



LICENSING COMMITTEE REPORT

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Report of the Licensing Committee meeting held on January 6, 2016.

a. Discussion of 2014 National Pharmacist Workforce Study Conducted by the Midwest Pharmacy Workforce Research Consortium

Chairperson Weisser reported the Midwest Pharmacy Workforce Research Consortium (MPWRC) completed the 2014 National Pharmacist Workforce Study. Commissioned by the Pharmacy Workforce Center, Inc. (PWC) the purpose of the study is to determine contemporary demographic practice characteristics and quality of work-life of pharmacists in the United States. The survey has been completed in 2004, 2009, and again in 2014. A brief overview of the report and two webinars staff participated in were provided to the committee.

Attachment 1 includes a copy of the 2014 National Pharmacist Workforce Survey.

b. Discussion of Pharmacy Technician Licensure Requirements and Practice

1. Pharmacy Technician Duties and Functions. The Board may discuss the functions, roles and responsibilities of the pharmacy technician as well as possible changes.

Chairperson Weisser provided Business and Professions Code section 4115 specifies that a pharmacy technician may perform packaging, manipulative, repetitive or other nondiscretionary tasks, only while assisting, and while under the direct supervision and control of a pharmacist. Further, Title 16 California Code of Regulations section 1793.2, specifies specific duties that may be performed by a pharmacy technician, as listed below.

- Removing the drug or drugs from stock
- Counting, pouring, or mixing pharmaceuticals
- Placing the product into a container

- Affixing the label or labels to the container
- Packaging and repackaging

The committee had no further comment on this report.

2. Discussion of the Evaluation for the PTCB and ExCPT Examinations by the DCA Office of Professional Examination Services

Chairperson Weisser stated the Department of Consumer Affairs' Office of Professional Examination Services conducted a comprehensive review for the Pharmacy Technician Certification Board's (PTCB) Pharmacy Technician Certification Exam (PTCE) and the National Healthcareer Association's (NHA) Exam for the Certification of Pharmacy Technicians (ExCPT).

Attachment 2 includes a copy of report completed by Office of Professional Examination Services.

The committee discussed the pathway of qualifying for licensure under Business and Professions Code section 4202(a)(4) to be certified by the Pharmacy Technician Certification Board and the OPES comprehensive review between PTCB and ExCPT. Based on the comprehensive review by OPES the committee believes the ExCPT has demonstrated that it meets the requirements to provide the pharmacy technician certification examination. However, the only pathway identified in statute at this time is the PTCB.

3. Presentation by the National Healthcareer Association (NHA) on the ExCPT Examination and Its Pharmacy Technician Workforce Study

The committee heard a presentation from the National Healthcareer Association (NHA) that administers the Exam for the Certification of Pharmacy Technicians (ExCPT). NHA provided an overview of the ExCPT examination including information regarding prerequisites for taking the examination, statistics on pass rates, comparison to the PTCB examination, and other information. Additionally, NHA provided information on its Pharmacy Technician Workforce Study.

Attachment 3 includes a copy of the NHA's presentation that will be provided to the Licensing Committee.

Chairperson Weisser and Executive Officer Herold commented that the current statutory authority in Business and Professions Code section 4202(a)(4) currently only specifies the Pharmacy Technician Certification Board. Therefore, statutorily the board can only accept certification from the Pharmacy Technician Certification Board and in order for the board to accept another type of agency that provides certification would require legislative change. The board does not plan to pursue this legislation at this time.

4. Employer Based Pharmacy Technician Training Programs and Impact of the New American Society of Health-System Pharmacists (ASHP) Accreditation Curriculum

The committee heard presentations from CVS and Walmart on their pharmacy technician training programs and the impact of the new American Society of Health-System Pharmacists Accreditation Curriculum.

5. Pharmacy Technician Qualifications and Requirements for Licensure. The board may discuss current qualifications and requirements for licensure as well as possible changes.

Chairperson Weisser reviewed the following relevant laws that pertain to pharmacy technician qualifications and requirements.

Business and Professions Code section 4038 defines a pharmacy technician as an individual who assists a pharmacist in a pharmacy in the performance of his or her pharmacy related duties, as specified.

Business and Professions Code Section 4202 establishes the general requirements for an applicant seeking licensure as a pharmacy technician.

