

**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

Pharmacy Technicians (LAC 46:LIII.901, 903, 905)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §§901, 903, and 905 of its rules relative to pharmacy technicians. The proposed Rule changes in §901 remove the definition of Training Program and instead define Pharmacy Technician Educator. The proposed Rule changes in §903 expand the eligibility criteria for obtaining a pharmacy technician candidate registration, modifies the language under exceptions to provide clarity, describe actions to be taken in the event the pharmacy technician candidate is no longer training, and describe requirements of the training to be provided by the pharmacy technician educator. The proposed

Rule changes in §905 correct a typographical error and clarify that the notification of a change of employment must include the pharmacy name.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part LIII. Pharmacists**

#### **Chapter 9. Pharmacy Technicians**

##### **§901. Definitions**

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section.

\* \* \*

*Pharmacy Technician Educator*—a pharmacy technician training program that is currently nationally-accredited and board-approved, a program by the Louisiana Department of Education offering Pharmacy Technician as a career path, or a Louisiana licensed pharmacist, not on probation with the board, providing technician training in a pharmacy that is not on probation with the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2485 (November 2004), effective January 1, 2005, amended LR 39:1777 (July 2013), amended by Department of Health, Board of Pharmacy, LR 43:2496 (December 2017), effective January 1, 2018, amended LR 50:

##### **§903. Pharmacy Technician Candidates**

###### **A. Registration**

1. ...

###### **2. Qualifications**

a. The applicant shall be of good moral character and non-impaired.

b. One of the three following eligibility criteria shall be satisfied by the applicant:

i. Verification of enrollment in a nationally-accredited and board-approved pharmacy technician training program and at least 18 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential.

ii. Verification of enrollment in a Louisiana Department of Education program with a pharmacy technician career path and at least 16 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential. Applicants under 18 years of age shall provide evidence of an Employment Certificate as required by the Louisiana Department of Labor.

iii. Verification from a Louisiana licensed pharmacist, who is not on probation with the board, indicating their intention to provide technician training in a pharmacy that is not on probation with the board. The applicant shall be at least 18 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential.

###### **c. Exceptions**

i. A pharmacist or pharmacy intern whose board credential has been denied, suspended, revoked, or restricted for disciplinary reasons by any board of pharmacy shall not be a pharmacy technician candidate or pharmacy technician.

ii. A Louisiana pharmacist or pharmacy intern whose board credential is active shall not be a pharmacy technician candidate or pharmacy technician until such credential is relinquished.

###### **3. Issuance and Maintenance**

a. - c. ...

###### **d. Termination of Training**

i. In the event the candidate is no longer training with the Pharmacy Technician Educator, for any reason other than completion of the training, the candidate no longer meets the eligibility criteria to possess the registration, and the candidate shall relinquish the registration to the board within 10 days, giving notice of their last day of training.

ii. In the event a candidate fails to relinquish their registration when required to do so, the board staff shall inactivate the registration.

iii. In the event the candidate should resume training with a pharmacy technician educator, and verification of that training is provided to the board, the board may re-issue the registration with the original expiration date preserved.

iv. In its discretion, the board may grant an exception to the original expiration date or reinstate the registration upon request by the candidate demonstrating unusual circumstances.

e. ...

f. A pharmacy technician candidate shall notify the board, in writing, no later than 10 days following a change in location(s) of employment. The written notice shall include the candidate's name, registration number, and pharmacy name, address, and permit numbers for old and new employers.

###### **B. Pharmacy Technician Educators**

1. Pharmacy technician educators shall provide academic preparation including technical skills and knowledge, sufficient to prepare the candidate to adequately perform the duties of a pharmacy technician. Academic preparation shall meet the minimum requirements of a board-approved pharmacy technician certification examination provider.

2. All nationally-accredited training programs approved by the board shall maintain their national accreditation.

3. Pharmacy technician educators shall notify the board within 10 days when a pharmacy technician candidate is no longer enrolled in the program or actively progressing in training with the Louisiana licensed pharmacist.

4. Pharmacy technician educators shall provide verification that the pharmacy technician candidate has successfully completed the training.

###### **C. Practical Experience**

1. - 3. ...

