

DIRECTOR'S REPORT ON THE PROPOSAL TO REGISTER PHARMACY TECHNICIANS

**From: Joann Schaefer, M.D., Chief Medical Officer
Director, HHS Regulation and Licensure**

**To: The Speaker of the Nebraska Legislature
The Chairperson of the Executive Board of the Legislature
The Chairperson and Members of the Legislative Health and Human Services
Committee**

Date: December 30, 2005

Introduction

The Regulation of Health Professions Act provides for an administrative process to review and present to the Nebraska Legislature recommendations regarding change in scope of practice of licensed health care professionals and the establishment of new credentialing for currently unregulated professions. This process (as defined in Neb. Rev. Stat., Section 71-6201, et. Seq.) is commonly referred to as a credentialing review. The Department of Health and Human Services Regulation and Licensure administers the Act. As Director of this Department, I am presenting this report under the authority of this Act.

Description of the Applicant Group and Summary of the Applicants' Proposal

The applicant group is the Nebraska State Board of Pharmacy. The proposal would require that all persons who work as pharmacy technicians in Nebraska be placed on a registry, and that only those technicians who are in good standing on this registry be allowed to continue to practice this profession.

Summary of Technical Committee and Board of Health Recommendations

The technical committee recommended in favor of the proposal, citing concerns about the need to protect the public from harm associated with practitioners who are inclined toward drug diversion and drug abuse. The Board of Health recommended in favor of the proposal.

Recommendations of the Director on the Proposal Using the Four Criteria

The **first criterion** asks whether there is harm or potential for harm inherent in the current practice situation of the profession under review. I find that there is potential for harm inherent in the current unregulated practice situation of pharmacy technicians. Currently, there is no way for the state to discipline those practitioners who have engaged in drug abuse or drug diversion, nor is there a way to track the members of this profession. A registry would be quite beneficial in addressing these shortcomings.

The **second criterion** asks whether the proposal would be likely to create significant new harm to the public health and welfare that would cancel out any benefits that the public might attain from the proposal. I find that the proposal satisfies this criterion. The cost of establishing and maintaining the registry is the only concern that this proposal raises, and the fees generated by the registry should cover a large portion of these costs.

The **third criterion** asks whether the proposal would create significant benefit to the public health and welfare. There would be benefit to the public from this proposal in that it would provide for more control over the practice of pharmacy technicians, and provide for tracking of practitioners, including documentation of any previous offenses. The benefits of creating a registry far outweigh the costs associated with creating and maintaining it.

The **fourth criterion** asks whether the proposal would be the most cost-effective means of addressing the problems identified with the current practice situation. I find that the proposal satisfies this criterion. I can see no more cost-effective means of addressing the problems associated with drug diversion by some pharmacy technicians other than the applicants' proposal.

Based upon these actions on the four criteria, I recommend approval of this proposal, and will support the efforts of the applicant group, the Board of Pharmacy, to advance the proposal in the legislature. I also recommend that the legislative version of the proposal include a mandatory reporting provision.

Discussion on the Recommendations

This proposal would close a gap in the current regulatory situation of pharmacies and pharmacy services in our state. Neighboring states such as Iowa, Kansas, and Missouri have already passed laws pertinent to pharmacy technicians, and it is time for our state to take action to protect the public in this area of care as well.