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**From:** Senator Kathy Bernier  
**To:** The Senate Committee on Insurance, Licensing and Forestry  
**Re:** Testimony on Senate Bill 300  
**Relating to:** registration of pharmacy technicians, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.  
**Date:** May 26, 2021

Thank you, Chair Felzkowski and members of the Insurance, Licensing, and Forestry Committee for holding this public hearing.

Senate Bill 300 relates to the registration of pharmacy technicians. Under current law, pharmacy technicians are not required to register with any governing body.

Public safety may be at risk when a pharmacy technician is involved in drug diversion and is released from their employer. Currently, a pharmacy technician can be hired at another Pharmacy without any record of a violation.

Pharmacy technicians play an important role on the pharmacy team by assisting pharmacists every day. SB 300 ensures the public is protected by allowing the Pharmacy Examining Board to monitor those with access to potentially harmful medications.

SB 300 doesn't change the scope of practice or the entry requirements to becoming a pharmacy technician. It simply requires these individuals to register with the pharmacy examining board.

In crafting this legislation, we worked closely with the Pharmacy Society of Wisconsin. It's the pharmacy technicians that requested a registry system, as it protects the public.

I encourage you to vote for SB 300 as it creates an accountability mechanism for misconduct that presently does not exist, except for background checks.



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May 26<sup>th</sup>, 2021

Chairperson Felzkowski and Senate Insurance, Licensing, and Forestry Committee Members,

Thank you for holding a Public Hearing on SB 300 related to the registration of pharmacy technicians.

This legislation was drafted in consultation with the Pharmacy Society of Wisconsin.

Pharmacy technicians are a vital part of the pharmacy team that provides assistance to thousands of Wisconsinites every day. Pharmacy technicians retrieve and transport stock medication, prepackage and label drugs for dispensing, transfer prescriptions to patients, and many other tasks in pharmacies across Wisconsin every day.

We are all aware of the opioid epidemic facing our state and nation. I know that many communities in my district have struggled to contend with this issue and have taken great steps to ensure we continue the fight against this epidemic. This legislation is one piece of the ongoing effort to combat opioid addiction.

SB 300 simply requires the registration of pharmacy technicians. Under current law pharmacy technicians are not required to register with any governing body, including the pharmacy examining board (PEB). This can lead to difficult situations if a technician is found to have diverted medication. We need to ensure that the public is protected and that we can closely monitor those with access to potentially harmful medications.

In the arena of licensing it is often best to start with the type of licensure that is the least restrictive. This bill exemplifies that mindset by utilizing a registration system to identify those acting in these capacities and provide pharmacists, businesses, and the public the peace of mind that comes along with the registration process.

This bill does not change the scope of practice or the entry requirements related to pharmacy technicians. It simply requires that these individuals register with the PEB.

I appreciate your consideration of this bill and I would be happy to answer any questions you may have.



TO: Members, Senate Committee on Insurance, Licensing, and Forestry

FROM: Danielle M. Womack, MPH  
Vice President, Public Affairs  
Pharmacy Society of Wisconsin

SUBJECT: Pharmacy Technician Registration – Support for SB 300

DATE: May 26, 2021

Thank you for the opportunity to provide testimony supporting Senate Bill 300, which would register pharmacy technicians in Wisconsin. My name is Danielle Womack, and I am the Vice President of Public Affairs at the Pharmacy Society of Wisconsin, an organization representing more than 4,000 pharmacy professionals, including nearly 1,000 pharmacy technicians.

Pharmacy technicians are critical to pharmacy operations. Pharmacy technicians retrieve and transport medications, dispense drugs, transfer prescriptions to patients, administer vaccines to patients six and older, compound medications, and accept prescription orders from prescribers. Yet, despite this crucial role, pharmacy technicians are not licensed or registered in Wisconsin. The lack of registration is different from almost every other state – 46 states either license or register pharmacy technicians.

Pharmacy technicians have access to and regularly interact with medications in the pharmacy, including controlled substances. Under current law, if a pharmacist violates the pharmacy practice act, the Pharmacy Examining Board (PEB) can revoke, suspend, or limit their license. **However, if a pharmacy technician violates this act, the PEB has no authority to penalize a technician.** No mechanism prohibits a pharmacy technician from practicing after a violation. If an employer chooses to terminate a technician after a violation, the technician can simply apply for and be hired elsewhere as a pharmacy technician.

With the opioid epidemic ravaging communities across Wisconsin, some pharmacies have seen employees, both pharmacists and pharmacy technicians, divert medications for illicit purposes. Currently, if a pharmacist is found to have diverted medications, the PEB can revoke, suspend, or limit the pharmacist's license. If a technician is found to have diverted medications, the PEB does not have these options. A study in the *Journal of the American Pharmacists Association* found that pharmacy technicians diverted medications in 71.4% of medication diversion cases brought before state boards of pharmacy<sup>1</sup>. Yet, in Wisconsin, there is no registration to track or revoke if a technician has diverted medications – unless a conviction is achieved, there is no accountability for our technicians. This bill creates an accountability mechanism for misconduct that presently does not exist outside a background check.

Unfortunately, if a legal violation does occur, legal authorities will not always prosecute a case due to various reasons – a technician may violate the pharmacy practice act rather than a criminal law, which is typically investigated and disciplined by professional boards, not legal authorities. These issues may not arise in a background check, but would result in other practitioners having their license revoked, suspended, or limited – but, since there is no registration for pharmacy technicians to revoke, they can continue to practice.

<sup>1</sup> *Description and comparison of medication diversion in pharmacies by pharmacists, interns, and pharmacy technicians. Draime, Juanita A. et al. Journal of the American Pharmacists Association, Volume 58, Issue 3, 275 – 280.*





PSW has had countless discussions with our pharmacist and pharmacy technician members about the importance of ensuring that any legislation that would register pharmacy technicians would not create artificial or unnecessary barriers to entry for the pharmacy technician profession. We have worked closely with the bill authors, Representative Hurlacher and Senator Bernier, to ensure that individuals who have been hired for a job do not have to await DSPS action before they can begin work. Additionally, SB 300 does not require technicians to be certified and does not create any ongoing continuing education requirements. Simply put, the purpose of this legislation is to give the Pharmacy Examining Board the mechanism to remove bad actors from the profession.

Thank you for the opportunity to provide testimony in support of SB 300. I am happy to answer any questions you may have.