

Board of Pharmacy
Initial Statement of Reasons

Subject Matter of Proposed Regulation: Pharmacy Technician Application, Training Courses, and Pharmacy Technician Certification Programs

Sections Affected: Amend Sections 1793.5 and 1793.6, and adopt Section 1793.65 of Article 11 of Division 17 of Title 16, California Code of Regulations (CCR)

I. Introduction

The California State Board of Pharmacy (Board) is a state agency vested with the authority to regulate the pharmacy industry, including pharmacies, pharmacists and individuals who work within the pharmacy. (Business and Professions Code (BPC) section 4000, *et seq.*) The Board's mandate and mission is to protect the public. (BPC 4001.1.) BPC section 4005 authorizes the Board to adopt rules and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public. Section 4005 also authorizes the Board to adopt rules and regulations for the proper and more effective enforcement and administration of the pharmacy law. The Board is authorized to regulate the practice of pharmacy; the sanitation of persons and establishments licensed by the Board; establishments wherein any drug or device is compounded, prepared, furnished, or dispensed; standards of minimum equipment for establishments licensed by the Board; the sale of drugs by or through any mechanical device; and the practice experience necessary for licensure as a pharmacist.

II. Problem Statements/ Purpose, Anticipated Benefits, and Rationale of Proposed Amendments

A. Amend Section 1793.5 – Pharmacy Technician Application

1. Problem Statement

Recent changes to the Pharmacy Law (BPC § 4000, *et seq.*) and general provisions of the BPC have modified the requirements for the Board's applicants for licensure as a pharmacy technician. The Board proposes to amend its Pharmacy Technician Application, Form 17A-5 application, which is incorporated by reference (Form) in section 1793.5 to:

- Expand and clarify the information the Board seeks from the applicant to determine fitness for licensure.
- Make other clarifying amendments to facilitate the applicant's provision of information for licensure.

2. Purpose:

The purpose of amending section 1793.5 is to incorporate the Form by reference, which the Board last fully revised in October 2015. Non-substantive amendments were made to the Form in July 2020 and January 2021. The Board proposes to amend the Form to facilitate the Board's collection of information from the applicant to determine the applicant's fitness for licensure.

3. Anticipated Benefits:

These regulations will improve efficient processing of pharmacy technician applications because the Board will have current and relevant information. This proposal allows the Board to make licensing decisions that will protect the public by obtaining necessary information from the applicant.

4. Rationale

Amend Section 1793.5:

The Board proposes to amend the introductory sentence of the section to update the existing revision date (Rev. 1/2021) to (Rev. 2/2021) of the Form. The date is amended to reflect the current revision date of the pharmacy technician application form. The amendment is necessary to provide clarity to the applicant regarding the current version of the form.

The Authority citations have been updated to remove BPC 163.5, 4007, 4038, 4207, and 4400 as these citations are not appropriate authority citations. Additionally, BPC 114.5, 115.4, and 115.5 were added to appropriately reference the authority to inquire about military and refugee status. The questions currently appear on the first page of the pharmacy technician application. Further, the reference citations were updated to add 144 and 144.5 as these citations reflect the Board's authority to conduct background checks and use arrest and conviction information for licensing decisions. These changes are all nonsubstantive as they have no regulatory effect.

FORM 17A-5 (Rev 2/2021):

- Footer:

In the footer of each page of the application, the Board has revised the revision date from "1/2021" to "2/2021." This amendment is necessary to reflect the revision of the form in February 2021.

On every page of Form 17A-5, the footer at the bottom left corner, which reads "17A-5 (Rev. 10/15)," has been amended to read "17A-5 (Rev. 2/2021)." This change reflects the most recent date the form was modified and references the correct revision date. This change is made for consistency with the current application incorporated by reference.

On page 1, in the first paragraph, the second sentence has been amended to change the term “will” to “may” for consistency with CCR section 1706.2(b). This provides clarity to the applicant that their application may be considered incomplete if they fail to provide all the requested information. By informing the applicant of this information upfront, it will help remind the applicant to include all the requested information when completing the application.

On page 2, in the section labeled “Mandatory Education,” the first section was modified to add “if it is not in English.” This addition provides clarity that the certified translation is only required if the document is not in English. If the document is already in English, it would not need to be translated as the Board would be able to read it. The second sentence with respect to a general education development certificate equivalent has been modified to allow the applicant to provide the official transcripts of test results or a “certificate of proficiency.” This is added to provide clarity to the applicant that the applicant may provide the certificate of proficiency to the Board instead of an official transcript of the test results. The Board determined that a certificate of proficiency sufficiently demonstrates that an applicant fulfills the requirement.

On page 2, in the section labeled “Pharmacy Technician Qualifying Method” the legal reference to BPC 4202 was updated to properly cite the reference. This is a nonsubstantive change. The first check line is updated to add “is the” and the form title has been bolded for clarity. Adding “is the” has been done for grammatical consistency with the other two check lines. Following the second check line, the word “certified” has been removed before “copy” as the Board determined that a copy of the certificate meets the requirement. A certified copy is typically required to prevent false records from being used by the applicant. However, the Board found that this information is easily verified by Board staff and the certification is no longer needed. This change is necessary for clarity to the applicant on the type of copy accepted.

On page 2, in the section labeled “Pharmacy Technician Qualifying Method” following the second check line, “or ExCPT certificate” has been added to reflect that the Board will accept ExCPT certification. This is necessary for consistency with BPC section 4202(a)(4). ExCPT is a National Certification Exam for Pharmacy Technicians. ExCPT is offered by the National Healthcareer Association (NHA). The ExCPT meets the requirements of BPC 4202(a)(4) as the NHA is accredited by the National Commission of Certifying Agencies and was approved by the Board in 2015, 2016, and again on March 18, 2021.

On page 2, in the section labeled “Pharmacy Technician Qualifying Method” following the second check line, the phrase “- Date certified: _____” has been removed. This date is printed on the certificate and, as such, the Board determined that having the applicant record the date was duplicative and not necessary for the completion of the application.

On page 2, in the section labeled “Pharmacy Technician Qualifying Method” following the third checkbox, the word “certified” has been removed before “copy” as the Board determined that a copy of the certificate meets the requirement. A certified copy is typically required to prevent false records from being used by the applicant. However, the Board found that this information is easily verified by Board staff and the certification is no longer needed. This change is necessary for clarity to the applicant on the type of copy accepted.

