

## **CHAPTER 61-02-07.1 PHARMACY TECHNICIAN**

### Section

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### **61-02-07.1-01. Purpose and scope.**

1. The board of pharmacy is responsible for maintaining, continuing, and enhancing the development of the educational and professional role of the pharmacists for the protection of the health, welfare, and safety of the citizens of the state.
2. Current practice requires an expanding knowledge base for pharmacists to serve patients with appropriate counseling, advising, evaluating, and cost-effective pharmaceuticals.
3. To assist a pharmacist in technical services related to pharmaceutical product preparation and distribution, the need for a pharmacy technician is appropriate.

**History:** Effective October 1, 1993.

**General Authority:** NDCC 28-32-02, 43-15-10(12)(14)

**Law Implemented:** NDCC 28-32-03, 43-15-10(12)(14)

### **61-02-07.1-02. Definitions.**

1. "Pharmacy technician" means a person registered by the board of pharmacy who is employed by a pharmacy under the responsibility of the pharmacist-in-charge or a staff pharmacist so designated by the pharmacist-in-charge, to assist in the technical services of preparing pharmaceuticals for final dispensing by a licensed pharmacist in compliance with subsection 4 of North Dakota Century Code section 43-15-01 and subsection 16 of North Dakota Century Code section 43-15-01.
2. "Pharmacy technician in training" is a person who is enrolled in an academic experiential rotation program accredited by the American Society of Health Systems Pharmacists (ASHP)/Accreditation Council for Pharmacy Education (ACPE). A pharmacy technician in training, as they progress through their training program, may perform any of the duties of a registered pharmacy technician at the discretion of the pharmacist in charge and the pharmacist supervising their training program unless otherwise specified in the rules.
3. "Supportive personnel" means a person other than a licensed pharmacist, pharmacy intern, or pharmacy technician who may be performing duties assigned by the pharmacist under direct supervision.

**History:** Effective October 1, 1993; amended effective July 1, 1996; January 1, 2024.

**General Authority:** NDCC 43-15-10(12)(14)(19)

**Law Implemented:** NDCC 43-15-10(12)(14)(19)

**61-02-07.1-03. Educational preparation.**

1. To be eligible to be registered by the board of pharmacy as a pharmacy technician the person must have completed one of the following requirements:
  - a. Successful completion of an American society of health systems pharmacists accredited academic program;
  - b. An American society of health systems pharmacists accredited on-the-job training program.
2. Technician certification:
  - a. An applicant for registration as a pharmacy technician must have obtained certification by a national certification body approved by the board of pharmacy.
  - b. A technician registered after August 1, 1995, must obtain certification by a national certification body approved by the board of pharmacy.
  - c. The pharmacy technician certification board and national healthcareer association are approved certification bodies.
  - d. If a competency examination is developed by the national association of boards of pharmacy to foster transfer of registration between states, this will be accepted in lieu of certification.

**History:** Effective October 1, 1993; amended effective October 1, 2012; October 1, 2019.

**General Authority:** NDCC 28-32-02, 43-15-10(12)(14)(19)

**Law Implemented:** NDCC 43-15-10(12)(14)(19)

**61-02-07.1-04. Ratio of pharmacists to pharmacy technicians.**

The ratio of pharmacists to pharmacy technicians may not be greater than one to four (one pharmacist to four pharmacy technicians) in a retail and hospital setting. The ratio of pharmacists to pharmacy technicians may not be greater than one to five (one pharmacist to five pharmacy technicians) in a closed-door pharmacy that does not deal directly with patients. This ratio does not include other supportive personnel or interns.

**History:** Effective October 1, 1993; amended effective January 1, 2005; October 1, 2019.

**General Authority:** NDCC 28-32-02, 43-15-10(12)(14)

**Law Implemented:** NDCC 28-32-03, 43-15-10(12)(14)

**61-02-07.1-05. Tasks pharmacy technicians may perform.**

1. Under the responsibility of the pharmacist-in-charge or designated staff pharmacist the pharmacy technician may perform any service assigned by the pharmacist-in-charge in the preparation of pharmaceuticals to be dispensed by the pharmacist to a patient except as specified in section 61-02-07.1-06.
2. The pharmacist is legally responsible for all the pharmacy technician's activities and services performed.
3. The pharmacy technician may assess a patient receiving a refilled prescription on the need of the patient or their agent to have a consult with the pharmacist or pharmacy intern about the prescription.

- a. Assessment must include a visual display of the medication.
- b. Asking appropriate open-ended questions on the medication and their applicable health condition.
- c. Any problematic responses must prompt the pharmacist to intervene with a consultation.

