

## DIVISION 25

### CERTIFIED OREGON PHARMACY TECHNICIANS AND PHARMACY TECHNICIANS

855-025-0001

#### Purpose and Scope ~~Transition from Registration of Technician to Licensure of Technician~~

The purpose of the Pharmacy Technician license is to provide an opportunity for a person to obtain competency in the role of Pharmacy Technician. It will allow a person to have time to take and pass a national pharmacy technician certification examination required to be eligible for licensure as a Certified Oregon Pharmacy Technician; and facilitate the initial license of a nationally certified Pharmacy Technician seeking licensure in Oregon.

~~(1) Effective June 28, 2005, pharmacy technicians ceased to be registered and became licensed. As part of licensure, pharmacy technicians are now subject to disciplinary action by the Board and subject to specialized education and training requirements established by the Board. This rule provides a framework for the transition from registration to licensure.~~

~~(2) The existing Board file containing information on each registered pharmacy technician or applicant for registration as a pharmacy technician remains in effect when the registration program transitions to a licensure program. Pharmacy technicians and applicants need not resubmit application material or other information to the Board because of the transition to licensure unless the Board specifically requests resubmission. Complaints, investigations, renewal information, criminal history information and registration history information remain in effect and carry over into the licensing history for each pharmacy technician or applicant.~~

Stat. Auth.: 689.205

Stats. Implemented: 689.225

855-025-0005

#### Qualifications Eligibility for Licensure as a Pharmacy Technician or Certified Oregon Pharmacy Technician

~~(1) Effective August 1, 2006, tTo qualify for licensure as a Pharmacy Technician or eCertified Oregon pPharmacy tTechnician, an applicant must demonstrate that the applicant is or will be at least 18 years of age and holds or will hold a high school diploma or GED. at the time the Board issues the license.~~

(2) Section one does not apply to persons under the age of 18 licensed by the Board as a Pharmacy Technician prior to January 1, 2015.

**(3) An applicant for licensure as a Pharmacy Technician or Certified Oregon Pharmacy Technician must complete an application for licensure, provide the Board with a valid e-mail address and furnish documentation required to conduct a criminal background check.**

~~(2)~~ **(4)** No person whose license to practice as a pharmacist has been denied, revoked, suspended or restricted by the **any healthcare professional regulatory** Board may be licensed as a ~~p~~**Pharmacy t**~~T~~**Technician or e**~~C~~**ertified Oregon p**~~P~~**armacy t**~~T~~**Technician unless the Board determines that licensure will pose no danger to patients or to the public interest.**

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155

**855-025-0010**

### **Renewal of Licensure as a Pharmacy Technician Requires Certification**

~~(1) The purpose of this rule is to ensure that all pharmacy technicians in Oregon become certified pharmacy technicians by passing a certification examination accepted by the Board. This rule requires all current pharmacy technicians to become certified by October 1, 2008, and gives all new pharmacy technicians until October 1, 2008, one year after initial licensure, or prior to the pharmacy technician's 19th birthday, whichever is later, to obtain certification.~~

**(1) The license of a Pharmacy Technician expires one year from the date upon which it is issued.**

**(2) The Pharmacy Technician license is not renewable except by petition to the Board.**

~~(2) The license of a pharmacy technician expires one year from the date upon which it is issued and may be renewed only if:~~

~~(a) The applicant has become certified by taking and passing one of the examinations described in section three or~~

~~(b) The applicant is less than 18 years of age.~~

~~(3) For any pharmacy technician license that expires on or after September 30, 2008, an applicant to renew a pharmacy technician license must demonstrate that the applicant for renewal has taken and passed the national pharmacy technician certification examination given by either:~~

**(3) An individual may reapply for a Pharmacy Technician license if his or her previous license is lapsed for a period greater than five years or by petition to the Board.**

~~(4) The license of a certified pharmacy technician expires on September 30 of each year and must be renewed annually.~~

~~(5) Notwithstanding any other provision of these rules, a pharmacy technician who is less than 18 years of age need not take and pass a certified pharmacy technician examination.~~

~~(6) Applicants for licensure or renewal of licensure as a pharmacy technician must submit to a criminal background check.~~

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155

### **855-025-0012**

#### **Licensure as a Certified Oregon Pharmacy Technician**

**(1) To obtain a Certified Oregon Pharmacy Technician license, the applicant must demonstrate that the applicant has taken and passed a national pharmacy technician certification examination offered by:**

