

CHAPTER 5
PHARMACY SUPPORT PERSONS

657—5.1(155A) Definitions. For purposes of this chapter, the following definitions shall apply:

“*Board*” means the Iowa board of pharmacy.

“*Delivery*” means the transport and conveyance of a finished, securely packaged prescription order to the patient or the patient’s agent.

“*Direct access*” means physical access, without direct supervision by a pharmacist, to opened, unpackaged, or unsecured stock containers or prescription vials containing prescription drugs.

“*Pharmacy clerk*” means a person whose duties within the pharmacy department include accessing filled prescription orders and processing payments for and delivering such orders to the patient or the patient’s agent under the supervision of a pharmacist.

“*Pharmacy support person*” means a person, other than a licensed pharmacist, a registered pharmacist-intern, or a registered pharmacy technician, who may perform nontechnical duties assigned by a supervising pharmacist under the pharmacist’s responsibility and supervision.

“*Pharmacy technician*” or “*technician*” means a person who is employed in Iowa by a licensed pharmacy under the responsibility of an Iowa-licensed pharmacist to assist in the technical functions of the practice of pharmacy, and who is registered pursuant to 657—Chapter 3, and includes a certified pharmacy technician, a pharmacy technician trainee, and an uncertified pharmacy technician.

“*Secure package*” means the prescription order is enclosed in tamper-evident packaging. An IV bag is considered tamper-evident packaging.

“*Supervising pharmacist*” means an Iowa-licensed pharmacist who is on duty in an Iowa-licensed pharmacy and who is responsible for assigning and supervising the duties performed by a pharmacy support person.

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 9009B, IAB 8/11/10, effective 7/23/10]

657—5.2(155A) Purpose of registration. A registration program for pharmacy support persons is established for the purposes of identification, tracking, and disciplinary action. The registration shall not include any determination of the competency of the registered individual. The use of pharmacy support persons to assist the pharmacist with nontechnical duties associated with the practice of pharmacy enables the pharmacist to provide pharmaceutical care to the patient.

[ARC 8673B, IAB 4/7/10, effective 6/1/10]

657—5.3 Reserved.

657—5.4(155A) Registration required. Unless exempt in rule 657—5.5(155A), any individual employed by a pharmacy who has direct access to prescription drugs or confidential patient information must be registered as a pharmacy support person. Beginning July 1, 2021, prior to commencing employment in an Iowa pharmacy as a pharmacy support person, an individual shall obtain registration as a pharmacy support person. Any registered pharmacy support person who discontinues employment as a pharmacy support person shall not be required to maintain a registration and shall request cancellation of the registration as provided in subrule 5.9(3).

Through June 30, 2021, any person required to register and not previously registered with the board as a pharmacy support person shall complete an application for registration within 30 days of accepting employment in an Iowa pharmacy as a pharmacy support person. Such application shall be received in the board office before the expiration of this 30-day period.

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 5543C, IAB 4/7/21, effective 5/12/21; Editorial change: IAC Supplement 9/8/21]

657—5.5(155A) Exempt from registration. The following shall be exempt from registration as a pharmacy support person:

1. A licensed pharmacist, registered pharmacist-intern, or registered pharmacy technician.
2. Facility maintenance personnel including but not necessarily limited to cleaning, sanitation, structural, and mechanical maintenance personnel. Facility maintenance personnel deemed exempt

from registration shall be directly supervised by a pharmacist or a certified pharmacy technician who is responsible for the maintenance person's activities within the pharmacy department to ensure medication security and patient privacy.

3. Any person not directly employed by or under contract to the pharmacy, and not under the direct supervision of a pharmacist, who provides data processing, data processing support, programming, maintenance, billing, delivery, or administrative support functions outside the pharmacy department. [ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 5543C, IAB 4/7/21, effective 5/12/21]

657—5.6 Reserved.

657—5.7(155A) Registration application form.

5.7(1) Required information. The application form for a pharmacy support person registration shall require the following:

- a. Information sufficient to identify the applicant including, but not limited to, name, address, date of birth, gender, and social security number;
- b. Work experience;
- c. Current place or places of employment;
- d. Any other information deemed necessary by the board.

5.7(2) Declaration of current impairment or limitations. The applicant shall declare any current use of drugs, alcohol, or other chemical substances that in any way impairs or limits the applicant's ability to perform the duties of a pharmacy support person with reasonable skill and safety.

5.7(3) History of felony or misdemeanor crimes. The applicant shall declare any history of being charged, convicted, found guilty of, or entering a plea of guilty or no contest to a felony or misdemeanor crime (other than minor traffic violations with fines under \$100).

5.7(4) History of disciplinary actions. The applicant shall declare any history of disciplinary actions or practice restrictions imposed by a state health care professional, licensure, or registration authority.