**History:** Effective October 1, 1993; amended effective July 1, 2017.

**General Authority:** NDCC 28-32-02, 43-15-10(12)(14)

**Law Implemented:** NDCC 28-32-03, 43-15-10(12)(14)

**61-02-07.1-06. Tasks pharmacy technicians may not perform.**

The pharmacy technician may not:

1. Evaluate the patient's profile relative to the pharmaceuticals that have or will be dispensed.
2. Consult with the patient concerning the utilization of their pharmaceuticals.
3. Make decisions that require a pharmacist's professional education, such as interpreting and applying pharmacokinetic data and other pertinent laboratory data or therapeutic values to design safe and effective drug dosage regimens.
4. Engage in the practice of pharmacy, except as authorized by a licensed pharmacist, as permitted by North Dakota law and rules adopted by the board.

**History:** Effective October 1, 1993; amended effective July 1, 1996; October 1, 1999.

**General Authority:** NDCC 28-32-02, 43-15-10(12)(14)(19)

**Law Implemented:** NDCC 28-32-03

**61-02-07.1-07. Pharmacy technician registration requirements.**

1. A pharmacy technician must register with the board of pharmacy on an annual basis.
2. The pharmacy technician will be assigned a registration number.
3. The board of pharmacy must provide the pharmacy technician with an annual registration card and pocket identification card.
4. The pharmacy technician certificate and annual registration card, or copy thereof, must be available or on file in the pharmacy where the pharmacy technician is employed.
5. The pharmacy technician must wear a name badge while in the pharmacy which clearly identifies the person as a "pharmacy technician".
6. Pharmacy technicians shall identify themselves as pharmacy technicians on all telephone conversations while on duty in the pharmacy.
7. The northland association of pharmacy technicians shall appoint annually three of their members as an advisory committee to the board of pharmacy.
8. Every registered pharmacy technician, within fifteen days after changing address or place of employment, shall notify the board of the change or make the necessary update on the board's website. The board shall make the necessary changes in the board's records.
9. A pharmacy technician having passed the reciprocity examination of the national association of boards of pharmacy, or any other examination approved by the board, shall be granted reciprocity and shall be entitled to registration as a registered pharmacy technician in North Dakota.

10. A pharmacy technician registered by the board may use the designations "registered pharmacy technician" and "R. Ph. Tech."
11. A pharmacy technician holding a certificate of registration as a pharmacy technician in North Dakota may go on inactive status, and continue to hold a certificate of registration in North Dakota, provided that the technician on inactive status may not practice within North Dakota. A pharmacy technician on inactive status will not be required to meet the continuing education requirements of the board under chapter 61-02-07.1. In order for a pharmacy technician to change an inactive status registration to an active status of registration, the pharmacy technician must complete ten hours of approved pharmacy technician continuing education and thereafter comply with the continuing education requirements of the board. Evidence of current certification by a national certification body approved by the board of pharmacy meets this requirement.
12. In the case of loss or destruction of a certificate of registration, a duplicate can be obtained by forwarding the board an affidavit setting forth the facts.
13. Provisional registration for a member of the military or military spouse as defined in North Dakota Century Code section 43-51-01.
  - a. A provisional registration may be granted upon application for registration if the individual holds a registration or license as a pharmacy technician in another state and has worked under such license or registration for at least two of the last four years.
  - b. This provisional registration must be without fee until one year after the first renewal period has passed. This allows a maximum of two years without payment of a registration or renewal fee.
  - c. If the applicant does not meet all the criteria for registration under North Dakota laws or rules, the applicant must complete those qualifications before the applicant's provisional registration period expires to continue registration.

**History:** Effective October 1, 1993; amended effective July 1, 1996; April 1, 2020; January 1, 2022; January 1, 2024.

**General Authority:** NDCC 43-15-10(12)(14)(19)

**Law Implemented:** NDCC 43-15-10(12)(14)(19), 43-51-11, 43-51-11.1

#### **61-02-07.1-08. Supportive personnel.**

Any duty that is not required to be performed by a registered pharmacist, registered pharmacy intern, or by a pharmacy technician may be performed by other employees of the pharmacy.

**History:** Effective October 1, 1993.

**General Authority:** NDCC 28-32-02, 43-15-10(12)(14)

**Law Implemented:** NDCC 28-32-03, 43-15-10(12)(14)

#### **61-02-07.1-09. Penalties for violation of rule regulating pharmacy technicians.**

The registration of any pharmacy technician violating drug laws or rules may be revoked by the board of pharmacy. Pharmacists or pharmacies violating drug laws or rules may be subject to the penalties of North Dakota Century Code section 43-15-42.1.

