



CODY HORLACHER

STATE REPRESENTATIVE • 33RD ASSEMBLY DISTRICT

(608) 266-5715
Toll-Free: (888) 529-0033
Rep.Horlacher@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

July 29th, 2021

Chairman Sanfelippo and Assembly Health Committee Members,

Thank you for holding a Public Hearing on AB 281 related to the registration of pharmacy technicians.

This legislation was drafted in consultation with the Pharmacy Society of Wisconsin.

Pharmacy technicians are a vital part of the pharmacy team that provides assistance to thousands of Wisconsinites every day. Pharmacy technicians retrieve and transport stock medication, prepackage and label drugs for dispensing, transfer prescriptions to patients, and many other tasks in pharmacies across Wisconsin every day.

We are all aware of the opioid epidemic facing our state and nation. I know that many communities in my district have struggled to contend with this issue and have taken great steps to ensure we continue the fight against this epidemic. This legislation is one piece of the ongoing effort to combat opioid addiction.

AB 281 simply requires the registration of pharmacy technicians. Under current law pharmacy technicians are not required to register with any governing body, including the pharmacy examining board (PEB). This can lead to difficult situations if a technician is found to have diverted medication. We need to ensure that the public is protected and that we can closely monitor those with access to potentially harmful medications.

In the arena of licensing it is often best to start with the type of licensure that is the least restrictive. This bill exemplifies that mindset by utilizing a registration system to identify those acting in these capacities and provide pharmacists, businesses, and the public the peace of mind that comes along with the registration process.

This bill does not change the scope of practice or the entry requirements related to pharmacy technicians. It simply requires that these individuals register with the PEB.

I appreciate your consideration of this bill and I would be happy to answer any questions you may have.

STATE SENATOR KATHY BERNIER
TWENTY-THIRD SENATE DISTRICT



State Capitol • P.O. Box 7882 • Madison, WI 53707
Office: (608) 266-7511 • Toll Free: (888) 437-9436
Sen.Bernier@legis.wi.gov • www.SenatorBernier.com

From: Senator Kathy Bernier
To: Assembly Committee on Health
Re: Testimony on Assembly Bill 281
Relating to: registration of pharmacy technicians, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority. (FE)
Date: July 29, 2021

Thank you, Chairman Sanfelippo and members of the Assembly Committee on Health for holding this public hearing.

Assembly Bill 281 (AB 281) relates to the registration of pharmacy technicians.

Pharmacy technicians play an important role on the pharmacy team by assisting pharmacists every day. This includes the handling of medications, including controlled substances. AB 281 ensures the public is protected by allowing the Pharmacy Examining Board (PEB) to monitor those with access to potentially harmful medications.

Under current law, pharmacy technicians are not required to register with any governing body. This can lead to a public safety issue as it is a risk when a pharmacy technician has been found to have diverted medication and is released from their employer. Because there isn't a tracking system, a pharmacy technician can be hired at another Pharmacy without any record of a violation.

AB 281 doesn't change the scope of practice or the entry requirements to becoming a pharmacy technician. It simply requires these individuals to register with the pharmacy examining board.

In crafting this legislation, we worked closely with the Pharmacy Society of Wisconsin. And the pharmacy technicians that requested a registry system, as it protects the public.

I encourage you to vote for AB 281 as it creates an accountability mechanism for misconduct that presently does not exist, except for background checks.

To: Members, Assembly Committee on Health
From: Shelby Van Engel, CPhT
Region A Director, Technician Section Board
Pharmacy Society of Wisconsin
Date: July 29, 2021
Subject: Support for AB 281 – Pharmacy Technician Registration

Thank you for the opportunity to testify today in support of AB 281. My name is Shelby Van Engel, and I am a certified pharmacy technician and the assistant manager of O'Connell Pharmacy Long Term Care in Sun Prairie. Additionally, I serve as the Region A Director on the Pharmacy Society of Wisconsin's Technician Section Board.

Pharmacy technicians play a crucial role in pharmacy operations, assisting licensed pharmacists in dispensing, compounding, and delivering medications. Pharmacy technicians can also administer vaccines, dispense prescriptions at remote dispensing sites, and provide the final check on prescription product verification. Without pharmacy technicians, pharmacies would struggle to provide high-quality, comprehensive care to patients throughout Wisconsin.

In Wisconsin, pharmacy technicians work under the delegated authority of licensed pharmacists; technicians are not independently licensed or registered. The lack of registration is different from the vast majority of states – 46 states regulate pharmacy technicians through registration or licensure.

Pharmacy technicians have access to and regularly interact with medications in the pharmacy, including controlled substances. Under current law, if a pharmacist violates the pharmacy practice act, the Pharmacy Examining Board (PEB) can revoke, suspend, or limit their license. Suppose a pharmacy technician violates this act through unprofessional or illegal conduct. In that case, the PEB (or any other state entity) has no authority to penalize a technician, as no registration exists. No mechanism prohibits a pharmacy technician from practicing after a violation. If an employer chooses to terminate a technician after a violation, the technician can apply for and be hired elsewhere as a pharmacy technician.

With the opioid epidemic ravaging communities across Wisconsin, many pharmacies have seen employees, both pharmacists and pharmacy technicians, divert medications for illicit purposes. Currently, suppose a pharmacist is found to have diverted drugs. In that case, there is a complaint process via the PEB, and the pharmacist's license can be revoked, suspended, or limited. If a technician is found to have diverted medications, the PEB does not have these options. Therefore, unless a criminal complaint is filed, pharmacies have no mechanism of knowing if a technician has had a diversion incident at a prior place of employment.

While a conviction for a criminal violation relating to pharmacy practice, such as diverting opioids, can be found through a background check, violations of professional conduct that are not criminal are not charged criminally – they are dealt with by

professional boards and state agencies. This is the case for all of our regulated professions, including pharmacists. However, because pharmacy technicians are not regulated, it is not the case. Therefore, there is no legal record of violations of the pharmacy practice act that are not criminally charged but may significantly impact patient care – such as dispensing the wrong drug for a prescription, not providing a patient consultation when required, or improperly storing medications.

This issue is something near and dear to me, as I personally in the early days of my career as a technician experienced a fellow technician attempting to divert a controlled substance. Although the pharmacy handled the situation timely and properly, in this case, there was not enough proof for a criminal case, so termination was the only outcome. Unfortunately, I know the technician went on to be hired elsewhere in the field. Along with, further in my career, I am now experiencing the human resource side of the pharmacy field. I wish there was a registry to hold technicians accountable for their actions, and to be able to refer to as part of my hiring process to protect the integrity of my pharmacy, and the pharmacy technician profession.

To give the Pharmacy Examining Board a mechanism to remove bad actors and better ensure that individuals handling medications, including controlled substances, are held accountable for violations of the pharmacy practice act, we encourage passing AB 281, which would require that all pharmacy technicians be registered with the Pharmacy Examining Board and give them the authority to revoke, suspend, or otherwise limit registrations in the case of a violation.

This legislation does not require pharmacy technicians to be certified and does not create an ongoing continuing education requirement. By registering pharmacy technicians like me, Wisconsin will demonstrate to our patients the critical role of pharmacy technicians while ensuring that those with regular, unsupervised access to controlled substances and medications are being held accountable for their actions.