §291.53, and §291.153) and ask the Board to strongly consider adopting this Rule.

I am the Regional Director of Operations in the San Antonio area and have been in the practice of pharmacy since 1980 doing various different job positions from being a pharmacist, workflow technology systems, strategic planning and daily operations.

The practice of pharmacy over the past 33 years has advanced in health care offerings, focusing on Health and Wellness initiatives has continued to bring value to the customer, now more than ever with the change in healthcare programs and the ageing population.

HEB currently operates 232 pharmacies in the State of Texas and employs over 700 pharmacists, 1400 registered pharmacy technicians and technician trainees, and 400 other non-registered individuals. Our pharmacies provide prescription services along with other professional healthcare services such as immunizations, medication therapy management (MTM), disease state management, and preventive health screenings to the citizens of the State of Texas.

As it exists in its current state, the 1:3 ratio Rule presents barriers for a pharmacist who is under pressure to provide thorough, yet efficient health-care services to a growing patient population. In fact, due to the implementation of the Affordable Care Act and the maturation of the Generation X Baby Boomers, we are faced with current and future enormous growth of an aging customer base who require not only more medications but more-specialized medications and personal services which, historically, have only been provided on a smaller scale. The pharmacist will be required to intervene to a greater extent in a patient's educational and healthcare needs to provide optimal outcomes.

Due to the present ratio of 1:3, a pharmacist spends a good portion of their day completing administrative and non-judgmental tasks (duties of a pharmacy technician) –up to 50% in some cases-- instead of communicating with a patient about their new diabetes

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

From: mikki]

Sent: Monday, October 21, 2013 3:07 PM

To: Allison Benz

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

Mikki Thompson

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:

I am licensed pharmacist, proud to be working for a busy retail pharmacy in Texas. While my job can be exhausting at times, I find it very fulfilling knowing that I am helping people be healthy.

We do not have more trained technicians helping behind the counter especially during busy times such as late afternoons, early evenings and on weekends because the Board of Pharmacy will not allow it. I hope that you will consider changing this rule. I know of no other Texas health care professions have arbitrary ratios on the number of unlicensed support personnel. It makes no sense to impose a stricter limitation on the use of technicians in a retail setting, especially considering the stringent requirements for all Texas technicians to be PTCB certified and well-trained.

I am not asking the Board to expand my duties for certified technicians, but just allow the pharmacy to hire more technicians to assist me with the administrative and product related tasks, enabling me to be able to spend more time out front caring for our patients.

I am requesting that the Board vote in favor of the proposed rule at the November 4 meeting which would eliminate the pharmacist to technician ratios in all Texas pharmacies so that we can provide better patient care in a much less stressful and much safer workplace.

Sincerely,

Mikki Thompson

6237345421

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

From: mbtuttle

Sent: Thursday, October 17, 2013 11:27 AM

To: Allison Benz

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

Mary Beth Tuttle RPh.

October 17, 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 urge the Board to take action at the November 4th meeting to enhance patient safety and care by voting to ensure a ratio that will promote time for the pharmacist to provide counsel to patients on the drugs that they are taking. The current process provided by most retail stores promotes the pharmacist to oversee more responsibility which may not promote safety. The arbitrary ratios on all classes of pharmacy may not be in the best interest of the retail chains. We should be given the time to evaluate patient care & counsel. Please give me a chance to be a true professional health care provider and practice at the top of my license.

Sincerely,

Mary Beth Tuttle, RPh.

936-437-5300

Pharmacy Supervisor

To Whom It May Concern:

As a practicing pharmacist in a Class A community retail chain setting, I experience the negative impact of the arbitrary 3:1 tech-pharmacist ratio on a daily basis. I am constantly hampered by phone calls and questions at my counter that entail non-discriminatory decisions and details that take away from my patients that require my education and expertise. I am required to handle such tasks due to the limited number of technicians I am allowed to have in the pharmacy at one time.

Throughout my day I have a line at my consultation window with patients seeking advice that have to wait an extended period of time due to the technician type duties I have to take care of before I can speak with them. The ratio enforces a decreased quality of care for my patients and an increased level of stress and errors in the pharmacy.

The new health care law further stresses the pharmacist to perform more clinical tasks and asks the pharmacist to play a larger role on a comprehensive health care team by administering clinical tests, medication therapy management and providing adherence counseling to name a few. As a profession, the ability of the pharmacist to execute on these tasks without the burden of dealing with non-discriminatory tasks is vital. The mantra for the pharmacy profession for the last decade has been to "practice at the top of our license." This is a good first step.

Please eliminate the technician to pharmacist ratio for Class A pharmacies.

Sincerely,

**Erik Uhl, PharmD
Little Elm, TX**

TSBP received the Walgreens' form letter below which was signed by the following:

Raj Chhadua, Pharm.D. – Pharmacy Supervisor
Amish Patel, R.Ph. – Pharmacy Supervisor
Jerry Padilla, R.Ph. Pharmacy Supervisor
Susan Ashlock, R.Ph., - Pharmacy Supervisor
Emanuel George, Pharm.D. – Pharmacy supervisor
Andrew Grisham - District Manager
Roger Macaulay, R.Ph. – District Manager
Chester Stevens – District Manager
Debbie Sayler – District Manager
Shari McInaney – District Manager
AJ Patel, R.Ph. – Pharmacy Supervisor
Chad Stonecipher, Pharm.D. – Pharmacy Supervisor
Jennifer Barnett, R.Ph. – Pharmacy Supervisor

The Walgreens logo is written in a dark brown, cursive script font.

October 11,2013

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,

On behalf of the 733 Walgreens that operate pharmacies throughout the state of Texas and the market/district leadership, Walgreens supports the removal of technician ratios in All Pharmacy Classes within the State of Texas. As we look at the future of practice in every setting of pharmacy practice, pharmacists are eager and willing to practice at the top of their license creating a better environment for quality patient care. In order to provide an environment conducive for this activity, there needs to be flexibility within the regulations.

In Texas, Walgreens operates retail pharmacies, specialty pharmacies, Worksite health center pharmacies and On-site pharmacies. Many of these settings engage in patient care differently with different emphasis on quality and safety. 17 states practice pharmacy with no technician ratio, and Walgreens has not had any increase in quality events In these states. In addition, there is no desire to take the decision from the pharmacy manager on how many technicians can work in a pharmacy practice at a given time. Walgreens gives each store budgeted hours designated for technician help, and it is the responsibility of the pharmacy manager or designated personnel to allocate those budgeted hours appropriately.

Walgreens support the Board's desire to advance the practice of pharmacy, and we support the rule to remove the technician ratios in all pharmacy classes. Thank you for your consideration.