**(a) The Pharmacy Technician Certification Board (PTCB); or**

**(b) The National Healthcareer Association (NHA).**

**(2) The license of a Certified Oregon Pharmacy Technician expires September 30 annually.**

**Stat. Auth.: ORS 689.205**

**Stats. Implemented: ORS 689.155**

### **855-025-0015**

#### **Renewal of Licensure as a Certified Oregon Pharmacy Technician**

(1) **A person** Licensed pharmacy technicians who has ~~ve~~ taken and passed a **national pharmacy technician** certification examination listed in OAR 855-025-0012**(1)(a)-(b)**~~0(3)~~ may use the **following** title, are referred to in these rules as, and are licensed as a “**eCertified Oregon** ~~p~~**Pharmacy t**~~T~~**Technician.**” are referred to in these rules as a “certified pharmacy technician,” and are licensed as a “certified pharmacy technician.”

(2) An applicant for renewal of a **eCertified Oregon** ~~p~~**Pharmacy t**~~T~~**Technician** license must:

~~(a) Maintain certification by one of the organizations listed in OAR 855-025-0010(3) and~~

**(a) Pay the license fee prescribed in OAR 855-110.**

**(b) Satisfactorily complete a minimum of 10 continuing pharmacy educating hours** ~~D~~**d**uring each ~~the~~ **period** from September 1 through August 31, **of each license renewal cycle. These hours must include:** complete and report at least one hour of pharmacy law, appropriate to the applicant’s work setting and functions. Fifty minutes equal one contact hour.

**(A) One hour of continuing pharmacy education in pharmacy law;**

**(B) One hour of continuing pharmacy education in patient safety and or error prevention; and**

**(C) Eight other hours of continuing pharmacy education hours or documented onsite training, approved by the Board.**

(c) ~~Submit~~ **Be subject** to an **annual** criminal background check.

(3) The Board may randomly select and audit applications for renewal to verify completion of the continuing education **or documented onsite training** reported on the application for renewal. Certified **Oregon** ~~p~~Pharmacy ~~t~~Technicians whose applications for renewal are selected for audit must provide documentation of completion of the continuing **pharmacy** education reported.

**(4) Effective January 1, 2015, national certification is not required to renew a license as a Certified Oregon Pharmacy Technician.**

**(5) A Certified Oregon Pharmacy Technician who fails to renew his or her license by the expiration date and whose license has been lapsed less than 180 days may renew his or her license as follows:**

**(a) Pay the license fee as prescribed in OAR 855-110.**

**(b) Pay a delinquent fee.**

**(6) A Certified Oregon Pharmacy Technician who fails to renew their license by the deadline and whose license has been lapsed 180 days may reinstate his or her license under OAR 855-025-0060(1).**

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155

**855-025-0020**

### **Recordkeeping Responsibilities of Pharmacy Technicians and Certified Oregon Pharmacy Technicians**

(1) Failure to answer completely, accurately and honestly, all questions on the application form for licensure or renewal of licensure is grounds for discipline.

(2) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application.

(3) A p**P**harmacy t**T**echnician or e**C**ertified O**re**gon p**P**harmacy t**T**echnician must report to the Board within 10 days if they:

(a) Are convicted of a misdemeanor or a felony; or

(b) If they are arrested for a felony.

(4) A p**P**harmacy t**T**echnician or e**C**ertified O**re**gon p**P**harmacy t**T**echnician who has reasonable cause to believe that another licensee (of the Board or any other Health Professional Regulatory Board) has engaged in prohibited or unprofessional conduct as these terms are defined in OAR 855-006-0005, must report that conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting p**P**harmacy t**T**echnician or e**C**ertified O**re**gon p**P**harmacy t**T**echnician shall report the conduct without undue delay, but in no event later than 10 working days after the reporting p**P**harmacy t**T**echnician or e**C**ertified O**re**gon p**P**harmacy t**T**echnician learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.

(5) A p**P**harmacy t**T**echnician or e**C**ertified O**re**gon p**P**harmacy t**T**echnician who reports to a b**B**oard in good faith as required by section (4) of this rule is immune from civil liability for making the report.

(6) A p**P**harmacy t**T**echnician or e**C**ertified O**re**gon p**P**harmacy t**T**echnician who has reasonable grounds to believe that prescription drugs or records have been lost or stolen, or any violation of these rules has occurred, must notify the Board within 10 days.

