



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Board of Pharmacy, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation</b>	18VAC110-20-10 et seq.
<b>Regulation title</b>	Regulations Governing the Practice of Pharmacy
<b>Action title</b>	Cite correction and conforming language to Code
<b>Final agency action date</b>	9/2/09
<b>Document preparation date</b>	9/3/09

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Board of Pharmacy has amended its regulations relating approval of providers of continuing education for pharmacy technicians. As board staff prepared amended regulations that became final on September 2, 2009 for posting and distribution, an error in section 106 was noted. An amendment to subsection B changed the regulation cited from 18VAC110-20-90 to 18VAC110-20-100. The intent was to reference both sections 90 and 100 to specify that approved continuing education programs must either have approval from the American Council on Pharmaceutical Education (ACPE) – referenced in section 90 or be approved by the Board of Pharmacy – referenced in section 100.

To correct the error, subsection B is amended to reinsert reference to 18VAC110-20-90.

Additionally, the amended language in section 270 B states that pharmacist shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees he can safely and competency supervise at one time. However, § 54.1-3320 of the Code of Virginia adds that a pharmacist shall only supervise four persons acting as pharmacy technicians at one time. That additional language needs to be added to section 270 in regulation to avoid confusion and non-compliance among licensees.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On September 2, 2009, the Board of Pharmacy acted to amend its regulations in Chapter 20 *Regulations Governing the Practice of Pharmacy* to correct an error in a regulation citation in section 106 and to conform requirements for supervision of pharmacy technicians to § 54.1-3320 in the Code.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This action has no impact on the institution of the family and family stability.