



California State Board of Pharmacy
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Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



To: Board Members

Subject: Agenda Item IV. Discussion and Consideration of Adoption of Board Approved Regulation, Title 16, California Code of Regulations Sections 1793.5, 1793.6, and 1793.65, Pharmacy Technician Application, Including Consideration of Public Comments Received During 45-Day Comment Period

Background:

At the March 18, 2021 Board meeting, the Board approved proposed regulation text to add or amend Sections 1793.5, 1793.6, and 1793.65 related to the pharmacy technician application. This proposal establishes the training requirements and certification programs and updates the application for licensure for pharmacy technicians.

As required by the Administrative Procedure Act, Board staff released the proposed text for the 45-day comment period on October 22, 2021, which ended on December 6, 2021. No comments were received during the comment period.

Board staff propose additional edits to the pharmacy technician application (17A-5) to reduce the number of application deficiencies identified following receipt of an application for licensure. The recommended changes are shown by double underline for added language and double strikethrough for stricken language. The recommended changes are specific to pages 1, 2 and 8 and are as follows:

- Adding “Self-Query” to the section “For Board Use”
- Splitting the United States high school graduate or foreign equivalent into two categories
- Clarifying that documents should be in a sealed envelope or be notarized
- Adding space for the training course provider to document the pharmacy and/or pharmacist license number.

Attached following this memo are the following:

1. The proposed text released for 45-day public comment.
2. Board staff recommended modified application

At this Meeting:

The Board will have the opportunity to discuss the regulation and determine what course of action it wishes to pursue. Among its options:

1. Adopt the regulation as noticed on October 22, 2021 for 45-day comment.
2. Accept the staff recommended modified application and notice the modified text for a 15-day comment period.

Possible Adoption Language:

Approve the staff recommended modified application and initiate a 15-day public comment

period. Additionally, if no adverse comments are received during the 15-day comment period, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 1793.5, 1793.6, and 1793.65. Further, delegate to the executive officer the authority to make technical or non-substantive changes as may be required by the Control agencies to complete the rulemaking file.

Pharmacy Technician

**16 CCR § 1793.5,
1793.6, and 1793.65**

Title 16. Board of Pharmacy

Proposed Regulation Text

Changes to the adopted emergency regulation text are as follows: underline for added text and ~~strikethrough~~ for deleted text.

Amend §1793.5 of Article 11 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1793.5. Pharmacy Technician Application.

The “Pharmacy Technician Application” (Form 17A-5 (Rev. ~~1/2021~~2/2021)), incorporated by reference herein, required by this section is available from the Board of Pharmacy upon request.

(a) Each application for a pharmacy technician license shall include:

- (1) Information sufficient to identify the applicant.
- (2) A description of the applicant's qualifications and supporting documentation for those qualifications.
- (3) A criminal background check that will require submission of fingerprints in a manner specified by the board and the fee authorized in Penal Code section 11105(e).
- (4) A sealed, original Self-Query from the National Practitioner Data Bank (NPDB) dated no earlier than 60 days of the date an application is submitted to the board.

(b) The applicant shall sign the application under penalty of perjury and shall submit it to the Board of Pharmacy.

(c) The board shall notify the applicant within 30 days if an application is deficient; and what is needed to correct the deficiency. Once the application is complete, and upon completion of any investigation conducted pursuant to section 4207 of the Business and Professions Code, the board will notify the applicant within 60 days of a license decision.

(d) Before expiration of a pharmacy technician license, a pharmacy technician must renew that license by payment of the fee specified in subdivision (r) of section 4400 of the Business and Professions Code.

Note: Authority cited: Sections ~~163.5, 114.5, 115.4, 115.5, 4005, 4007, 4038, 4115, and 4202, 4207 and 4400~~, Business and Professions Code. Reference: Sections 144, 144.5, 163.5, 4005, 4007, 4038, 4115, 4202, 4207, 4400 and 4402 and 4400, Business and Professions Code; and Section 11105, Penal Code.

Amend §1793.6 of Article 11 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1793.6. Training Courses Specified by the Board.

