

PUBLIC MEETING NOTICE

Pharmacy Technician Trainee Interagency Work Group Meeting

April 26, 2023 at 10:00 a.m.

IN PERSON AND VIRTUAL PUBLIC MEETING

In person location: Libbie Mill Public Library, 100 Libbie Lake East Street, Henrico, Virginia 23230

Virtual Access:

Microsoft Teams meeting

Click to register and join: <https://bit.ly/41C1inV>

Meeting ID: 273 136 826 511

Passcode: DqGwxD

Or call in (audio only)

[+1 434-230-0065](tel:+14342300065).,270344899# United States, Lynchburg

Phone Conference ID: 270 344 899#



Public Meeting

Opportunity for Public Comment on Specific Concerns Regarding:

- The American Society of Health-System Pharmacists/Accreditation Council for Pharmacy Education (ASHP/ACPE) Requirement that Pharmacy Technician Trainees Complete Clinical Experience Work Totalling 130 Hours in a Participating Pharmacy
- Virginia Department of Labor and Industry (DOLI), [Va. Code § 40.1-100.A.4](#), Prohibits Any Child Under the Age of 18 to Work in Any Capacity in Preparing Any Composition in Which Dangerous or Poisonous Chemicals Are Used (e.g., Compounding Certain Dangerous or Poisonous Prescription Drugs) Unless the Child is Working Pursuant to a Signed DOLI Work-Training Program Agreement pursuant to [Va. Code § 40.1-89](#).
- DOLI's current Pharmacy Technician Trainee Student Work-Training Program Written Agreement entered into with the student, parent, school and pharmacy clinical location sites. *(See current working draft of written agreement below)*

If you wish to make an Oral Public Comment either, in person or virtually, you must follow the instructions below:

- Oral public comments will be received from those persons who have submitted an email to **Princy.Doss@doli.virginia.gov** no later than **12:00 PM (NOON)** on **April 25, 2023**, indicating that they wish to offer **either in person or electronic oral comments**. Comments may be offered by these individuals when their name is announced by Ms. Doss. Oral comments will be **restricted to 3 minutes** each.

- **For oral comments received electronically:**
 - When registering on Microsoft Teams, the person **must provide their full name, email and organization (if any)** upon entering the meeting. Failure to follow these specific registration instructions will restrict your ability to participate with oral remarks.
 - If you wish to make an oral comment and will be utilizing the “audio only” option to witness the hearing, ***you must provide the phone number you will be calling in from in your email to Ms. Doss*** so that the administrator will know whom to unmute at the appropriate time.
 - Other important information:
 - All parties will be muted until Ms. Doss announces the name of the person who is next to provide an oral comment.
 - All public participation connections will be muted following the public comment periods.
 - Please login from a location without background noise.

If you wish to submit a Written Public Comment, you must follow the instructions below:

- • Written comments can be submitted by sending an email to Princy.Doss@doli.virginia.gov no later than **12:00 (NOON) on April 25, 2023**.

Pharmacy Technician Student Work-Training Program Written Agreement

This Student Work-Training Program Written Agreement (Agreement) shall serve notice that the below named student is certified to participate in a Pharmacy Technician I or II Clinical Experience at the referenced Pharmacy in accordance with the Virginia Department of Education (VDOE) Career and Technical Education (CTE) guidelines and Va. Code § 40.1-89:

Student Name _____

High School Name _____

Pharmacy Name _____

Va. Code § 40.1-100.A.4 prohibits children from “preparing any composition in which dangerous or poisonous chemicals are used.” Subject to the chemical makeup and characteristics of the specific prescription drug(s) involved, DOLI interprets prescriptions drugs classified as controlled substances in Schedules II-VI to contain dangerous or poisonous chemicals. No child sixteen or seventeen years of age may be employed in occupations deemed hazardous under Va. Code § 40.1-100 or regulations promulgated thereunder unless done as part of a work-training program pursuant to a written agreement with DOLI, Va. Code § 40.1-89.

