

**NOTICE OF AGENCY RULEMAKING  
ADOPTION**

**of**

**BOARD RULE CHAPTER 7  
LICENSURE AND EMPLOYMENT OF PHARMACY TECHNICIANS  
As amended w/underline and strikeouts**

**Summary**

**Board Rule Chapter 7 is amended in accordance with Public Law 2023 Chapter 245 by setting standards by which a pharmacy technician may qualify to be certified to administer vaccines.**

**EFFECTIVE DATE:  
January 1, 2025**

**Please allow time for the Maine Secretary of State's (SOS) to update the Board's rules. You're welcome to periodically check the SOS website for updates from the Board of Pharmacy website –**

**<https://www.maine.gov/pfr/professionallicensing/professions/board-pharmacy/home/laws-rules>**

**In the interim, the following is provided for your convenience. The underscore denotes what is being added and strikeouts for deletions.**

**Lastly, work is underway to implement these rules and update applications and online applications. At this time a fee for the certificate of administration of vaccines by a pharmacy technician is not being accessed pending a separate rulemaking event by the Office of Professional and Occupational Regulations to set the fee.**

**Chapter 7:    LICENSURE AND EMPLOYMENT OF PHARMACY TECHNICIANS**

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**Summary:** This chapter sets forth the qualifications, permissible duties and supervision responsibilities of the pharmacist in charge or pharmacists on duty with respect to licensed pharmacy technicians.

**1-A.    License Requirement**

No person other than a pharmacist or pharmacy intern may perform any of the following duties unless such other person holds a valid pharmacy technician license from the board:

1.        Acceptance of an original or renewal prescription drug order;
2.        Receipt of a transferred prescription for a noncontrolled drug pursuant to Chapter 19, Section 8(2) of the board's rules;
3.        Prescription data entry;
4.        Prescription drug selection from inventory; or
5.        Counting, packaging and labeling of prescription drugs for delivery.

The assignment of any of the above duties to a pharmacy technician lies within the discretion of the pharmacist on duty.

**1.        Pharmacy Technician Licensure**

**1.        Application**

The pharmacy technician shall complete the application supplied by the board and provide such other information as the board may require, along with the fee required by Chapter 10 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled "Establishment of License Fees." Applications will not be considered for approval until they are complete. Applications that remain incomplete for more than 60 days will be discarded.

## **2. Qualifications**

The applicant shall supply verification of licensure or registration for all states in which the applicant has at any time held any type of professional or occupational license. The board may refuse to register and may refuse to renew the registration of an applicant:

- A. Whose pharmacy technician license or registration has been denied, revoked, suspended or restricted in any jurisdiction for disciplinary reasons; or
- B. Who has been convicted of a crime involving alcohol or drugs. This restriction is subject to consideration and waiver by the board upon presentation of satisfactory evidence that the conviction does not impair the ability of the person to conduct, with safety to the public, the duties of a pharmacy technician.

[NOTE: The effect of a criminal conviction on an applicant's eligibility for licensure is governed generally by the Occupational License Disqualification on Basis of Criminal Record law, 5 MRSA §5301 *et seq.*]

3. [deleted]

## **4. Term of License**

~~The All pharmacy technician licenses term is 1 year~~ expire on December 31.  
Licenses may be renewed annually upon completion of a renewal application form supplied by the board and payment of the prescribed fee. No applicant may commence training or employment as a pharmacy technician until the license has been issued by the board.

## **5. Notice of Change of Work Site or Contact Address**

A pharmacy technician shall notify the board of a change in work site, cessation of employment as a pharmacy technician or a change of contact address via letter, fax or email within 10 days after the change.

## **2. Training**

A pharmacy that employs a pharmacy technician shall develop or deploy a training program for pharmacy technicians employed at that pharmacy. The pharmacy shall keep a copy of the training program on site at all times and shall furnish the training program to the board upon inspection or upon request. The pharmacist in charge or other Maine-licensed pharmacist designated by the pharmacy shall train each pharmacy technician in accordance with the pharmacy's training program or shall ensure that each pharmacy technician

satisfactorily completes the training program offered by the pharmacy. The training program shall accommodate the needs of the individual technician being trained.