A course of training that meets the requirements of Business and Professions Code section 4202(a)(2) is:

- (a) Any pharmacy technician training program accredited by the American Society of Health-System Pharmacists,
- (b) Any pharmacy technician training program provided by a branch of the federal armed services for which the applicant possesses a certificate of completion, or
- (c)(1) Any other course that provides a training period of at least 240 hours of instruction covering at least the following:
 - ~~(4A)~~ Knowledge and understanding of different pharmacy practice settings.
 - ~~(2B)~~ Knowledge and understanding of the duties and responsibilities of a pharmacy technician in relationship to other pharmacy personnel and knowledge of standards and ethics, laws and regulations governing the practice of pharmacy.
 - ~~(3C)~~ Knowledge and ability to identify and employ pharmaceutical and medical terms, abbreviations and symbols commonly used in prescribing, dispensing and record keeping of medications.
 - ~~(4D)~~ Knowledge of and the ability to carry out calculations required for common dosage determination, employing both the metric and apothecary systems.
 - ~~(5E)~~ Knowledge and understanding of the identification of drugs, drug dosages, routes of administration, dosage forms and storage requirements.
 - ~~(6F)~~ Knowledge of and ability to perform the manipulative and record-keeping functions involved in and related to dispensing prescriptions.
 - ~~(7G)~~ Knowledge of and ability to perform procedures and techniques relating to manufacturing, packaging, and labeling of drug products.

(2) In addition to the content of coursework specified in subdivision (c)(1), the course of training must also satisfy all of the following:

- (A) Prior to enrollment in any classes or admission into the course of training, an administrator or instructor shall conduct a criminal background check on the applicant that is consistent with the criminal background check required for a pharmacy technician license per Business and Professions Code section 4202(c). If the criminal background check reveals the applicant has committed acts that would constitute grounds for denial of licensure, the administrator or instructor shall counsel applicants about the negative impact to securing licensure.

(B) Prior to enrollment in any classes or admission into the course of training, an administrator or instructor shall inform applicants that the course of training includes practical training at a pharmacy which may require the applicant to undergo drug screening for illicit drug use. The administrator or instructor shall counsel applicants about the negative impact of a positive drug screen, including eligibility to continue the course of training and eligibility for licensure.

(C) Require students to be at least 18 years of age prior to enrolling in any course work involving practical training, such as an externship or any other training equivalent to pharmacy technician trainee placement as defined by Business and Professions Code section 4038, 4115, 4115, and 4115.5.

(D) Require a final examination that demonstrates students' understanding and ability to perform or apply each subject area identified in subdivision (1) above.

Authority cited: Sections 4005, ~~4007, 4038, 4115,~~ and 4202, Business and Professions Code. Reference: Sections 4005, 4007, 4038, 4115, 4115.5, and 4202, Business and Professions Code.

Add §1793.65 to Article 11 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1793.65 Pharmacy Technician Certification Programs Approved by the Board.

(a) Pursuant to Business and Professions Code section 4202(a)(4), the board approves the pharmacy technician certification program offered by:

- (1) The Pharmacy Technician Certification Board, and
- (2) The National Healthcareer Association.

(b) Approval of these programs is valid through December 31, 2024.

Note: Authority cited: Sections 4005 and 4202, Business and Professions Code.
Reference: Sections 4038 and 4202, Business and Professions Code.

**Staff Recommended
Modified Pharmacy
Technician Application**

Mandatory Education

Please indicate how you satisfy the education requirement in Business and Professions Code section 4202(a).

 United States High school graduate ~~or foreign equivalent.~~
Attach an official embossed transcript or notarized copy of your high school transcript, or certificate of proficiency.

 Foreign Equivalent to United States High School
Attach a notarized copy of your ~~or foreign~~ secondary school transcript or diploma along with a certified translation of the ~~diploma~~ document if it is not in English.

 Completed a general education development certificate equivalent.
Attach an official transcript in a sealed envelope or notarized copy of your test results or certificate of proficiency.

Pharmacy Technician Qualifying Method (check one box)

Please check one of the boxes below indicating how you qualify in order to apply for a pharmacy technician license pursuant to section 4202(a)(1) ~~through (2)(3)(4)~~ of the Business and Professions Code.

 Attached is the **Affidavit of Completed Coursework or Graduation** for: Associate degree in Pharmacy Technology, Training Course, or Graduate of a school of pharmacy

 Attached is a ~~certified~~ copy of PTCB or ExCPT certificate — Date certified: _____

 Attached is a ~~certified~~ copy of military training DD214

List all state(s) where you hold or held a license as a pharmacy technician, pharmacist, intern pharmacist, and/or pharmacy technician and/or another health care professional license, including California. Attach an additional sheet if necessary.