On page 2, in the sentence before the reporting of information detailing any current license possessed the following changes are made for clarity to the applicant:

- The words “pharmacy technician,” have been added after “a” and before “pharmacist” to move the pharmacy technician license type to the beginning of the list of license types required. The Board determined it necessary to have pharmacy technician as the first listed license type as this is a pharmacy technician application and should be the first license type required to report as having been issued. This change is necessary to provide clarity to the applicant but otherwise does not change their regulatory obligation of reporting this information.
- A comma has been added after “intern pharmacist” to correct a grammatical error.
- The words “pharmacy technician and or” have been removed so not as to duplicate what was already stated and to correct a grammatical error.
- The word “profession” has been changed to “professional” to correct a grammatical error.

On page 2, the first paragraph written as “You must provide a written explanation for all affirmative answers indicated below. Failure to do so may result in this application being deemed incomplete and being withdrawn.” is deleted. The second page of the application is being reformatted. This deletion is necessary for clarity to the applicant to ensure the instructions delineate the required elements of a complete application.

On pages 2-3, questions 1-7 are removed in their entirety from the application and replaced with reworded, clarified, reorganized questions to make the application easier to understand and complete for the applicant. Additionally, the new questions are easier for Board staff to review and process. This is necessary to provide clarity to the applicant regarding the required disclosures and to ensure the application is written plainly and is easy to use.

On page 3 the instructions for the page are added as follows, “Applicants must answer the following questions.” in all capital letters and in bold lettering for emphasis to the applicant of the application instructions. This instruction is added to clarify that the

applicant is required to provide answers for all the questions listed on the application. This change is necessary because the questions enable the Board to identify any reasons the applicant may not qualify for licensure. Previously, the Board has received applications where the applicant has failed to answer all of the questions on the application. This results in processing delays as the Board must contact the applicant to complete a new application, answering all of the questions.

Revisions Made to Form 17A-5 (Rev. 2/2021) Question Regarding Ownership Information

In the section titled “Ownership Information,” instructions and a new question 1 are re-written versions of the existing question 7 on Form 17A-5 (Rev. 1/2021). The Board determined it necessary to require the ownership information of the applicant to determine if the applicant has previously possessed or been affiliated with a license that has been revoked or subject to disciplinary action as this information is necessary for the Board to make a licensing determination. The new section title, instructions and question 1 are re-written to provide clarity to the applicant about what ownership information is required to be reported to the Board. Specifically, the following changes are made from the original question 7:

- “Ownership Information - ” has been added as a title to the new question 1 and was bolded for emphasis. The title is added to the section for clarity to the applicant that question 1 is specifically related to pharmacy ownership the applicant has held.
- “For any affirmative answer, attach a statement of explanation including company name, type of license, license number, and identify the state, territory, foreign country, or other jurisdiction where licensed.” has been reworded from original question 7 that a statement of explanation with specific elements is required for any affirmative answer. The elements described remain necessary to make a licensing determination but are modified slightly as described below. This information assists the Board in determining if issuing a license to the applicant will negatively impact the health, safety and welfare of the consumers in California.
- A comma has been added after “administrator” and before “or” for clarity to the applicant to correct a grammatical error.
- The word “permit” has been changed to “license” to provide clarity and consistency with BPC Section 4032 defining “license” to include any license, permit, registration, certificate, or exemption issued by the Board. Replacing the term allows the Board to achieve consistency with the term throughout the pharmacy technician application and other Board forms.

- The words “medical device retailer” have been changed to “third-party logistics provider,” (3PL) as the Board no longer licenses medical device retailers and now licenses third-party logistics providers. An individual’s conduct in connection with any pharmacy-related license types including 3PL, are relevant to an individual’s license application. This is necessary for consistency with statutes being implemented in this form.
- The phrase “this state or any other state” has been replaced with “any state, territory, foreign country, or other jurisdiction.” The Board determined it necessary to review all ownership affiliation including any territory, foreign country or other jurisdiction in addition to the state of California or other United States for consistency with Board procedures for other license applications because the industry of pharmacy crosses not only state lines, but into other territories, countries and jurisdictions.
- The statement “If “yes,” provide company name, type of permit, permit number and state where licensed.” has been modified to read “If “yes,” attach a statement of explanation

Revisions Made to Form 17A-5 (Rev. 2/2021) Questions Regarding Disciplinary History

In the section titled “Disciplinary History,” instructions and new questions 2-4 have been re-written from the existing questions 4-6. The Board continues to believe that the applicants’ disclosure of their disciplinary history allows for a better evaluation of the applicants for licensure. The new section title, instructions and questions 2-4 are re-written to provide clarity to the applicant about what is required for disciplinary history reporting to the Board. Specifically, the following changes have been made from the original questions 4-6:

- “Disciplinary History” has been added as a title to the new questions 2-4 and is bolded for emphasis. The title is added to the section for clarity to instruct the applicant that questions 2-4 are specifically related to the disciplinary history of the applicant.
- “The following questions pertain to a license sought or held in any state, territory, foreign country, or other jurisdiction. For any affirmative answer, attach a statement of explanation including type of license, license number, type of action, date of action, and identify the state, territory, foreign country, or other jurisdiction.” has been added to provide clarity to the applicant about the parameters which should be applied when answering questions 2-4. The applicant will now be required to disclose information from other territories, foreign countries and other jurisdictions because acts occurring anywhere bear on the applicants’ fitness for licensure. The revised question continues to