Title 16 CCR Section 1793 provides additional context to the definition of a pharmacy technician including the duties that are performed (packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription in a pharmacy) under the direct supervision and control of a pharmacist.

Title 16 CCR 1793.2 further details the nondiscretionary tasks including:

- Removing the drug or drugs from stock
- Counting, pouring, or mixing pharmaceuticals
- Placing the product into a container
- Affixing the label or labels to the container

- Packaging and repackaging

Title 16 CCR 1793.5 provides the application requirements for a pharmacy technician license including:

- Identifying information
- Description of qualifications and supporting documentation
- Criminal background check
- Self-Query from the National Practitioner Data Bank

Title 16 CCR 1793.6 provides the requirements for acceptable training courses as one of the pathways to licensure as a pharmacy technician licensure.

- Training program accredited by the American Society of Health-System Pharmacists (ASHP)
- Training program provided by a branch of the federal armed services
- Course that provides training period of at least 240 hours of instruction covering specified areas of pharmacy practice.

Title 16 CCR 1793.7 establishes the requirements for pharmacies employing pharmacy technicians. The section includes provisions that the supervising pharmacist is fully aware of all activities of a pharmacy technician under his or her direct supervision. Further this section provides that a pharmacist shall be responsible for all activities of pharmacy technicians to ensure that all such activities are performed completely, safely and without risk to patients. This section also establishes the pharmacist to pharmacy technician ratio.

Title 16 CCR 1793.8 establishes the “technician check technician” program in acute care inpatient hospital pharmacy settings.

Additionally, Chairperson Weisser reported that at several meetings the board has discussed different facets of the pharmacy technician program in an effort to raise the bar for pharmacy technician applicants.

Chairperson Weisser reviewed in September 2015, the committee made a recommendation to the board to change the minimum educational requirements for licensure. After reaching consensus to increase pharmacy technician knowledge, the board in October 2015 referred the review back to the committee for further vetting and discussion. The committee was asked to consider various topics, to include (but not limited to) discussion on whether education level correlates to the likelihood of discipline, to receive feedback on pharmacy technician training programs, to consider

whether increasing requirements may have unintended consequences, and if the board should consider different levels of pharmacy technician licensure (i.e., hospital, compounding, community, etc.).

In the past, the committee received public feedback in support of increasing the knowledge base of pharmacy technicians, but not necessarily by increasing the minimum statutory educational requirements.

Attachment 4 includes copies of the law for the above referenced sections.

Chairperson Weisser guided the discussion regarding assessing the pharmacy technician licensure requirements and practice.

Chairperson Weisser reported the committee will continue to review data provided by staff in regards to the pharmacy technician applications and will have further discussion at its next committee meeting on whether to develop additional education requirements for licensure. The committee will move forward with modifying existing Title 16 CCR 1793.6 pharmacy technician training programs to include requiring criminal background checks of new students.

Committee Recommendation (Motion):

To modify California Code of Regulations section 1793.6 to require all pharmacy technician programs prior to enrolling students into the program: 1) conduct a criminal background check; 2) administer drug and alcohol testing; 3) be 18 years of age; 4) require to pass a final examination administered by the provider; and 4) provide proof to the board of the above.

6. Frequently Asked Questions (FAQs) on Criminal Convictions That Could Result in Denial of a Pharmacy Technician Application

Chairperson Weisser reported the board's Criminal Conviction Unit (CCU) reviews criminal offender record information (CORI) received on applicants and licensees. This unit also responds to calls from applicants and licensees on what impact, if any, a particular conviction or act may have on the person's ability to receive or maintain a license. Anecdotally, the CCU indicates that the majority of callers are pharmacy technician applicants and licensees. Attachment 5 contains a copy of a draft document "FAQs for Applicants with Criminal History" which addresses the majority of the questions this unit receives. The board currently has various FAQ documents on its website for applicant references, such as FAQs for site applicants, FAQs for Pharmacy Technician Applicants, etc. Staff has recommended that the committee consider making this FAQ document available on the board's web site as well.

The committee approved staff to publish the criminal conviction FAQs on the board's website. Additionally, board staff recently sent a notification to pharmacy technician training programs instructing the training programs to provide prospective students with information regarding criminal history reviews prior to enrolling a student in a pharmacy technician training program.