This written agreement provides protections for participating students outlined below but may be revoked by DOLI at any time that it shall appear that reasonable precautions for the safety of such child have not been observed. Va. Code § 40.1-89.

Requirements

Students must be at least 16 years old to participate.

This minor's work shall:

- (1) be incidental to the student's training, shall be intermittent and for short periods of time and shall be under the direct and close supervision of a competent and experienced person;
- (2) include safety instruction given by the school and be correlated with on-the-job training given by the employer; and
- (3) based on a written schedule of organized and progressive work processes to be performed.

Copies of this agreement shall be retained by the school and the pharmacy at their respective worksites, and a copy shall be filed with DOLI. DOLI will provide the option of implementing this agreement through DocuSign.

Student Specific Responsibilities

Criminal background checks of Pharmacy Technician I and II students are required prior to working in a pharmacy. A [Juvenile Records Request](#) submitted by the parent/guardian of the student through the Virginia Department of Juvenile Justice (VDJJ) will be deemed to meet this requirement. *THE JUVENILE RECORDS REQUEST PROCESS IS FREE.* Students shall complete the background check within the 90-day period immediately prior to the student's initial Clinical Experience placement. The process will be repeated if the student changes pharmacies. It shall be the student's responsibility to make timely arrangements for the background check. The results of the request will be provided to the school prior to the student's placement.

Pharmacy Specific Responsibilities

- (1) The pharmacy shall prohibit Clinical Experience job tasks involving direct handling of unpackaged [Schedule II](#) prescription drugs assigned to 16 and 17 year old Pharmacy Technician II students. Pharmacy Technician I students shall not engage in the direct handling of unpackaged Schedule II prescription drugs.
- (2) The pharmacy shall adhere to the Requirements section above.
- (3) The pharmacy shall notify within three business days of the pharmacy's receipt of board action the Program Director and CTE Administrator if the license of a pharmacist, registration of a pharmacy technician practicing at the pharmacy, or permit of the pharmacy is put on probation, suspended, or revoked. **[DOLI PROPOSES SWITCHING THIS NOTIFICATION REQUIREMENT TO DHP TO NOTIFY EITHER VDOE OR DOLI. THIS DHP REQUIREMENT WOULD HAVE TO BE IMPLEMENTED THROUGH A MEMORANDUM OF AGREEMENT BETWEEN THE AGENCIES]**

School Specific Responsibilities

- (1) The school shall prohibit Clinical Experience job tasks involving direct handling of unpackaged [Schedule II](#) prescription drugs assigned to 16 and 17 year old Pharmacy Technician II students. Pharmacy Technician I students shall not engage in the direct handling of unpackaged Schedule II prescription drugs.
- (2) Direct and close supervision of the student during the Clinical Experience will be provided by the school division supervisor, or a pharmacy designated licensed pharmacist or registered pharmacy technician to comply with Va. Code § 40.1-89.
- (3) Criminal background checks of Pharmacy Technician I and II students are required prior to working in a pharmacy. A [Juvenile Records Request](#) submitted by the parent/guardian of the student through the VDJJ will be deemed to meet this requirement. *THE JUVENILE RECORDS REQUEST PROCESS IS FREE.* The school shall notify students of this requirement prior to enrollment in the program or if already enrolled, as soon as possible thereafter. Students will be informed by the school that the check must be completed within the 90-day period immediately prior to the student's initial clinical placement. The process will be repeated if the student changes pharmacies. The results of the request will be provided to the school prior to the student's Clinical Experience placement.
- (4) The school shall inform the Program Director and CTE Administrator of any Pharmacy Technician I or II student, age 16 or 17, who has committed any criminal conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid. Reference: Va. Code § 22.1-279.3:1. The school shall immediately remove any student from Clinical Experience at the pharmacy for any above-described felonious conduct. After consultation with the Program Director and CTE Administrator, the school shall remove any student from Clinical Experience for any above-described misdemeanor conduct if such conduct raises questions regarding the student's suitability for continued Clinical Experience within the pharmacy.
- (5) Prior to permitting a 16 or 17 year old Pharmacy Technician II student to participate in a Clinical Experience (and on a quarterly basis thereafter), the school shall check the Virginia Department of Health Professionals (DHP) [License Lookup](#) webpage for the prior three calendar years of licensing, inspection, violation and penalty history of the host pharmacy, pharmacist(s) and pharmacy technician(s) for significant violations of Board of Pharmacy regulations; and license probations, suspensions or revocations. A record of the searches shall be maintained for a