- require a statement of explanation with specific detail for any affirmative answer. The Board determined this information is necessary to make a licensing determination as it may be relevant to an applicant's fitness.
- The new question 2 has been re-written from the former question 5 by replacing the phrase, "a designated representative, pharmacist, intern pharmacist and/or pharmacy technician license denied in this state or any other state?" with the phrase "pharmacy technician, intern pharmacist, pharmacist, any type of designated representative, and/or any other professional or vocational license or registration denied?" The revised question now asks about any professional or vocational license denials because the grounds for those denials may be relevant to an applicants' fitness for licensure.
 - The new question 2 has been re-written from the former question 5 by amending the second sentence in the former question 5 written as, "If "yes," attach a statement of explanation to include circumstances, type of action, date of action and type of license, registration or permit involved." read "If "yes," attach a statement of explanation." This change provides an additional reminder to the applicant that they must provide a statement of explanation if they answer "yes."
 - The new question 3 has been re-written from the former question 4 by replacing the first sentence, "Has disciplinary action ever been taking against your designated representative, pharmacist, intern pharmacist and/or pharmacy technician in this state or any other state?" with the sentence, "Have you ever had a pharmacy technician, intern pharmacist, pharmacist, any type of designated representative, and/or any other professional or vocational license or registration suspended, revoked, placed on probation, or had other disciplinary action taken against it?" The Board determined in addition to considering disciplinary action taken against previously held licenses to also request and review all licenses previously suspended, and revoked, placed on probation in accordance with BPC section 4207 to determine if the issuance of the license may negatively affect the public welfare. This change is made because the actions that warranted discipline may be relevant to the applicants' fitness for licensure.
 - The new question 3 has been re-written from the former question 4 by deleting the second sentence in the former question 4 written as, "If "yes," attach a statement of explanation to include circumstances, type of action, date of action and type of license, registration or permit involved." to read "If "yes," attach a statement of explanation." This change provides an additional reminder to the applicant that they must provide a statement of explanation if they answer "yes."

- The new question 4 has been re-written from the former question 6 by replacing the first sentence, “Have you ever had a pharmacy license, or any professional or vocational license or registration denied, suspended, revoked, placed on probation or had other disciplinary action taken by this or any other government authority in California or any other state?” with the sentence, “Have you ever had a pharmacy, wholesaler, third-party logistics provider, and/or any other entity license denied, suspended, revoked, placed on probation, or had other disciplinary action taken?” in accordance with BPC section 4207, which requires the Board to investigate matters related to the furnishing of dangerous drugs or dangerous devices that might adversely affect public welfare, the Board determine that in addition to considering pharmacy licenses previously held, the Board also needs to request information about all business entity license types held including wholesaler, third-party logistics provider, and/or any other entity licensed to determine if the issuance of the license may negatively affect the public welfare. This is necessary because acts in those settings that resulted in an entity license being denied, suspended, revoked, placed on probation, or other disciplinary action may reflect the applicants’ fitness for licensure.
- The new question 4 has been re-written from the former question 6 by deleting the second sentence in the former question 6 written as, “If “yes,” provide the name of company, type of permit, type of action, year of action and state.” To read “If “yes,” attach a statement of explanation.” This change provides an additional reminder to the applicant that they must provide a statement of explanation if they answer “yes.”

Revisions Made to Form 17A-5 (Rev. 2/2021) Questions Regarding Practice Impairment or Limitation

The section titled “Practice Impairment or Limitation,” instructions and questions 5-9 have been re-written based on the existing questions 1-3. As with the existing application, the Board determined this information is necessary to make a licensing determination as it may be relevant to an applicant’s fitness. The instructions are added to provide clarity to the applicant that the Board will make an individualized assessment with the identified conditions to determine if the applicant qualifies for an unrestricted license and what information is needed for the Board to make this determination. The instructions also now notify the applicant that, if the Board is unable to make this determination, the Board may have the applicant examined by one or more physicians or psychologists at the Board’s cost. This is consistent with existing Board regulations (16 CCR section 1769). The instructions explain the process, including that a copy of any such report would be provided to the applicant. The instructions require the applicant to provide a statement of explanation for all questions answered with an

affirmative answer in this section. The Board determined these instructions continue to be needed to clarify the information the applicant is required to provide to the Board with the application. The new section title, instructions and questions 5-9 are re-written to provide clarity to the applicant about what practice impairments or limitations are required to be reported to the Board. Specifically, the following changes are made from the original questions 1-3:

- “Practice Impairment or Limitation” has been added as a title to the new questions 5-9 and was bolded for emphasis. The title is added to the section for clarity to the applicant that questions 5-9 are specifically regarding any practice impairment or limitation.
- The Board added the following explanation of its process because the Board often receives questions about this part of the application. “The board will make an individualized assessment of the nature, the severity, and the duration of the risks associated with any identified condition to determine whether an unrestricted license should be issued, whether conditions should be imposed, or whether the applicant is not qualified for licensure. If the board is unable to make a determination based on the information provided, the board may require an applicant to be examined by one or more physicians or psychologists, at the board’s cost, to obtain an independent evaluation of whether the applicant is able to safely practice despite the mental illness or physical illness affecting competency. A copy of any independent evaluation would be provided to the applicant.” This information remains necessary for the Board to evaluate the applicants’ fitness for licensure. This is necessary to provide clarity to the applicant about the parameters which should be applied when answering questions 5-9.
- The new questions 5 and 6 have been re-written based on the former question 1 by replacing the first five sentences, “Do you have a mental illness or physical illness that in any way impairs or limits your ability to practice your profession with reasonable skill and safety without exposing others to significant health or safety risks? Yes No If “yes,” attach a statement of explanation. If “no,” proceed to #2. Are the limitations caused by your mental illness or physical illness reduced or improved because you receive ongoing treatment or participate in a monitoring program? Yes No If “yes,” attach a statement of explanation.” with the following new questions. These changes are consistent with 16 CCR section 1769, and enable Board staff to gather and evaluate information quickly and efficiently resulting in a quicker processing time for the applicant:
 - New question 5: “Do you have an emotional, mental, or behavioral disorder that may impair your ability to practice safely? If “yes,” attach a statement of explanation.” and

