

State of Ohio Board of Pharmacy
(Revised 9/24/2009)

EFFECT ON NEW PHARMACY TECHNICIANS
HIRED AFTER APRIL 7, 2009

Effective April 8, 2009:

Excerpts from Sec. 4729.42 (Senate Bill 203/127th Gen. Assembly and House Bill 1/128th Gen. Assembly):

(A) As used in this section, "**qualified** pharmacy technician" means a person who is under the personal supervision of a pharmacist and to whom all of the following apply:

- (1) The person is **eighteen years of age or older**.
- (2) The person **possesses a high school diploma**, possesses a certificate of high school equivalence, or was employed prior to the effective date of this section as a pharmacy technician without a high school diploma or a certificate of high school equivalence.
- (3) The person **has passed an examination approved by the state board of pharmacy** to determine a person's competency to perform services as a pharmacy technician.
- (4) Except as otherwise provided in this section, the person **has submitted to a criminal records check** in accordance with section 4776.02 of the Revised Code as if the person was an applicant for an initial license who is subject to that section, and the results of the criminal records check do not show that the person previously has been convicted of or pleaded guilty to any felony in this state, any other state, or the United States.

(B) Except as provided in division (E) of this section, no person who is not a pharmacist, pharmacy intern, or **qualified** pharmacy technician shall do any of the following in a pharmacy or while performing a function of a pharmacy:

- (1) Engage in the compounding of any drug;**
- (2) Package or label any drug;**
- (3) Prepare or mix any intravenous drug to be injected into a human being.**

(C) No pharmacist shall allow any person employed or otherwise under the control of the pharmacist to violate division (B) of this section.

(D) No person who owns, manages, or conducts a pharmacy shall allow any person employed or otherwise under the control of the person who owns, manages, or conducts the pharmacy to violate division (B) of this section.

(E) (3) In the case of a person employed **after the effective date** of this section, division (B) of this section does **not** prohibit the person's activities **for the first twelve months** following the initial date of employment, if **both** of the following apply:

- (a) The person is participating in or has completed a pharmacy technician training program that meets the board's standards for those programs and is making substantial progress in preparation to take a pharmacy technician examination approved by the board.

- (b) The results of the person's criminal records check show that the person previously has not been convicted of or has not pleaded guilty to **any felony** in this state, any other state, or the United States.
- (4) In the case of a person who completes a pharmacy technician training program that is operated by a vocational school district or joint vocational school district, division (B) of this section does not prohibit the person's activities for the first twelve months following the date of completing the program, if both of the following apply:
- (a) The person is making substantial progress in preparation to take a pharmacy technician examination approved by the board.
 - (b) The results of the person's criminal records check show that the person previously has not been convicted of or has not pleaded guilty to any felony in this state, any other state, or the United States.

NOTES:

Please note that the law addresses “qualified” pharmacy technicians. It does **NOT** require certification, registration, or licensure by the state board of pharmacy.

Under the terms of the law, if the pharmacy technician fails to clear the criminal records check (i.e. it shows a felony on the record), then that individual is **immediately** prohibited from working as a “qualified” pharmacy technician. In other words, the law will allow multiple attempts to pass the examination throughout the twelve month time period, but the criminal records check results are final and immediate.

For additional information, please see final pharmacy tech rules 4729-4-01 Definitions, 4729-4-02 Board approved examination for qualified pharmacy technicians, 4729-4-03 Qualified pharmacy technician training program, and 4729-4-04 Criminal records check for qualified pharmacy technicians.