State	Registration Number	Active or Inactive	Issued Date	Expiration Date
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Self-Query Report by the National Practitioner Data Bank (NPDB)

 Attached is the original sealed envelope containing my Self-Query Report from NPDB. (This must be submitted with your application in a sealed envelope.)

You must provide a written explanation for all affirmative answers indicated below. Failure to do so may result in this application being deemed incomplete and being withdrawn.

- ~~1. Do you have a mental illness or physical illness that in any way impairs or limits your ability to practice your profession with reasonable skill and safety without exposing others to significant health or safety risks?
— Yes ___ No ___ If “yes,” attach a statement of explanation. If “no,” proceed to #2.~~

~~Are the limitations caused by your mental illness or physical illness reduced or improved because you receive ongoing treatment or participate in a monitoring program? —~~

- ~~— Yes ___ No ___ If “yes,” attach a statement of explanation.~~

~~If you do receive ongoing treatment or participate in a monitoring program, the board will make an individualized assessment of the nature, the severity and the duration of the risks associated with an ongoing mental illness or physical illness to determine whether an unrestricted license should be issued, whether conditions should be imposed, or whether you are not eligible for license.~~

- ~~2. Have you previously engaged in the illegal use of controlled substances?~~

~~Yes ___ No ___ If “yes,” are you currently participating in a supervised substance abuse program or professional assistance program which monitors you in order to assure that you are not engaging in the illegal use of controlled dangerous substances? Yes ___ No ___ If Yes, attach a statement of explanation.~~

- ~~3. Do you currently participate in a substance abuse program or have previously participated in a substance abuse program in the past five years?~~

~~Yes ___ No ___ If “yes,” are you currently participating in a supervised substance abuse program or professional assistance program which monitors you to ensure you are maintaining sobriety?~~

~~Yes ___ No ___ Attach a statement of explanation.~~

- ~~4. Has disciplinary action ever been taken against your designated representative, pharmacist, intern pharmacist and/or pharmacy technician license in this state or any other state?~~

~~Yes ___ No ___ If “yes,” attach a statement of explanation to include circumstances, type of action, date of action and type of license, registration or permit involved.~~

- ~~5. Have you ever had an application for a designated representative, pharmacist, intern pharmacist and/or pharmacy technician license denied in this state or any other state?~~

~~Yes ___ No ___ If “yes,” attach a statement of explanation to include circumstances, type of action, date of action and type of license, registration or permit involved.~~

- ~~6. Have you ever had a pharmacy license, or any professional or vocational license or registration, denied, suspended, revoked, placed on probation or had other disciplinary action taken by this or any other government authority in California or any other state?~~

~~Yes ___ No ___ If “yes,” provide the name of company, type of permit, type of action, year of action and state.~~

- ~~7. Are you currently or have you previously been listed as a corporate officer, partner, owner, manager, member, administrator or medical director on a permit to conduct a pharmacy, wholesaler, medical device retailer or any other entity licensed in this state or any other state?~~

~~Yes ___ No ___ If “yes,” provide company name, type of permit, permit number and state where licensed.~~

APPLICANTS MUST ANSWER THE FOLLOWING QUESTIONS.

Ownership Information - For any affirmative answer, attach a statement of explanation including company name, type of license, license number, and identify the state, territory, foreign country, or other jurisdiction where licensed.

1. Are you currently or have you previously been listed as a corporate officer, partner, owner, manager, member, administrator, or medical director on a license to conduct a pharmacy, wholesaler, third-party logistics provider, or any other entity licensed in any state, territory, foreign country, or other jurisdiction?
Yes _____ No _____ If "yes," attach a statement of explanation.

Disciplinary History - The following questions pertain to a license sought or held in any state, territory, foreign country, or other jurisdiction. For any affirmative answer, attach a statement of explanation including type of license, license number, type of action, date of action, and identify the state, territory, foreign country, or other jurisdiction.