- New question 6: “Do you have a physical condition that may impair your ability to practice safely? If “yes,” attach a statement of explanation.”
- The new questions 5 and 6 were re-written from the former question 1 by deleting the 2nd, 3rd, 5th, and 6th sentences in the former question 1. These sentences are deleted as they are instructional sentences and were duplicative of the instructions included at the beginning of the Practice Impairment or Limitation section. The revisions should make completing the application and its subsequent review by Board staff more efficient.
- The new question 7 asks “Do you have any other condition that may in any way impair or limit your ability to practice safely? If “yes,” attach a statement of explanation.” The Board determined this change is necessary to capture any other conditions that could impair practice and therefore pose a risk to the public. This question on the application allows the Board to gather information relevant to an applicant that bears on their fitness for licensure so that it may efficiently process the application.
- Former question 2 is deleted because the other questions will more directly capture relevant information.
- The new question 8 was re-written from the former question 3 by replacing the first three sentences, “Do you currently participate in a substance abuse program or have previously participated in a substance abuse program in the past five years? Yes No If “yes,” are you currently participating in a supervised substance abuse program or professional assistance program which monitors you to ensure you are maintaining sobriety? Yes No Attach a statement of explanation.” with the new sentence, “Have you participated in, been enrolled in, or required to enter into any drug, alcohol, or substance abuse recovery program? If “yes,” attach a statement of explanation.” This change rewords the prior question using clearer language, and articulating that drugs and alcohol are included in “substance abuse.” The five-year limit was removed to allow the Board to review all information and determine relative significance in context.
- The new question 9 consolidates parts of the prior questions and, now, asks about possible rehabilitation. It reads, “If you answered “Yes” to questions 5 through 8 above, have you received treatment or participated in any program that improves your ability to practice safely? If “yes,” attach a statement of explanation.” The Board determined this information is needed to assess if the issuance of a license to the applicant may negatively affect the public welfare. The information gathered at the application stage allows the Board to timely and efficiently review applicants’ fitness for licensure. This change is

necessary for clarity to the applicant of what is required if the applicant answered yes to the questions.

Revisions Made to Form 17A-5 (Rev. 2/2021) Section Regarding Applicant Affidavit

The Applicant Affidavit section has been amended and re-written to provide clarity to the applicant about the Board's reasons, justifications and statutory authorization to collect information required on the application. Specifically, the changes made to the Applicant Affidavit section are as follows to:

- In the first paragraph of the section, in the second sentence, the term “will” has been changed to “may” for consistency with CCR section 1706.2(b). This provides clarity to the applicant that their application may be considered incomplete if they fail to provide a written explanation for all affirmative answers.
- In the third paragraph of the section, the first sentence, “The California State Board of Pharmacy of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code sections 4200 and 4202 and Title 16 California Code of Regulations section 1793.5 and 1793.6.” has been replaced with the following sentence, “The California State Board of Pharmacy of the Department of Consumer Affairs collects the personal information requested on this form pursuant to Business and Professions Code sections 30 and 4000 and following and California Code of Regulations title 16, division 17.” The Board deemed this change necessary for consistency with current statute authorizing the collection of personal information required on the application (BPC §§ 30 and 4000, *et seq.*).
- The entire fourth paragraph has been deleted to provide clarity to the applicant that the Board determined the application and elements of the application were inherently required by the Board for processing and did not need to be stated.
- In the fifth paragraph, in the last sentence, the words “Civil Code Section 1798.40” has been replaced with the word “law” to incorporate any law that requires items remain confidential and exempt and not just limited to Civil Code section 1798.40. This change is necessary to provide consistency with all current laws requiring confidentiality and exemption as well as possible disclosures of information.
- In the sixth paragraph, in the first bullet, the word “Records” has been added to provide clarity to the applicant about correctly reflecting the name of the Public Records Act referenced. This change is also necessary to provide consistency with the Public Records Act.
- In the sixth paragraph, in the second bullet, “or permitted” has been added to allow for possible disclosure of personal information when permitted by state or

federal law. This change provides clarity to the applicant that the Board may disclose their information, but only as allowed.

- In the beginning of the seventh paragraph, the title “Address of Record” has been added in bold for emphasis. This title and bold font is necessary to provide clarity to the applicant that this paragraph is regarding the applicants’ address of record.
- In the seventh paragraph, in the first sentence, the words “et seq.” have been replaced by “and following” twice, following two references to code sections. This change is necessary to provide a clear, plain English reference to the code sections cited as well as consistent grammar.
- In the seventh paragraph, the word “placed” has been replaced with the word “available” as a better word choice. This change is necessary to provide clarity that addresses of record are available on the Board’s website for public viewing.
- In the eighth paragraph, the first sentence of the paragraph has been bolded for emphasis to highlight that disclosure of the social security number and individual tax identification number is mandatory for the applicant. This bold font is necessary to provide clarity to the applicant.
- In the eighth paragraph, the word “account” has been removed four times throughout the paragraph from the phrase “social security account number” to read “social security number.” The word “account” is removed to mirror current language usage, which provides clarity to the applicant about the reference of the social security number.
- In the eighth paragraph, the words “or individual tax identification number” has been added three times throughout the paragraph after the phrase “social security number” This change is necessary for consistency with previous sections of the form and to clarify that the Board accepts either an individual tax identification number or a social security number.
- The ninth paragraph has been added to read: “NOTICE: The State Board of Equalization and the Franchise Tax Board may share taxpayer information with the Board. You are obligated to pay your state tax obligation. This application may be denied or your license may be suspended if your state tax obligation is not paid.” These two sentences are added to provide clarity to the applicant that the applicants’ tax information is shared between the Board and the two state tax agencies and that the Board may deny an application based on an applicants’ failure to pay required taxes to the state. While this is duplicative of statute, applicants are not always aware of this information, so providing the information on the form, in addition to the statute, ensures that applicants have this very important information and complies with the Information Practice Act’s mandate to disclose the use of collected information (Civil Code section 1798).
- In the tenth paragraph, in the first sentence, “California State” has been added in front of “Board of Pharmacy” to correctly reflect the California State Board of

Pharmacy's name. This change is necessary to provide clarity to the applicant that the Board of Pharmacy referenced is the California State Board of Pharmacy. In addition, "purposes" is replaced with "laws" to provide clarity to the applicant because it is more accurate to state that Board licensees are mandatory reporters pursuant to the laws that are described. The term "his or her" has been updated for "the licensees" to make the application gender neutral. This a nonsubstantive change as it does not change the regulatory impact of the form or information.

- In the eleventh paragraph, in the first sentence, "Section 11166 and Section 15630" has been replaced with "the laws above" This change is necessary to provide clarity to the applicant regarding which laws are referred to in this section.
- In the eleventh paragraph, in the second sentence, "consult" was replaced with "refer to" and "subsequent" has been replaced with "following" to provide clarity to the applicant regarding the specific laws referenced and to utilize consistent grammar.
- In the Applicant Affidavit box, just after "Applicant Affidavit," "(must be signed and dated by the applicant)" has been replaced with "Must be signed and dated by the applicant. Must be received by the Board within 60 days." to clearly state the time limit for the applicant to complete and submit their application. Particularly in response to the criminal history questions, the Board must have current information, and significantly long delays in submitting the application may make the information contained in it no longer accurate. The Board chose 60 days as it is short enough for the information to be current and long enough to allow the licensee to prepare the application, gather any necessary attachments, and deliver to the Board.