7. Development of Video for Pharmacy Technician Applicants

Chairperson Weisser reported in an effort to address deficiency rates of pharmacy technician applicants, the board has tried various approaches to educate applicants, and to keep the pharmacy technician application up to date. To further these efforts, board staff has been working with the Department of Consumer Affairs to make a video designed to assist pharmacy technician applicants with the application process.

After drafting a script, the department filmed on two occasions in December; several board staff played roles in the video. The DCA provided a rough cut of the video for the board's review. Board management reviewed the video and provided feedback to the DCA. After the video has been finalized, it will be available to post on the board's website and on the departments YouTube channel.

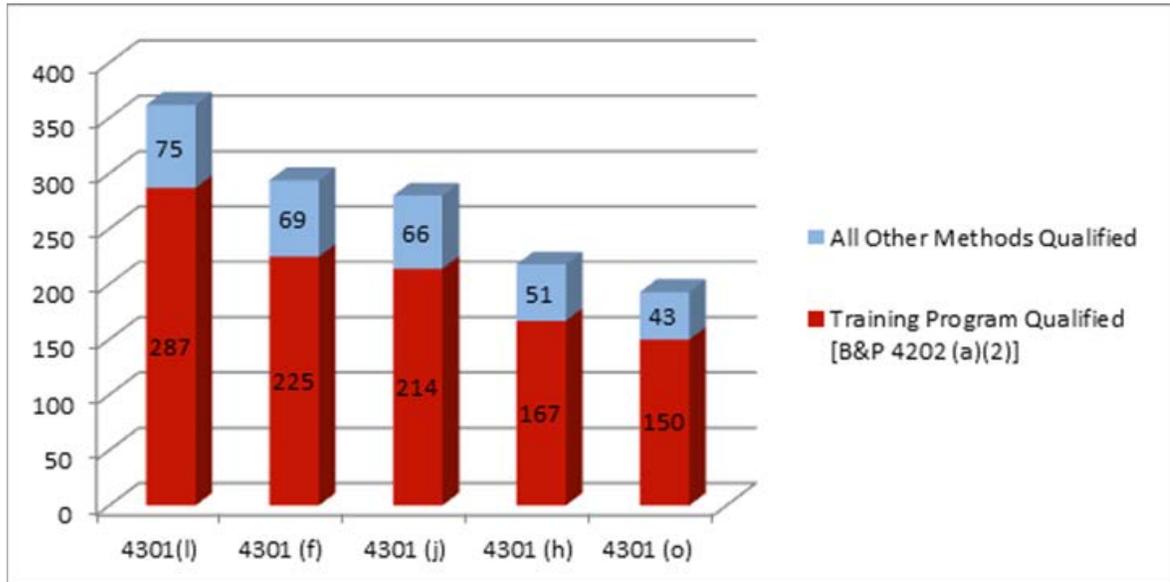
8. Overview of Board Discipline of Pharmacy Technicians

Chairperson Weisser reported to the committee, staff had reviewed pharmacy technician licenses over a four year period (FY 2011/2012 through FY 2014/2015) and found that of those pharmacy technicians that had been disciplined, over 80 percent had qualified for licensure by completing a training program.

Due to system limitations, the board's electronic records cannot parse out (of the "training program qualification") the various methods of qualification outlined in board regulation (16 CCR 1793.5). Staff manually pulled pharmacy technician files to determine the type of training program the disciplined pharmacy technicians had to initially qualify for the license. The results are included in **Attachment 6**.

Chairperson Weisser reported on the below charts that depict the top five (5) violations for which a pharmacy technician license was revoked during the four year period. The first table differentiates which of the licensees qualified for the license by meeting the training course provisions specified in Business and Professions Code section 4202(a)(2) versus all other methods of qualification for a license (B&PC 4202(a)(1), 4202(a)(3) and 4202(a)(4)).

**Top 5 Violations for Which a Pharmacy Technician License was Revoked
FY 2011/12 through FY 2014/15**



Legend: All references are to the California Business and Professions Code and all are deemed Unprofessional Conduct.

Section 4301(l) – Crime substantially related to the qualifications, functions and duties of a licensee.

