

**TITLE 16. BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing scheduled.

Subject Matter of Proposed Regulation: Pharmacy Technician Certification Programs

Section Affected: Amend Title 16, California Code of Regulations (CCR) section 1793.65

Background and Statement of the Problem

The California State Board of Pharmacy (Board) is a state agency vested with the authority to license and regulate the pharmacy industry, including pharmacies, pharmacists, and pharmacy technicians (Business and Profession Code (BPC) section 4000, et seq.). The Board's mandate and mission are to protect the public (BPC section 4001.1).

Existing law at BPC section 4202 establishes the requirements for obtaining a pharmacy technician license and includes four pathways to licensure. One of these pathways is certification by a pharmacy technician certifying organization offering a pharmacy technician certification program accredited by the National Commission for Certifying Agencies that is approved by the Board.

Existing regulation at CCR section 1793.65 specifies that the pharmacy technician certification programs approved by the Board are the Pharmacy Technician Certification Board (PTCB) and the National Healthcareer Association, and establishes a December 31, 2024 sunset date for these program approvals.

BPC section 139 requires the Department of Consumer Affairs (DCA) to develop a policy regarding examination development and validation, and occupational analysis. The section further requires that every board within DCA have a method for ensuring that every licensing examination administered by or pursuant to contract with the board is subject to periodic evaluation, which must include:

1. A description of the occupational analysis serving as the basis for the examination;
2. Sufficient item analysis data to permit a psychometric evaluation of the items;
3. An assessment of the appropriateness of prerequisites for admittance to the examination; and
4. An estimate of the costs and personnel required to perform these functions.

The DCA Licensure Examination Validation Policy (which has been established to meet the mandate of BPC section 139) provides in part that, generally, an occupational analysis and examination outline should be updated every five years to be considered current.

Statutory changes, effective January 1, 2017, updated the provisions for authorized pharmacy technician certification programs by expanding authorization to programs accredited by the National Commission for Certifying Agencies. (Prior provisions of the law limited the provisions to certification by the Pharmacy Technician Certification Board.) In response to the change, the Board promulgated regulations to identify the Board-approved programs. Although the Board initiated the rulemaking in 2017, for a variety of reasons, the regulation did not become effective until January 1, 2023.

The Board has contracted with the DCA Office of Professional Examination Services (OPES) to conduct evaluation of the two pharmacy technician certification programs to ensure compliance with the provisions of BPC section 139. While the work to conduct the evaluations is underway, it is anticipated that the evaluation results will not be available until Fall 2024. Given this anticipated timing, the Board determined that it was appropriate to extend the current sunset date of the program approvals to ensure this pathway to licensure remains in place.

This proposal will amend section 1793.65 of Article 11 of Division 17 of Title 16 of the CCR to extend the current program sunset date from December 31, 2024, to June 30, 2026 (18 months) to allow sufficient time for the OPES evaluations to be conducted, consideration of the results by the Board, and completion of a subsequent rulemaking. This will ensure that the current approved pharmacy technician certification programs remain a valid pathway for licensure for pharmacy technician applicants during that process.

Anticipated benefits from this regulatory action:

Protection of the public is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions. The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents.

This proposal extends the current December 31, 2024 sunset date by 18 months (to June 30, 2026) to allow sufficient time for the OPES evaluations to be conducted, consideration of the results by the Board, and completion of subsequent rulemaking. Extending the current sunset date will ensure that the two certification programs continue to be pathways to licensure for pharmacy technicians. Maintaining this licensure pathway allows pharmacy technician applicants the flexibility to determine which of the two programs is best for them. The benefit to the consumers of California is that their health and welfare may be better served by an increased number of pharmacy technicians in the industry. When there is an increase in the number of licensed pharmacy technicians, each pharmacy can hire the staff necessary to meet their consumers’ needs.

This regulatory proposal does not affect worker safety or the state’s environment.

Specific purpose of, and rationale for, proposed changes

The Board's proposal makes the following changes:

The Board proposes capitalizing the "B" in "Board" in subsection (a). This change is non-substantive because it is a grammatical change as part of an effort to "[revise] structure, syntax, cross-reference, grammar, or punctuation" within the meaning of Title 1, CCR section 100(a)(4). This is necessary for consistency throughout the Board's regulations. Inconsistent capitalization/lowercasing may result in misinterpretation and confusion.

Subsection (b) is amended to replace the current sunset date of December 31, 2024 with a new sunset date of June 30, 2026. The Board determined that extending the sunset date by 18 months will allow sufficient time for the OPES evaluations to be conducted, consideration of the results by the Board, and completion of a subsequent rulemaking. Additionally, this will ensure that the current approved pharmacy technician certification programs remain a valid pathway for licensure for pharmacy technician applicants during that time.

Underlying Data

1. Relevant Meeting Materials and Minutes from Board Meeting held February 8, 2024 (Meeting Materials Agenda Item IX, Meeting Minutes)
2. Relevant Meeting Materials and Minutes from Licensing Committee Meeting held January 22, 2024 (Meeting Materials Agenda Item VIII, Meeting Minutes)

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed amendment extends the current December 31, 2024 sunset date by 18 months (to June 30, 2026). This extension may result in continued revenue for the certification programs, as pharmacy technician applicants will be able to continue completing the programs. This is a benefit to the programs and not an adverse effect.

Economic Impact Assessment

The Board has determined that this regulatory proposal will not:

- (1) create jobs within California;
- (2) eliminate jobs within California;
- (3) create new businesses within California;
- (4) eliminate existing businesses within California; and
- (5) expand businesses currently doing business in the State of California.

The Board determined that this proposal will not create or eliminate jobs or businesses. The proposed amendment extends the current December 31, 2024 sunset date by 18

months (to June 30, 2026). The benefit to the consumers of California is that their health and welfare may be better served by an increased number of pharmacy technicians in the industry. When there is an increase in the number of licensed pharmacy technicians, each pharmacy can hire the staff necessary to meet their consumers' needs.

This regulatory proposal does not affect worker safety or the state's environment.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific. The Board considered not adopting the proposed regulation; however, the Board determined that alternative was not reasonable, as existing QA programs requirements are broad and do not reflect the current practice of pharmacy.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.