Revisions Made to Form 17A-5 (Rev. 7/2020) Affidavit of Completed Coursework or Graduation for Pharmacy Technician

Changes have been made to the Affidavit of Completed Coursework or Graduation for Pharmacy Technician to provide clarity to the applicant about what is required on the Affidavit submitted to the Board. Specifically, the changes made to the Affidavit of Completed Coursework or Graduation for Pharmacy Technician section are as follows:

- The first two sentences in the instructions at the top of the page "This form must be completed by the university, college, school, or pharmacist. (The person who must complete this form will depend on how the applicant is qualifying)." have been deleted and replaced with "The Director, Registrar, or Pharmacist must complete and sign this form certifying the identified

individual has met the specified requirements in section 4202 of the Business and Professions Code and, if applicable, board regulations.” The Board determined the new instructions are necessary to provide clarity to the applicant about who is authorized to complete and sign the Affidavit.

- The second sentence has been amended to remove “in order” for consistent grammar.
- After the second check line, after the word “Completed” the phrase “a training course that provided at least” has been added for clarity to the applicant that the 240 hours of instruction as required by 16 CCR 1793.6(c) must be completed by the applicant as part of a training course. This clarification denotes that the 240 hours of instruction must be part of a training course to meet the requirement of the regulation. Additionally, a comma is added after “Title 16” for grammatical clarity. This change is necessary to correct a grammatical error.
- After the third check line, the words “her/him on” have been deleted. This change is necessary to provide clarity to the applicant about the graduation date for the applicant.
- After the fourth check line, after the word “accredited” the phrase “or granted candidate status” is added before the word “by.” This change is necessary to provide clarity to the applicant that the Board will accept graduation from a school of pharmacy accredited or granted candidate status by ACPE.

B. Amend Section 1793.6 – Training Courses Specified by the Board

1. Problem Statement

BPC section 4202, subparagraph (a)(2), authorizes the Board to issue a pharmacy technician license to an applicant if he or she is a high school graduate or possesses a general education development certificate, and has completed a course of training specified by the Board. CCR section 1793.6 specifies the requirements for such courses of training. Three types of courses of training are authorized by this regulation, one of which is a course that provides a training period of at least 240 hours of instruction covering specified subject areas.

At the January 6, 2016 Licensing Committee Meeting, the Committee reviewed information from FY 2011/12 through FY 2014/15 regarding the disproportionate number of license application denials and license revocations for applicants and licensees who had attended or completed a course of training specified by the Board per Business and Professions Code section 4202, subdivision (a)(2) under Section 1793.6 that defines training courses specified by the Board. During this discussion, it was brought to the attention of the Board that some individuals seeking licensure

through pharmacy technician training courses, which can be quite costly, have criminal backgrounds that may preclude them from licensure. The costs of such private courses may be as much as \$27,000 when the starting salary for a pharmacy technician is approximately \$15-\$16 per hour. The Board is concerned that some students of approved courses of training may not have a realistic chance at licensure, and it would be better for those applicants to be informed of the potential impact of a criminal background prior to the financial and time investment to complete a training course.

2. Specific Purposes and Rationale

This proposal would amend subdivision (c) of Section 1793.6 in the following manner: former subdivision (c) is renumbered to subsection (c)(1); additionally, former subsections (c)(1) – (c)(7) are renumbered and moved up to subsections (c)(1)(A) - (c)(1)(G); lastly, new subsections (c)(2) – (c)(2)(D) are added as follows:

- a. New subdivision (c)(2) – The new provision requires, in addition to the coursework content specified in (c)(1), the course of training must satisfy additional requirements identified (c)(2)(A) – (c)(2)(D).
- b. New subdivision (c)(2)(A) – This new provision will require that, prior to admission to the 240-hour training course, a course administrator or instructor conduct a criminal background check on each applicant to the course that is consistent with the criminal background check required for a pharmacy technician license per Business and Professions Code section 4202(c). BPC 4202(b) mandates that the Board adopt regulations for the specifications of the course of training specified by the Board, identified in BPC 4204(a)(2). The Board understands that many technician training courses require criminal background checks on their students/apprentices prior to any clinical rotations. The proposed regulation will require these programs to perform the criminal background check prior to admission into the program so that applicant/students are fully informed that they may not be eligible for a Pharmacy Technician license if the results show a criminal conviction. Additionally, if the criminal background check reveals the applicant has committed acts that would constitute grounds for denial of licensure, the administrator or instructor should counsel the applicants about the negative impact to securing licensure. Administrators or instructors can review section 480 of the BPC (incorporated in section 4202(c) of the BPC) which outlines the circumstances for which the board may deny a license, including the types of criminal convictions, disciplinary actions, and conduct that would constitute the basis for denial of a pharmacy technician license. Title 16, CCR

sections 1769 and 1770 also provide a list of factors the Board considers when determining whether a license should be suspended or revoked, as well as mitigating evidence. The addition of the requirement for background checks prior to admissions clarifies new duties of the administrator or instructor of a training course. The requirement that a course administrator or instructor counsel the potential students about the negative impact of any criminal history protects the potential student from paying for a training course that will likely not result in licensure. This counseling could be as simple as a discussion with the applicant/student about their criminal background check results so that the applicant/student can make an informed decision about enrolling in a program in which they may not be able to obtain a license to practice.

- c. New subdivision (c)(2)(B) – This new provision will require that, prior to admission to the 240-hour training course, a course administrator or instructor to inform the applicants that the course of training includes practical training at a pharmacy which may require the applicant to undergo drug screening for illicit drug use. The administrator or instructor shall counsel applicants about the negative impact of a positive drug screen, including eligibility to continue the course of training and eligibility for licensure. The Board determined this requirement is necessary so students are aware of the standards required for licensure with the Board. If a student is going to invest time and money in training to becoming a pharmacy technician, the student should be aware of what could prevent licensure.

