

EFFECT ON CURRENTLY EMPLOYED PHARMACY TECHNICIANS

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)(5) In the case of a person **employed on the effective date of this section in the capacity of a pharmacy technician**, division (B) of this section does **not** do either of the following:

- (a) Require the person to undergo a criminal records check if the person has been employed for five years or longer;
- (b) Prohibit the person's activities until the earlier of either of the following:
 - (i) If the person has not passed an examination described in division (A)(3) of this section, **eighteen months** after the effective date of this section;
 - (ii) If a criminal records check is required because the person has not been employed for five years or longer, the date on which the person and the employer receive the results of a criminal records check that show the person previously has been convicted of or 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.

If pharmacy technicians have been with the same employer for **MORE than 5 years**, the only thing they will have to do is pass an “approved” examination by October 7, 2010.

If pharmacy technicians have been with the same employer for **LESS than 5 years**, they will have to submit to the criminal records check **and** pass an “approved” examination.

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 eighteen month time period, but the criminal records check results are final and immediate.

The only currently employed pharmacy technicians that may have a problem will be those who are less than 18 years of age on April 8, 2009. (There are some exceptions for those currently enrolled in a technician training program; see the actual wording in the law at <http://codes.ohio.gov/orc/4729.42>).

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.