

Pharmacy Technicians Rules - ORR 2022-02 LR
Public Comment Summary
Rules Committee's Recommendations and Board Decisions regarding April 6, 2023, Public Comments

Testimony/Comments Received:

Rose Baran, Ferris
 Deeb Eid, CVS Pharmacy
 Farah Jalloul, Michigan Pharmacists Association
 Jonathan McLachlan, AllianceRx Walgreens Pharmacy
 Charlie Mollien, Meijer
 Renee Smiddy, Michigan Health & Hospital Association
 Maria Young, University Pharmacy

Rule 338.3651a Pharmacy Technician Licensure; eligibility; examination.

Rule Numbers	Commenter	Comment
Section (2)	Jalloul	Change the reference to R 338.7005 to R 338.7004, as R 338.7005 has been rescinded.
Rules Committee Response	The Rules Committee agrees with the comment to update the reference to the General Rules.	

Board Response	The Board agrees with the comment to update the reference to the General Rules.
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R 338.3651a Pharmacy technician licensure; eligibility; examination.

Rule 1a. (1) An applicant for licensure by examination shall submit a completed application on a form provided by the department, together with the appropriate fee, unless the applicant is exempt from filing under any of the following exemptions pursuant to section 17739a(4) of the code, MCL 333.17739a:

- (a) A student, while the student is enrolled in a pharmacy technician program approved by the board under R 338.3655.
- (b) A licensee who holds a temporary pharmacy technician license under R 338.3652 and section 17739b of the code, MCL 333.17739b.
- (c) A licensee who holds a limited pharmacy technician license under section 17739c of the code, MCL 333.17739c.

(2) In addition to meeting the requirements of R 338.7001 to R **338.7005 338.7004**, any other rule promulgated under the code, and section 16174 of the code, MCL 333.16174, an applicant shall comply with all of the following requirements:

(a) Have graduated from an accredited high school or comparable school or educational institution or passed the general educational development test or the graduate equivalency examination.

(b) Have passed, and provided proof to the department of passing, any of the following examinations:

(i) The certified pharmacy technician examination given by the PTCB or the NHA.

(ii) A nationally recognized and administered pharmacy technician certification examination that has been approved by the board under R 338.3654.

(iii) An employer-based training program examination that has been approved by the board under R 338.3654.

(c) An applicant shall submit proof of having completed the 1-time training in identifying victims of human trafficking as required in R 338.3659 and section 16148 of the code, MCL 333.16148.

Rule 338.3653 Licensure by endorsement.

Rule Numbers	Commenter	Comment
Section (2)	Jalloul	Change the reference to R 338.7005 to R 338.7004, as R 338.7005 has been rescinded.
Rules Committee Response	The Rules Committee agrees with the comment to update the reference to the General Rules.	

Board Response	The Board agrees with the comment to update the reference to the General Rules.
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R 338.3653 Licensure by endorsement.

Rule 3. (1) An applicant **who has never held a pharmacy technician license in this state, but who is licensed in another state, may apply** for licensure by endorsement ~~shall by submit~~**submitting** a completed application on a form provided by the department, together with the requisite fee.

(2) An applicant ~~is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, who meets if they meet the requirements of R 338.7001 to R **338.7005 338.7004**, any other rule promulgated under the code, and section 16174 of the code, MCL 333.16174, as well as all of the following requirements:~~**of this rule is presumed to meet the requirements of section 16186 of the code, MCL 333.16186.**

~~(2) An applicant shall satisfy all of the following requirements:~~

(a) ~~Have~~**Has** graduated from an accredited high school or comparable school or educational institution; or passed the general educational development test or the graduate equivalency examination.

(b) ~~Satisfy~~**Satisfies** the requirements in section 16174(2) of the code, MCL 333.16174, **which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.**

(c) ~~Hold~~**Holds** a pharmacy technician license or registration by examination in another state that is active and in good standing.

(d) ~~Submit~~**Submits** proof that the applicant passed 1 of the approved examinations specified in R 338.3651a(2)(b).

(e) **Submits** proof of having completed **the 1-time** training in identifying victims of human trafficking as required in R 338.3659 **and section 16148 of the code, MCL 333.16148.**

~~(3) In addition to meeting the requirements of subrules (1) and (2) of this rule, an applicant's license must be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a pharmacy technician. Verification must be sent directly to the department from the licensing agency and include the record of any disciplinary action taken or pending against the applicant.~~

(f) Discloses each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.

Rule 338.3654 Examination requirements; board approval; approval process.

Rule Numbers	Commenter	Comment
Section (2)	Young	<p>Require employer based training program examinations that are submitted to the Board for approval under MCL 333.17739a(1)(d)(iv) to include 100 questions, to have a larger assortment of questions in each category, and no true or false questions.</p> <p>The reason for the request is to prepare students to take the national exams and be prepared for the time allotted. Both national exams (PTCE and ExCPT) have 100 questions and are timed.</p> <p>MCL 333.17739a(1)(d)(iv) (iv) An employer-based training program examination that is approved by the board and covers job descriptions, pharmacy security, commonly used medical abbreviations, routes of administration, product selection, final check by pharmacists, guidelines for the use of pharmacy technicians, pharmacy terminology, basic drug information, basic calculations, quality control procedures, state and federal laws and regulations regarding pharmacy technician duties, pharmacist duties, pharmacy intern duties, prescription or drug order processing procedures, drug record-keeping requirements, patient confidentiality, and pharmacy security and drug storage.</p>

Section (2)	Young	Can a program that has a Board approved examination offer the examination to someone who is not in the pharmacy’s program but holds a temporary license? Or is a board approved pharmacy program only allowed to give their examination to students in their program? The rule states, “An employer-based training program proficiency examination must be offered in association with a specific employer-based training program”
Section (8)	Eid	CVS Health recommends that number (8) in Rule 4 be struck from the proposed rules. Rationale: Referencing national standards, exams such as the PTCB or NHA certification exams no longer use percentile-based scoring. More modern-day psychometric standards call for scaled scoring where a passing percentage is not stagnant. Holding other “board approved proficiency exams” to an arbitrary 70% standard is not consistent with other parts of the regulation which allow for national standards. To fall in line with these standards, it is suggested to remove and not include an arbitrary passing % number that is not backed by evidence or examination standards nationally.
Rules Committee Response	<p>(2): The Rules Committee does not agree with the comment to require pharmacy technician program examinations to include a minimum of 100 questions and not include T/F questions, as the decision was previously made by the Board to not require a minimum number of questions and instead require questions pertinent to the practice of pharmacy as determined by the pharmacy.</p> <p>The Rules Committee believes that clarification of who may sit for a pharmacy technician proficiency examination is not necessary as section (2) already states that a proficiency examination must be offered with a specific program. Therefore, only students who are in the pharmacy training program may take the associated pharmacy training program examination.</p> <p>(8): The Rules Committee agrees with the comment to delete (8) as the Rules Committee is concerned that the program has a scoring process in place, not that it has a specific minimum score. The Rules Committee has added language that clarifies a pharmacy technician program must include a proficiency examination scoring procedure with their proficiency examination application, which will be reviewed with the examination.</p>	
Board Response	<p>(2): The Board does not accept the comment to require examinations to include a minimum of 100 questions and not include T/F questions, as the Board is concerned that the questions are pertinent to the practice of pharmacy and not as concerned with the number of questions.</p>	

	<p>The Board does not accept the comment that clarification of who may sit for a pharmacy technician proficiency examination is necessary as section (2) already states that a proficiency examination must be offered with a specific program. Therefore, only students who are in the pharmacy training program may take the associated pharmacy training program examination.</p> <p>(8): The Board accepts the comment to delete (8) and adds rule language that a pharmacy technician program must include a proficiency examination scoring procedure with their proficiency examination application, which will be reviewed by the Board with the examination, as the Board is concerned that the program has a scoring process in place, not that it has a specific minimum score.</p>
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R 338.3654 Examination requirements; board approval; approval process.

Rule 4. (1) Except for the PTCB and NHA examinations, a nationally recognized pharmacy technician proficiency certification examination and an employer-based training program proficiency examination must be approved by the board.

(2) An employer-based training program proficiency examination must be offered in association with a specific employer-based training program and cover the topics specified in section 17739a(1)(d)(iv) of the code, MCL 333.17739a.

(3) An entity that offers a nationally recognized pharmacy technician proficiency certification examination shall submit to the department a completed application on a form provided by the department with proof of current national accreditation in order to be approved by the board. If the examination is nationally accredited, after the department processes the application, it ~~shall~~**must** be considered approved by the board. If national accreditation is lost, the examination will no longer be approved by the board.

(4) An entity that offers an employer-based training program proficiency examination shall submit to the department a completed application on a form provided by the department and a copy of the examination with the correct answers clearly identified for each question.

(5) An entity that offers an employer-based training program proficiency examination shall submit a modification to a proficiency examination during its approval term to the department on a form provided by the department pursuant to the requirements of this rule.

(6) ~~Beginning July 1, 2022, Except for PTCB and NHA,~~ a nationally recognized certification proficiency examination or employer-based training program proficiency examination approved by the board before July 1, 2022, shall submit an application consistent with this rule for approval **by December 31, 2023, or the program will no longer be listed as a board-approved program.**

(7) ~~Beginning July 1, 2022, the~~ The board's approval of an examination expires 5 years after the date of approval.

