



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised August 2023

1. General Information

a. Agency/Board Name* Administration & Information, Dpt of/WY State Board of Pharmacy		
b. Agency/Board Address 1712 Carey Ave, Ste 200	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Matthew R Martineau		f. Agency Liaison Telephone Number (307)634-9636
g. Agency Liaison Email Address matt.martineau@wyo.gov		
h. Date of Public Notice 01/05/2024		i. Comment Period End Date 02/23/2024
j. Public Comment URL or Email Address: bop@wyo.gov		
k. Program Pharmacy, Board of		
Amended Program Name (if applicable):		

* 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.

2. Legislative Enactment

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 regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. **Yes.** If the rules are new, please provide the Legislative Chapter Number and Year Enacted: Chapter: Year:

3. Rule Type and Information

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: 10	Chapter Name: Pharmacy Technician Regulations	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:

Indicate one (1):
 The proposed rules meet, but do not exceed, minimum federal requirements.
 The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):
 The proposed rule change *MEETS* minimum substantive statutory requirements.
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

(Provide chapter numbers)

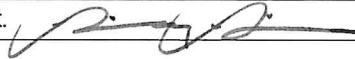
b. Checklist

The Statement of Principal Reasons is attached to this Notice 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.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.



Printed Name of Authorized Individual

Matthew R. Martineau

Title of Authorized Individual

Executive Director

Date of Authorization

01/02/2024

WYOMING STATE BOARD OF PHARMACY



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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.

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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(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;

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(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;

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

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- (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
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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.