The training program shall include specific instruction relating to the limited scope of practice of a pharmacy technician and shall clearly delineate functions that may only be performed by a pharmacist and may not be performed by a pharmacy technician.

3. [deleted]

### **3-A. Pharmacy Technician Certification to Administer Vaccines**

Pursuant to the authorization to administer vaccines and requirements under 32 M.R.S. § 13831, sub-§6, the following also apply:

#### **1. Application**

A pharmacy technician shall complete the application supplied by the board and provide such other information as the board may require, along with the fee required by Chapter 10 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled "Establishment of License Fees." Applications will not be considered for approval until they are complete. Applications that remain incomplete for more than 60 days will be voided.

**2. License Required.** In order to qualify for certification from the board to administer vaccines, an individual must hold a valid, current and unrestricted pharmacy technician license issued by the board.

**3. Certification Term.** All certifications to administer vaccines expire on December 31. Certifications may be renewed annually upon completion of a renewal application form supplied by the board and payment of the prescribed fee. No applicant may commence administering vaccines as a pharmacy technician until the certification of administration has been issued by the board.

**4. Training.** An applicant must provide proof of completion of six (6) hours in an ACPE-approved vaccine-related training consistent with 32 M.R.S. § 13831(6)(D).

**5. Vaccine Administration Requirements.** In addition to following the pharmacy's vaccine protocols, a pharmacy technician who engages in the administration of authorized vaccines shall, at a minimum, comply with the following:

A. Shall not administer any vaccine until the pharmacist has verified the vaccine is correct in all respects for administration to the patient;

B. Prior to administering the vaccine to the patient, the pharmacy technician shall give each patient or the patient's legal representative the

appropriate vaccine information for the vaccine to be administered. The pharmacy technician shall review with the patient or patient's legal representative the portions of the statement describing the risks of the vaccine and what to look for and what to do in the event of a severe reaction. Questions from the patient or patient's legal representative that are beyond a routine review of the statement describing the risks of the vaccine shall be directed to a licensed pharmacist for patient counseling;

C. After providing the vaccine information, but prior to administration, the pharmacy technician who holds a certificate of administration shall obtain in writing the informed consent of the patient or the patient's legal representative to administration of the vaccine and to emergency administration of epinephrine, diphenhydramine or both by the pharmacist if the patient has an adverse reaction to the vaccine administered. A pharmacy technician shall seek review of the informed consent by the pharmacist if the patient has indicated any reason they may be ineligible for the vaccine requested;

D. Alert the pharmacist on duty immediately in the event of any of the following:

- a. Potential adverse reactions;
- b. Potential anaphylactic reactions; or
- c. Accidental needle sticks.

E. Understand the proper procedures and course of action to handle and dispose of used or contaminated equipment and supplies; and

F. Following administration of a vaccine, the pharmacy technician shall provide the patient with complete and accurate documentation of the administered vaccination.

6. **Supervision.** The pharmacy technician shall perform all functions associated with administration of vaccines under the direct supervision of a licensed pharmacist who has received from the board certification to administer vaccines.

7. **Delegation.** A pharmacy technician shall not delegate the administration of the vaccines to any person.

8. **Identification.** The pharmacy technician shall wear a name tag, identifying them as "Pharmacy Technician, Board-certified to Administer Vaccines" the wording may be adjusted to conform with tag size, but must easily be discernable to the general public.

#### 4. **Supervision by Pharmacist in Charge**

##### 1. **Generally**

The pharmacist in charge shall supervise pharmacy technicians employed at the pharmacy for which the pharmacist in charge is responsible. In the absence of the pharmacist in charge, a pharmacist on duty shall be the supervisor.

## **2. Direct Supervision**

A pharmacy technician may engage in the practice of pharmacy at a pharmacy only under the direct supervision of a pharmacist as defined in Chapter 1, Section 14 of the board's rules. The pharmacist shall physically review each prescription drug order prepared by a pharmacy technician before the product is delivered to the patient or the authorized agent of the patient. The pharmacist is responsible for the work of each pharmacy technician working under the direct supervision of the pharmacist. The pharmacist is responsible for verification of every vaccine prior to administration.