(8) One year after the effective date of this subrule, a board-approved program must include a proficiency examination grading procedure with the proficiency examination application. proficiency examination must have a minimum passing score of 70%.

Rule 338.3655 Approved pharmacy technician programs.

Rule Numbers	Commenter	Comment
Section (2)(a)	Young	Should the Board require a program at a community college, which is being added to the rules, to be accredited and approved automatically, or treat it similarly to a program at a proprietary school, and require the program to be reviewed by the Board?
Section (3)	Young	The requirements for a training program at a proprietary school and community college do not mention a hands-on teaching component. Can a proprietary school or community college place students in a pharmacy for hands-on training under the supervision of the pharmacist?
Section (6)	Smiddy	The MHA requests clarification regarding R 338.3655 (6) A student in a board-approved pharmacy technician program is exempt from, and not eligible for, licensure while in the program. Will students still be eligible to receive temporary licenses while in a training program?
Section (7)	Mollien	<p>I support allowing those less than age 18 to enroll in board-approved pharmacy technician training programs. If the board adopts this rule change, please work with the Department of Labor and Economic Opportunity to change the listed prohibition for individuals aged 16 or 17 to work in “Pharmacies and Prescription Drug Delivery” work activities. I also recommend you change this rule to align with DLEO to only permit individuals 16 or 17 years old to participate in practical training in the pharmacy.</p> <p>See https://www.michigan.gov/leo/-/media/Project/Websites/leo/Folder23/whd_9934_Youth_Employment_Hazardous_Table.pdf?rev=4a03c2e42cb1420082df1f738b50129b&hash=3EB19CA5DD2240849A407FA0D68D52EA for Work Activities Prohibited or Restricted by Department Review under MCL 409.103.</p>
	Smiddy	The MHA requests clarification regarding R 338.3655 (7) and how to define practical training.
Section (8)	Smiddy	The MHA recommends the board clarify the reasoning for requiring all existing board approved pharmacy technician programs to be rereviewed by the board before December 31, 2023. To reduce unnecessary administrative burden, especially during the unwinding of the COVID-19 public health emergency, the MHA recommends pharmacy technician programs be reevaluated within one-year of the rules set promulgation date. This will allow program administrators and community partners additional time to communicate the reevaluation timeframe with stakeholders.

Section (9)	Mollien	Clarify the how the program has an opportunity to demonstrate the program is not deficient with the board, not just the Department.
Section (10)	Mollien	Does this rule mean new students are prohibited from enrolling in the program? Only students who completed the program, but are not yet licensed are eligible for licensure? Will students enrolled, but who have not completed the program that is withdrawn approval be considered displaced? The rule is unclear on what happens.
	Young	Under what circumstances would the Board allow a student to take the examination in a program if the Board has withdrawn approval?
Rules Committee Response	<p>(2)(a): The Rules Committee does not believe clarification is necessary regarding the application process for community colleges, as (1)(b) already allows an education program that is accredited by ASHP/ACPE or by an agency accredited by the United States Department of Education to be approved administratively. If an education program is not accredited, it must be reviewed by the Board under (2).</p> <p>(3): The Rules Committee does not believe that the rules should address a hands-on component for programs as the Code does not require a hands-on component. It is up to the community college or proprietary school if they want to include a hands-on component in their program.</p> <p>(6): The Rules Committee agrees with the comment that (6) should be clarified by deleting “and not eligible for” to clarify that a student in a pharmacy program can get a temporary license.</p> <p>(7): The Rules Committee agrees with the comment to modify the provision to limit the provision to allow those individuals 16 years or older to participate in training in a pharmacy and agrees that “practical training” should be clarified to “practical hands-on training.” The Rules Committee noted that there are employment limitations regarding minors and pharmacies must follow those limitations.</p> <p>(8): The Rules Committee agrees with the comment that the date to require reevaluation of a program should be delayed until 1 year after promulgation of the rules to give programs more time to adjust to any new requirements in the rules.</p> <p>(9): The Rules Committee agrees with the comment that the rules needs clarification so it is clear that if the Department determines that the deficiencies are not resolved, that the Board will determine if the deficiencies exist and if approval should be withdrawn.</p> <p>(10): The Rules Committee does not agree that the comments that the rule needs clarification, as a student can not continue in a program if the program is closed. In addition, the last provision of the rule states that a student can sit for an approved licensure examination. This means that they can sit for a licensure examination other than the one offered by the closed program. A closed program can not offer their examination.</p>	

<p>Board Response</p>	<p>(2)(a): The Board does not accept the comment that clarification is necessary regarding the application process for community colleges, as (1)(b) already allows an education program that is accredited by ASHP/ACPE or by an agency accredited by the United States Department of Education to be approved administratively. If an education program is not accredited, it must be reviewed by the Board under (2).</p> <p>(3): The Board does not accept the comment that the rules should address a hands-on component for programs as the Code does not require a hands-on component. It is up to the community college or proprietary school if they want to include a hands-on component in their program.</p> <p>(6): The Board accept the comment that (6) should be clarified by deleting “and not eligible for” to clarify that a student in a pharmacy program can get a temporary license.</p> <p>(7): The Board accepts the comment to allow those individuals 16 years or older to participate in training in a pharmacy and agrees that “practical training” should be clarified to “practical hands-on training.” The Board noted that there are employment limitations regarding minors and pharmacies must follow those limitations as well as be aware that a minor may finish a program before they are able to qualify for a license at 18.</p> <p>(8): The Board accepts the comment that the date to require reevaluation of a program should be delayed until 1 year after promulgation of the rules to give programs more time to adjust to any new requirements in the rules.</p> <p>(9): The Board accepts the comment that if the Department determines that the deficiencies are not resolved that the Board will determine if the deficiencies exist and if approval should be withdrawn.</p> <p>(10): The Board does not accept the comment that clarification is needed to this rule, as a student cannot continue in a program if the program is closed. In addition, the last provision of the rule states that a student can sit for an approved licensure examination. This means that they can sit for a licensure examination other than the one offered by the closed program. A closed program cannot offer an examination.</p>
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R 338.3655 Approved pharmacy technician programs.

Rule 5. (1) The following pharmacy technician programs are considered board-approved after a completed application on a form provided by the department along with proof of accreditation is submitted to and reviewed by the department:

(a) A pharmacy technician program including an employer-based training program that is accredited by the ~~American Society of Health-System Pharmacists/Accreditation Council for Pharmacy Education~~ **ASHP/ACPE Pharmacy Technician Accreditation Commission (ASHP/ACPE)**.

(b) A pharmacy technician program that is offered by an education program that is accredited by the **ASHP/ACPE Pharmacy Technician Accreditation Commission** or by an agency accredited by the United States Department of Education.

(2) If ~~either~~**any** of the following pharmacy technician programs do not meet the requirements in subrule (1) of this rule, the program may apply for board approval by submitting an application to the department on a form provided by the department, along with an attestation form that verifies compliance with the information required in subrule (3) of this rule.:

(a) A comprehensive curriculum-based pharmacy technician education and training program conducted by a **community college under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195** or a school that is licensed ~~pursuant to~~**under** the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103.

(b) A pharmacy technician training program utilized by a pharmacy that includes training in the functions, specified in section 17739(1) of the code, MCL 333.17739, and R 338.3665, required to assist the pharmacist in the technical functions associated with the practice of pharmacy.

(3) The contents of the training programs offered under subrule (2) of this rule must include all of the following:

(a) The duties and responsibilities of the pharmacy technician and a pharmacist, including the standards of patient confidentiality, and ethics governing pharmacy practice.

(b) The tasks and technical skills, policies, and procedures related to the pharmacy technician's position pursuant to the duties specified in section 17739(1) of the code, MCL 333.17739, and R 338.3665.

(c) The pharmaceutical-medical terminology, abbreviations, and symbols commonly used in prescriptions and drug orders.

(d) The general storage, packaging, and labeling requirements of drugs, prescriptions, or drug orders.

(e) The arithmetic calculations required for the usual dosage determinations.

(f) The essential functions related to drug, purchasing, and inventory control.

(g) The recordkeeping functions associated with prescriptions or drug orders.

(4) The pharmacy technician program shall maintain a record of a student's pharmacy technician training and education, specified in this rule, for 3 years after a student completes or leaves the program, whichever is earlier, that must include all of the following:

(a) The full name and date of birth of the pharmacy technician student.

(b) The starting date of the pharmacy technician program and date the student successfully completed the program.

(c) The program syllabus and activities performed in the program.

(5) A student shall complete a board-approved pharmacy technician program within 2 years of beginning the program in order to maintain ~~his or her~~**the student's exemption** from licensure in subrule (6) of this rule, and R 338.3651a.

(6) A student in a board-approved pharmacy technician program is exempt from, ~~and not eligible for,~~ licensure while in the program.

