

June 13, 2019

Colorado State Board of Pharmacy
1560 Broadway, Suite 1350
Denver, CO 80202

Submitted via email: dora_dpo_rulemaking@state.co.us

Re: Proposed New Rule 29.00.30 Certification Requirements for Pharmacy Technicians

On behalf of our members operating chain pharmacies in the state of Colorado, the National Association of Chain Drug Stores (“NACDS”) appreciates the opportunity to provide feedback to the Colorado State Board of Pharmacy (“Board”) on the proposed new rule for pharmacy technicians that will be considered at the June 17, 2019 Stakeholder Meeting. We appreciate the Board considering our input on this matter.

Upon review of the proposed new Rule 29.00.30, NACDS members ask the Board for clarification on the following issues:

- As the Board is likely to need time to process applications, we urge the Board to allow a 60-day window from the date that a pharmacy technician first starts work in a pharmacy for that individual’s Technician Certification application to be submitted and processed/approved by the Board/DORA.
- Notably, the proposed new Rule makes reference to, but does not define, a “non-provisional certification” or “provisional certification.” Although this term is explained in statute under CRS 12-280-115.5 (3)(a), we encourage the Board to define these terms in this rulemaking (similar to and consistent with how the Board has defined the terms “intern” and “pharmacist” in Rule 4.00.10.)
- As the rule language is silent on what constitutes proof of a criminal history check, we encourage the Board to clarify that this can be provided as an attestation from the applicant’s employer that the individual has satisfactorily passed a criminal background check.

Regarding the proposed revisions to Rule 2.01.50:

- The proposed revision to Rule 2.01.50(b) is unclear with respect to whether a technician may transfer a prescription to another technician, or whether a technician may transfer to an intern, or whether an intern may transfer to another intern? Previously, an intern was not permitted to transfer to another intern; they could only transfer to a pharmacist. We ask the Board to clarify these scenarios under this rule provision.

In addition to the above points, we ask the Board to provide clarification on the following issues relating to process:

- Will the board grant any kind of grace period if it has been unable to process all Technician Certification applications by the March 30, 2020 deadline?
- How much will the “prescribed fee” be for a provisional or non-provisional certification for pharmacy technicians?
- Will the board assign a separate certification number for a provisional certification and a full technician certification? (This information is helpful for employers to know, as it impacts their credentialing and access systems.)
- Is the Board able to share the expected timeline for when information will be made available regarding the process and availability of applications? Pharmacies need adequate time for thousands of already working pharmacy technicians to submit their applications for Board approval by March 30, 2020 statutory deadline.

NACDS thanks the Board for considering our feedback on the proposed new rule. Please do not hesitate to contact me via email mstaples@nacds.org, or by phone 817-442-1155, if I can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Mary Staples". The signature is written in a cursive, flowing style.

Mary Staples
Regional Director, State Government Affairs

cc: Angie Howes, Colorado Retail Council