



## Certification Page Regular and Emergency Rules

Revised August 2023

Emergency Rules *(Complete Sections 1-3 and 5-6)*
                         
  Regular Rules

<b>1. General Information</b>			
a. Agency/Board Name*			
Administration and Information, Dept of/WY State Board of Pharmacy			
b. Agency/Board Address	c. City	d. Zip Code	
1712 Carey Ave, Suite 200	Cheyenne	82002	
e. Name of Agency Liaison	f. Agency Liaison Telephone Number		
Matthew R. Martineau	(307)634-9636		
g. Agency Liaison Email Address	h. Adoption Date		
matt.martineau@wyo.gov	03/29/2024		
i. Program			
Pharmacy, Board of			
Amended Program Name <i>(if applicable)</i> :			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
<b>2. Legislative Enactment</b>			
For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted:		Chapter:	Year:
<b>3. Rule Type and Information</b>			
For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
10	Pharmacy Technician Regulations		
Amended Chapter Name <i>(if applicable)</i> :			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name <i>(if applicable)</i> :			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name <i>(if applicable)</i> :			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name <i>(if applicable)</i> :			

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:


**5. Checklist**

a.  For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b.  For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Matthew R. Martineau
Signatory Title	Executive Director
Date of Signature	04/01/2024

**7. Governor's Certification**

I have reviewed these rules and determined that they:

- 1. Are within the scope of the statutory authority delegated to the adopting agency;
- 2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
- 3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

# WYOMING STATE BOARD OF PHARMACY

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Brenda Upton, RPh, President  
Kerri Kilgore, RPh, Vice President  
Tosha Williamson, RPT, Secretary/Treasurer  
Jim Massengill, RPh, Member  
Thomas A. Maertens, RPh, Member  
Jonathan Beattie, RPh, Member  
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Patrick Fitzgerald, APRN, Public Member

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Matthew R. Martineau, RPh, Executive Director  
Liz Wood, RPT, Senior Investigator  
Mark A. Slovik, Investigator  
Clayton B. Barker, Investigator

Governor: Mark Gordon

## WYOMING PHARMACY ACT RULES AND REGULATIONS

### STATEMENT OF PRINCIPAL REASONS FOR REVISIONS

December 2023

The Board of Pharmacy proposes to amend Chapter 10 of the Wyoming Pharmacy Act Rules and Regulations in order to make conforming changes with the recent continuing education revisions to chapter 6.

As required by Wyoming Statute § 16-3-103(a)(i)(G), these rules meet minimum substantive state statutory requirements.

#### ***Chapter 10: Pharmacy Technician Regulations***

- Section 12 is deleted because pharmacy technician continuing education (CE) requirements are now outlined in Chapter 6: Continuing Professional Education Regulations, Section 4: Continuing Pharmaceutical Education (CPE) Requirement for Registered Pharmacy Technicians.
- Section 13 is deleted because CE audits for pharmacy are also addressed in Chapter 6, Section 4.
- Section 14 is renumbered accordingly.

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## **SUMMARY OF COMMENTS RECEIVED REGARDING REVISIONS TO THE WYOMING PHARMACY ACT RULES AND REGULATIONS CHAPTER 10.**

Chapter 10: Pharmacy Technician Regulations – no comments were received regarding the proposed revisions to the chapter.

Written Public Comments for Rules Packet 059.010224.Board of Pharmacy – Chpt 10

No.	Comment	Agency Response	
		Yes – Amend Rules	No – Why?
	No written comments were received during the public comment period.		

## Chapter 10

### Pharmacy Technician Regulations

#### **Section 1. Authority.**

These rules are promulgated as authorized by the Wyoming Pharmacy Act W.S. § 33-24-101 through -301.

#### **Section 2. Definitions.**

"Pharmacy Technician-in-Training" means an individual who is registered with the Board to receive on-the-job training in preparation for licensure as a pharmacy technician.