(7) **A student who is less than 18 at least 16 years of age, in a board-approved pharmacy technician program, may participate in practical hands-on training in the pharmacy.**

(78) ~~Beginning July 1, 2022,~~ A pharmacy technician program that was board approved before July 1, 2022, ~~must~~**shall** reapply and meet the requirements of this rule **by December 31, 2023, no later than 1 year after these rules are promulgated, or the program**

will no longer be listed as a board-approved program. ~~Beginning July 1, 2022, the~~ The board's approval of a program expires 5 years after the date of approval. After 5 years, upon review by the department, a pharmacy technician program may be reapproved if it has maintained its accreditation.

(9) If the department determines that a board-approved program is not meeting the standards of the code or these rules, the department may send written notice to the program stating which areas in the program are deficient. The program has 30 days to fix any deficiency and report back to the department. If the **department determines that** the deficiencies are not resolved, the board **will evaluate the deficiencies** and may withdraw approval.

(10) Withdrawal of board approval of a program for stated deficiencies that were not remediated does not make any bona fide student enrolled in the program, at the time of withdrawal of approval, ineligible to sit for an approved licensure examination.

Rule 338.3662 Format of acceptable continuing education for licensees.

Rule Numbers	Commenter	Comment
Section (f)	Smiddy	The MHA supports the proposal to allow students enrolled in a pharmacy technician program who are less than 18 years of age to train in a pharmacy, and the MHA also supports adding the 70% passing score of a board-approved proficiency exam. However, the MHA has concerns regarding the proposal to reduce the maximum allowable continuing education (CE) hours earned outside of a licensee's regular job description from 10 hours to 2 hours. The MHA recognizes the good intentions in limiting CEs outside of one's job description, but the MHA opposes the proposed change based on the feasibility of enforcing the rule and the negative repercussions of pharmacy technicians self-selecting to limit growth and education opportunities to meet this requirement.
Rules Committee Response	The Rules Committee does not agree with the comment that a licensee should be able to earn up to 10 hours of credit for presenting a CE program that is not a regular part of their job description because they should only get credit for presenting the program once, otherwise they are receiving credit for the same activity multiple times in 1 renewal cycle.	
Board Response	The Board does not accept the comment that a licensee should be able to earn up to 10 hours of credit for presenting a CE program that is not a regular part of their job description. A licensee should only get credit for presenting the program once, otherwise they are receiving credit for the same activity multiple times in 1 renewal cycle.	

R 338.3662 Format of acceptable continuing education for licensees.

Rule 12. ~~Effective for applications for renewal that are filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, the~~ **The** board shall consider all of the following as acceptable continuing education:

FORMAT OF ACCEPTABLE CONTINUING EDUCATION ACTIVITIES	
Type of Activity	Number/Maximum Hours Earned
<p>(a) Completion of an approved continuing education course or program related to the practice of pharmacy. A continuing education course or program is approved, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • A pharmacy program accredited by the ASHP/ACPE Pharmacy Technician Accreditation Commission or the Canadian Council for Accreditation of Pharmacy Programs (CCAPP). • A continuing education sponsoring organization, institution, or individual approved by the ASHP/ACPE. • Another state board of pharmacy. <p>If audited, a licensee shall submit to the department a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours</p>	<p>The number of continuing education hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>

	earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which that the program was held, or activity completed.	
(b)	<p>Completion of pharmacy practice or administration courses offered for credit in a pharmacy program accredited by the ASHP/ACPE Pharmacy Technician Accreditation Commission or the CCAPP.</p> <p>If audited, a licensee shall submit to the department an official transcript that reflects completion of the postgraduate pharmacy practice or administration course and number of semester or quarter credit hours earned.</p>	<p>Twelve hours of continuing education will be credited for each academic quarter credit earned and 18 hours will be credited for each academic semester credit earned.</p> <p>No limitation on the number of hours earned.</p>
(c)	<p>Participation in a home study program offered through an ASHP/ACPE-approved provider or other instructional approaches that include an evaluation component including, but not limited to, on-lineonline continuing education programs and journal articles.</p> <p>If audited, a licensee shall submit to the department an affidavit attesting to the number of hours the licensee spent participating in the home study program that includes a description of the activity.</p>	<p>One hour of continuing education will be earned for each hour devoted to a home study program.</p> <p>A maximum of 20 hours may be earned per renewal period.</p>
(d)	Renewal of a pharmacy technician license held in another state that requires continuing	Twenty hours of continuing education will be earned.

	<p>education for license renewal that is substantially equivalent in subject matter and total amount of required hours to that required in these rules if the licensee resides and practices in another state.</p> <p>If audited, a licensee shall submit to the department proof of current licensure in another state and a copy of a letter or certificate of completion showing all of the following: the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the program or activity for continuing education credit, and the date on whichthat the program was held or the activity was completed.</p>	<p>A maximum of 20 hours may be earned in each renewal period.</p>
(e)	<p>Initial publication of an article or a chapter related to the practice of pharmacy in either of the following:</p> <ul style="list-style-type: none"> • A pharmacy textbook. • A peer reviewedpeer-reviewed journal. <p>If audited, a licensee shall submit to the department a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Ten hours of continuing education will be earned per publication.</p> <p>A maximum of 10 continuing education hours may be earned in each renewal period.</p>
(f)	<p>Presentation of a continuing education program approved by the board under R 338.3663 or subdivision (a) of this rule that is</p>	<p>Two continuing education hours will be earned for every 50 minutes devoted to presenting the</p>

	<p>not a part of the licensee’s regular job description.</p> <p>If audited, a licensee shall submit to the department a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>program.</p> <p>A maximum of 402 hours may be earned in each renewal period. This change is effective starting with the next full license cycle after promulgation of this rule.</p>
(g)	<p>Attendance at a pharmacy-related program, that is approved by the board pursuant to R 338.3663.</p> <p>If audited, a licensee shall submit to the department a copy of a letter or certificate of completion showing the licensee’s name, number of hours earned, sponsor name or the name of the organization that approved the program or course for continuing education credit, and the date on whichthat the program was held or the activity was completed.</p>	<p>The number of continuing education hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>

Rule 338.3665 Performance of activities and functions; delegation.

Rule Numbers	Commenter	Comment
Section (b)(ii)(A)	Baran	<p>Do not delete “limited.”</p> <p>The limited license technician is not equivalent to a full pharmacy technician license because the limited license technician was exempt from the examination requirement required for a full license pharmacy technician and was also exempt from providing proof of graduating from an accredited high school or comparable school or that they passed the general educational development test or other graduate equivalency examination. They are also restricted to act as a pharmacy technician only at the pharmacy they were employed at on December 22, 2014. If the employer operates</p>

		<p>multiple pharmacies than at any of the employer locations in Michigan.</p> <p>There are over 1000 limited pharmacy technicians according to the Department’s count as of December 6, 2022. Limited pharmacy technicians are no longer granted because of the restrictions placed in 333.17739c.</p>
Section (b)(ii)(B) and (B)(1)	Baran	<p>(b)(ii)(B)(1): Change to “holds a current full pharmacy technician license only” (The basis for the comment is above.)</p> <p>(b)(ii)(B): Change “1 of the following” to “all of the following requirements.”</p> <p>Allowing an individual to meet either (B)(1) or (2) allows an individual to only accrue not less than 1,000 hours of pharmacy technician work experience while training in the state. This would mean an individual in training (with no license) could complete the 1000 hours, get a license and immediately start doing final product verification. Only completing (1), the training hours, puts the public health at risk because the 1000 hours of training allowed in (1) does not require any training in final product verification.</p> <p>Require the individual to meet both (1) and (2) before performing final product verification.</p>
Section (b)(ii)(G)	Baran	<p>The above changes to this rule would necessitate the following changes in bold: “A pharmacist using professional judgment may choose to delegate technology-assisted final product verification after ensuring full licensed pharmacy technicians have completed and documented a final product verification training program and work experience.”</p>
Section (c)	Baran	<p>Delete (c) because if the technician is allowed to receive prescriptions at a location that is not licensed as a pharmacy, this would not meet the requirement in MCL 333.17722(c) which requires a location to be licensed as a pharmacy to receive prescriptions.</p> <p>333.17722 Michigan board of pharmacy; duties generally. Sec. 17722. In addition to the functions set forth in part 161, except as otherwise provided in this part, the board shall do the following: (a) Regulate, control, and inspect the character and standard of pharmacy practice and of drugs and devices manufactured, distributed, prescribed, dispensed, administered, or issued in this state and procure samples and limit or prevent the sale of drugs and devices that do not comply with this</p>