Section 4301(f) – Commission of any act involving moral turpitude, dishonesty, fraud, deceit or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

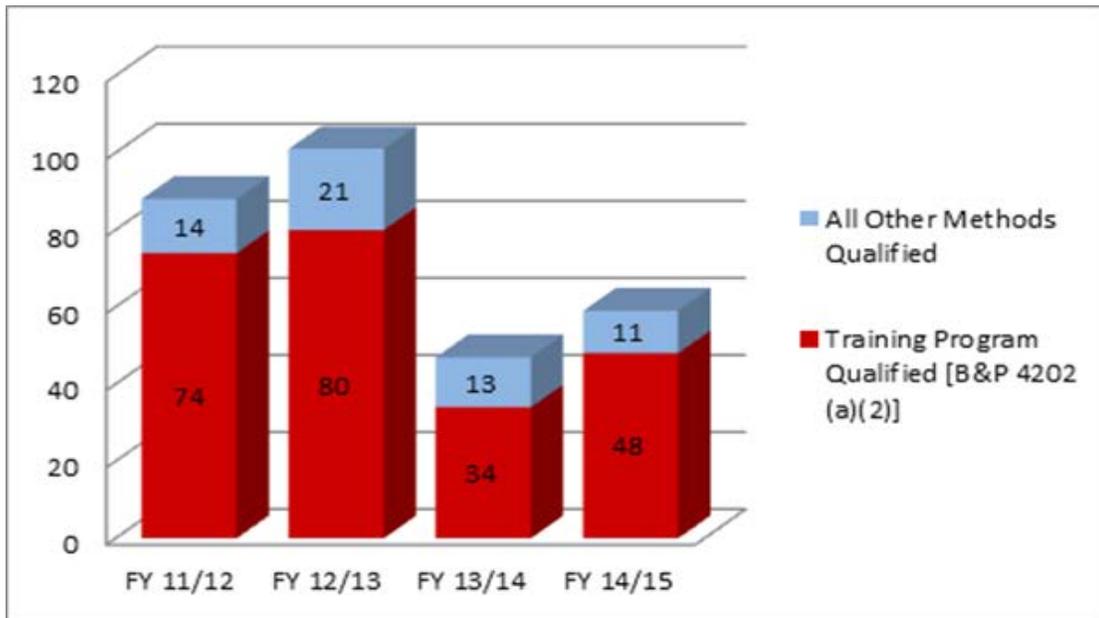
Section 4301(j) – Violation of any of the statutes of California or of any other state, or of the United States regulating controlled substances and dangerous drugs.

Section 4301(h) – Self-administration of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

Section 4301(o) – Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

Chairperson Weisser reported that during the same four year period, the board denied 295 pharmacy technician applicants. The chart below shows – of those denied – the method by which they were seeking to qualify for the license.

**Denied Pharmacy Technician Applicants – Qualifying Methods
FY 2011/12 through FY 2014/15**



9. Update on the California Pharmacists Association (CPHA) and California Society of Health-System Pharmacists’ (CSHP) Workgroup on Pharmacy Technician Job Duties

The California Pharmacists Association (CPhA) provided an update on the formation of a workgroup related to pharmacy technician job duties.

c. Competency Committee Report

1. Update on the Transition to the New Content Outline

Chairperson Weisser provided pursuant to Business and Professions Code section 139, the board is required to complete an occupational analysis periodically which serves as the basis for the CPJE examination. To complete this analysis, the committee recently developed a job analysis survey with the board’s contracted psychometric firm. The survey was offered to specific, randomly selected California pharmacists (via postcard and a link to the board’s Web site) in June 2014. There were 524 pharmacists who provided responses.

The survey resulted in the need to slightly change the content outline of the CPJE to ensure it remains valid for California. Under the leadership of the board's psychometric consultant, the Competency Committee revised the content outline.

The new content outline will be used to develop examinations administered after April 1, 2016. In order to provide for a seamless transition to the new content outline, the board developed a communication plan to ensure all impacted CPJE candidates are made aware of the upcoming change.

In order to facilitate implementation, the board completed the following steps during the week of January 4, 2016:

- Updated the board's website to reflect the new CPJE Content Outline.
- Updated the CPJE bulletin with the new CPJE Content Outline. This CPJE bulletin mailed to candidates upon approved eligibility to take the CPJE and posted on the board's website.
- Advised new eligible candidates of the new CPJE Content Outline.
- Contacted all CPJE Candidates with open eligibilities to inform them of the new CPJE Content Outline.
- Contacted the deans of all California Schools of Pharmacy to inform them of the new CPJE content outline.

Attachment 7 includes a copy of the new CPJE Content Outline.

