



March 31, 2011

The Honorable William R. Purcell  
300 North Salisbury Street  
Room 517  
Raleigh, NC 27603-5925

RE: SB 112 (DRS75031-RO-4) "Disapprove Pharmacy Board Rule"

Dear Senator Purcell:

The American Society of Health-System Pharmacists (ASHP) would like to comment on SB 112 (DRS75031-RO-4), which would nullify Rule 21 NCAC 46.1418 (Rule). This carefully focused Rule was finalized by the Board of Pharmacy after both (1) a rigorous rulemaking process and (2) Board-approved pilot projects at Broughton State Hospital and Wake Forest University Baptist Medical Center.

As stated in Section A of the Rule, its purpose is to **"facilitate pharmacists' delivery of clinical services."** Patient safety is optimized when pharmacists are able to practice up to their full abilities as medication-use experts serving on interdisciplinary patient-care teams. Pharmacists are experts in medication therapy management – measurably improving patients' medication adherence – *and* measurably reducing medication errors and adverse reactions. But the full use of pharmacists is only possible when they are freed from performing technical tasks that can be performed with equivalent quality by educated, trained, certified, and registered pharmacy technicians. The Rule allows for hospitals and their pharmacy personnel to provide important patient care as part of the interdisciplinary care team by making the best use of scarce resources while protecting the public health.

To achieve the best use of resources and protect the public health, ASHP is committed to the proper education, certification, and registration of technicians, as stated in Policy 0815 "Uniform State Laws and Regulations Regarding Pharmacy Technicians":

"To advocate that pharmacy move toward the following model with respect to technicians as the optimal approach to protecting public health and safety: (1) development and adoption of uniform state laws and regulations regarding pharmacy technicians, (2) mandatory completion of an ASHP-accredited program of education and training as a prerequisite to pharmacy technician certification, and (3) mandatory certification by the Pharmacy Technician Certification Board as a prerequisite to the state board of pharmacy granting the technician permission to engage in the full scope of responsibilities authorized by the state . . .

To advocate that licensed pharmacists be held accountable for the quality of pharmacy services provided and the actions of pharmacy technicians under their charge . . . "

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Moreover, ASHP urges the full, appropriate use of both pharmacists and pharmacy technicians, as stated in Policy 0310 "Technician-Checking-Technician Programs":

"To advocate technician-checking-technician programs (with appropriate quality control measures) in order to permit redirection of pharmacist resources to patient care activities; further, To advocate state board of pharmacy approval of these programs."

The Rule clearly enhances and promotes patient safety through its carefully narrow construction which allows properly trained and supervised pharmacy technicians to practice to their full abilities and validate the work of other technicians under narrowly circumscribed conditions:

- 1) only in **acute care hospital pharmacy practice settings**
- 2) only if the pharmacy technician holds an **Associate's Degree in Pharmacy Technology**
- 3) only under the **hospital pharmacist-manager's supervision** because oversight may not be delegated (re-iterating 21 NCAC 46.1411)
- 4) only for **stocking and prepackaging functions**
- 5) only under **written procedures** which:
  - o Limit the validating by one technician of another technician to 5 enumerated functions
  - o Establish the parameters of pharmacist supervision
  - o Establish facility-specific training
  - o Establish an evaluation and assessment program
  - o Establish a record-keeping system
- 6) a requirement that **only the pharmacist may verify that compounded and admixed drugs** have been correctly prepared
- 7) a **prohibition on the technician performing any act requiring professional judgment** by a pharmacist

ASHP appreciates your long-standing commitment to patient health and safety and leadership on healthcare legislation. We respectfully ask you to reconsider your sponsorship of this bill and to allow the Rule to become effective. If you have any questions regarding this letter, or if we can be of any assistance, please do not hesitate to contact Karen Noonan, Director of State Affairs and Grassroots Advocacy, at [knoonan@ashp.org](mailto:knoonan@ashp.org) (301-664-8687).

Sincerely,



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cc: Fred M. Eckel, M.S., Executive Director, North Carolina Association of Pharmacists