4. The candidate's registration shall evidence his authority to earn practical experience in a pharmacy, under the supervision of a pharmacist, in satisfaction of the requirements for pharmacy technician certification.

a. In the event the registration was issued to an applicant enrolled in a nationally-accredited and board-approved training program, the candidate shall earn the amount of experience prescribed by the curriculum of that program.

b. In the event the registration was issued to an applicant by any other method, the candidate shall earn at least 600 hours of practical experience in a pharmacy in Louisiana. A candidate may receive board credit for a maximum of 50 hours per week, unless further limited by an

Employment Certificate as required by the Louisiana Department of Labor.

5. ...

D. Examination

1. A board-approved pharmacy technician certification examination shall consist of integrated pharmacy subject matter and any other disciplines the board may deem appropriate in order to permit the candidate to demonstrate his competency. The candidate shall achieve a passing score, as determined by the board.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2485 (November 2004), effective January 1, 2005, amended LR 39:1777 (July 2013), amended by the Department of Health, Board of Pharmacy, LR 43:2496 (December 2017), effective January 1, 2018, repromulgated LR 44:49 (January 2018), amended LR 46:574 (April 2020), amended LR 46:576 (April 2020), amended LR 50:

**§905. Pharmacy Technician Certificate**

A. - B.2. ...

3. The annual renewal shall expire and become null and void on June 30 of each year.

a. The board shall make available, no later than May 1 of each year, an application for renewal to all pharmacy technicians to the address of record.

3.b. - 4. ...

5. A pharmacy technician shall notify the board, in writing, no later than 10 days following a change in location(s) of employment. The written notice shall include the technician's name, certificate number, and pharmacy name, address, and permit numbers for old and new employers.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2486 (November 2004), effective January 1, 2005, amended LR 38:1235 (May 2012), LR 39:1777 (July 2013), amended by the Department of Health, Board of Pharmacy, LR 43:2497 (December 2017), effective January 1, 2018, amended LR 46:576 (April 2020), amended LR 50:

**Family Impact Statement**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

**Poverty Impact Statement**

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule amendment will have a positive effect on employment and workforce development by including the Louisiana Department of Education program with a pharmacy technician career path as a Pharmacy Technician Educator. This will allow high school students enrolled in the program who meet all eligibility requirements to obtain a pharmacy technician candidate credential.

4. The Effect on Taxes and Tax Credits. The proposed rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

**Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational

Standards Required in the Proposed Rule. The proposed rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule amendment.

#### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The Effect on The Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed rule amendment will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule amendment will have no impact on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule amendment will have no effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendments. The deadline for the receipt of all written comments is 12 p.m. on Monday, August 26, 2024.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9 a.m. on Monday, August 26, 2024 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot, Jr.  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Pharmacy Technicians**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Other than the cost of rulemaking, which is approximately \$1,500 in FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings

to state or local governmental units. The cost of rulemaking will be paid from self-generated funds.

The proposed rule changes expand the eligibility criteria for obtaining a pharmacy technician candidate registration by providing alternatives to a board-approved, nationally-accredited pharmacy technician training program. The proposed rule changes in Section 901 remove the definition of Training Program and instead define Pharmacy Technician Educator, which includes a board-approved, nationally-accredited training program, a Louisiana Department of Education program with a pharmacy technician career path, and a Louisiana licensed pharmacist providing training in a permitted pharmacy. The proposed rule changes in Section 903 provide qualifications which must be met in order to obtain a Pharmacy Technician Candidate credential through each type of Pharmacy Technician Educator, change the wording for exceptions to provide clarity, describe actions to be taken in the event the pharmacy technician candidate is no longer training, and describe requirements of the training to be provided by the pharmacy technician educator. The proposed rule changes in Section 905 correct a typographical error and clarify that the notification of a change of employment must include the pharmacy name.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes will benefit potential pharmacy technician candidates by providing alternatives to a board-approved nationally-accredited pharmacy technician training program, potentially saving money on enrollment fees. The proposed rule changes will benefit pharmacists and pharmacies by expanding the eligibility criteria for a person to obtain a pharmacy technician candidate registration, which should result in more pharmacy technicians to address the current workforce shortage. The proposed rule changes will benefit consumers by increasing the number of pharmacy technicians in the workplace, which will provide better pharmacy staffing, resulting in better and more efficient patient care.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes are expected to increase the pharmacy technician workforce by expanding the eligibility criteria for obtaining a pharmacy technician candidate registration. This expansion of eligibility criteria may also lead to increased competition for students among pharmacy technician education providers.

M. Joseph Fontenot, Jr.  
Executive Director  
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Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office