2. Committee Activities

Chairperson Weisser reported the competency committee held two meetings in the fall of 2015 to continue examination development activities as well as implement the new CPJE Content Outline. Meetings are scheduled for 2016 as well.

Chairperson Weisser advised the committee that the competency committee continues to recruit for pharmacists specializing in institutional or community practice to serve as subject matter experts and assist the board with examination development activities. Subject matter experts primarily provide development and oversight of the CPJE. The CPJE consists of 90 multiple-choice items that tests competency in patient communication skills, pharmacy law and clinical knowledge.

Practicing California pharmacists licensed within the last five years are particularly encouraged to apply to serve in this capacity. Experts generally meet five times annually for two days session. Attendance at each meeting is crucial. Experts are approved by the board and generally serve in this capacity for four years; however, individuals can serve in this capacity for a longer duration with approval of the board.

Interested individuals are encouraged to submit an application including their

curriculum vitae, a cover letter describing the applicant's pharmaceutical experience or practice, and three letters of reference from pharmacists familiar with the applicant's work. Please submit your applications to the board's address at the attention of CPJE Subject Matter Expert Recruitment.

d. Implementation of Legislation that Impacts the Board's Licensing Operations, Including Updates to Individual Licensing Applications in Response to SB 1159 (Individual Taxpayer Identification Number) and AB 258 (Military Veterans)

Senate Bill 1159 Professions and vocations: license applicants: Individual Tax Identification Number

SB 1159 became effective on January 1, 2015, which requires licensing programs under the Department of Consumer Affairs (DCA) to begin accepting individual tax identification numbers (ITIN) no later than January 1, 2016, for applicants that cannot provide a US social security number.

The board has already been accepting applications with ITINs. Additionally, the individual licensing applications have all been updated and are available on the board's website as of December 30, 2015.

The following applications have been updated and are on the board's website to include the required Individual Taxpayer Identification Number (ITIN) and military information.

Intern Pharmacist
Pharmacist Examination
Designated Representative
Designated Representative-3PL
Pharmacy Technician

Assembly Bill 258 State agencies: veterans

AB 258 became effective on July 1, 2014, which requires every state agency to include the question "Have you ever served in the United States military?" on its written forms.

The board has updated all the individual applications to include this question, with the exception of the pharmacy technician application. This question is included as a separate insert at this time until the rulemaking package is complete and the application is approved.

e. Licensing Statistics

Licensing Statistics for July 1, 2015 – January 31, 2016

As of January 31, 2016, the board has 139,755 licensees, including 43,819 pharmacists and 74,309 pharmacy technicians.

The board has received 9,735 applications and issued 8,363 licenses during the first seven months of the fiscal year. During this same period, the board denied 60 applications. In addition, the board received 16,738 status inquiries via e-mail and responded to 13,418. The response numbers can be lower to account for one response to multiple emails received (i.e., the person emails once a day until they get a response). The Licensing Statistics for Fiscal Year 2015/16 through January 31, 2016, is provided in **Attachment 8**.

Since July 2015, the board has been closely tracking the licensing unit’s processing times for various application types. The board continues to work with the department to develop more robust reporting reports. The department is implementing Licensing Performance Measures (LMP) processing times for the boards and bureaus. Board staff is in the final stages of completing the testing of the LPM reports. The LPM reports will provide more detail on the board’s processing times, deficiency rates, etc.

Chairperson Weisser reported on the general processing information by license type. The board’s current processing times through February 12, 2016 are listed below. These numbers reflect the time an application is received by the board through the time either a deficiency letter is issued or a license is issued. If an incomplete application is received, there will be additional processing time involved.

Site Application Type	Number of Days
Pharmacy	30
Nonresident Pharmacy	52
Sterile Compounding	1
Nonresident Sterile Compounding	9
Hospital	16
Clinic	18
Wholesaler	15
Nonresident Wholesaler	24
Third-Party Logistics Provider	4
Nonresident Third-Party Logistics Provider	1

Individual Application Type	Number of Days
Pharmacist Exam	15
Pharmacist Initial License	3
Pharmacy Technician	10
Intern Pharmacist	1
Designated Representative	1
Designated Representative – 3PL	1

Chairperson Weisser reported the processing time for evaluating deficiency mail is

averaging between 15 - 50 days depending on the license type.

f. Future Committee Meeting Dates for 2016

The following dates have been established for future meetings:

1. March 30, 2016
2. May 26, 2016
3. September 21, 2016