#### **Section 3. Qualifications for Pharmacy Technicians and Pharmacy Technician-in-Training.**

- (a) Be at least 18 years of age;
- (b) Complete a background check through the Wyoming division of Criminal Investigation (DCI);
- (c) Have no history of drug abuse or provide satisfactory evidence of rehabilitation;
- (d) Hold a high school diploma or its equivalent; and
- (e) Have complete requirements for registration.

#### **Section 4. Requirements for Pharmacy Technicians and Pharmacy Technicians-in-Training.**

- (a) Wear a name badge with the appropriate designation "Pharmacy Technician" or "Pharmacy Technician-in-Training" at all times when in or near the pharmacy area; and
- (b) Identify themselves as the appropriate level of technician in all telephone conversations while on duty.

#### **Section 5. Pharmacy Technician-in-Training Registration.**

- (a) A pharmacy technician-in-training shall apply to the Board for a training permit on an application supplied by the Board and shall pay the fee required before starting on-the-job training.
  - (i) This permit shall be valid for two years from the date of original issuance;

(ii) This permit shall include the sponsoring pharmacy; and

(iii) If the sponsoring pharmacy changes, the technician-in-training shall immediately submit a pharmacy sponsor transfer form.

(b) A pharmacy technician-in-training may only perform pharmacy functions at their sponsoring pharmacy.

**Section 6. Pharmacy Functions for Technicians-in-Training.**

(a) A pharmacy technician-in-training may perform the following functions under the direct supervision of a licensed pharmacist:

(i) Retrieve the product from stock, count, pour, reconstitute, place product in a prescription container, and affix the label;

(ii) Make computer entries for new or refill prescriptions;

(iii) Contact the practitioner's office and obtain refill authorizations for any prescription provided there are no changes; and

(iv) Restock drugs for those sites where the pharmacy has an emergency drug permit.

(v) Stock automated drug dispensing units, floor stock, crash carts, after-hour drug cabinets, sterile solutions and unit dose cart preparation;

(vi) Repackage unit dose and/or unit of issue packaging;

(vii) Conduct inspections; and

(viii) Input practitioner medication orders.

**Section 7. Pharmacy Technician Registration; Fees; Licenses.**

(a) Individuals shall apply for pharmacy technician licensure by completing an application, providing evidence of current certification by the Pharmacy Technician Certification Board (PTCB) or National Healthcareer Association (ExCPT) and paying the required fee. The Board reserves the right to require an interview of the applicant prior to a pharmacy technician license being issued;

(b) A pharmacy technician must apply to renew their license each year on or before December 31 and submit payment of the required renewal fee. The Board shall assess a late payment fee for any renewal application postmarked or filed after December 31;

(c) If the pharmacy technician fails to renew before December 31, the license expires ten (10) days after a written notice to renew is sent to the holder by certified mail, to the address last recorded for the licensee;

(d) An expired license may be restored by the Board upon compliance with this section no later than March 31 following expiration of the license;

(e) A pharmacy technician may petition the Board for reinstatement of an expired license. To be considered for reinstatement, the pharmacy technician must submit the following:

(i) A letter requesting reinstatement;

(ii) Payment of annual fees, including late payment fees, for those years which the license was expired up to a maximum of five (5) years;

(iii) Evidence of current certification by the PTCB or ExCPT; and

(iv) Proof of continuing pharmacy education for those years the license was expired, up to a maximum of five (5) years.

(f) A pharmacy technician who fails to obtain the required number of continuing education credits may be issued an "inactive" license. A pharmacy technician may not practice in Wyoming with an "inactive" license. An "inactive" license may be converted to "active" status by providing the necessary hours of continuing education credits for those years the license has been "inactive" to a maximum of five (5) years;

(g) If change of employment or mailing address occurs, the Board shall be notified within 30 days of date of change by the pharmacy technician; and

(h) A pharmacy technician shall not practice in this state with an expired technician license.

