

Date of Hearing: June 14, 2016

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Rudy Salas, Chair

SB 952(Anderson) – As Introduced February 4, 2016

SENATE VOTE: 39-0

SUBJECT: Pharmacy technicians: licensure requirements

SUMMARY: Expands the number of pharmacy technician certification programs that may be recognized for pharmacy technician licensure by the Board of Pharmacy (Board).

EXISTING LAW:

- 1) Establishes the Board within the Department of Consumer Affairs (DCA) to regulate the practice of pharmacy and to administer and enforce the Pharmacy Law. (Business and Professions Code (BPC) 4000, *et seq.*)
- 2) Defines a pharmacy technician as an individual who assists a pharmacist in a pharmacy in the performance of his or her pharmacy related duties. (BPC Section 4038)
- 3) Authorizes the Board to issue a pharmacy technician license to an individual if he or she is a high school graduate or possesses a general educational development certificate equivalent, and meets any one of the following requirements:
 - a) Has obtained an associate's degree in pharmacy technology;
 - b) Has completed a course of training specified by the Board;
 - c) Has graduated from a school of pharmacy recognized by the Board; or,
 - d) Is certified by the Pharmacy Technician Certification Board (PTCB). (BPC Section 4202)
- 4) Authorizes a pharmacy technician to perform packaging, manipulative, repetitive, or other nondiscretionary tasks only while assisting, and while under the direct supervision and control of, a pharmacist, who is responsible for the duties performed under his or her supervision by a technician and may not supervise more than two pharmacy technicians at any time, except as specified. (BPC Section 4115)
- 5) Requires the Board to ensure that every licensing examination administered by or pursuant to contract with the Board is subject to periodic evaluation. The evaluation must include:
 - a) A description of the occupational analysis (OA) serving as the basis for the examination;
 - b) Sufficient item analysis data to permit a psychometric evaluation of the items;
 - c) An assessment of the appropriateness of prerequisites for admittance to the examination; and,

- d) An estimate of the costs and personnel required to perform these functions. (BPC Section 139)
- 6) The evaluation of licensing examination must be revised whenever, in the judgment of the Board, there is a substantial change in the examination or the prerequisites for admittance to the examination. (BPC Section 139)

THIS BILL:

Permits a pharmacy technician applicant to attain certification at any pharmacy technician certification program approved by the Board and accredited by the National Commission for Certifying Agencies (NCCA).

FISCAL EFFECT: According to the Senate Committee on Appropriations, this bill will result in one-time costs of \$75,000 for the Board to conduct an OA and adopt regulations (Pharmacy Board Contingent Fund).

COMMENTS:

Purpose. This bill would expand the number of pharmacy technician certification programs that could be recognized by the Board for licensing and strike from existing law specific reference to the Pharmacy Technician Certification Board, instead referencing accredited certifying organizations approved by the Board.

According to the author, “[This bill] allows the [Board] to approve any accredited certifying organization and thereby allow that organization to administer a pharmacy technician certification program as a pathway to licensure in California. This will give pharmacy technicians more flexibility in terms of testing locations. In addition, because the [Exam for the Certification of Pharmacy Technicians (ExCPT)] is less expensive, pharmacy technicians will have the benefits of consumer choice. Finally, the bill will eliminate a statutory monopoly and allow a free market for any reputable certifying organizations.”

Background. Under current law, applicants for licensure as a pharmacy technician must have a high-school diploma or general educational development certificate and also meet one of four requirements: 1) possess an associate’s degree in pharmacy technology; 2) have completed a course of training specified by the Board; 3) have graduated from a school of pharmacy; or, 4) be certified by the Pharmacy Technician Certification Board. When the current licensing requirements were adopted, the Pharmacy Technician Certification Board was the only national certification program. Today, the National Healthcareer Association also offers certification for pharmacy technicians.