(7) A p**P**harmacy t**T**echnician or e**C**ertified O**re**gon p**P**harmacy t**T**echnician must notify the Board in writing, within 15 days, of any change in e**m**ail a**d**dress, employment location or residence address except that a p**P**harmacy t**T**echnician who is employed at more than one pharmacy need only report the name and address of the pharmacy at which the technician normally works the most hours.

(8) A e**C**ertified O**re**gon p**P**harmacy t**T**echnician must obtain certificates of completion that show the date and number of hours earned to document continuing p**h**armacy education credit earned and must keep the certificates of completion for three years from the date of the program.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155, ~~Ch. 536-OL-2009-689.455~~

**855-025-0025**

### **Use of Pharmacy Technicians and Certified O**re**gon Pharmacy Technicians**

(1) A p**P**harmacist or pharmacy may use p**P**harmacy t**T**echnicians or e**C**ertified O**re**gon p**P**harmacy t**T**echnicians only as authorized by the rules of the Board.

(2) pPharmacy tTechnicians or eCertified Oregon pPharmacy tTechnicians must be supervised by a pPharmacist.

(3) Pharmacists, pPharmacist iInterns, pPharmacy tTechnicians and eCertified Oregon pPharmacy tTechnicians must be clearly identified as such to the public.

(4) Work performed by pPharmacy tTechnicians and eCertified Oregon pPharmacy tTechnicians assisting the pPharmacist to prepare medications must be verified by a pPharmacist prior to release for patient use. Verification must be documented, available and consistent with the standard of practice.

(5) The pharmacist-in-charge must prepare and maintain in the pharmacy written procedures that describe the tasks performed by pPharmacy tTechnicians or eCertified Oregon pPharmacy tTechnicians, and the methods of verification and documentation of work performed by pPharmacy tTechnicians or eCertified Oregon pPharmacy tTechnicians. Written procedures must be available for inspection by the Board or its representatives. The pharmacist-in-charge must review written procedures annually and document that review on the annual pharmacist-in-charge inspection sheet.

(6) Training:

(a) The pharmacist-in charge must outline, and each pPharmacy tTechnician or eCertified Oregon pPharmacy tTechnician must complete initial training that includes on-the-job and related education **that is** commensurate with the tasks that the pPharmacy tTechnician or eCertified Oregon pPharmacy tTechnician will perform, prior to the performance of those tasks.

(b) The pharmacist-in-charge must ensure the continuing competency of pPharmacy tTechnicians or eCertified Oregon pPharmacy tTechnicians.

(c) The pharmacist-in-charge must document initial training of each pPharmacy tTechnician or eCertified Oregon pPharmacy tTechnician and make that documentation available to the Board or its representatives upon request.

(7) Upon written request, the Board may waive any of the requirements of this rule upon a showing that a waiver will further public health or safety or the health or safety of a patient or other person. A waiver granted under this section is effective only when issued by the Board in writing.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155

**855-025-0030**

**Confidentiality**

(1) No licensee of the Board who obtains any patient information shall disclose that information to a third-party without the consent of the patient except as provided in section two of this rule.

(2) A licensee may disclose patient information:

(a) To the Board;

(b) To a practitioner, pharmacist, pharmacy technician, or Certified Oregon pharmacy technician, if disclosure is authorized by a pharmacist who reasonably believes that disclosure is necessary to protect the patient's health or well-being; or

(c) To a third-party when disclosure is authorized or required by law; or

(d) As permitted pursuant to federal and state patient confidentiality laws.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155

### **855-025-0035**

#### **Pharmacy and Pharmacist Responsibility for Supervising Pharmacy Technicians and Certified Oregon Pharmacy Technicians**

(1) The supervising pharmacist and the pharmacist-in-charge are responsible for the actions of pharmacy technicians or Certified Oregon pharmacy technicians. The use of pharmacy technicians or Certified Oregon pharmacy technicians to perform tasks not included in written procedures maintained by the pharmacy constitutes unprofessional conduct on the part of the supervising pharmacist and the pharmacist-in-charge.

(2) The pharmacy must maintain on file and post the current license of each pharmacy technician or Certified Oregon pharmacy technician.

(3) Before allowing any person to work as a pharmacy technician or Certified Oregon pharmacy technician, the pharmacy and pharmacist shall verify that the person is currently licensed as a pharmacy technician or Certified Oregon pharmacy technician.