		<p>part.</p> <p>(b) Prescribe minimum criteria for the use of professional and technical equipment and references in the compounding and dispensing of drugs and devices.</p> <p>(c) Grant a pharmacy license for each separate place of practice in which the compounding or dispensing of prescription drugs or devices, or both, or the receiving of prescription orders in this state is to be conducted.</p> <p>(d) Grant a drug control license for the place of practice of a dispensing prescriber who meets the requirements for the license.</p> <p>(e) Grant a license to a manufacturer, wholesale distributor, or wholesale distributor-broker that meets the requirements for the license.</p>
Section (c)(i)	Jalloul	Regarding subsection (c)(i), which specifies “a pharmacy technician remotely performing the tasks...must be supervised by a licensed pharmacist,” the rule does not specify whether the supervising pharmacist is required to be in the pharmacy. MPA would like to urge the Board to include that the supervising pharmacist must be in the dispensing pharmacy.
Section (c)(ii)(B)	Mollien	Rule 338.3665(c)(ii)(B) says the supervising pharmacist is “fully responsible” for the remote technician’s practice and accuracy. As written, this appears to permit the board to discipline a supervising pharmacist for an error or behavior of the pharmacy technician in all situations. This level of responsibility misapplies and exceeds statutory requirements under MCL 333.16215. The pharmacist’s responsibility and the pharmacy technician’s performance of a delegated task responsibility are not the same. Instead, line (c)(ii)(B) of this rule should be deleted since MCL333.16215 already applies or changed to reflect and not exceed the responsibilities under MCL 333.16215.
Sections (c)(iii)(A) (c)(iii)(B) (c)(iii)(C) (c)(iii)(D) (c)(iii)(E)	McLachlan	<p>The proposed language is strong, and largely achieves the Board’s goal in safely facilitating remote technician practice. However, there are some considerations related to the tasks called out in (iii) that I would like to point out to ensure that current practice that is allowable is not limited by the language.</p> <p>Many mail-service providers, ARxWP included, utilize non-licensed trained support staff to handle items including scheduling of deliveries, collection of demographic and payment information, securing access to financial assistance, coordinating prior authorizations, and other functions not associated with the actual processing and dispensing of prescriptions. With this in mind, I’d like to offer the below amended language for consideration:</p>

		<p>(iii) Delegated tasks related to prescription processing functions include but are not limited to the following:</p> <p>(A) Entry of a patient’s medication history and allergy information</p> <p>(B) Prescription Data Entry</p> <p>(C) Claims Adjudication</p> <p>(D) Handling phone calls related to verbal prescriptions for non-controlled substances or prescription clarifications</p> <p>(E) Processing refill requests to or from prescribers or their agents</p> <p>(F) Technology-assisted final product verification</p> <p>(G) Transferring prescriptions for non-controlled substances.</p>
Section (c)(iii)(G)	Jalloul	Under R 338.3665 subsection (c)(iii), transferring prescriptions for non-controlled substances is identified as prescription processing functions. MPA suggests restricting to electronic prescriptions and not verbal transfers.
Section (b) and (c)	Eid	<p>CVS Health is in support of the proposed changes to this rule as written.</p> <p>Rationale: Simplification of technician final product verification as proposed is in alignment with ambitious standards and trends in other states. The proposed simplification in letter (b) will provide clarity for licensees and ensure evidence backed safety standards as supported in over 25+ publications, posters, and 40+ years of evidence on this topic¹. CVS Health also supports the proposed changes to letter (c.) which clarify delegation of tasks to pharmacy technicians to perform remotely. The proposed rules are in alignment with trends happening in other states, allow for expansion of safe work practices proven by jurisdictional successes, and clarify for licensees’ allowances of delegation of remote work.</p>
Rules Committee Response	<p>(b)(ii)(A): The Rules Committee does not agree with the comment that a limited licensee should not be able to provide final product verification as limited licensees can have similar experience to someone with a full license and the decision to delegate is still made by the pharmacist who should evaluate whether the pharmacy technician can handle the function. Therefore, the Rules Committee recommends the rule be clarified to make it clear that a full pharmacy technician also includes a limited licensed pharmacy technician by adding “The licensed pharmacy technician holds a current full or limited pharmacy technician license in this state.”</p> <p>(b)(ii)(B): The Rules Committee does not agree with the comment that a pharmacy technician should have both 1000 hours of work experience and a separate final product verification training program before performing final product verification as the decision to delegate is still made by the pharmacist who should evaluate whether the pharmacy</p>	

	<p>technician can handle the function. The Rules Committee recommends that “full or limited licensed pharmacy technician” be added for consistency with (b)(ii)(A).</p> <p>(b)(ii)(B)(1): The Rules Committee does not agree with the comment that the 1000 hours of training should not be acquired under a temporary or limited license or while a student is in a training program. Some training programs provide training in final product verification and the decision to delegate is still made by the pharmacist who should evaluate whether the pharmacy technician can handle the function.</p> <p>(b)(ii)(G): The Rules Committee does not agree with the changes to this provision based on its previous recommendations.</p> <p>(c): The Rules Committee does not agree with the comment to delete (c) as the functions listed in (c)(iii) that may be handled remotely are not considered receiving prescriptions and therefore, the provision is not inconsistent with MCL 333.17722(c) which requires a location to be licensed as a pharmacy to receive prescriptions.</p> <p>(c)(i): The Rules Committee does not agree with the comment to include that the supervising pharmacist must be in the dispensing pharmacy while a pharmacy technician is functioning remotely, as this will be left up to the pharmacist and the type of actions being handled by the pharmacist.</p> <p>(c)(ii)(B): The Rules Committee agrees with the comment to delete (B) that the supervising pharmacist is “fully responsible” for the remote technician’s practice and accuracy, as the pharmacist will be delegating to the pharmacy technician so they are responsible to be sure the pharmacy technician is trained to handle the function and the rule also speaks to the oversight required by the pharmacist.</p> <p>(c)(iii)(A)</p> <p>(c)(iii)(B)</p> <p>(c)(iii)(C)</p> <p>(c)(iii)(D)</p> <p>(c)(iii)(E): The Rules Committee does not agree with the comment to modify these sections as the remote functions do not limit others from performing similar functions in another capacity.</p> <p>(c)(iii)(G): The Rules Committee does not agree with the comment to restrict transferring prescriptions for non-controlled substances to electronic prescriptions and not verbal transfers as it has not identified a benefit to the public for doing so.</p>
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Board Response	<p>(b)(ii)(A): The Board does not accept the comment that a limited licensee should not be able to provide final product verification, and therefore the rule should be modified to make it clear that a full pharmacy technician also includes a limited licensed pharmacy technician by adding “The licensed pharmacy technician holds a</p>
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current full or limited pharmacy technician license in this state.” A limited licensee can have similar experience to someone with a full license and the decision to delegate is still made by the pharmacist who should evaluate whether the pharmacy technician can handle the function

(b)(ii)(B): The Board does not accept the comment that a pharmacy technician should be required to have both 1000 hours of work experience and a separate final product verification training program before performing final product verification. The decision to delegate is still made by the pharmacist who should evaluate whether the pharmacy technician can handle the function and the Board does not want to make it more difficult for a pharmacy technician to handle this function but instead wants to be sure the pharmacy technician is handling the function with either work experience or training.

The Board also does not accept the comment that a limited licensee should not be able to provide final product verification, and therefore the rule should be modified by adding “full or limited licensed pharmacy technician”. A limited licensee can have similar experience to someone with a full license and the decision to delegate is still made by the pharmacist who should evaluate whether the pharmacy technician can handle the function.

(b)(ii)(B)(1): The Board does not accept the comment to exclude acquiring the 1000 hours of training while under a temporary, limited license, or a student in a training program. Therefore, clarification is necessary, so it is clear that the training may be acquired under the full, temporary, limited license, or while a student. Some training programs provide training in final product verification and the decision to delegate is still made by the pharmacist who should evaluate whether the pharmacy technician can handle the function.

(b)(ii)(G): The Board does not accept the comments to limit the function to a full license and to require both work experience and training, both as previously discussed.

(c): The Board does not accept the comment to delete (c) as the functions listed in (c)(iii) that may be handled remotely are not considered receiving prescriptions and therefore, the provision is not inconsistent with MCL 333.17722(c) which requires a location to be licensed as a pharmacy to receive prescriptions.

(c)(i): The Board does not accept the comment to include language that the supervising pharmacist must be in the dispensing pharmacy while a pharmacy technician is functioning remotely, as this will be left up to the rules that regulate the pharmacist and the type of actions being handled by the pharmacist.

(c)(ii)(B): The Board accepts the comment to delete (B) that the supervising pharmacist is “fully responsible” for the remote technician’s practice and accuracy, as the pharmacist will be delegating to the pharmacy technician so they are responsible to be sure the pharmacy technician is trained to handle the function and the rule also speaks to the oversight required by the pharmacist.

	<p>(c)(iii)(A)</p> <p>(c)(iii)(B)</p> <p>(c)(iii)(C)</p> <p>(c)(iii)(D)</p> <p>(c)(iii)(E): The Board does not accept the comment to modify these sections as the remote functions do not limit others from performing similar functions in another capacity.</p> <p>(c)(iii)(G): The Board does not accept the comment to restrict transferring prescriptions for non-controlled substances to only electronic prescriptions and not verbal transfers, as it has not identified a benefit to the public for doing so.</p>
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R 338.3665 Performance of activities and functions; delegation.

Rule 15. In addition to performing the functions described in section 17739(1) of the code, MCL 333.17739, a licensed pharmacy technician may also engage in the following tasks, under the delegation and supervision of a licensed pharmacist:

(a) ~~Reconstituting~~**Reconstitute** non-sterile dosage forms consistent with approved labeling provided by the manufacturer of a commercially available product.

