

## PHARMACY BOARD [657]

### Adopted and Filed

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

#### *Legal Authority for Rule Making*

This rule making is adopted 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 amendments provide for pharmacist delegation of technical functions relating to prescription processing activities (e.g., data entry or insurance processing) under specific conditions 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. The authorized delegation will allow pharmacies to continue such remote activities initiated under the pandemic-related public health emergency under conditions that require:

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

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

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 6, 2022, as **ARC 6279C**.

A public hearing was held on April 27, 2022, at 10:00am at the Iowa Board of Pharmacy offices and via Zoom. Eleven individuals attended the hearing.

The board received a question about the rulemaking from one individual, two suggestions from three commenters and a comment in support of the rulemaking from another commenter.

One suggested edit was that the board clarify whether the Iowa-registered technician must be located in the state while engaging in delegated supervised functions. The board determined no further clarification was needed as the rule is not intended to limit activities to within the state so long as the security and supervision requirements are met and the technician is properly registered in Iowa. The other suggested edit from two commenters was to remove “insurance processing” from the list of examples of functions that may be completed remotely by a technician due to concern that it would give the appearance that the function can only be completed by a technician. The board recognizes the confusion that could be caused and removed the phrase.

*Adoption of Rule Making*

This rule making was adopted by the Board on \_\_\_\_\_, 2022.

*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.

*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).

*Effective Date*

This rule making will become effective on \_\_\_\_\_, 2022.

The following rule-making action is adopted:

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 ~~registered~~ 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) 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 are 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 certified pharmacy technician is using or the patient record which the certified pharmacy 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.