period of three years. "Significant violations of Board of Pharmacy regulations" may include, but is not limited to, instances of drug diversion, drug theft, the appearance of a pattern of behavior indicative of systemic problems with inventory control, etc.

Should the check of DHP's License Lookup prior to student placement result in the identification of significant violations, license, registration, or permit probations, suspensions or revocations, the school division shall assess whether the pharmacy meets the high operational and ethical standards necessary to warrant inclusion in the Clinical Experience. The assessment shall be in writing and provided to DOLI, the student and the student's parent/guardian prior to the student being allowed to start a Clinical Experience at the pharmacy. Notifications to DOLI shall be sent to:

Assistant Director
Division of Labor and Employment Law
Virginia Department of Labor and Industry
North Run Business Park
1570 East Parham Road Richmond, Virginia 23228

If the above assessment does not result in the initial placement of the student in a Clinical Experience with the subject pharmacy, no notification to the student, the student's parent/guardian or DOLI is required.

Assessment: Should a quarterly check of DHP's License Lookup result in the identification of significant violations, license, registration or permit probations, suspensions or revocations, the school division shall immediately remove the student from the Clinical Experience at the pharmacy and assess whether the pharmacy meets the high operational and ethical standards necessary to warrant inclusion in the Clinical Experience. The assessment shall be in writing and provided to DOLI, the student and the student's parent/guardian prior to the student being allowed to return to a Clinical Experience at the pharmacy. Notification to DOLI shall be sent to the contact information referenced above.

- (6) Should the school discover or [DHP OR DOLI] notify the Program Director and CTE Administrator of any of the following situations, the school shall immediately remove the student from the Clinical Experience at the pharmacy and conduct an assessment in accordance with the procedures outlined in (5) above:
- that the license of a pharmacist, registration of a pharmacy technician practicing at the pharmacy, or permit of a pharmacy is on probation, suspended or revoked
 - that the final results of DHP inspection(s) (including any violations issued, penalties assessed and the terms of any consent orders) indicate the presence of significant violations
 - drug diversions or drug thefts
- (7) Written records of safety and health instruction provided to the student by the school shall be maintained and be made immediately available to DOLI upon request.

STUDENT

Date of Birth_____

Name_____

Date_____

Signature_____

Pharmacy Technician Trainee License Number_____

Address_____

Phone_____

Email_____

PARENT/GUARDIAN

Date_____

Name_____

Signature_____

Address_____

Phone_____

Email_____

SCHOOL PROGRAM DIRECTOR

Date_____

Name_____

Signature_____

Pharmacy Technician/Pharmacist License Number _____ School _____
Address _____
Phone _____ Email _____

LICENSED PHARMACIST, NATIONALLY CERTIFIED PHARMACY TECHNICIAN OR PHARMACY DISTRICT LEADERSHIP

Date _____
Name _____ Signature _____
License Number (*optional only for district leadership*) _____ Pharmacy _____
Permit Number _____ Pharmacy _____
Address _____
Phone _____ Email _____

SPECIAL USE: FOR OFFSITE PERSON SIGNING ON BEHALF OF A PHARMACY/PHARMACY GROUP

If you are signing the VDOE-DOLI work training program agreement on behalf of a pharmacy or pharmacy group, you are required to provide the information for the licensed pharmacist or nationally certified pharmacy technician who would be directly or closely supervising each student.

Name _____
License Number _____
Pharmacy Permit Number _____
Pharmacy Address _____
Pharmacy Phone _____ Pharmacy Email _____