(b) ~~Technology-assisted~~**Provide technology-assisted** final product verification, which includes all the following:

(i) **A properly trained pharmacy technician performing final product verification with the use of bar coding or another error prevention technology.** ~~A second licensed pharmacy technician verifies the work of the first licensed pharmacy technician to perform final product verification.~~

~~—(ii) The first licensed pharmacy technician processes a medication order or prescription.~~

~~—(iii) The first licensed pharmacy technician processes the medication order or prescription using bar coding or another board-approved error prevention technology.~~

~~—(iv) A pharmacist verifies the first licensed pharmacy technician's processing of the medication order or prescription.~~

~~(vii)~~ **(vii)** The ~~second~~ licensed pharmacy technician **providing** ~~technology-assisted~~ final product verification is subject to all of the following requirements:

(A) The licensed pharmacy technician holds a current full **or limited** pharmacy technician license in this state, ~~not a temporary or limited license.~~

~~(B) The licensed pharmacy technician performing technology-assisted final product verification has completed a board approved pharmacy technician program under R 338.3655.~~

~~(C) The~~**Before performing final product verification the full or limited** licensed pharmacy technician ~~performing technology-assisted final product verification has~~**meets 1 of the following:**

(1) Has accrued not less than 1,000 hours of pharmacy technician work experience in the same kindtype of pharmacy practice site in which where the technology-assisted final product verification is will be performed while he or she the pharmacy technician holds a current full pharmacy technician license, in this state, not a temporary license, or a limited license, or is in training in this state.

(2) Has completed a final product verification training program that includes at least all of the following:

(i) The role of a pharmacy technician in the product verification process.

(ii) The legal requirements and liabilities of a final verification technician.

(iii) The use of technology assisted verification systems.

(iv) The primary causes of medication errors and misfills.

(v) The identification and resolution of dispensing errors.

~~(D)~~ The practice setting where a licensed pharmacy technician performs technology-assisted final product verification has in place policies and procedures including a quality assurance plan governing pharmacy technician technology-assisted final product verification.

~~(E)~~ The licensed pharmacy technician uses a technology enabled verification system to perform final product verification.

~~(F)~~ The technology enabled verification system must document and electronically record each step of the prescription process including which individuals complete each step.

~~(G)~~ A licensed pharmacy technician shall not perform technology-assisted final product verification for sterile or nonsterile compounding.

~~(H)~~ Technology-assisted final product verification by a licensed pharmacy technician is not limited to a practice setting.

~~(I)~~ Except for a remote pharmacy that is regulated under sections 17742a and 17742b of the code, MCL 333.17742a and MCL 333.17742b, a pharmacy technician shall not participate in technology-assisted final product verification remotely. Technology-assisted product verification must be done on-site.

~~(J)~~ A pharmacist using his or her professional judgment may choose to delegate technology-assisted final product verification after ensuring licensed pharmacy technicians have completed and documented relevant training and education **or work experience.**

(c) Access the electronic database of a pharmacy from inside or outside of the pharmacy to perform the delegated tasks in paragraph (iii) of this subdivision related to prescription processing functions outside of the personal charge of a pharmacist.

(i) A pharmacy technician remotely performing the tasks in paragraph (iii) of this subdivision must be supervised by a licensed pharmacist.

(ii) The remote supervision in paragraph (i) of this subdivision means that a pharmacist directs and controls the actions of the remote technician using technology to ensure the supervising pharmacist does all the following:

(A) Is readily and continuously available to answer questions, review the practice of the supervised pharmacy technician, provide consultation, review records, and educate the pharmacy technician in the performance of functions.

(B) ~~Is fully responsible for the practice and accuracy of the remote technician.~~

(C) Has established predetermined procedures and drug protocol governing any activity performed remotely including protection of patient confidentiality.

(iii) Delegated tasks relating to prescription processing functions include, but are not limited to, the following:

(A) Verification of a patient's medication history.

(B) Data entry regarding processing prescription data and patient data.

(C) Claims adjudication.

(D) Handling phone calls regarding processing prescription data and patient data.

(E) Processing refill requests.

(F) Technology-assisted final product verification.

(G) Transferring prescriptions for non-controlled substances.

Archived: Thursday, May 11, 2023 12:29:36 PM
From: [BPL-BoardSupport](#)
Sent: Monday, March 27, 2023 4:22:21 PM
To: [Ditschman, Andria \(LARA\)](#)
Subject: FW: Public Comment on Rule Set 2022-2 LR
Response requested: No
Sensitivity: Normal
Attachments:
[PTRuleComment.docx](#) 

From: Rose M Baran <RoseBaran@ferris.edu>
Sent: Monday, March 27, 2023 3:23 PM
To: BPL-BoardSupport <BPL-BoardSupport@michigan.gov>
Subject: Public Comment on Rule Set 2022-2 LR

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

To whom it may concern:
Please find attached comments on rule set 2022-2 LR.
Sincerely,
Rose Baran Pharm. D.

This email message and any attachments are for the confidential use of the intended recipient. Please notify me if you have received this message by mistake and delete this message and any attachments.

Public Comment on Administrative Rules for Pharmacy Technicians
Rule Set 2022-2 LR
Rose Baran Pharm. D.

Comments on rule set 2022-2LR

Final product verification and practice setting are lacking definitions.

Comments on rule 338.3665

Limited technician licenses still exist, and limited licenses are issued with restrictions and less requirements for licensure than a full technician license. Current draft of rule 338.3665 states:

“R 338.3665 Performance of activities and functions; delegation.

Rule 15. In addition to performing the functions described in section 17739(1) of the code, MCL 333.17739, a licensed pharmacy technician may also engage in the following tasks, under the delegation and supervision of a licensed pharmacist:

(a) ~~Reconstituting~~**Reconstitute** non-sterile dosage forms consistent with approved labeling provided by the manufacturer of a commercially available product.

(b) ~~Technology-assisted~~**Provide technology-assisted** final product verification, which includes all the following:

(i) **A properly trained pharmacy technician performing final product verification with the use of bar coding or another error prevention technology.** ~~A second licensed pharmacy technician verifies the work of the first licensed pharmacy technician to perform final product verification.~~

~~(ii) The first licensed pharmacy technician processes a medication order or prescription.~~

~~(iii) The first licensed pharmacy technician processes the medication order or prescription using bar coding or another board-approved error prevention technology.~~

~~(iv) A pharmacist verifies the first licensed pharmacy technician’s processing of the medication order or prescription.~~

~~(vii) The second licensed pharmacy technician providing technology-assisted final product verification is subject to all of the following requirements:~~

(A) The licensed pharmacy technician holds a current full pharmacy technician license in this state, not a temporary ~~or limited~~ license.

~~(B) The licensed pharmacy technician performing technology-assisted final product verification has completed a board-approved pharmacy technician program under R 338.3655.~~

~~(CB) The~~**Before performing final product verification the licensed pharmacy technician performing technology-assisted final product verification has meets 1 of the following:**

(1) Has accrued not less than 1,000 hours of pharmacy technician work experience in the same kindtype of pharmacy practice site in whichwhere the technology-assisted final product verification is will be performed while he or she the pharmacy technician holds a current full pharmacy technician license, in this state, not a temporary or limited license, or is in training in this state.

(2) Has completed a final product verification training program that includes at least all of the following:

(i) The role of a pharmacy technician in the product verification process.

(ii) The legal requirements and liabilities of a final verification technician.

(iii) The use of technology assisted verification systems.

- (iv) **The primary causes of medication errors and misfills.**
- (v) **The identification and resolution of dispensing errors.”**

Limited license is used twice in the rule. The “or limited” should be added back in 338.3655(b)(ii)(A) and in 338.3655(b)(ii)(B)(1). The limited license technician is not equivalent to a full pharmacy technician license because the limited license technician was exempt from the examination requirement required for a full license pharmacy technician and was also exempt from providing proof of graduating from an accredited high school or comparable school or that they passed the general educational development test or other graduate equivalency examination. They are also restricted to act as a pharmacy technician only at the pharmacy they were employed at on December 22, 2014. If the employer operates multiple pharmacies than at any of the employer locations in Michigan.

There are over 1000 limited pharmacy technicians according to the Department’s count as of December 6, 2022. Limited pharmacy technicians are no longer granted because of the restrictions placed in 333.17739c.

Change 338.3655(b)(ii)(A) to read: (A) The licensed pharmacy technician holds a current full pharmacy technician license in this state, not a temporary or limited license. And change 338.3655(b)(ii)(B)(1) to read (1) Has accrued not less than 1,000 hours of pharmacy technician work experience in the same type of pharmacy practice site where the technology-assisted final product verification will be performed while the pharmacy technician holds a current full pharmacy technician license only.

Change 338.3655(b)(ii)(B) to **1 of the following to all of the following** requirements. If the individual only has to comply with “**(1) Has accrued not less than 1,000 hours of pharmacy technician work experience in the same kindtype of pharmacy practice site in whichwhere** the technology-assisted final product verification ~~is~~**will be** performed while ~~he or she~~**the pharmacy technician** holds a current full pharmacy technician license, ~~in this state, not a temporary or limited license,~~ **or is in training in this state**” would mean an individual in training (with no license) could complete the 1000 hours, get a license and immediately start doing final product verification. Only completing (1) puts the public health at risk because the 1000 hours of training in (1) does not require any training in final product verification.