- d. New subdivision (c)(2)(C) – This new provision will require students to be at least 18 years old prior to enrolling in any course work involving practical training, such as an externship or any other training equivalent to pharmacy technician trainee placement as defined by Business and Professions Code section 4038, 4115, and 4115.5. This addition is necessary to ensure the course administrators are screening their students to ensure the student will meet the minimum requirements to work in a pharmacy setting and the requirements for licensure after completing the required training course. The requirement for students to be at least 18 years old prior to enrolling in any course work involving practical training, is consistent with other pharmacy statutes and regulations. Specifically, Health and Safety Code section 11106(k)(1) specifies that no person under 18 years of age shall be eligible for a permit to sell, transfer, or furnish specified controlled substances. This age requirement ensures that the student will meet the minimum age requirements prior to beginning the required practical training in a pharmacy.

- e. New subdivision (c)(2)(D) – This subdivision adds a provision that requires a final examination to demonstrate students’ understanding and ability to perform or apply each subject area required in the training course. The Board deemed this necessary to ensure that students completing 240-hour technician training courses retain the knowledge, skills, and abilities taught during the course. The Board believes this will also assist with its consumer protection mandate by ensuring the applicant qualifying as a technician by this means has absorbed their education. This addition is necessary to clarify the requirement that course administrators must provide adequate curriculum to ensure students completing the training course have met the objectives of the training course.

- f. Modify the section’s Note’s Authority and References: This proposal deletes BPC sections 4007, 4038, and 4115 from the authority because those sections do not authorize the Board to adopt regulations. This proposal adds BPC section 4115.5 to the references cited to reflect that pharmacy technician trainees may be impacted by this regulation. This addition is necessary to ensure the appropriate references are cited in the regulation.

3. Anticipated Benefits of Amendments to Section 1793.6

This regulatory amendment will ensure that program administrators for pharmacy technician training courses make their prospective students aware of the potential barriers to licensure. These provisions benefit an individual considering the 240-hour training course by making him or her aware, prior to incurring significant training costs and beginning the application process, of the background check and age requirements associated with the pharmacy technician licensure. The Board believes prospective licensees will be protected by being able to make informed decisions about whether to start or continue with the 240-hour training course. The Board believes that applicant inquiries and deficiencies will be reduced, by these additional requirements, which will streamline the application process. Additionally, the proposal contributes to consumer protection by requiring the students take a final examination to help ensure the students’ understanding and ability to perform or apply each required subject area.

C. Add Section 1793.65 to Article 11 of Division 17 of Title 16 of the CCR – Pharmacy Technician Certification Programs Approved by the Board

1. Problem Statement

Prior to 2017, BPC section 4202 provided four paths to qualify for licensure as a pharmacy technician as follows: (1) obtain an associate’s degree in pharmacy technology; (2) complete a course of training specified by the Board; (3) graduate from a school of pharmacy recognized by the Board; or (4) be certified by the Pharmacy Technician Certification Board (PTCB). The fourth path for licensure stemmed from a time when the only national certifying organization was the PTCB.

In recognition of the existence or future development of additional certifying organizations other than the PTCB, SB 952 (Anderson, Chapter 150, Statutes of 2016) revised the fourth path for licensure to instead allow the applicant to be certified by a pharmacy technician certifying organization offering a pharmacy technician certification program accredited by the National Commission for Certifying Agencies that is approved by the Board. SB 952 provided to the Board authority to approve pharmacy technician certifying organizations. This proposal will implement that certification pathway.

2. Specific Purpose and Rationale

This regulatory proposal would add section 1793.65 of Article 11 of Division 17 of Title 16 of the CCR to specify which pharmacy technician certification programs qualify an individual for licensure pursuant to BPC section 4202, subdivision (a)(4). Specifically, the proposal would add new section 1793.65 with the following provisions:

- a. Subdivision (a) – This subdivision introduces the subject of the regulation, to explain that, by the section, the Board is specifically implementing BPC section 4202(a)(4), and specifically naming the Board-approved pharmacy technician certification programs. This text is necessary to provide clarity to the applicant so that the subject of the regulation is clear.
- b. Subdivision (a)(1) – This subdivision memorializes the Board’s approval of the pharmacy technician certification program offered by the Pharmacy Technician Certification Board at its March 18, 2021 Board meeting, thereby designating such certification as a means through which a pharmacy technician licensure applicant may qualify for licensure. The Board determined that the PTCB’s certification program was sufficient to prepare an

individual to function as a pharmacy technician based on the prior statutory approval, history with the Board, and based on information PTCB provided to the Board about the rigors of its program.

To assist the Board in its determination of additional certifying organizations appropriate for Board approval, the Board requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) review the Pharmacy Technician Certification Examination (PTCE) given by the Pharmacy Technician Certification Board (PTCB) and the Exam for the Certification of Pharmacy Technicians (ExCPT) given by the National Healthcareer Association (NHA). The OPES presented to the Board its Review of National Examinations for the Certification of Pharmacy Technicians (see Underlying Data item 10, February 24-25, 2016 Board Meeting Materials and Minutes). Based upon the OPES Review, the Board determined that the ExCPT meets the requirements to provide the pharmacy technician certification examination. Accordingly, the proposed regulation provides Board approval of both the PTCB and NHA certification programs.

- c. Subdivision (a)(2) – This subdivision memorializes the Board's approval of the pharmacy technician certification program, ExCPT, offered by the NHA at its March 18, 2021 Board meeting, as a pharmacy technician certification program through which a pharmacy technician licensure applicant may achieve certification for licensure. The Board determined that the NHA's pharmacy technician certification program was sufficient to prepare an individual to function as a pharmacy technician based on the OPES review and information provided to the Board by NHA's staff about its certification program.
- d. Subdivision (b) – This subdivision specifies that Board approval of these two programs is valid through December 31, 2024. This provision sunsets the Board's approval to build in the Board's subsequent review of the certification programs to ensure that they continue to meet the standards to qualify an individual for licensure as a pharmacy technician. This addition is necessary to provide clarity to the applicant about the expiration date of the Board's approval for these two certification programs.
- g. Authority and Reference –BPC sections 4005 and 4202 provide the authority to adopt the regulations; BPC section 4038, which provides the definition of "pharmacy technician," and section 4202, which authorizes the Board to

approve pharmacy technician certifying organizations for acceptance of certification required for licensure, are included as references.

