

Notice  
of  
Rulemaking Hearing

State Board of Pharmacy

There will be a hearing before the Board of Pharmacy to consider the promulgation of rules pursuant to T.C.A. § 63-10-304(b)(1). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-204, and will take place in the Department of Health Conference Center's Poplar Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 9:00 a.m. (CDT) on the 28th day of August, 2007.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Health to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Department of Health to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Health's ADA Coordinator at Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of this Notice of Rulemaking Hearing, contact Terry W. Grinder, Director of the Board of Pharmacy, 500 James Robertson Parkway, 2<sup>nd</sup> Floor, Nashville, Tennessee 37243 at (615) 741-2871 or Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

Substance of Proposed Rules

Chapter 1140-01  
Introductory Rules

Amendments

Paragraph (1) of Rule 1140-01-.01 Definitions is amended by deleting the language of the paragraph in its entirety and substituting instead the following:

- (1) "ACPE" means the Accreditation Council for Pharmacy Education.

Authority: T.C.A. §63-10-304(b)(1).

Paragraph (3) of Rule 1140-01-.01 Definitions is amended by deleting the language of this paragraph in its entirety and substituting instead the following:

- (3) "Accreditation Council for Pharmacy Education (ACPE)" means the national organization for accreditation of professional degree programs in pharmacy and for approval of providers of continuing pharmacy education.

Authority: T.C.A. §63-10-304(b)(1).

Paragraph (6) of Rule 1140-01-.01 Definitions is amended by deleting the language of the paragraph in its entirety by substituting instead the following:

- (6) "Certified pharmacy technician" means an individual who has successfully completed a board-approved competency examination or examinations and is certified by a national or state certification organization whose certification program is approved by the board.

Authority: T.C.A. §63-10-304(b)(1).

Paragraph (2) of Rule 1140-01-.09 Renewal of Licenses is amended by deleting the paragraph in its entirety and substituting instead the following:

- (2) A pharmacist or pharmacy technician serving in the uniformed services of the United States shall not be required to pay license renewal fees during the period of active duty and the pharmacist shall not be required to complete continuing pharmaceutical education requirements during the period of active duty.

Authority: T.C.A. §63-10-304(b)(1).

Paragraph (4) of Rule 1140-01-.14 Prescription Drugs Dispensed by Health Departments is amended by adding new subparagraphs (n) and (o) as follows:

- (n) Norelgestromin/ethinyl estradiol transdermal system (Ortho Evra®)
- (o) Etonogestrel/ethinyl estradiol vaginal ring (Nuvaring®)

Authority: T.C.A. §63-10-304(b)(1).

Chapter 1140-02  
Professional Conduct and Responsibilities

Amendments

Paragraph (16) of Rule 1140-02-.01 Pharmacists and Pharmacy Interns is amended by deleting the language of the paragraph in its entirety and substituting instead the following:

- (16) A pharmacist shall conspicuously display the pharmacist's license and certificate of registration at the pharmacist's primary practice site, unless it is an institutional pharmacy practice site, in which case, the pharmacist's license and certificate of registration shall be maintained at the site.

Authority: T.C.A. §63-10-304(b)(1) and (c).

Rule 1140-02-.02 Pharmacy Technicians is amended by deleting the language of the rule in its entirety and substituting instead the following:

1140-02-.02 Pharmacy Technician.

- (1) Any person acting as a pharmacy technician shall register with the board by submitting an application on a form prescribed by the board. The applicant shall also:

- (a) Provide a statement of good moral character;
  - (b) Submit an affidavit from his/her employer attesting that the applicant has read and understand the statutes and regulations pertaining to the practice of pharmacy in Tennessee. (A copy of this affidavit shall be retained at the place of employment);
  - (c) Submit the appropriate application fee as set in Board of Pharmacy Rule 1140-01-10.
- (2) The following individuals are exempt from registration as a pharmacy technician:
- (a) Any individual performing tasks that may be performed by a pharmacy technician who is classified by the employer as a probationary employee. The exemption shall not exceed ninety (90) days from the date of employment.
  - (b) A student enrolled in a formal pharmacy training program while performing experiential rotations as a part of the academic curriculum. The exemption shall not exceed one hundred and eighty (180) days from the date that the student enrolled in the training program. The student shall wear a school-issued identification badge.
- (3) The pharmacist in charge at each pharmacy practice site is responsible for compliance with the provisions of this chapter by pharmacy technicians at that pharmacy practice site.
- (4) A registered pharmacy technician may, in the presence of and under the supervision of a pharmacist, perform those tasks associated with the preparation and dispensing process except those tasks identified in Rule 1140-02-.01(13) that must be personally performed by a pharmacist or pharmacy intern under the personal supervision and in the presence of a pharmacist.
- (5) Certified pharmacy technicians may also:
- (a) Receive new or transferred oral medical and prescription orders;
  - (b) Receive and transfer copies of oral and medical prescription orders between pharmacy practice sites; and
  - (d) Verify the contents of unit dose carts prepared by other registered technicians when an additional verification by use of bar code technology or a licensed health care professional is performed prior to administration to the patient.
- (6) No prescription drugs and devices and related materials may be released to a patient without verification by a pharmacist of the functions performed by a pharmacy technician.
- (7) The actual working ratio of pharmacy technicians to pharmacists shall be determined by the pharmacist in charge or his/her designee based on a technician's experience at the pharmacy practice site. For purposes of this rule, a pharmacy intern is not a pharmacy technician.

- (8) Pharmacy technicians must wear appropriate identification showing name and appropriate title (e.g. pharmacy technician, certified pharmacy technician).
- (9) All pharmacy technician functions shall be performed under the supervision of a pharmacist, who shall direct and verify the accuracy of all pharmacy technician functions. Supervision requires the physical presence of a pharmacist making appropriate in-process and end-process verifications of the pharmacy technician's activities.
- (10) A registered technician shall maintain his or her registration certificate at the pharmacy practice site; additionally, all certified technicians shall display in like manner evidence of certification. Pharmacy technicians shall possess at all times, while on duty, proof of registration and proof of certification, if applicable.
- (11) All registered technicians shall immediately notify the board in writing of any change of address or employer.
- (12) The board may waive the requirements contained in paragraph (9) of this rule upon a showing of good cause.

Authority: T.C.A. §§ 63-10-304(b)(1), (e), and (j).

The notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 30th day of May, 2007. (FS 05-24-07, DBID's 642,643)