Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:
Licensing and Regulatory Affairs

2. Bureau:
Bureau of Professional Licensing

3. Promulgation type:
Full Process

4. Title of proposed rule set:
Pharmacy Technicians

5. Rule numbers or rule set range of numbers:
R 338.3651 – R 338.3665

6. Estimated time frame:
12 months

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The purpose of the Board of Pharmacy - Pharmacy Technicians Rules is to regulate the prelicensure programs, examinations, licensure, licensure renewal, relicensure, continuing education, and delegation of activities and functions for pharmacy technicians. The proposed rules are intended to: address the shortage of pharmacy technicians; add a minimum examination passing score; clarify the licensure requirements; clarify the requirements for licensure by endorsement; clarify the requirements for a temporary license; review the date of program accreditation; add a process for rescinding approval of an examination or program; clarify the requirements for relicensure and add relicensure requirements for individuals licensed in another state; clarify the continuing education requirements; modify the process for review of continuing education for consistency with the pharmacist continuing education review process; delete the reference to American Society of Health-System Pharmacists (ASHP) when used to refer to continuing education; and clarify and broaden the activities and functions that may be delegated to a pharmacy technician's scope of practice.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

MCL 333.16145 authorizes the Board to promulgate rules necessary or appropriate to fulfill its functions as prescribed in the Article 15 of the Public Health Code (Code).

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 333.16145, 333.16148, 333.16184, 333.16186, 333.16201, 333.16204, 333.16205, 333.16215, 333.16287, 333.17731, 333.17739, 333.17739a, 333.17739b, and 333.17739c, and Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011; and Executive Reorganization Order No. 2011-4, MCL 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Yes, the Department in consultation with the Board is required to promulgate rules as follows: to include training standards for identifying victims of human trafficking, pursuant to MCL 333.16148; to complete continuing education (CE) hours in pain and symptom management for an applicant for licensure renewal, pursuant to MCL 333.16204 and MCL 333.17731; and to implement sections 16284 and 18285 of the Code, regarding telehealth, pursuant to MCL 333.16287.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

Each state establishes its own requirements with respect to pharmacy technicians. The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No. The subject matter of these rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The Department will work with various associations, educational institutions, pharmacy related businesses, and lobbyists in preparing the proposed rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were promulgated in 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No, there are no changes or developments since implementation of the rules that demonstrate there is no continued need for the rules, or any portion of the rules.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

Yes