2. Have you ever had an application for pharmacy technician, intern pharmacist, pharmacist, any type of designated representative, and/or any other professional or vocational license or registration denied?
Yes _____ No _____ If "yes," attach a statement of explanation.
3. Have you ever had a pharmacy technician, intern pharmacist, pharmacist, any type of designated representative, and/or any other professional or vocational license or registration suspended, revoked, placed on probation, or had other disciplinary action taken against it?
Yes _____ No _____ If "yes," attach a statement of explanation.
4. Have you ever had a pharmacy, wholesaler, third-party logistics provider, and/or any other entity license denied, suspended, revoked, placed on probation, or had other disciplinary action taken?
Yes _____ No _____ If "yes," attach a statement of explanation.

Practice Impairment or Limitation

The board will make an individualized assessment of the nature, the severity, and the duration of the risks associated with any identified condition to determine whether an unrestricted license should be issued, whether conditions should be imposed, or whether the applicant is not qualified for licensure. If the board is unable to make a determination based on the information provided, the board may require an applicant to be examined by one or more physicians or psychologists, at the board's cost, to obtain an independent evaluation of whether the applicant is able to safely practice despite the mental illness or physical illness affecting competency. A copy of any independent evaluation would be provided to the applicant.

5. Do you have an emotional, mental, or behavioral disorder that may impair your ability to practice safely?
Yes _____ No _____ If "yes," attach a statement of explanation.
6. Do you have a physical condition that may impair your ability to practice safely?
Yes _____ No _____ If "yes," attach a statement of explanation.
7. Do you have any other condition that may in any way impair or limit your ability to practice safely?
Yes _____ No _____ If "yes," attach a statement of explanation.

8. Have you participated in, been enrolled in, or required to enter into any drug, alcohol, or other substance abuse recovery program?
 Yes _____ No _____ If "yes," attach a statement of explanation.
9. If you answered "Yes" to questions 5 through 8 above, have you received treatment or participated in any program that improves your ability to practice safely?
 Yes _____ No _____ N/A _____ If "yes," attach a statement of explanation.

APPLICANT AFFIDAVIT

Provide a written explanation for all affirmative answers. Failure to do so ~~will~~ may result in this application being deemed incomplete. Falsification of the information on this application may constitute ground for denial or revocation of the license.

All items of information requested in this application are mandatory. Failure to provide any of the requested information may result in the application being deemed as incomplete and a deficiency notice being issued. An applicant who fails to complete all application requirements within 60 days after being notified by the board of deficiencies in his or her file may be deemed to have abandoned the application and may be required to file a new application, fee (as required by 16 CCR section 1749), and meet all the requirements in effect at the time of reapplication.

Collection and Use of Personal Information. The California State Board of Pharmacy of the Department of Consumer Affairs collects the personal information requested on this form pursuant to as authorized by Business and Professions Code Sections 30 and 4400 and following and California Code of Regulations title 16, division 17.4200 and 4202 and Title 16 California Code of Regulations Section 1793.5 and 1793.6. The California State Board of Pharmacy uses this information principally to identify and evaluate applicants for licensure, issue and renew licenses, and enforce licensing standards set by law and regulation.

~~**Mandatory Submission.** Submission of the requested information is mandatory. The California State Board of Pharmacy cannot consider your application for licensure or renewal unless you provide all of the requested information.~~

Access to Personal Information. You may review the records maintained by the California State Board of Pharmacy that contain your personal information, as permitted by the Information Practices Act. The official responsible for maintaining records is the Executive Officer at the board's address listed on the application. Each individual has the right to review the files or records maintained by the board, unless confidential and exempt by law. Civil Code Section 1798.40.

Possible Disclosure of Personal Information. We make every effort to protect the personal information you provide us. The information you provide, however, may be disclosed in the following circumstances:

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required or permitted by state or federal law; or
- In response to a court or administrative order, a subpoena, or a search warrant.

***Address of Record:** Once you are licensed with the board, the address of record you enter on this application is considered public information pursuant to the Information Practices Act (Civil Code section

1798 ~~and following et seq.)~~ and the Public Records Act (Government Code Section 6250 ~~and following et seq.)~~ and will be placed available on the Internet. This is where the board will mail all correspondence. If you do not wish your residence address to be available to the public, you may provide a post office box number or a personal mail box (PMB). However, if your address of record is not your residence address, you must also provide your residence address to the board, in which case your residence will not be available to the public.