3. Anticipated Benefits of Adoption of Section 1793.65

By permitting pharmacy technician applicants to qualify for licensure through certification by either the PTCB or the NHA programs, this proposal allows greater access and opportunity for pharmacy technician applicants to obtain licensure in California. Through its thorough review of the standards of each certification program, the Board believes it has protected the public by ensuring that newly licensed individuals have the appropriate skills and ability to work as pharmacy technicians.

Underlying Data

1. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held March 18, 2021
2. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held March 27, 2018
3. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held December 14, 2016
4. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held October 26-27, 2016
5. Relevant Meeting Materials and Minutes from Board of Pharmacy Licensing Committee Meeting held September 27, 2016
6. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held July 27-28, 2016
7. Relevant Meeting Materials and Minutes from Board of Pharmacy Licensing Committee Meeting held June 22, 2016
8. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held April 27-28, 2016
9. Relevant Meeting Materials and Minutes from Board of Pharmacy Licensing Committee Meeting held March 30, 2016
10. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held February 24-25, 2016
11. Relevant Meeting Materials and Minutes from Board of Pharmacy Licensing Committee Meeting held January 6, 2016
12. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held October 28-30, 2015
13. Relevant Meeting Materials and Minutes from Board of Pharmacy Licensing Committee Meeting held September 10, 2015

- 14. SB 952 (Anderson, Chapter 150, Statutes of 2016)
- 15. Board of Pharmacy Annual Report for 2017

Fiscal Impact

The regulations are anticipated to result in approximately 32 prospective students opting to not enroll in a pharmacy technician educational program each year.

Expenditure (savings): The regulations are anticipated to further result in 32 fewer initial registration applications to be submitted to the Board per year. The Board indicates a Program Technician III takes approximately 1 hour and a Staff Services Analyst 2 hours to complete the licensing workload at a cost of \$197 each application, which would result in workload and costs savings of \$6,304 per year and up to \$63,040 over a ten-year period as follows:

California State Board of Pharmacy Fiscal Impact (savings)												
Registration and License Type		Years Ongoing										
Pharmacy Technician	Costs	1	2	3	4	5	6	7	8	9	10	Total
Initial Registration		32	32	32	32	32	32	32	32	32	32	320
Licensing Workload (1 hour) - PT III*	\$65	\$2,080	\$2,080	\$2,080	\$2,080	\$2,080	\$2,080	\$2,080	\$2,080	\$2,080	\$2,080	\$20,800
Licensing Workload (2 hours) - SSA**	\$132	\$4,224	\$4,224	\$4,224	\$4,224	\$4,224	\$4,224	\$4,224	\$4,224	\$4,224	\$4,224	\$42,240
Total Savings:		\$6,304	\$6,304	\$6,304	\$6,304	\$6,304	\$6,304	\$6,304	\$6,304	\$6,304	\$6,304	\$63,040

*Program Technician III

**Staff Services Analyst

Additionally, the Board is anticipated to realize cost savings related to fewer denied applications being appealed. The Board estimates 40 percent (13) of the 32 initial registration applicants appeal the Board’s decision to deny the application per year.

The Board currently incurs significant workload and approximate costs to fully process and adjudicate an appeal as follows:

- Office Technician – Processing and administrative workload (50 minutes)
- Staff Services Analyst – Investigation and reporting (2 hours)
- Associate Governmental Program Analyst – Issuance of denial letter (10 minutes)
- Staff Services Manager I – Final review and decision (10 minutes)
- Attorney General and Office of Administrative Hearings – Average \$13,700 per case

Workload and costs savings are anticipated as follows:

California State Board of Pharmacy Fiscal Impact (savings)												
Appeals Per Year	Costs	Years Ongoing										Total
		1	2	3	4	5	6	7	8	9	10	
		13	13	13	13	13	13	13	13	13	13	130
Office Technician (50 minutes)	\$48	\$624	\$624	\$624	\$624	\$624	\$624	\$624	\$624	\$624	\$624	\$6,240
Staff Services Analyst (4 hours)	\$132	\$1,716	\$1,716	\$1,716	\$1,716	\$1,716	\$1,716	\$1,716	\$1,716	\$1,716	\$1,716	\$17,160
*AGPA (10 minutes)	\$13	\$169	\$169	\$169	\$169	\$169	\$169	\$169	\$169	\$169	\$169	\$1,690
Staff Services Manager I (10 minutes)	\$15	\$195	\$195	\$195	\$195	\$195	\$195	\$195	\$195	\$195	\$195	\$1,950
**AG and OAH (average case \$13,700 per case)	\$13,700	\$178,100	\$178,100	\$178,100	\$178,100	\$178,100	\$178,100	\$178,100	\$178,100	\$178,100	\$178,100	\$1,781,000
Total Savings:		\$180,804	\$180,804	\$180,804	\$180,804	\$180,804	\$180,804	\$180,804	\$180,804	\$180,804	\$180,804	\$1,808,040

*Associate Governmental Program Analyst

**Attorney General and Office of Administrative Hearings approximate costs

The Board estimates total annual cost savings (including licensing (32) - \$6,304 per year and appeals (13) - \$180,804 per year) of approximately \$187,108 per year and up to 1.8 million over a ten-year period.

Revenues (loss): The regulations will result in 32 fewer pharmacy technician applicants applying for registration and paying \$195 each to the Board, which results in decreased revenues of \$6,240 per year and up to \$62,400 over a ten-year period.

Additionally, the Department of Justice will complete 32 fewer fingerprint checks per year with lost revenues of \$1,570 per year and up to \$15,700 over a ten-year period. Total lost revenue to the state is estimated as follows:

California State Board of Pharmacy Fiscal Impact (revenue loss)												
Pharmacy Technician	Costs	Years Ongoing										Total
		1	2	3	4	5	6	7	8	9	10	
Applicants		32	32	32	32	32	32	32	32	32	32	320
Fingerprint (DOJ*)	\$49	\$1,568	\$1,568	\$1,568	\$1,568	\$1,568	\$1,568	\$1,568	\$1,568	\$1,568	\$1,568	\$15,680
Initial Registration	\$195	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$62,400
Total Savings:		\$7,808	\$7,808	\$7,808	\$7,808	\$7,808	\$7,808	\$7,808	\$7,808	\$7,808	\$7,808	\$78,080

*Department of Justice

Economic Impact Assessment

Cost Impact on Representative Private Person or Business:

Approximately 6,000 – 7,000 individuals apply for licensure as a pharmacy technician annually. Approximately 50 percent qualify for licensure through a course of training (technician training course) pursuant to subdivision (a)(2) of BPC section 4202.