Change 338.3655(b)(ii)(B) to:

Before performing final product verification, the licensed pharmacy technician meets all of the following:

(1) Has accrued not less than 1,000 hours of pharmacy technician work experience in the same type of pharmacy practice site where the technology-assisted final product verification will be performed while the pharmacy technician holds a current full pharmacy technician license, not a temporary or limited license.

(2) Has completed a final product verification training program that includes at least all of the following:

- (i) The role of a pharmacy technician in the product verification process.**
- (ii) The legal requirements and liabilities of a final verification technician.**
- (iii) The use of technology assisted verification systems.**

- (iv) The primary causes of medication errors and misfills.**
- (v) The identification and resolution of dispensing errors.**

These changes would necessitate a change in **Rule 338.3665(b)(ii)(G)** to “A pharmacist using professional judgment may choose to delegate technology-assisted final product verification after ensuring **full** licensed pharmacy technicians have completed and documented a **final product verification training program and work experience.**”

Section 333.17722 states “In addition to the functions set forth in part 161, except as otherwise provided in this part, the board shall do the following:

(a) Regulate, control, and inspect the character and standard of pharmacy practice and of drugs and devices manufactured, distributed, prescribed, dispensed, administered, or issued in this state and procure samples and limit or prevent the sale of drugs and devices that do not comply with this part.

(b) Prescribe minimum criteria for the use of professional and technical equipment and references in the compounding and dispensing of drugs and devices.

(c) Grant a pharmacy license for each separate place of practice in which the compounding or dispensing of prescription drugs or devices, or both, or the receiving of prescription orders in this state is to be conducted.”

(d) Grant a drug control license for the place of practice of a dispensing prescriber who meets the requirements for the license.

(e) Grant a license to a manufacturer, wholesale distributor, or wholesale distributor-broker that meets the requirements for the license.

Rule 338.3665(c) states

(c) Access the electronic database of a pharmacy from inside or outside of the pharmacy to perform the delegated tasks in paragraph (iii) of this subdivision related to prescription processing functions outside of the personal charge of a pharmacist.

(i) A pharmacy technician remotely performing the tasks in paragraph (iii) of this subdivision must be supervised by a licensed pharmacist.

(ii) The remote supervision in paragraph (i) of this subdivision means that a pharmacist directs and controls the actions of the remote technician using technology to ensure the supervising pharmacist does all the following:

(A) Is readily and continuously available to answer questions, review the practice of the supervised pharmacy technician, provide consultation, review records, and educate the pharmacy technician in the performance of functions.

(B) Is fully responsible for the practice and accuracy of the remote technician.

(C) Has established predetermined procedures and drug protocol governing any activity performed remotely including protection of patient confidentiality.

(iii) Delegated tasks relating to prescription processing functions include, but are not limited to, the following:

(A) Verification of a patient’s medication history.

(B) Data entry regarding processing prescription data and patient data.

(C) Claims adjudication.

(D) Handling phone calls regarding processing prescription data and patient data.

(E) Processing refill requests.

(F) Technology-assisted final product verification.

(G) Transferring prescriptions for non-controlled substances.

If the technician is allowed to receive prescriptions at a location that is not licensed as a pharmacy, this would not meet the requirement in 333.17722(c) which requires a location to be licensed as a pharmacy to receive prescriptions. Remove rule 338.3665(c) from the revision.

Archived: Thursday, May 11, 2023 12:31:04 PM

From: [Eid, Deeb D](#)

Sent: Monday, April 3, 2023 11:29:32 AM

To: [BPL-BoardSupport](#); [Ditschman, Andria \(LARA\)](#)

Cc: [Johnston, Mark D.](#)

Subject: RE: CVS Health Public Comments for Pharmacy Technicians - General Rules (MOAHR #2022-02 LR)

Sensitivity: Normal

Attachments:

[CVS Health Comments on Pharmacy Technician Rules-MI 2023.pdf](#) 

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Andria,

Please see the attached letter which contains public comments for Pharmacy Technician General Rules. Looking forward to discussing further and thanks for all of the hard work that has gone into these!

Let me know if you have any questions.

Thank you for your time!



 **CVS**Health®



DEEB D. EID, PHARMD, RPH

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02895*

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March 24th, 2023

Andria Ditschman, JD
Senior Policy Analyst
Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs (LARA)
611 W. Ottawa St. PO Box 30670 Lansing, MI 48909
Telephone: 517-241-9255
DitschmanA@michigan.gov

Re: CVS Health Comments Rules Public Hearing for Pharmacy Technician Rules (2022-2 LR)

Dear Andria and Board Members:

I am writing to you in my capacity as Senior Advisor of Regulatory Affairs for CVS Health and its family of pharmacies. CVS Health, the largest pharmacy health care provider in the United States, is uniquely positioned to provide diverse access points of care to patients in Michigan through our integrated offerings across the spectrum of pharmacy care. CVS Health appreciates the opportunity to submit comments on the proposed rules for Pharmacy Technician regulations. We would also like to thank the Department and Board for their vigilance to continuously improve the laws and regulations that guide pharmacists, pharmacy interns, and pharmacy technicians serving Michigan's patients.

After review, CVS Health has comments for the Department and Board to consider strengthening and better align with national trends, improve patient safety, and overall outcomes. These recommended changes are in the **Appendix section below** which highlights the rules, comments, proposed language, and any citations or additional information or questions to consider.

CVS Health appreciates the opportunity to submit comments for the Board's review. Please contact me directly at 616-490-7398 if you have any questions.

Sincerely,



Deeb D. Eid, PharmD, RPh
Sr. Advisor, Pharmacy Regulatory Affairs
CVS Health
deeb.eid@cvshealth.com

Appendix

1. Suggested Rule Language Changes:

Rule 4

R338.3654 Examination requirements; board approval; approval process.

~~(8) One year after the effective date of this subrule, a board-approved proficiency examination must have a minimum passing score of 70%.~~

Comment: CVS Health recommends that number (8) in Rule 4 be struck from the proposed rules.

Rationale: Referencing national standards, exams such as the PTCB or NHA certification exams no longer use percentile-based scoring. More modern-day psychometric standards call for scaled scoring where a passing percentage is not stagnant. Holding other “board approved proficiency exams” to an arbitrary 70% standard is not consistent with other parts of the regulation which allow for national standards. To fall in line with these standards, it is suggested to remove and not include an arbitrary passing % number that is not backed by evidence or examination standards nationally.

2. Suggested Rule Language Changes:

Rule 15

R338.3665 Performance of activities and functions; delegation.

Comment: CVS Health is in support of the proposed changes to this rule as written.

Rationale: Simplification of technician final product verification as proposed is in alignment with ambitious standards and trends in other states. The proposed simplification in letter (b) will provide clarity for licensees and ensure evidence backed safety standards as supported in over 25+ publications, posters, and 40+ years of evidence on this topic¹. CVS Health also supports the proposed changes to letter (c.) which clarify delegation of tasks to pharmacy technicians to perform remotely. The proposed rules are in alignment with trends happening in other states, allow for expansion of safe work practices proven by jurisdictional successes, and clarify for licensees’ allowances of delegation of remote work.

Citations¹:

1. Adams, Alex J., et al. “Tech-Check-Tech’: A Review of the Evidence on Its Safety and Benefits.” *American Journal of Health-System Pharmacy: AJHP: Official Journal of the American Society of Health-System Pharmacists*, vol. 68, no. 19, Oct. 2011, pp. 1824–33. PubMed, doi:10.2146/ajhp110022.
2. Frost, Timothy P., and Alex J. Adams. “Tech-Check-Tech in Community Pharmacy Practice Settings.” *The Journal of Pharmacy Technology : JPT : Official Publication of the Association of Pharmacy Technicians*, vol. 33, no. 2, Apr. 2017, pp. 47–52. PubMed Central, doi:10.1177/8755122516683519.
3. Andreski, Michael, et al. “The Iowa New Practice Model: Advancing Technician Roles to Increase Pharmacists’ Time to Provide Patient Care Services.” *Journal of the American Pharmacists Association*, vol. 58, no. 3, May 2018, pp. 268-274.e1. www.japha.org, doi:10.1016/j.japh.2018.02.005.
4. Gatwood J, Martin H, Newsome R, Hohmeier KC. Economic viability of tech-check-tech in an independent community pharmacy. *J Am Pharm Assoc* (2003). 2019 Jul-Aug;59(4):570-574. doi: 10.1016/j.japh.2019.02.013. Epub 2019 Apr 9. PMID: 30979577.
5. Shorthand citations for technician product verification:
 - a. Stafford et al. (1991)
 - b. Anderson et al. (1997)
 - c. Enderlin et al. (2008)

- d. *Ambrose et al. (2002)*
- e. *Brouner et al. (Poster) (2018)*
- f. *Becker et al. (1978)*
- g. *Miller et al. (2018)*
- h. *Douglas et al. (1994)*
- i. *Gmerek et al. (1990)*
- j. *Watt et al. (2015)*
- k. *Grogan et al. (1978)*
- l. *Klammer et al. (1994)*
- m. *Jones et al. (2002)*
- n. *Ness et al. (1994)*
- o. *Spooner et al. (1994)*
- p. *Hohmeier et al. (2019)*
- q. *Feely et al. (Poster) (2018)*
- r. *Tarver et al. (2017)*
- s. *Andreski et al. (Poster) (2018)*
- t. *Hickman et al. (2018)*
- u. *Wang et al. (2016)*

Archived: Thursday, May 11, 2023 12:31:49 PM

From: [BPL-BoardSupport](#)

Sent: Thursday, April 6, 2023 11:34:50 AM

To: [Ditschman, Andria \(LARA\)](#)

Subject: FW: Pharmacy Tech Public Comments

Response requested: No

Sensitivity: Normal

Attachments:

[Pharmacy Tech Rules Comments.pdf](#) 

From: Farah Jalloul <fjalloul@michiganpharmacists.org>

Sent: Thursday, April 6, 2023 11:21 AM

To: BPL-BoardSupport <BPL-BoardSupport@michigan.gov>

Subject: Pharmacy Tech Public Comments

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Good morning,

Please see attached comments from the Michigan Pharmacists Association on the Pharmacy Technician Draft Rules.

