Topics in Pharmacy Technician and Intern Laws for Ohio Pharmacists

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Learning Objectives
1) Discuss the requirements to become a qualified pharmacy technician
2) Describe the training and competency exam requirements for qualified pharmacy technicians
3) Discuss the role of the pharmacist in training and precepting pharmacy interns
4) Describe the requirements and process to become a pharmacy intern
5) Discuss the professional functions of a pharmacy intern

Qualified Pharmacy Technicians (ORC 4729.42 and OAC 4729-4-01 thru 4729-4-04)
In 2009, the landscape of what pharmacy technicians can do and how they will be trained and regulated changed forever. The new legislation, known as Emily’s Law, placed new requirements on pharmacy technicians. It was the product of a medication error in northeast Ohio in which a small child lost her life. This legislation was highly controversial and strongly debated. However, the Board of Pharmacy, the legislator who introduced the bill, and various pharmacy organizations worked together to develop these new laws and rules. The new pharmacy technician laws went into effect on April 8, 2009. The Board of pharmacy followed these laws with further clarifications and rules that went into effect in June of 2009. A point to remember before discussing any of the new laws and rules is all deadlines are based on the original passage date of April 8, 2009. That date should be kept in mind when deadlines for activities are presented in the discussion that follows.

This law set forth a new definition or classification of a pharmacy technician in Ohio called the “Qualified Pharmacy Technician”. The law defined specific duties that only a qualified pharmacy technician can perform under the direct supervision of a pharmacist. Other technicians cannot perform these functions. The following three functions can only be performed by a pharmacist, pharmacy intern or qualified pharmacy technician. These include: 1) engage in the compounding of any drug, 2) package or label any drug, and 3) prepare or mix any intravenous (IV) drug to be injected into a human patient. In addition to the specific duties qualified pharmacy technicians can perform, there are also specific requirements that must be met to become a qualified pharmacy technician. 1) A qualified pharmacy technician must be 18 years old. 2) A qualified pharmacy technician must have a high school diploma or certificate of high school equivalence. This requirement is “waived” or “grandfathered” if the qualified pharmacy technician was employed by the pharmacy before April 8, 2009. 3) The law requires a criminal records check through the Ohio Bureau of Criminal Identification and Investigation (BCI&I) and the Federal Bureau of Investigation (FBI) to determine if an individual could become a qualified pharmacy technician. This criminal records check is based on fingerprint impressions. The results are sent directly to the employer or potential employer of the individual. Depending on the result of criminal record check, the individual and/or the employer may be required to take further action. This is described in great detail on the Board of Pharmacy’s website. Go to: pharmacy.ohio.gov/Background_Check_Phararmacy_Techs_Summary_08262009.pdf for a complete and detailed explanation or OAC 4729-4-04. If an individual has any type of felony on their record, that individual is immediately prohibited from working as a qualified pharmacy technician. If a pharmacy technician has been with the same employer for more than five years as of the effective date of the law (April 8, 2009), a criminal records check is not required. 4) A qualified pharmacy technician must pass a competency exam approved by the Board of Pharmacy. The requirements and structure of the competency exam will be discussed in greater detail later in this program.
Competency Exam

Every qualified pharmacy technician must pass a Board of Pharmacy approved competency exam. There are two ways in which this can be accomplished. 1) Pass an examination by a national pharmacy technician certification program that is accredited by the National Commission for Certifying Agencies. Currently, there are two: The ExCPT examination provided by the Institute for the Certification of Pharmacy Technicians (ICPT), www.nationaltechexam.org and The Pharmacy Technician Certification Examination (PTCE) provided by the Pharmacy Technician Certification Board (PTCB): www.ptcb.org. The Board of Pharmacy will list others as they are recognized on their website. 2) The other option is a Board-approved examination provided by the employer. Newly hired qualified pharmacy technicians (those hired after April 8, 2009) have 12 months from the date of hire to pass the exam as long as the individual is participating in or has completed a pharmacy technician training program that meets the board’s standards for those programs, and the individual must be making substantial progress in preparation for the exam. For those qualified pharmacy technicians hired before April 8, 2009, they have to pass a competency exam by October 7, 2010.