Office of Professional Examination Services (OPES). Licensing boards and bureaus in this state are required to ensure that national examination programs selected for use in the licensure process comply with psychometric and legal standards. The Board requested that OPES review the PTCE and the ExCPT to determine whether to include the ExCPT as a route to certification. According to the OPES, the Texas Board of Pharmacy conducted a similar review to assess the state’s professional guidelines and technical standards. This review included: 1) occupational analyses; 2) examination development; 3) passing scores; 4) test administration; 5) examination performance; and, 6) test security procedures.

When the OPES requested a copy of this review, the OPES determined that both exams met the professional guidelines and technical standards outlined in the Standards for Educational and Psychological Testing and BPC Section 139. However, upon further review of the examinations by a panel of subject matter experts (SMEs), i.e. pharmacists and pharmacy technicians, questions were raised about using these examinations as a route to certification in California. The range of skills used by pharmacy technicians can vary greatly by location and practice setting. Although the ExCPT covered a broader range of retail and hospital setting responsibilities, PTCE covered more in-patient skills. As a result, neither panel could recommend either exam without condition.

OPES recommended that the Board commission an OA so that either or both examinations could be recommended. The Board has indicated that it intends to do an OA to evaluate the ExCPT, but argues that each OA is costly. The Board also argues that the cost of an occupational analysis and updates to the Board's regulations, as estimated by the Senate Committee on Appropriations, would take several years to recoup.

Current Related Legislation. SB 1193 (Hill) of the current Legislative Session extends the sunset date for the Board and is executive officer until 2021. *STATUS: This bill will be heard in the Assembly Committee on Business and Professions on June 28, 2016.*

ARGUMENTS IN SUPPORT:

The National Healthcareer Association writes in support, "NHA has been working diligently to give pharmacy technicians in California a choice of which exam to take in order to obtain their license. The ExCPT is a less expensive but more thorough exam.... In addition, because NHA contracts with a different testing facility than PTCB, passage of [this bill] would effectively double the number of testing locations in California, thereby making it easier for applicants to access the exam facilities most convenient to their homes or workplaces. SB 952 will allow greater access and opportunity for pharmacy technicians to obtain licensure in California, and will give them a much needed choice in terms of vendors. Moreover, [this bill] would open up competition to any other vendors that meet with Board approval."

The National Association of Chain Drug Stores (NACDS) and the California Retailers Association (CRA) write in support, "NACDS and CRA members support efforts to allow alternative training programs. [This bill] would allow for flexible and alternative pathways to becoming a pharmacy technician. We encourage legislators to expand the options for technicians to meet the certification requirements by completing a program accredited by the [NCCA]."

The California Council for the Advancement of Pharmacy writes in support, "...[the Board's] Licensing Committee acknowledged that based upon an extensive review by the states [OPES] that the PTCB exam, and the exam given by the National Healthcare Association (ExCPT) are equivalent in testing of knowledge and skill levels for pharmacy technicians. CCAP contends that competition amongst the examination organizations will keep them focused, innovative and foster the best all-around examination."

The California State Board of Pharmacy writes in support, "... [this bill] would specify that an individual may be certified by a pharmacy technician certifying organization offering a pharmacy technician certification program that is accredited by the [NCCA] and that is approved by the Board."

IMPLEMENTATION ISSUE(S):

This bill strikes references to a single offering of an examination and existing law requires an OA of every examination required. As such, the Board already has authority to conduct the OA and any examination it offers. Therefore, as previously stated in the Senate Committee on Business, Professions, and Economic Development analysis, the Board should conduct an OA, or work with potential examination vendors to conduct the OA, before it accepts any new examinations as a path towards certification.

REGISTERED SUPPORT:

National Healthcareer Association (sponsor)
National Association of Chain Drug Stores
California Council for the Advancement of Pharmacy
California Retailers Association
California State Board of Pharmacy

REGISTERED OPPOSITION:

None on file.

Analysis Prepared by: Gabby Nepomuceno / B. & P. / (916) 319-3301