**History:** Effective October 1, 1993.

**General Authority:** NDCC 28-32-02, 43-15-10(12)(14)

**Law Implemented:** NDCC 28-32-03, 43-15-10(12)(14)

### **61-02-07.1-10. Pharmacy technician continuing education.**

1. Each pharmacy technician shall complete at least ten hours of approved pharmacy technician continuing education every year as a condition of renewal of a registration as a pharmacy technician in North Dakota.
2. There may be no carryover or extension of continuing education units with the exception that continuing education units obtained twelve months prior to the beginning of each annual reporting period may be used in the current annual reporting period which begins March first of each year and ends the last day of February, or the previous reporting period. However, they may not be counted as credit in both reporting periods. The failure to obtain the required ten hours of continuing education by the renewal date may result in a suspension for a minimum of thirty days, or a maximum of the period ending the date the continuing education is completed.
3. Pharmacy technicians shall maintain their own records. The records must be maintained for a two-year period.
4. The requirements of this section do not apply to a pharmacy technician applying for a first renewal of a registration.
5. A pharmacy technician registered with the board may make application to the board for a waiver of compliance with the pharmacy technician continuing education requirements and may be granted an exemption by the board.
6. Upon request of the board, proof of compliance must be furnished to the board.

**History:** Effective July 1, 1996; amended effective January 1, 2005; January 1, 2010; October 1, 2019.

**General Authority:** NDCC 28-32-02, 43-15-10(12)(14)(19)

**Law Implemented:** NDCC 28-32-03

### **61-02-07.1-11. Pharmacy technician in training.**

A pharmacy technician in training must be designated as a pharmacy technician in training and will be allowed to practice the professional duties of a registered pharmacy technician as determined by the pharmacist-in-charge and the supervising licensed pharmacist. Upon receipt of a request to have a person designated a pharmacy technician in training from a pharmacist-in-charge, the board, if appropriate, shall register the person so enrolled as a pharmacy technician in training. The maximum amount of time to be registered as a technician in training is two years unless an extension is granted.

**History:** Effective July 1, 1996; amended effective January 1, 2005.

**General Authority:** NDCC 28-32-02, 43-15-10(12)(14)(19)

**Law Implemented:** NDCC 28-32-03

### **61-02-07.1-12. Technicians checking technicians.**

Activities allowed by law to be performed within a licensed pharmacy by a registered pharmacy technician in the preparation of a prescription or order for dispensing or administration may be performed by one registered pharmacy technician, who may be a technician in training and verified by another registered pharmacy technician who may not be a technician in training, working in the same licensed pharmacy, under the following conditions:

1. The licensed pharmacy where the work is being conducted has policies and procedures specifically describing the scope of the activities to be verified through this practice, included in the policy and procedure manual required under section 61-02-01-18.
  - a. Training for the specific activity is reflected in a written policy.

- b. A record of the individuals trained is maintained in the pharmacy for two years.
2. The pharmacy has a continuous quality improvement system in place to periodically verify the accuracy of the final product, including:
  - a. Recording any quality related events leading up to the final dispensing or administration of the drug prepared.
  - b. Recording any errors which actually reach the patient as a result of these activities.
  - c. Specific limits of acceptable quality related event levels before reassessment is required.
  - d. Consideration must be made for high-risk medications on the institute for safe medication practices (ISMP) list and specific monitoring, review, and quality assurance parameters must be instituted if any of these products are included in the pharmacy's technicians-checking-technicians program.
3. Any error must trigger pharmacist review of the process. This review and subsequent recommendations must be documented.
4. The pharmacy has a system in place to review all quality related events and errors recorded and takes corrective action based on the information to reduce quality related events and eliminate errors reaching the patient.
5. As always, the pharmacist-in-charge and the permit holder are jointly responsible for the final product dispensed or released for administration from the pharmacy.

**History:** Effective January 1, 2009; amended effective October 1, 2014; January 1, 2024.

**General Authority:** NDCC 43-15-10(12)(14)(19)

**Law Implemented:** NDCC 43-15-10(12)(14)(19)

#### **61-02-07.1-13. Pharmacy technician reinstatement.**

If a registered pharmacy technician fails to pay the fee for a renewal registration within the time required, the executive director of the board shall cancel the registration for nonpayment. Upon application, the delinquent registrant may procure a renewed registration once the payment of all back registration fees, late fees, up to a maximum of five years and proof of ten hours of continuing pharmaceutical education obtained within the past year are submitted, evidence of current certification by a national certification body approved by the board of pharmacy meets this requirement, provided there have been no disciplinary actions involved with the registration and the board is satisfied that the applicant is a proper person to receive the same.

**History:** Effective January 1, 2011; amended effective January 1, 2024.

**General Authority:** NDCC 43-15-10(12)(14)(19)

**Law Implemented:** NDCC 43-15-10(12)(14)(19)