Thank you for the opportunity to provide feedback.

Farah

Spread Hope

GET VACCINATED

Save Michigan Lives.

Farah Jalloul, B.S., Pharm.D., M.B.A.

Director of Professional Development

State Pharmacy Emergency Preparedness Coordinator

Michigan Pharmacists Association

408 Kalamazoo Plaza, Lansing MI 48933

ph (517) 377-0224

c (313) 766-3151

fx (517) 484-4893

Michigan Pharmacists Association: Working together to strengthen the profession and advance pharmacy practice

This email is not providing legal advice but our interpretation of the Public Health Code and our understanding of how the Board of Pharmacy currently enforces the statute and other provisions. For legal advice, contact an attorney.



April 6, 2023

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Boards and Committees Section
PO Box 30670
Lansing, MI 48909-8170

Dear Policy Analyst,

The Michigan Pharmacists Association (MPA) would like to thank the Michigan Board of Pharmacy within the Michigan Department of Licensing and Regulatory Affairs for allowing us to submit our comments on the proposed administrative rules 2022-2 LR, Pharmacy Technicians Rules governing the rules for pharmacy technicians. MPA represents pharmacists, pharmacy technicians, and student pharmacists across the state. We are strong proponents of offering increased access to care to all Michiganders in a safe and effective way. We would like to take this opportunity to provide comments on the following:

1. Under R 338.3651a(2) and 3653(2) the Rules reference R 338.7001 through 7005. However, R 338.7005 has been rescinded.
2. Regarding R 338.3665 subsection (c)(i), which specifies “a pharmacy technician remotely performing the tasks...must be supervised by a licensed pharmacist.” The rule does not specify whether the supervising pharmacist is required to be in the pharmacy. MPA would like to urge the Board to include that the supervising pharmacist must be in the dispensing pharmacy.
3. Under R 338.3665 subsection (c)(iii), transferring prescriptions for non-controlled substances is identified as prescription processing functions. MPA suggests restricting to electronic prescriptions and not verbal transfers.

Again, the Michigan Pharmacists Association would like to thank you for taking the time to review our concerns. If you have any additional questions, I can be reached at the information below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Farah Jalloul', is written over a light blue horizontal line.

Farah Jalloul, B.Sc, Pharm.D., MBA
Director of Professional Development
Michigan Pharmacists Association
313-766-3151
Farah@MichiganPharmacists.org

Archived: Thursday, May 11, 2023 12:36:43 PM
From: [BPL-BoardSupport](#)
Sent: Monday, April 3, 2023 12:43:00 PM
To: [Ditschman, Andria \(LARA\)](#)
Subject: FW: Attn - Departmental Specialist - Comments for Pharmacy Technician Rules
Response requested: No
Sensitivity: Normal
Attachments:
[Michigan Tech WFH Comments.pdf](#) 

From: McLachlan, Jonathan <jonathan.mclachlan@alliancerxwp.com>
Sent: Monday, April 3, 2023 12:38 PM
To: BPL-BoardSupport <BPL-BoardSupport@michigan.gov>
Subject: Attn - Departmental Specialist - Comments for Pharmacy Technician Rules

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Good afternoon,

Please see attached. I will likely attend the hearing and will definitely be on the subsequent Rules Committee Work Group meeting to discuss any questions the Board or Department has in regard to these comments.

Thanks,

Jonathan McLachlan, PharmD, R.Ph., CSP
Manager, Professional Practices
AllianceRx Walgreens Pharmacy | Clinical and Professional Services
41460 Haggerty Cir S, Canton, MI 48188
Eastern Time Zone
Desk 734.477.9891
Member of Walgreens Boots Alliance



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Michigan Board of Pharmacy
c/o Michigan Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing – Boards and Committees Section
PO Box 30670
Lansing, MI 48909-8710
Attention: Departmental Specialist
Transmitted via email to BPL-BoardSupport@michigan.gov

April 3, 2023

To Whom it May Concern:

AllianceRx Walgreens Pharmacy (ARxWP), a wholly owned subsidiary of Walgreens, is among the country's leading mail service pharmacy providers. We operate both traditional mail service pharmacies and specialty mail service pharmacies across the country – including our specialty site in Canton Township in Wayne County. In our practice model, we have been able to successfully leverage remote work options for our front end (data entry, non-dispensing) technician team members in our other operating states that do allow for remote technician work – Texas, Florida, Arizona and Pennsylvania. This has helped keep our team members safe during the pandemic and helped us retain high-performing staff within the profession. As the Board and Department are aware, remote technician work has been prohibited since the allowances granted by the COVID executive orders were exhausted. Not having a remote work option available in Michigan has been a challenge from a staffing perspective and we are excited to work with the Board and Department on successful implementation of rules allowing remote practice with appropriate safeguards.

For reference, below is the proposed language to be added to section 2 of Rule 338.3365:

- (c) Accessing the electronic database of a pharmacy from inside or outside of the pharmacy to perform delegated tasks related to prescription processing functions.*
- (i) A pharmacy technician performing tasks remotely must be supervised remotely by a licensed pharmacist.*
- (ii) Remote supervision means that a pharmacist directs and controls the actions of the remote technician using technology to ensure the supervising pharmacist does all of the following:*
 - (A) Is readily and continuously available to answer questions, review the practice of the supervised pharmacy technician, provide consultation, review records, and educate the pharmacy technician in the performance of function.*
 - (B) Is fully responsible for the practice and accuracy of the remote technician*
 - (C) Has established predetermined procedures and drug protocol.*
- (iii) Delegated tasks related to prescription processing functions include but are not limited to the following:*
 - (A) Verification of a patient's medication history*
 - (B) Data Entry*
 - (C) Claims Adjudication*
 - (D) Handling phone calls*
 - (E) Processing refill requests*
 - (F) Technology-assisted final product verification*
 - (G) Transferring prescriptions for non-controlled substances.*

The above language is strong, and largely achieves the Board's goal in safely facilitating remote technician practice. However, there are some considerations related to the tasks called out in (iii) that I would like to call out to ensure that current practice that is allowable is not limited by the language.

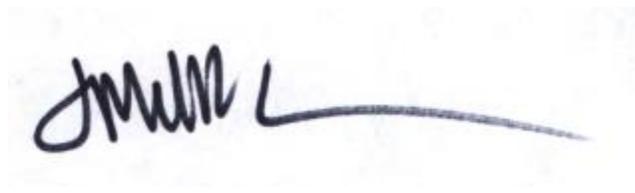
Many mail-service providers, ARxWP included, utilize non-licensed trained support staff to handle items including scheduling of deliveries, collection of demographic and payment information, securing access to financial assistance, coordinating prior authorizations, and other functions not associated with the actual processing and dispensing of prescriptions.

With this in mind, I'd like to offer the below amended language for consideration:

- (c) Accessing the electronic database of a pharmacy from inside or outside of the pharmacy to perform delegated tasks related to prescription processing functions.
 - (i) A pharmacy technician performing tasks remotely must be supervised remotely by a licensed pharmacist.
 - (ii) Remote supervision means that a pharmacist directs and controls the actions of the remote technician using technology to ensure the supervising pharmacist does all of the following:
 - (A) Is readily and continuously available to answer questions, review the practice of the supervised pharmacy technician, provide consultation, review records, and educate the pharmacy technician in the performance of function.
 - (B) Is fully responsible for the practice and accuracy of the remote technician
 - (C) Has established predetermined procedures and drug protocol.
 - (iii) Delegated tasks related to prescription processing functions include but are not limited to the following:
 - (A) Entry of a patient's medication history and allergy information
 - (B) Prescription Data Entry
 - ~~(C) Claims Adjudication~~
 - (D) Handling phone calls related to verbal prescriptions for non-controlled substances or prescription clarifications
 - (E) Processing refill requests to or from prescribers or their agents
 - (F) Technology-assisted final product verification
 - (G) Transferring prescriptions for non-controlled substances.

I wholeheartedly applaud the efforts that have been made thus far in this endeavor and look forward to further engagement with key stakeholders as we move forward.