The Board-approved employer exam must be of appropriate breadth and depth to cover the duties of the qualified pharmacy technician in that particular practice setting. It also must be of appropriate breadth and depth for the technician to safely and effectively work in that practice setting. An examination provided by an employer is only considered to be approved for that particular employer. At a minimum, the exam shall include questions that test the following concepts:

1) all applicable practice areas
2) pharmacy terminology
3) basic drug information
4) basic calculations
5) quality control procedures
6) state and federal laws, rules, and regulations including:
   a) qualified pharmacy technician duties
   b) pharmacist duties
   c) pharmacy intern duties
   d) prescription or drug order processing procedures
   e) drug record keeping requirements
   f) patient confidentiality
   g) security requirements
   h) storage requirements

The exam must be submitted with a form developed by the Board of Pharmacy. This form, Qualified Pharmacy Technician Examination Submission Form, can be accessed on the Board of Pharmacy’s website at pharmacy.ohio.gov/Tech_Exam_Submission_Form_v6_09112009.pdf. The Board of Pharmacy can approve an exam or can return it to the employer for revision without approval. If the exam is returned for revisions, the Board will indicate reasons for rejection. The employer is prohibited from using an exam until final approval is given by the Board. Employers must ensure security and integrity of the exam and keep all exam materials and scores (75% to pass) for a minimum three years after the employee ceases employment. Questions on the exam should not be given to the individual before they take the exam. The exam must be supervised by a proctor. The person taking the exam must agree in writing not to share the questions or answers to the exam with any other person. The exam can be taken multiple times. If requested by the Board, the employer must provide exam results to the Board within three working days. For more detailed information please refer to OAC 4729-4-02.

Other Key Points for Qualified Pharmacy Technicians

1) The new law addresses qualified pharmacy technicians. It does not require certification, registration, or licensure by the Board of Pharmacy.
2) The new law does not include a pharmacist to technician ratio. Each pharmacist must decide for himself/herself how many technicians they feel comfortable supervising at any given time.
3) Qualified pharmacy technicians have multiple attempts to pass a competency exam. However, results of the criminal records check are final and immediate. Qualified pharmacy technicians that were employed before April 8, 2009 and have worked for 5 years or more at the employer are exempt for the criminal records check.
4) Qualified pharmacy technicians hired before April 8, 2009 have to pass a competency exam by October 7, 2010. Qualified pharmacy technicians hired on or after April 8, 2009 have 12 months to pass a competency exam as long as appropriate training of the technician is or has occurred.

**Internship (OAC 4729-3)**

Pharmacy internships play a crucial role in exposing pharmacy students to the practice of pharmacy and training them to take care of patients. By definition, pharmacy internship is the supervised practical experience required for licensure as a registered pharmacist. The purpose is to provide pharmacy students with the knowledge and practical experience to function as a capable and effective registered pharmacist. The Ohio State Board of Pharmacy laws and rules regarding pharmacy internship have changed over the last few years as the practice of pharmacy continues to evolve. Ohio pharmacists who precept pharmacy interns need to stay up-to-date with the most current information.

One of the biggest changes over the last few years is the requirements for a pharmacy intern’s license in Ohio. To become a licensed intern with the State of Ohio, pharmacy students must meet the following requirements: 1) be actively working towards the requirements for licensure as a pharmacist; 2) must have successfully completed 60 semester hours or 90 quarter hours of college coursework; and 3) have begun taking professional classes directly related to the practice of pharmacy. The 60 semester hours or 90 quarter hours do not need to be in pharmacy courses like medicinal chemistry, therapeutics, pharmacology, etc. Any college course work, such as psychology, zoology, chemistry, biology, sociology, etc., will count toward the total.

Once a pharmacy student has met these requirements, they must complete the Pharmacy Intern Registration Application. The form is available on the Ohio State Board of Pharmacy website at pharmacy.ohio.gov. In addition to this form, the pharmacy student must include a head and shoulders photograph taken within the last six months (name and date taken must be on the back), an original transcript certifying that the applicant has completed a minimum of 60 semester hours or 90 quarter hours of college coursework, a certificate of enrollment from a school or college of pharmacy certifying that the individual has enrolled in a school of pharmacy and begun taking professional classes directly related to the practice of pharmacy, and a check or money order for $22.50 payable to “Treasurer, State of Ohio”. Finally, the pharmacy student must submit to a criminal records check. Ohio law requires the pharmacy student to submit fingerprints to the Ohio Bureau of Criminal Identification and Investigation (BCI&I) and the Federal Bureau of Investigation (FBI). The results of the criminal records check then must be forwarded to the Board of Pharmacy for review before an intern’s license will be issued. The Ohio Board of Pharmacy’s website has a detailed document describing this process. To access this document, “Criminal Records Check Required for Initial Licensure”, go to pharmacy.ohio.gov/Background_check_summary_08262009.pdf. Note: This same process must be repeated before any initial licensure with the Board. This includes pharmacy intern and pharmacist licenses. Therefore, the intern will have to complete the criminal records check again before they are licensed as a pharmacist.