Approximately 40 percent qualify for licensure by completing a pharmacy technician certification program pursuant to subdivision (a)(4) of BPC section 4202.

The provisions of this proposal that amend section 1793.5 and the Pharmacy Technician Application (Form 17A-5) are not anticipated to have an economic impact because the changes only reflect minor changes, many of which are already in existing law. The changes to the form permitting alternate qualifications (to demonstrate GED-

equivalency or pharmacy technician certification) allow individuals to obtain documents or qualification from other sources, simply redistributing work. The requirement that the application be signed within 60 days of filing will not have a cost. By incorporating by reference a Pharmacy Technician Application (17A-5) that reflects current laws and regulations and clarifies the educational and licensing attachment requirements and the timing for submitting the application, the Board believes that applicant inquiries and deficiencies will be reduced, which will streamline the application process and facilitate processing of the application.

The provisions of this proposal that would amend the 240-hour technician training course requirements in section 1793.6 also do not appear to create a significant economic impact. Many such technician training courses may already impose the same standards being set by the regulation.

The proposal to amend section 1793.6 will enhance the health and welfare of California residents in that the individuals qualifying for licensure based on completion of a more rigorous training course will be better educated and informed on the impact of criminal background, illicit drug use or drug use without a prescription, and understanding and ability to demonstrate the required elements of the training course. This regulatory proposal benefits the health and welfare of California residents and benefits worker safety because pharmacies have a pool of adequately trained pharmacy technicians, and consumer safety because better trained pharmacy technicians can help ensure the safety, quality, and proper tracking of prescription medications, including controlled substances.

The provisions of this proposal that would create section 1793.65 (specifying the two Board –approved programs whose certification will qualify an applicant for pharmacy technician licensure) create a new option available to individuals seeking to qualify through certification, but may not have a significant economic impact. Both certification programs are already offered and accepted in some other states. It is estimated the costs for both programs are similar for students and that students may substitute one for the other rather than creating a new demand for the certification program.

This regulatory proposal does not affect the State’s environment because its provisions modify the pharmacy technician application, course of training requirements, and pharmacy technician training program, which do not appear to affect the environment.

The Board concludes that it is:

- (1) Unlikely that the proposal will create or eliminate any jobs for pharmacy technicians, pharmacies, technical training courses, certification programs, or drug testing businesses within the state;

- (2) Unlikely that the proposal will create new businesses providing pharmacy technician training courses, pharmacy technician certification programs, or drug screening services within the state;
- (3) Unlikely that the proposal will eliminate any existing businesses within the state;
- (4) Unlikely that the proposal will affect the expansion of businesses currently doing business in the state; and
- (5) The benefits to the public include consumer protection of potential pharmacy technician training course students, and for the health and welfare of California residents using pharmacy services through increased assurance that services by pharmacy technicians will be provided safely and effectively.

Business Impact

The Board has determined that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The Board finds that updating the pharmacy technician license application; revising the pharmacy technician training course requirements; and specifying approved pharmacy technician certification programs, will have no significant statewide negative impact on businesses.

This initial determination is based on the fact that: the pharmacy technician application applies to individuals, not businesses, and does not impose new requirements to businesses.

The regulations are anticipated to result in approximately 32 prospective students opting to not enroll in a pharmacy technician educational program and paying tuition fees of \$20,000 per individual, which results in tuition revenue losses of \$640,000 per year and up to \$6.4 million over a ten-year period.

The Board indicates 110 to 125 educational programs will be impacted by the proposed regulations, which would result in an average revenue loss ranging from \$5,800 to \$5,100 per institution per year and up to \$58,000 to \$51,000 over a ten-year period.

Additionally, businesses in the state providing fingerprint services will have approximately 32 fewer fingerprint checks per year. These businesses typically charge \$75 per fingerprint check with \$49 being remitted to the Department of Justice. As a result, these businesses are estimated to incur revenue losses of \$832 per year and up to \$8,320 over a ten-year period.

Individual Impact

Expenditures (savings): These (32) individuals will save approximately \$20,000 each in tuition and training costs, as well as Board registration fees (\$195), fingerprint check fees (\$75), and National License Database fees (\$8) as follows:

California State Board of Pharmacy Economic Impact (Savings)												
Pharmacy Technician	Costs	Years Ongoing										Total
		1	2	3	4	5	6	7	8	9	10	
*Individuals (not enrolling)		32	32	32	32	32	32	32	32	32	32	320
Tuition and Training	\$20,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$6,400,000
Initial Registration	\$195	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$62,400
Fingerprint (\$49 to DOJ**)	\$75	\$2,400	\$2,400	\$2,400	\$2,400	\$2,400	\$2,400	\$2,400	\$2,400	\$2,400	\$2,400	\$24,000
National Licensee Database (look-up)	\$8	\$256	\$256	\$256	\$256	\$256	\$256	\$256	\$256	\$256	\$256	\$2,560
Total Savings:		\$648,896	\$648,896	\$648,896	\$648,896	\$648,896	\$648,896	\$648,896	\$648,896	\$648,896	\$648,896	\$6,488,960

*Prospective individuals not enrolling

**Department of Justice

Specific Technologies or Equipment

This regulation would not mandate the use of specific technologies or equipment.

Consideration of Alternatives

The Board has initially determined that no reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons.

An alternative to changing 1793.5 would be to continue with the current pharmacy technician application, but that would not be consistent with current laws and so was rejected. An alternative to the changes to section 1793.6 could be to maintain current training course requirements, but that would fail to protect consumers and potential students and so was rejected. An alternate to section 1793.65 is not to add a regulation specifying the Board approved pharmacy technician certification training programs, but that was rejected because the proposal makes that information available to the public in a way that permits individuals and employers who pay for such training to be aware that such programs meet the Board's standards.