****Disclosure of your U.S. social security ~~account~~ number or individual taxpayer identification number is mandatory.** Section 30 of the Business and Professions Code, Section 17520 of the Family Code, and Public Law 94-455 (42 USC § 405(c)(2)(C)) authorize collection of your social security ~~account~~ number or individual taxpayer identification number. Your social security ~~account~~ number or individual taxpayer identification number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for child or family support in accordance with section 17520 of the Family Law Code, or for verification of license or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your social security ~~account~~ number or individual taxpayer identification number, your application will not be processed and you may be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

NOTICE: The State Board of Equalization and the Franchise Tax Board may share taxpayer information with the board. You are obligated to pay your state tax obligation. This application may be denied or your license may be suspended if your state tax obligation is not paid.

MANDATORY REPORTER

Under California law, each person licensed by the California State Board of Pharmacy is a “mandated reporter” for both child and elder abuse or neglect ~~laws purposes~~. California Penal Code Section 11166 and Welfare and Institutions Code Section 15630 require that all mandated reporters make a report to an agency specified in Penal Code Section 11165.9 and Welfare and Institutions Code Section 15630(b)(1) [generally law enforcement, state and/or county adult protective services agencies, etc.] whenever the mandated reporter, in ~~his or her the licensee~~ professional capacity or within the scope of ~~his or her the licensee~~ employment, has knowledge of or observes a child, elder and/or dependent adult whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or elder abuse or neglect. The mandated reporter must contact by telephone immediately or as soon as possible, to make a report to the appropriate agency(ies) or as soon as practicably possible. The mandated reporter must prepare and send a written report thereof within two working days or 36 hours of receiving the information concerning the incident.

Failure to comply with the requirements of ~~Section 11166 and Section 15630~~ the laws above is a misdemeanor, punishable by up to six months in a county jail, by a fine of one thousand dollars (\$1,000), or

by both that imprisonment and fine. For further details about these requirements, ~~consult~~ refer to Penal Code Section 11164 and Welfare and Institutions Code Section 15630, and ~~subsequent~~ following sections.

APPLICANT AFFIDAVIT
~~(must be signed and dated by the applicant)~~ Must be signed and dated by the applicant. Must be received by the Board within 60 days

I, _____, hereby attest to the fact that I am the
(Print full Legal Name)

applicant whose signature appears below. I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements, answers and representations made in this application, including all supplementary statements. I understand that my application may be denied, or any license disciplined, for fraud or misrepresentation.

Original Signature of Applicant
(please sign and date within 60 days of board receipt of the application)

Date



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AFFIDAVIT OF COMPLETED COURSEWORK OR GRADUATION FOR PHARMACY TECHNICIAN

Instructions: The Director, Registrar, or Pharmacist must complete and sign this form certifying the identified individual has met the specified requirements in section 4202 of the Business and Professions Code and, if applicable, board regulations. This form must be completed by the university, college, school, or pharmacist (The person who must complete this form will depend on how the applicant is qualifying). All dates must include the month, day, and year ~~in order~~ for the form to be accepted.

This is to certify that _____ has
 Print Full Name of Applicant

_____ Completed a pharmacy technician training program accredited by the American Society of Health-System Pharmacists (ASHP) as specified in Title 16, California Code of Regulations, Section 1793.6(a) on _____/_____/_____
 (completion date must be included)

_____ Completed a training course that provided at least 240 hours of instruction as specified in Title 16, California Code of Regulations, Section 1793.6(c) on _____/_____/_____
 (completion date must be included)

_____ Completed an Associate Degree in Pharmacy Technology and was conferred on ~~her/him on~~ _____/_____/_____
 (graduation date must be included)

_____ Graduated from a school of pharmacy accredited or granted candidate status by the Accreditation Council for Pharmacy Education (ACPE). The degree of Bachelor of Science in Pharmacy or the degree of PharmD was conferred on _____/_____/_____
 (graduation date must be included)

I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of the above:

Signed _____ Title _____ Date _____

Name of Pharmacy Technician Training Program, Course, or School of Pharmacy _____

Address _____ Phone Number _____

Print Name of Director, Registrar, or Pharmacist _____

Email _____ Pharmacy/Pharmacist License Number _____

Affix school seal here or Attach a business card of the pharmacist who provided the training pursuant to section 1793.6(c) of Title 16, California Code of Regulations here. The pharmacist's license number shall be listed.