## **3. Automated Pharmacy Systems At Remote Sites**

[deleted]

## **5. Permissible Duties**

### **1. Generally**

The pharmacist in charge or the pharmacy shall determine the duties of pharmacy technicians based upon the needs of the pharmacy. At time of employment the pharmacist in charge shall provide the technician with a description of the tasks that the technician may perform.

Pharmacy technicians are limited to performing tasks in the dispensing of prescription legend drugs and nonjudgmental support services as set forth in Section 1-A above. Pharmacy technicians may also have access to a facsimile machine or computer used to receive original prescription drug orders via facsimile.

### **2. Automated Pharmacy Systems**

A pharmacy technician on duty at an institutional pharmacy as described in Chapter 20, Subchapter 2, Section 1 of the board's rules may perform the duties relating to an automated pharmacy system described in Chapter 20, Subchapter 2, Section 4(2) of the board's rules only under the direct supervision of a pharmacist as defined in Chapter 1, Section 14(3) of the board's rules. The pharmacist in charge or pharmacist on duty at an automated pharmacy system is responsible for the work of each pharmacy technician at a point of care location served by the automated pharmacy system.

### **3. Limitations**

A pharmacy technician may not perform any of the following tasks:

A. [deleted];

- B. Clinically evaluate a patient profile relative to drugs that have or will be dispensed;
- C. Perform patient counseling;
- D. Make decisions that require the education and professional training of a pharmacist; or
- E. Sign any federally-required controlled substance or inventory form.

#### **4. Responsibility of Pharmacist**

The pharmacist shall verify and confirm the correctness, exactness, accuracy and completeness of the acts, tasks and functions undertaken by the pharmacy technician to assist the pharmacist in the practice of pharmacy. The pharmacist in charge, or a pharmacist on duty, is responsible for all actions performed by the pharmacy technician.

6. [deleted]

7. [deleted]

#### **7-A. Limitation on Deployment of Pharmacy Technicians**

A pharmacy and pharmacist in charge are responsible at all times for providing appropriate quality control over the work of pharmacy technicians employed at the pharmacy. A pharmacy is responsible for ensuring at all times that the number of pharmacy technicians on duty can be satisfactorily supervised by the pharmacist in charge and the pharmacists on duty.

#### **7-B. Administrative Responsibilities**

##### **1. Verification of Status**

The pharmacist in charge shall ensure that each pharmacy technician employed at the pharmacy for which the pharmacist in charge is responsible is licensed with the board. A pharmacy technician shall carry the wallet-sized license card issued by the board at all times the technician is on duty and shall produce the card upon request of the pharmacist in charge, a pharmacist on duty or an agent of the board. No pharmacist in charge or pharmacist on duty shall permit a person who is not licensed pursuant to the terms of this chapter to perform the duties of a pharmacy technician.

##### **2. Notice of Employment and Non-Employment of Pharmacy Technicians**

The pharmacist in charge shall notify the board via letter, fax, email or online within 10 days after the commencement or cessation of employment of any pharmacy technician at a pharmacy for which the pharmacist in charge is responsible.

**3. Notice of Termination of Employment For Drug-Related Reasons or Theft**

The pharmacist in charge or a designee of the pharmacist in charge shall notify the board via letter, fax, email or on line of the termination of employment of a pharmacy technician for any of the following reasons and shall include in the notice the reason for the termination. Notice shall be provided within 7 days after the termination:

- A. Any drug-related reason, including but not limited to adulteration, abuse, theft or diversion;
- B. Theft of non-drug merchandise; or
- C. Theft of cash or credit/debit card data.

**8. Exemption**

Nursing personnel with access to hospital pharmacy medications at times when the pharmacy is not open need not register as pharmacy technicians.

**9. Discipline**

Pharmacy technicians are subject to the disciplinary provisions of 10 MRSA §8003(5-A), 32 MRSA §§ 13742-A and 13743 and Chapters 30, 31 and 32 of the board's rules.

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(H), 13723

EFFECTIVE DATE:

November 8, 2004 - filing 2004-509

March 11, 2012 – filing 2012-63

AMENDED:

December 11, 2013 – filing 2013-303