

PROSPECTIVE ANALYSIS

BOARD OF PHARMACY

IDAPA 24.36.01

RULE 301.04

Proposed Rule:

Verification of Dispensing Accuracy. Verification of dispensing accuracy must be performed to compare the drug stock selected to the drug prescribed. If not performed by a pharmacist or prescriber, an electronic verification system must be used that confirms the drug stock selected to fill the prescription is the same as indicated on the prescription label.

Current Rule:

Verification of Dispensing Accuracy. Verification of dispensing accuracy must be performed to compare the drug stock selected to the drug prescribed. If not performed by a pharmacist or prescriber, an electronic verification system must be used that confirms the drug stock selected to fill the prescription is the same as indicated on the prescription label. A compounded drug may only be verified by a pharmacist or prescriber.

Legal Authority: Idaho Code § 54-1719 – mandatory (must specify minimum professional procedures for compounding).

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

Pharmacy technicians in Idaho may generally complete accuracy verification for drugs before they are dispensed to patients, but they are prevented from completing the verification for compounded substances. There is no evidenced-based reason to continue to prohibit trained and skilled technicians from doing this.

What evidence is there that the rule, as proposed, will solve the problem?

Adoption of this rule will allow pharmacy technicians to complete all accuracy verifications.

Federal Law Comparison (where applicable)

| Summary of Law (include direct link) | How is the proposed Idaho rule more stringent? (if applicable) |
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| N/A | N/A |

State Law Comparison

| State | Summary of Law (include direct link) | How is the proposed Idaho rule more stringent? (if applicable) |
|----------------|--|--|
| Alaska | <p>A nationally certified pharmacy technician may perform the final check of and distribute compounded drugs if:</p> <ol style="list-style-type: none"> 1. the prescription drug order previously underwent a drug regimen review by a pharmacist; 2. the pharmacy uses a barcode scanning verification system to ensure product accuracy; 3. the pharmacy uses software that displays an image or graphical description of the product being distributed; and 4. each prescription distributed is electronically verified with the date and quantity documented in the patient record. <p>Pharmacy technicians are restricted from verifying compounded drugs that use controlled substances.</p> <p>12 Alaska Admin. Code § 52.235: https://casetext.com/regulation/alaska-administrative-code/title-12-professional-regulations/part-1-boards-and-commissions-subject-to-centralized-licensing/chapter-52-board-of-pharmacy/article-2-personnel/section-12-aac-52235-pharmacy-technician-with-national-certification</p> | N/A |
| Montana | <p>Institutional pharmacies within hospitals are allowed to participate in tech check tech programs if the pharmacy included TCT as a tech duty; has a site-specific training program with a single pharmacist designated to meet program training and validation</p> | N/A |

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| | <p>requirements; has adequate staffing; have a system that provides for pharmacist review and description verification.</p> <p>The tech must either be a pharmacy intern in good standing with 3 months of experience; a certified pharmacy tech in good standing with 6 months of experience; or complete the site-specific TCT training program.</p> <p>Admin. Rules of Montana 24.174.715: https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E174%2E715</p> | |
| Nevada | <p>Not permitted.</p> <p>Nevada Admin. Code 639.245: https://www.leg.state.nv.us/nac/NAC-639.html</p> | N/A |
| Oregon | <p>A pharmacist may delegate final verification to a tech so long as final verification does not require the exercise of discretion by the pharmacy tech.</p> <p>Oregon Rev. Statutes, chapter 689; HB 4034, chpt. 45, § 24, effective March 23, 2022. https://www.oregon.gov/pharmacy/Documents/OBOP_Laws_Rules_as_of_3.1.2023.pdf</p> | N/A |
| South Dakota | <p>Not permitted.</p> <p>South Dakota Admin. Rules 20:51:29:22: https://sdlegislature.gov/Rules/Administrative/20:51:29:22</p> | N/A |
| Utah | <p>In the hospital setting a tech with at least 1 year of experience and at least 6 months working in the current hospital may perform checks of meds prepared for distribution by other techs, so long as checking the steps in the distribution process does not require the professional judgement of a registered pharmacist and sufficient automation or technology is present to ensure accuracy. And the hospital must have a training program.</p> <p>Utah Admin. Code 156-17b-601</p> | N/A |

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| | https://casetext.com/regulation/utah-administrative-code/commerce/title-r156-professional-licensing/rule-r156-17b-pharmacy-practice-act-rule/section-r156-17b-601-operating-standards-pharmacy-technician-and-pharmacy-technician-trainee | |
| Washington | After a pharmacist has verified a prescription, a pharmacy tech may check unit-dose medication cassettes filled by another pharmacist, pharmacy tech, or pharmacy intern. No more than a 48-hour supply of drugs may be included in the patient medication cassettes. WAC 246-945-317. https://apps.leg.wa.gov/wac/default.aspx?cite=246-945-317 | N/A |
| Wyoming | Not permitted. Wyoming Code of Rules, chpt. 10, § 10. https://regulations.justia.com/states/wyoming/agency-059/sub-agency-0002/chapter-10/ | N/A |

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A. The proposed rule will not impose more stringent requirements on Idaho practitioners compared to surrounding states.

Anticipated impact of the proposed rule on various stakeholders:

| Category | Potential Impact |
|--|---|
| Fiscal impact to the state General Fund, any dedicated fund, or federal fund | The proposed rule is not expected to have any fiscal impact. |
| Impact to Idaho businesses, with special consideration for small businesses | The proposed rule removes a regulatory hurdle for hospitals and other healthcare facilities that prescribe, administer, or dispense compounded medications. |
| Impact to any local government in Idaho | The proposed rule is not expected to have any impact on local governments in Idaho. |