**Section 8. Reinstatement of a Revoked or Suspended Pharmacy Technician License.**

(a) A pharmacy technician whose license has been revoked or suspended by the Board may file an application, on a form supplied by the Board, requesting a hearing to present evidence to show why the license should be reinstated subject to the following:

(i) A pharmacy technician whose license was revoked by the Board may not file an application requesting a hearing until thirty-six (36) months have elapsed from the date the order revoking the pharmacy technician license became final;



(ii) A pharmacy technician whose license was suspended by the Board may not file an application requesting a hearing until one-half (1/2) of the suspension so ordered by the Board has elapsed;

(iii) A pharmacy technician shall submit an application fee of one hundred twenty five dollars (\$125.00) and pay for the cost of the hearing, if the Board issues an order denying reinstatement. The application fee is nonrefundable;

(iv) The applicant must complete all questions and provide all information requested on the application;

(v) An incomplete application and the accompanying fee will be returned and a hearing date will not be set by the Board; and

(vi) In In the application, the pharmacy technician shall authorize any health professional who has examined or treated the applicant to disclose a diagnosis and the reasons for it to the Board and the Board staff.

(b) Applications received by the Board will be reviewed by the Executive Director. The Executive Director shall:

(i) Review the application for completeness. If information or attachments are missing, the application and fee will be returned to the applicant with a letter stating the reason(s) for the rejection; and

(ii) If the application is complete, the Executive Director, in consultation with a Compliance Officer, a member of the Board and the Board's Prosecuting Attorney shall make a decision if the evidence submitted supports reinstatement. The Executive Director will notify the applicant whether the Board staff will support or oppose the request for reinstatement. If not, a hearing for reinstatement shall be scheduled by the Executive Director, if requested by the applicant.

(c) The Executive Director may require the applicant to submit to an examination by a health professional chosen by Board staff. The health professional shall report on the examination to Board staff and may testify at a hearing on reinstatement. Cost for the examination shall be the responsibility of the applicant.

(d) To be reinstated, a pharmacy technician must prove that he or she has been rehabilitated so that further violation of Wyoming Statutes and Board rules is not likely to occur, and that he or she is competent to function as a pharmacy technician. The Board, as a condition to establish competency, may require successful completion of the PTCB Pharmacy Technician Certification Examination (PTCE) or ExCPT.

## **Section 9. Pharmacy Functions for Pharmacy Technicians.**

(a) A pharmacy technician may perform the pharmacy functions previously mentioned in this chapter for technicians-in-training, as well as the following:

(i) Compounding - Compounded prescription orders shall be reviewed by a pharmacist. The PIC shall certify competency of the pharmacy technician prior to allowing a pharmacy technician to assist the pharmacist in compounding, and annually thereafter. Documentation of the competency shall remain on file at the pharmacy and be available for inspection by the Board for each pharmacy technician, and shall include, but not be limited to, documentation of the following skills:

- Practices;
- (A) Knowledge and understanding of FDA's Good Manufacturing Practices;
  - (B) Weights and measures;
  - (C) Calculations;
  - (D) Use of torsion balance or electronic scales'
  - (E) Knowledge of various techniques utilized to compound products;
  - (F) Labeling requirements;
  - (G) Aseptic technique;
  - (H) Use and maintenance of laminar and/or vertical flow air hood;
  - (I) Knowledge in handling chemotherapeutic agents;
  - (J) Dating requirements; and
  - (K) Record keeping requirements.

(ii) Transfer prescriptions electronically or via facsimile to another pharmacy with consent of the supervising pharmacist.

## **Section 10. Pharmacy Functions Not Permitted for all Technicians.**

(a) No pharmacy technician or technician-in-training shall:

(i) Receive a new prescription order verbally from a prescriber or other person authorized by law;

- (ii) Perform evaluations and interpretations of a prescription;
- (iii) Obtain any needed clinical clarifications prior to filling;
- (iv) Review and analyze any clinical data in a patient's medication record or chart;
- (v) Perform professional consultation with any prescriber, nurse, other health care professional or any patient/customer;
- (vi) Offer to counsel; and
- (vii) Counsel.