Sincerely,



Jonathan McLachlan, PharmD, R.Ph., CSP
Manager, Professional Practices
AllianceRx Walgreens Pharmacy
41460 Haggerty Cir S
Canton, MI 48188
(734) 477-9891
Jonathan.mclachlan@alliancerxwp.com

Archived: Thursday, May 11, 2023 12:37:52 PM
From: [BPL-BoardSupport](#)
Sent: Monday, March 13, 2023 9:40:12 AM
To: [Ditschman, Andria \(LARA\)](#)
Subject: FW: Public Comment for 2022-2 LR Ruleset Pharmacy Technicians
Response requested: No
Sensitivity: Normal

From: Mollien, Charlie <Charlie.Mollien@meijer.com>
Sent: Sunday, March 12, 2023 7:57 PM
To: BPL-BoardSupport <BPL-BoardSupport@michigan.gov>
Cc: Oss, Kristen <Kristen.Oss@meijer.com>; Mollien, Charlie <Charlie.Mollien@meijer.com>
Subject: Public Comment for 2022-2 LR Ruleset Pharmacy Technicians

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I am expressing my general support for all proposed rule changes. Below are specific concerns to address:

1. For Rule 338.3655(7), I support allowing those less than age 18 to enroll in board-approved pharmacy technician training programs. If the board adopts this rule change, please work with the Department of Labor and Economic Opportunity to change the listed prohibition for individuals aged 16 or 17 to work in "Pharmacies and Prescription Drug Delivery" work activities. I also recommend you change this rule to align with DLEO to only permit individuals 16 or 17 years old to participate in practical training in the pharmacy.

See https://www.michigan.gov/leo/-/media/Project/Websites/leo/Folder23/whd_9934_Youth_Employment_Hazardous_Table.pdf?rev=4a03c2e42cb1420082df1f738b50129b&hash=3EB19CA5DD2240849A407FA0D68D52EA for Work Activities Prohibited or Restricted by Department Review under MCL 409.103.
2. For Rule 338.3655(9), Clarify the how the program has an opportunity to demonstrate the program is not deficient with the board, not just the Department.
3. Clarify Rule 338.3655(10). Does this rule mean new students are prohibited from enrolling in the program? Only students who completed the program, but are not yet licensed are eligible for licensure? Will students enrolled, but who have not completed the program that is withdrawn approval be considered displaced? The rule is unclear on what happens.
4. Rule 338.3665(c)(ii)(B) says the supervising pharmacist is "fully responsible" for the remote technician's practice and accuracy. As written, this appears to permit the board to discipline a supervising pharmacist for an error or behavior of the pharmacy technician in all situations. This level of responsibility misapplies and exceeds statutory requirements under MCL 333.16215. The pharmacist's responsibility and the pharmacy technician's performance of a delegated task responsibility are not the same. Instead, line (c)(ii)(B) of this rule should be deleted since MCL333.16215 already applies or changed to reflect and not exceed the responsibilities under MCL 333.16215.

Charlie Mollien

Archived: Thursday, May 11, 2023 12:38:14 PM

From: [Renee Smiddy](#)

Sent: Thursday, April 6, 2023 1:02:44 PM

To: [BPL-BoardSupport](#)

Cc: [Ditschman, Andria \(LARA\)](#)

Subject: MHA Comments Administrative Rules for Pharmacy Technicians Rule Set 2022-2 LR

Sensitivity: Normal

Attachments:

[MHA Comments 2022-2 LR Pharmacy Technicians.pdf](#) 

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Good afternoon,

Please see the attached comments for the Pharmacy Technicians Rule Set 2022-2 LR.

Kind regards,

Renée Smiddy, MS | Senior Director, Finance Policy
Michigan Health & Hospital Association

110 W. Michigan Avenue, Suite 1200 | Lansing, MI 48933
(517) 285-0881 | rsmidy@mha.org

April 6, 2023

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Boards and Committees Section
P.O. Box 30670
Lansing, Michigan 48909

RE: Administrative Rules for Pharmacy Technicians Rule Set 2022-2 LR

Departmental Specialist:

On behalf of Michigan hospitals, the Michigan Health & Hospital Association (MHA) appreciates the opportunity to provide comments on Administrative Rules for Pharmacy Technicians. Pharmacy technicians are valuable team members in inpatient and outpatient hospitals, and the current labor shortages are negatively impacting delivery of care. Pharmacy technician shortages force operational changes, which force pharmacists to perform technician duties, reduce services and limit the expansion of new services. Hospitals and health systems are reporting difficulty recruiting and filling open pharmacy technician positions.

BOARD APPROVAL AND APPROVAL PROCESS

The MHA recommends the board clarify the reasoning for requiring all existing board approved pharmacy technician programs to be rereviewed by the board before December 31, 2023. To reduce unnecessary administrative burden, especially during the unwinding of the COVID-19 public health emergency, **the MHA recommends pharmacy technician programs be reevaluated within one-year of the rules set promulgation date.** This will allow program administrators and community partners additional time to communicate the reevaluation timeframe with stakeholders.

APPROVED PHARMACY TECHNICIAN PROGRAMS

The MHA requests clarification regarding R 338.3655 (6) *A student in a board-approved pharmacy technician program is **exempt from, and not eligible for, licensure while in the program.*** Will students still be eligible to receive temporary licenses while in a training program?

The MHA requests clarification regarding R 338.3655 (7) and how to define practical training.

CONTINUING EDUCATION AND EXAMINATION REQUIREMENTS

The MHA supports the proposal to allow students enrolled in a pharmacy technician program who are less than 18 years of age to train in a pharmacy, and the MHA also supports adding the 70% passing score of a board-approved proficiency exam. However, the MHA has concerns regarding the proposal to reduce the maximum allowable continuing education (CE) hours earned outside of a licensee's regular job description from 10 hours to 2 hours. The MHA recognizes the good intentions in limiting CEs outside of one's job description, but **the MHA opposes the proposed change based on the feasibility of**

Brian Peters, Chief Executive Officer

enforcing the rule and the negative repercussions of pharmacy technicians self-selecting to limit growth and education opportunities to meet this requirement.

ACTIVITIES AND DELEGATION

The MHA supports the proposed changes to allow pharmacists to delegate technology-assisted final product verification to a pharmacy technician working remotely.

Please contact me at rsmiddy@mha.org, if any questions regarding these comments or if you need additional information.

Sincerely,

A handwritten signature in black ink that reads "Renée Smiddy". The signature is written in a cursive style with a large initial "R".

Renée Smiddy
Sr. Director, Finance Policy

Archived: Thursday, May 11, 2023 12:38:50 PM
From: [Maria Young](#)
Sent: Wednesday, April 5, 2023 9:50:47 PM
To: [Ditschman, Andria \(LARA\)](#)
Subject: public comment for tech rules
Sensitivity: Normal

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Andria,

Hope all is well. Please see below for the public comments on tech rules.

These comments are submitted in my individual capacity as a pharmacist licensed to practice Pharmacy in the state of Michigan and are not being offered in my official capacity as a member of the Board of Pharmacy and do not represent the views of the Board.

MI Rule R 338.3654.
Examination requirements; board approval; approval process.
MCL 333.17739a(1)(d)(iv) and R 338.3665

It is requested to include:

- A minimum of 100 questions on the pharmacy technician exam
- To have a larger assortment of questions in each category
- No true/ false questions on the exam.

The reason for the consideration is to prepare for the technician for taking the national exams and be prepared for the time allotted. Both national exams (PTCE and ExCPT) have 100 questions and are timed.

For questions or concerns please let me know.
Thanks

--

Maria Young, RPh
University Pharmacy
"Your Pharmacy Solution"

I hated every minute of training, but I said, 'Don't quit. Suffer now and live the rest of your life as a champion.'

Muhammad Ali

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Archived: Thursday, May 11, 2023 12:39:07 PM

From: [Maria Young](#)

Sent: Thursday, April 6, 2023 12:59:40 PM

To: [Ditschman, Andria \(LARA\)](#)

Subject: public comment for tech rules

Sensitivity: Normal

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Andria,

These comments are submitted in my individual capacity as a pharmacist licensed to practice Pharmacy in the state of Michigan and are not being offered in my official capacity as a member of the Board of Pharmacy and do not represent the views of the Board.

1. Should a pharmacy technician program at a community college be accredited and automatically approved if accredited, or should it be treated more like a proprietary school program that comes to the Board for review?
2. Do the rules need to address how students in a proprietary school or community college pharmacy technician program get their hands on training? Since they are students in an approved program can the program place them in a pharmacy that will agree to provide supervision so they can get hands-on experience?
3. Can a program that has an approved examination offer that examination to someone who did not participate in a program but holds a temporary license? Or is a board approved pharmacy program only allowed to give their examination to students in their program?
4. R 333.3655(10) – What circumstances would the Board allow a student to take the examination in a program if the Board withdraws approval?

For any questions or concerns
please let me know
Thanks

--

Maria Young, RPh
University Pharmacy
"Your Pharmacy Solution"

I hated every minute of training, but I said, 'Don't quit. Suffer now and live the rest of your life as a champion.'

Muhammad Ali

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