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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

Memorandum

VIA E-MAIL

DATE: May 25, 2021

TO: Representative Luke Meerman, Chairperson, JCAR
Senator Jon Bumstead, Alternate Chairperson, JCAR
Jimmy Biehl, House Republican Policy Office
Jonathan Shiflett, Senate Majority Policy Office
Tim Reeves, Counsel, JCAR
Elizabeth Edberg, Counsel, JCAR

FROM: Marlon I. Brown, Director of Policy and Legislative Affairs

SUBJECT: Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2020-29 LR (Pharmacy Technicians)

Rules Primer

The Pharmacy Technicians Rules regulate the education, examinations, licensure, continuing education, and delegation of activities and functions for pharmacy technicians.

Summary of the Final Proposed Rule

The modifications to the existing rules will:

- Clarify the licensure requirements and when a pharmacy technician student is exempt from the requirements.
- Clarify the examination approval process.
- Clarify the requirements for licensure by endorsement.
- Clarify the requirements for a temporary license.
- Add the minimum requirements for a pharmacy technician education or training program.
- Limit the amount of time a student is exempt from the licensure requirements.
- Clarify the requirements for relicensure.

- Update the continuing education requirements and the process for review of continuing education.
- Allow the pharmacy technician to engage in technology-assisted final product verification under the delegation and supervision of a licensed pharmacist.

Stakeholder Engagement

Development of the proposed rules occurred in consultation with, and approval of, the Michigan Board of Pharmacy (Board). The web address for the Board is https://www.michigan.gov/lara/0,4601,7-154-89334_72600_72603_27529_27548---,00.html. The website for the Pharmacy Rules Committee Work Group is https://www.michigan.gov/lara/0,4601,7-154-89334_72600_72603_27529_27548_91202-493894--,00.html.

Public Engagement and Public Hearing/Comment/Information

The public comment period for this rule set began on January 5, 2021 and ended on January 19, 2021 at 5:00 p.m. The notice of public comment period, in addition to being posted in various newspapers as required, was posted on the LARA website, and distributed via email listserv to all interested parties. The public hearing was held at 1:00 p.m. on January 19, 2021, and occurred virtually via Zoom, as permitted under Executive Order 2020-154. There were no comments made at the public hearing; however, the department received three written comments during the public comment period from the following individuals:

- Rose M. Baran, PharmD, MA, Assistant Professor, College of Pharmacy, Ferris State University.
- Deeb D. Eid, PharmD, Assistant Profession, Ferris State University.
- Brian Sapita, Government Affairs Manager, Michigan Pharmacists Association (MPA).

Rules Committee workgroup meetings were held on March 8, 2021 and March 19, 2021, to review all comments received by the department during the public comment period. The Board of Pharmacy Rules Committee, LARA staff, and members of the public attended the meeting.

Modifications Made Due to Public Comment

The following modifications were made to the proposed rules due to public comment:

- Delete the rule that would have required all proficiency examinations to meet accreditation standards.
- Delete the rule that would have required national pharmacy technician examinations to meet the statutory requirements for employer-based proficiency examinations and submit examination questions to the Board for review.

Instead, a national pharmacy technician examination will be approved by the Board if it is accredited.

- Delete the rule that would have required all pharmacy technician programs to be accredited. Instead, a program accredited by the Pharmacists/Accreditation Council for Pharmacy Education Pharmacy Technician Accreditation Commission (ASHP/ACPE), or by an agency approved by the United States Department of Education, will be approved by the Board and a program that is not accredited may be submitted for review by the Board.
- A reference to a second pharmacy technician was added to the technology-assisted final product verification rule to clarify that two pharmacy technicians are involved in the process.

Significant Issues Not Incorporated in the Final Proposed Rules

The following concepts were suggested and discussed, but did not have consensus among the Board members, and therefore, were not included within this rule set:

- Deleting the requirement of 1,000 hours of pharmacy technician work experience for the pharmacy technician conducting technology-assisted final product verification.

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