

PHARMACY BOARD [657]

Notice of Intended Action

The Board of Pharmacy hereby proposes to amend Chapter 3, “Pharmacy Technicians,” and Chapter 6, “General Pharmacy Practice,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 147.76 and 155A.6A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 147.76 and 155A.6A.

Purpose and Summary

The proposed amendments provide for pharmacist delegation of technical functions relating to prescription processing activities (e.g., data entry or insurance processing) to an Iowa-registered certified pharmacy technician who is performing the delegated functions at a location other than where the supervising pharmacist is physically located under specific conditions. The authorized delegation would allow pharmacies to continue such remote activities initiated under the pandemic’s public health emergency under conditions which require:

- Adequate security and supervision at all times to prevent unauthorized access to, and unauthorized storage/transfer of, confidential patient information or patient records,
- The supervising pharmacist having real-time access to the prescription processing system the technician is using or patient records which the technician is processing,
- The technician having access to the supervising pharmacist via a real-time communication mechanism, and
- The prescription processing system documentation of the functions performed by the technician.

The proposed amendments also authorize pharmacist patient counseling via real-time interactive communication when the pharmacist is at a location other than the licensed pharmacy.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on _____, 2022. Comments should be directed to:

Sue Mears, RPh
Iowa Board of Pharmacy
400 SW 8th Street, Suite E
Des Moines, IA 50309

Public Hearing

{If no public hearing scheduled:} No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

{If public hearing is to be held:} A public hearing at which persons may present their views orally or in writing will be held as follows:

{date/time/location of public hearing, if held (not less than 20 days after Notice pub. date)}

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the **{agency or rule-making body}** and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Amend rule 657—3.5(155A), introductory paragraph, as follows:

657—3.5(155A) Certification of pharmacy technicians. Except as provided in subrule 3.5(1), all pharmacy technicians shall be required to be nationally certified as provided by this rule. National certification acquired through successful completion of any NCCA-accredited pharmacy technician certification program and examination fulfills the requirement for national certification. National certification does not replace the need for licensed pharmacist control over the performance of delegated functions, nor does national certification exempt the pharmacy technician from registration pursuant to these rules. A certified pharmacy technician shall maintain the technician's national certification, in addition to the technician's Iowa registration, during any period of employment in or for an Iowa pharmacy as a certified pharmacy technician.

ITEM 2. Amend rule 657—3.21(155A) as follows:

657—3.21(155A) Delegation of functions.

3.21(1) *Policies and procedures.* Pursuant to established policies and procedures and the supervising pharmacist's professional judgment, ~~a~~ an Iowa-licensed supervising pharmacist may delegate any technical or nontechnical functions in the operation of the pharmacy, except those which are prohibited pursuant to rule 657—3.23(155A), to an appropriately trained and Iowa-registered pharmacy technician, ~~but only if the pharmacist is on site and available to supervise the pharmacy technician when delegated functions are performed, except as provided in rule 657—6.7(124,155A) or 657—7.6(155A), as appropriate, or as provided for telepharmacy in 657—Chapter 13.~~

3.21(2) *Remote supervision.* A supervising pharmacist may delegate technical functions relating to prescription processing (e.g., data entry or insurance processing) to a certified pharmacy technician who is performing the delegated functions at a location that is not a licensed pharmacy only if the following conditions are met:

a. adequate security and supervision is maintained at all times to prevent unauthorized access to, and unauthorized storage/transfer of, confidential patient information or patient records,

b. the supervising pharmacist has real-time access to the prescription processing system which the technician is using or the patient record which the technician is processing.

c. the supervising pharmacist is available to respond to certified pharmacy technician questions via a real-time communication mechanism at all times when delegated functions are being performed, and

d. the pharmacy's prescription processing system is capable of documenting the functions performed by the certified pharmacy technician.

3.21(3) *Pharmacist final verification required.* Except as provided for an approved technician product verification program pursuant to 657—Chapter 40, the pharmacist shall provide and document the final verification for the accuracy, validity, completeness, and appropriateness of the patient's prescription or medication order prior to the delivery of the medication to the patient or the patient's representative.

3.21(4) *Further delegation prohibited.* A pharmacy technician shall not delegate technical functions to a pharmacy support person.

ITEM 3. Renumber subrules **6.14(4)** to **6.14(6)** as **6.14(5)** to **6.14(7)**.

ITEM 4. Adopt the following **new** subrule 6.14(4):

6.14(4) *Remote counseling.* Patient counseling that is provided by the pharmacy via a pharmacist who is at a location other than the licensed pharmacy shall be provided via a real-time interactive communication mechanism.