5.7(5) Sworn signature. The applicant shall sign the application under penalty of perjury and shall submit the application to the board with the appropriate nonrefundable fees pursuant to rule 657—5.9(155A).

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 5543C, IAB 4/7/21, effective 5/12/21]

657—5.8 Reserved.

657—5.9(155A) Registration fee, term, and renewal.

5.9(1) Fee. The nonrefundable application fee for a pharmacy support person registration shall be \$25. The nonrefundable application fee for a pharmacy support person registration shall be submitted in the form of a personal check, certified check, cashier's check, or money order made payable to the Iowa Board of Pharmacy when submitted with a written application or by acceptable debit or credit card when submitted with an online application.

5.9(2) Term. A pharmacy support person registration shall expire on the second last day of the birth month following initial registration. Registration shall not require continuing education for renewal.

5.9(3) Renewal. A pharmacy support person registration shall be renewed prior to the expiration of the registration.

a. *Delinquent registration grace period.* A pharmacy support person registration which is not renewed prior to the expiration of the registration shall be considered delinquent. Renewal during the month following the expiration date of the registration shall include the nonrefundable registration fee pursuant to subrule 5.9(1) and a nonrefundable late penalty fee of \$25. A registered pharmacy support person who renews during the month following the expiration date of the registration shall not be subject to disciplinary action for continuing to practice as a pharmacy support person during the delinquency of the registration.

b. *Registration reactivation beyond grace period.* If the registration is not renewed prior to the expiration of the one-month grace period identified in paragraph 5.9(3) "a," the individual shall cease practice as a pharmacy support person until the registration is reactivated. A pharmacy support person

with an expired registration may apply for registration reactivation by submitting a completed application for reactivation and a nonrefundable reactivation fee of \$100. An individual who continues employment as a pharmacy support person with an expired registration, in addition to the pharmacy and the pharmacist in charge that allow the individual to continue practice as a pharmacy support person, may be subject to disciplinary sanctions.

c. Voluntary cancellation. A registered pharmacy support person who ceases practice as a pharmacy support person and does not intend to renew the registration prior to its expiration may request that the board cancel the registration. If the pharmacy support person later seeks registration as a pharmacy support person, the individual shall not be assessed a late penalty fee or reactivation fee for renewal of the registration.

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 0504C, IAB 12/12/12, effective 1/16/13; ARC 5543C, IAB 4/7/21, effective 5/12/21]

657—5.10(155A) Registration renewal. Rescinded ARC 5543C, IAB 4/7/21, effective 5/12/21.

657—5.11(155A) Late application. Rescinded ARC 5543C, IAB 4/7/21, effective 5/12/21.

657—5.12 Reserved.

657—5.13(155A) Registration verification. The board may require the submission of a nonrefundable fee of \$15 for written verification of a registration.

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 5543C, IAB 4/7/21, effective 5/12/21]

657—5.14(155A) Notifications to the board. A registered pharmacy support person shall report to the board within ten days a change of name, address, place of employment, or employment status.

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 5543C, IAB 4/7/21, effective 5/12/21]

657—5.15(155A) Identification of pharmacy support person.

5.15(1) Name badge. A pharmacy support person shall wear a name badge or other form of identification while on duty which clearly identifies the person as a pharmacy support person.

5.15(2) Misrepresentation prohibited. A pharmacy support person shall not, in any manner, represent himself or herself as a pharmacist, a pharmacist-intern, or a pharmacy technician.

[ARC 8673B, IAB 4/7/10, effective 6/1/10]

657—5.16 Reserved.

657—5.17(155A) Tasks a pharmacy support person shall not perform. A pharmacy support person shall not perform any of the following judgmental or technical functions. Performance of any of these tasks by a pharmacy support person shall constitute the practice of pharmacy without a license in violation of Iowa Code section 155A.7. A pharmacy support person shall not:

1. Provide the final verification for the accuracy, validity, completeness, or appropriateness of a filled prescription or medication order.
2. Conduct prospective drug use review or evaluate a patient's medication record for purposes identified in rule 657—8.21(155A).
3. Provide patient counseling, consultation, or patient-specific drug information; make an offer of patient counseling on behalf of the pharmacist; or accept a refusal of patient counseling from a patient or patient's agent.
4. Make decisions that require a pharmacist's professional judgment, such as interpreting or applying information.
5. Accept by oral communication any new or refill prescription authorizations communicated to a pharmacy by a prescriber or by the prescriber's office or contact a prescriber to obtain prescription refill authorizations.
6. Provide a prescription or drug to a patient without a pharmacist's verification as to the accuracy of the dispensed medication and without the physical presence of a pharmacist.