**Section 11. Functions When a Pharmacist is Absent.**

(a) When no pharmacist is in the pharmacy, but at least one supervising pharmacist remains in the building, the pharmacy technician or pharmacy technician-in-training may perform functions as outlined in this Chapter, provided no prescription product leaves the pharmacy until the pharmacist returns and authorizes the release;

(b) When no supervising pharmacist is in the building, a retail pharmacy may not remain open, and staff may not remain in the pharmacy; and

(c) An institutional pharmacy may not remain open. A pharmacy technician or pharmacy technician-in-training may remain in the pharmacy, but may not perform pharmacy functions. If a drug needs to be removed from the pharmacy, those procedures as outlined in Chapter 12 shall be followed.

**Section 12. Legal and Professional Responsibilities.**

A pharmacy technician or pharmacy technician-in-training shall not violate the Wyoming Pharmacy Act or the Wyoming Controlled Substances Act or their rules or regulations.

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- (A) Knowledge and understanding of FDA's Good Manufacturing Practices;
- (B) Weights and measures;
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- (D) Use of torsion balance or electronic scales'
- (E) Knowledge of various techniques utilized to compound products;
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- (iii) Obtain any needed clinical clarifications prior to filling;
- (iv) Review and analyze any clinical data in a patient's medication record or chart;
- (v) Perform professional consultation with any prescriber, nurse, other health care professional or any patient/customer;
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- (b) When no supervising pharmacist is in the building, a retail pharmacy may not remain open, and staff may not remain in the pharmacy; and
- (c) An institutional pharmacy may not remain open. A pharmacy technician or pharmacy technician-in-training may remain in the pharmacy, but may not perform pharmacy functions. If a drug needs to be removed from the pharmacy, those procedures as outlined in Chapter 12 shall be followed.

~~**Section 12. Pharmacy Technician Continuing Education Requirements.**~~

- ~~(a) Every pharmacy technician seeking renewal of a pharmacy technician license shall complete, during each calendar year, six (6) contact hours of approved continuing pharmacy education programs to be applied to the upcoming renewal year; and~~
  - ~~(i) The following are approved technician continuing education providers:
 
    - ~~(A) Pharmacist supervisor at place of employment, utilizing a format for documentation developed by Board staff;~~~~

~~\_\_\_\_\_ (B) Continuing education hours approved by the PTCB or ExCPT;~~

~~\_\_\_\_\_ (C) Continuing education hours approved by the American Pharmacists Association (APhA);~~

~~\_\_\_\_\_ (D) Continuing education hours of providers of continuing education accredited by the Accreditation Council for pharmacy Education (ACPE); or~~

~~\_\_\_\_\_ (E) Continuing education hours presented by the Wyoming Pharmacy Association.~~

~~\_\_\_\_\_ (b) Excess continuing education hours may not be carried forward to subsequent years.~~

~~\_\_\_\_\_ **Section 13. Continuing Education Audits.**~~

~~\_\_\_\_\_ (a) The Board shall randomly select submitted renewal applications for verification of reported continuing education contact hours;~~

~~\_\_\_\_\_ (b) The Board shall review records in the NABP database CPE Monitor for compliance with continuing education hours for pharmacy technicians; and~~

~~\_\_\_\_\_ (c) Upon written request by the Board, a pharmacy technician shall provide to the Board copies of certificates of completion for all continuing education contact hours reported during a specified license period. Failure to provide all requested records constitutes prima facie evidence of knowingly false or misleading information to the Board for the renewal of a license and may subject the pharmacy technician to disciplinary action by the Board.~~

**Section ~~14~~12. Legal and Professional Responsibilities.**

A pharmacy technician or pharmacy technician-in-training shall not violate the Wyoming Pharmacy Act or the Wyoming Controlled Substances Act or their rules or regulations.