(4) Prior to performing the duties of a pharmacy technician or Certified Oregon pharmacy technician, a person must provide to the pharmacist or pharmacist-in-charge a copy of the person's current pharmacy technician license or a current Certified Oregon pharmacy technician license.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155

855-025-0040

## **Certified Oregon Pharmacy Technician and Pharmacy Technician Tasks and Guidelines**

(1) Non-licensed pharmacy personnel may enter non-prescription information into a computer record system and may perform clerical duties such as filing prescriptions, delivery, housekeeping, and general record keeping, but the responsibility for the accuracy of the non-licensed pharmacy personnel's work lies with the **pPharmacist**.

(2) Only persons licensed with the Board as a **pPharmacy tTechnician** or **eCertified Oregon pPharmacy tTechnician**, acting in compliance with all applicable statutes and rules and under the supervision of a **pPharmacist**, may assist in the practice of pharmacy by the following:

(a) Packing, pouring or placing in a container for dispensing, sale, distribution, transfer possession of, any drug, medicine, poison, or chemical which, under the laws of the United States or the State of Oregon, may be sold or dispensed only on the prescription of a practitioner authorized by law to prescribe drugs, medicines, poisons, or chemicals.

(b) Reconstituting prescription medications. The supervising **pPharmacist** must verify the accuracy in all instances.

(c) Affixing required labels upon any container of drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals.

(d) Entering information into the pharmacy computer. The **pPharmacy tTechnician** or **eCertified Oregon pPharmacy tTechnician** shall not make any decisions that require the exercise of judgment and that could affect patient care. The supervising **pPharmacist** must verify prescription information entered into the computer and is responsible for all aspects of the data and data entry.

(e) Initiating or accepting oral or electronic refill authorization from a practitioner or practitioner's agent, provided that nothing about the prescription is changed, and record the medical practitioner's name and medical practitioner's agent's name, if any;

(f) Prepackaging and labeling of multi-dose and unit-dose packages of medication. The **pPharmacist** must establish the procedures, including selection of containers, labels and lot numbers, and must verify the accuracy of the finished task.

(g) Picking doses for unit dose cart fill for a hospital or for a nursing home patient. The **pPharmacist** must verify the accuracy of the finished task.

(h) Checking nursing units in a hospital or nursing home for nonjudgmental tasks such as sanitation and out of date medication. Any problems or concerns shall be documented and initialed by a **pPharmacist**.

(i) Recording patient or medication information in computer systems for later verification by the pharmacist.

(j) Bulk Compounding. Solutions for small-volume injectables, sterile irrigating solutions, products prepared in relatively large volume for internal or external use by patients, and reagents or other products for the pharmacy or other departments of a hospital. The supervising pharmacist must verify the accuracy in all instances.

(k) Preparation of parenteral products as follows:

(A) Performing functions involving reconstitution of single or multiple dosage units that are to be administered to a given patient as a unit. The supervising pharmacist must verify the accuracy in all instances.

(B) Performing functions involving the addition of one manufacturer's single dose or multiple unit doses of the same product to another manufacturer's prepared unit to be administered to a patient. The supervising pharmacist must verify the accuracy in all instances.

(l) Performing related activities approved in writing by the Board.

(3) In order to protect the public, safety, health and welfare, pharmacy technicians or Certified Oregon Pharmacy Technicians shall not:

(a) Communicate or accept by oral communication a new or transferred prescription of any nature;

(b) Receive or transfer a prescription to another pharmacy without the prior verification of a pharmacist.

(c) Provide a prescription or medication to a patient without a pharmacist's verification of the accuracy of the dispensed medication;

(d) Counsel a patient on medications or perform a drug utilization review;

(e) Perform any task that requires the professional judgment of a pharmacist; or

(f) Engage in the practice of pharmacy as defined in ORS 689.015.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155

**855-025-0050**

**Grounds for Discipline of Pharmacy Technicians and Certified Oregon Pharmacy Technicians**

The State Board of Pharmacy may refuse to issue or renew; or may suspend, revoke, or restrict the license of a pharmacist or certified pharmacist; or may impose a civil penalty upon a pharmacist or certified pharmacist upon the following grounds including but not limited to:

- (1) Unprofessional conduct as defined in OAR 855-006-0005;
- (2) Repeated or gross negligence in performing the duties of a pharmacist or certified pharmacist;
- (3) Impairment, which means an inability to assist in the practice of pharmacy with reasonable competence and safety due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a mental health condition;
- (4) Being found guilty by the Board of a violation of the pharmacy or drug laws of this state or rules pertaining thereto or of statutes, rules or regulations of any other state or of the federal government;
- (5) Being found guilty by a court of competent jurisdiction of a felony as defined by the laws of this state;
- (6) Being found guilty by a court of competent jurisdiction of a violation of the pharmacy or drug laws of this state or rules pertaining thereto or of statutes, rules or regulations of any other state or of the federal government;
- (7) Fraud or intentional misrepresentation in securing or attempting to secure the issuance or renewal of a pharmacist or certified pharmacist license;
- (8) Allowing an individual to engage in the duties of a pharmacist, pharmacist or certified pharmacist without a license or to use falsely the title of pharmacist, pharmacist or certified pharmacist;
- (9) Being found by the Board to be in violation of any violation of any of the provisions of ORS 435.010 to 435.130, 453.025, 453.045, 475.035 to 475.190, 475.805 to 475.995 or 689.005 to 689.995 or the rules adopted pursuant thereto;
- (10) Failure to appropriately perform the duties of a pharmacist or certified pharmacist as outlined in OAR 855-025-0040 while assisting a pharmacist in the practice of pharmacy as defined in ORS 689.005;
- (11) Any act or practice relating to performing the duties of a pharmacist or certified pharmacist which is prohibited by state or federal law or regulation; or

(12) Any conduct or practice by a ~~p~~Pharmacy ~~t~~Technician, ~~e~~Certified Oregon ~~p~~Pharmacy ~~t~~Technician or pharmacy that the Board determines is contrary to the accepted standards of practice.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.151, Ch. ~~756-OL-2009~~ 689.405

855-025-0060

**Petition for Reinstatement of a Certified Oregon Pharmacy Technician License**

**(1) A Certified Oregon Pharmacy Technician who fails to renew their license by the deadline and whose license has been lapsed 180 days or longer may reinstate their license as follows:**

**(a) Complete a new application for licensure and provide the Board with a valid e-mail address; and**

**(b) Pay the license fee as prescribed in OAR 855-110.**

**(2) A Certified Oregon Pharmacy Technician whose license has been lapsed greater than four years must:**

**(a) Complete an application for licensure, provide the Board with a valid e-mail address, and a fingerprint card or other documentation required to conduct a criminal background check;**

**(b) Pay the license fee as prescribed in OAR 855-110; and**

**(c) Re-take and pass a national pharmacy technician certification examination offered by:**

**(A) The Pharmacy Technician Certification Board (PTCB); or**

**(B) National Healthcareer Association (NHA).**

~~(1) A certified pharmacy technician's license that has been revoked, suspended or restricted will be reinstated only if the Board finds, upon a presentation made by the petitioner, that there is a reasonable assurance that the public interest will be protected if relicensure occurs.~~

~~(2) A presentation must consist of a showing by the petitioner of changed circumstances from those surrounding the revocation, suspension or restriction of license. The presentation must include:~~

~~(a) A showing that the petitioner has engaged in treatment, programs, or other endeavors or activities since the suspension, revocation or restriction of license which has caused the~~

rehabilitation of the petitioner to the extent that the public's interest would be protected if relicensure should be granted.

(b) Medical, psychological, sociological or other physical, mental or moral appraisals, evaluations or recommendations relating to the petitioner to aid the Board in its determination whether the petitioner has been rehabilitated to the extent that the public's interest would be protected if relicensure should be granted.

(3) Petitions to the Board for reinstatement of licensure after suspension, revocation or restriction must be in writing and must contain:

(a) A written statement of those changed circumstances which the petitioner believes warrant the Board's finding that there is a reasonable assurance that the public interest will be protected if relicensure occurs. Such statement must include a recitation of the treatment, programs, or other endeavors or activities undertaken by the petitioner, more particularly referred to subsection (2)(a) of this rule.

(b) A summarization of the medical, psychological, sociological or other physical, mental, or moral appraisals or recommendations which the petitioner intends to present to the Board pursuant to subsection (2)(b) of this rule.

(4) If, after opportunity is afforded the petitioner to show otherwise, the Board determines that a petition fails to comply with section (3) of this rule, or has not been made within a reasonable interval from the suspension, revocation, or restriction of license or from a previous petition, the Board will dismiss the petition without further investigation and hearing before the Board.

(5) Petitions which comply with section (3) of this rule will be scheduled for presentation of proof before the Board, and the petitioner will be notified of the time and place.

(6) The completion of any treatment, program or activity which the Board may recommend does not establish a right to reinstatement. The Board must, in each and every case, make a finding based upon the presentation of the petitioner that there is a reasonable assurance that the public interest will be protected if relicensure occurs.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155