Since the transition to the all Pharm D. degree, pharmacy academic degree programs require students to complete approximately 1440 hours of experiential education in their last year of pharmacy school. In 2007, the accreditation body for colleges and schools of pharmacy (ACPE) began requiring an additional 250-300 hours of introductory professional practice experience (IPPE) before the students begin their “Pharm D.” rotations. This brings the total of academic experiential education of a pharmacy student to more than 1680 hours. Because of this, many Boards of Pharmacy realized that documentation of internship hours may not be necessary, including the Ohio State Board of Pharmacy. As of December 31, 2006, documentation of internship hours with the Board of Pharmacy is no longer required. The Board has determined that the required amount of pharmacy internship credit for licensure examination is deemed to be completed if the individual has graduated with a doctor of pharmacy degree (Pharm D.) after December 31, 2006 as long as the program of study is accredited by ACPE and approved by the Ohio State Board of Pharmacy. A student who does not meet this requirement, must still document the completion of 1500 hours of internship with the Ohio State Board of Pharmacy. This situation is likely to impact only foreign pharmacy graduates.

Pharmacy interns must renew their license annually just like pharmacists. The renewal date for an intern’s license is the same as for pharmacists, September 15th. Interns are also required to sign their identification card and carry it with them at all times while working as an intern. Once licensed as a pharmacy intern, he/she must comply with the same requirements as pharmacists regarding change of employment, address, and name. If an intern changes employment sites or home address, the Board must be notified within 30 days of the change. If an intern changes his/her name, the Board must be notified within 60 days of the change and provide proper documentation.
Even though documentation of hours by interns is not required, interns are still required to complete a Statement of Preceptor form when beginning work as a pharmacy intern. This form is located on the Board of Pharmacy’s website at pharmacy.ohio.gov/SOP-0102-0308.pdf. It is best for preceptors to have the intern bring this form to work on their first day and have the preceptor complete it right away. Interns must file a Statement of Preceptor form within 30 days of beginning work as an intern at a specific site. If the preceptor of an intern changes or the intern changes employment site, a new Statement of Preceptor form must be filed within 30 days of the change. If an intern is working at two different sites, they must have a separate preceptor for each site.

Any licensed pharmacist can be a preceptor for a pharmacy intern, unless the Board has specifically determined otherwise. Pharmacists are not required to complete any special forms or receive any specific training to become a preceptor. The preceptor is responsible for ensuring that the intern is properly supervised and exposed to all areas of the internship. If the intern is documenting hours, there has been some misinterpretation that the intern can only count hours worked with the preceptor. This is not true. The preceptor only oversees the intern’s experience. The intern can work with and count hours from other pharmacists working at that site. Finally, a pharmacist can be a preceptor for an unlimited number of interns. For example, the hospital pharmacy director may be the preceptor for 12 interns at a large hospital. However, there is a pharmacist to intern ratio. A pharmacist cannot supervise more than two interns at one time. For example, if there are two pharmacists working in a community pharmacy at one time, four interns could be working with them.

Professional Functions of an Intern (OAC 4729-5-08)

Interns and technicians have always had different duties and activities they could perform under the direct supervision of a pharmacist. A few years ago, the Board of Pharmacy defined several different professional duties an intern could perform in addition to assisting the pharmacist with technician functions. The pharmacist supervising the activity of a particular intern will determine if an intern is competent to perform any of these professional functions. The professional functions of a pharmacy intern under the direct supervision of a pharmacist as defined by the Board of Pharmacy are as follows:

1) sell schedule V controlled substances under OAC rule 4729-11-09
2) receive oral prescriptions
3) transfer prescriptions for non-controlled substances
4) provide patient counseling
5) administer influenza immunizations to patients 18 years of age and older, provided they have met the requirements of 4729.41 of the Revised Code, including Board-approved immunization certification training
6) document informed consent to administer immunizations under section 4729.41 of the Revised Code and OAC 4729-5-27

Prescription Transfers and Interns (OAC 4729-5-24)

Licensed interns can send or receive copies of prescriptions. Under no circumstances can interns take or give prescription transfers for controlled substances. This information has to be directly communicated between two pharmacists. Interns can take or give prescription transfers under the following circumstances:

1) The pharmacist who is supervising the activity of a particular intern will determine if that intern is competent to send or receive a prescription transfer. Again, this decision for each intern is made by each individual pharmacist and may be different for different interns.
2) The pharmacist who is supervising the intern is responsible for the accuracy of the prescription transfer that is sent or received.
3) The supervising pharmacist must be immediately available to answer questions or discuss the prescription transfer with the caller.
4) The pharmacist or intern receiving a prescription transfer must document the full names of the intern giving the transfer and of his/her supervising pharmacist. The intern giving a prescription transfer must give his/her full name and the full name of the supervising pharmacist to the person receiving the prescription transfer.
5) When an intern receives a transfer, he/she must immediately reduce the prescription to writing and review it with the supervising pharmacist. Before dispensing the prescription, positive identification (signature or initials for example) must be made on the prescription of both the intern and the supervising pharmacist who received the transfer.
Oral Prescriptions and Interns (OAC 4729-5-21)

Interns can take oral prescriptions for controlled and non-controlled substances over the phone or from a recording device, such as an answering machine or voicemail device. A licensed pharmacy intern may receive oral prescriptions or refill authorizations from a prescriber or the prescriber’s agent as long as they meet the following conditions:

1) The pharmacist on duty who is supervising the intern is responsible for the accuracy of the oral prescription taken by the intern.

2) The pharmacist on duty who is supervising the activities of a specific intern will determine if that particular intern is competent to receive oral prescriptions. This is a pharmacist-by-pharmacist decision. One pharmacist may feel very comfortable letting a particular intern take oral prescriptions over the phone, but another pharmacist may not. No one can make this decision for the pharmacist supervising the intern. For example: A district manager cannot mandate which interns a pharmacist must let take oral prescriptions over the phone.

3) When an intern is taking an oral prescription, the supervising pharmacist must be immediately available to answer questions or discuss the prescription with the caller.

4) The intern shall immediately reduce the prescription to writing and shall review the prescription with the supervising pharmacist. Before dispensing the prescription, positive identification (signature or initials for example) must be made on the prescription of both the intern and the supervising pharmacist.

The views contained in this program are not intended as legal advice. Pharmacists should always consult their own attorney or the Ohio State Board of Pharmacy when questions or issues regarding the practice of pharmacy arise.

Continuing Education Test Questions

Using the Test Answer sheet on the last page, please circle the correct response for each question. A passing grade of 70% must be obtained to receive continuing education credit.

1) A technician is hired to become a qualified pharmacy technician at ABC drugs on February 14, 2010. Which of the following are true?
   a) The technician is required to complete a criminal records check.
   b) The technician must have a high school diploma or equivalent.
   c) The technician must successfully complete a competency exam by January 1, 2011.
   d) a and b only
   e) a, b, and c

2) Which of the following are true?
   a) A qualified pharmacy technician must score a 75% if taking an employer-designed competency exam.
   c) Qualified pharmacy technicians employed before April 8, 2009 have to pass a competency exam by October 7, 2010.
   d) b and c only
   e) a and c only

3) Which of the following are considered functions of a qualified pharmacy technician?
   a) packaging or labeling drugs
   b) compounding any drug
   c) preparing or mixing intravenous (IV) medications for humans.
   d) a and c only
   e) a, b, and c

4) The new qualified pharmacy technician laws and rules require these individuals to be registered with the board of pharmacy.
   a) True
   b) False
5) Which of the following are true regarding internship?
a) Interns need 90 quarter hours of college credit to apply for an internship license.
b) All interns must report their hours worked to the Ohio State Board of Pharmacy.
c) Interns are no longer required to file a Statement of Preceptor form.
d) b and c only

6) Which of the following are true regarding internship?
a) Interns can transfer prescriptions for controlled substances.
b) A student must be taking classes directly to the practice of pharmacy to apply for an intern’s license.
c) Interns must file a Statement of Preceptor form with the board within 30 days of working at a specific site.
d) a and b only

c only

e) b and c only

e) a and b only

e) b and c only

7) Which of the following are considered to be professional duties of an intern under Ohio Law? Assume the intern is being supervised by a pharmacist.
a) Patient counseling
b) Administering a flu vaccine to a 16 year-old patient
c) Receiving an oral prescription
d) a and c only
e) a, b, and c

e) a, b, and c

e) a, b, and c

8) A pharmacist can be a preceptor for ________ interns and can supervise ________ interns at one time.
a) 2; 2
b) 2; an unlimited number of
c) an unlimited number of; 2
d) 2; 1
e) an unlimited number of; an unlimited number of

e) an unlimited number of; an unlimited number of

9) When taking a prescription transfer from an intern, the pharmacist must only document the full name of the pharmacist supervising the intern.
a) True b) False

10) An intern can take an oral prescription from a doctor over the phone for Xanax®?
a) Yes b) No
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