7. Package, pour, or place in a container for dispensing, sale, distribution, transfer, vending, or barter any drug which, under federal or state laws, may be sold or dispensed only pursuant to the prescription of a practitioner authorized to prescribe drugs. This prohibited task includes the addition of water or other liquid for reconstitution of oral antibiotic liquids. A pharmacy support person may place a prescription container into a bag or sack for delivery to the patient as part of the sales transaction after the accuracy of the prescription has been verified by the pharmacist.

8. Affix required prescription labels upon any container of drugs sold or dispensed pursuant to the prescription of an authorized prescriber.

9. Process or enter, including entry into the pharmacy computer system, pertinent clinical patient or prescription information, including allergies and disease state information.

10. Prepackage or label multidose and single-dose packages of drugs, including dose picks for unit dose cart fills for hospital or long-term care facility patients.

11. Check or inspect drug supplies provided and controlled by an Iowa-licensed pharmacy but located or maintained outside the pharmacy department, including but not limited to drug supplies maintained in an ambulance or other emergency medical service vehicle, a long-term care facility, a hospital nursing unit, or a hospice facility.

12. Reconstitute prefabricated noninjectable medication, prepare parenteral products, or compound sterile or nonsterile drug products.

13. Communicate, transmit, or receive patient or prescription information to or from the pharmacy for the purpose of transferring a patient's prescription between pharmacies.

14. Assist with or witness the destruction or wastage of controlled substances pursuant to 657—subrule 10.22(2).

15. Perform any technical functions pursuant to 657—Chapter 3 that may be delegated to a pharmacy technician.

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 9785B, IAB 10/5/11, effective 11/9/11; ARC 3637C, IAB 2/14/18, effective 3/21/18; ARC 5543C, IAB 4/7/21, effective 5/12/21]

657—5.18(155A) Nontechnical pharmacy support tasks. Rescinded ARC 5543C, IAB 4/7/21, effective 5/12/21.

657—5.19 Reserved.

657—5.20(155A) Training and utilization of pharmacy support persons. All Iowa-licensed pharmacies utilizing pharmacy support persons shall develop, implement, and periodically review written policies and procedures for the training and utilization of pharmacy support persons. Pharmacy policies shall specify the frequency of the review. Pharmacy support person training shall be documented and maintained by the pharmacy for the duration of employment. Such policies and procedures and documentation of pharmacy support person training shall be available for inspection by the board or an agent of the board.

[ARC 8673B, IAB 4/7/10, effective 6/1/10]

657—5.21(155A) Delegation of functions and responsibility of supervising pharmacist. Pursuant to established policies and procedures and the supervising pharmacist's professional judgment, a supervising pharmacist may delegate nontechnical functions in the operation of the pharmacy, except those which are prohibited pursuant to rule 657—5.17(155A), to an appropriately trained and registered pharmacy support person, but only if the pharmacist is on site and available to supervise the pharmacy support person when delegated functions are performed, except as provided in rule 657—6.7(124,155A) or 657—7.6(155A), as appropriate. The ultimate responsibility for the actions of a pharmacy support person shall remain with the supervising pharmacist. A pharmacy license holder shall not infringe on the authority of a supervising pharmacist to delegate or decline to delegate specific nontechnical functions to a pharmacy support person based on the supervising pharmacist's professional judgment regarding the knowledge and training of the pharmacy support person.

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 5543C, IAB 4/7/21, effective 5/12/21]

657—5.22(155A) Delegation of nontechnical functions. A pharmacist may delegate nontechnical functions to an appropriately trained and registered pharmacy support person, but only if the pharmacist is present to supervise the pharmacy support person when delegated functions are performed, except as provided in rule 657—6.7(124,155A) or 657—7.6(155A), as appropriate.
[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 4267C, IAB 1/30/19, effective 3/6/19]

657—5.23 Reserved.

657—5.24(155A) Denial of registration. The board may deny an application for registration as a pharmacy support person for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, 124B, 126, 147, 155A, or 205 or any rule of the board.
[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 3857C, IAB 6/20/18, effective 7/25/18]

657—5.25(147,155A) Unethical conduct or practice. Violation by a pharmacy support person of any of the provisions of this rule shall constitute unethical conduct or practice and may be grounds for disciplinary action as provided in rule 657—5.27(155A).

5.25(1) Misrepresentative deeds. A pharmacy support person shall not make any statement tending to deceive, misrepresent or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in pharmacy or in the operation or conduct of a pharmacy.

5.25(2) Confidentiality. In the absence of express consent from the patient or order or direction of a court, except where the best interests of the patient require, a pharmacy support person shall not divulge or reveal to any person other than the patient or the patient's authorized representative, the prescriber or other licensed practitioner then caring for the patient, a licensed pharmacist, or a person duly authorized by law to receive such information the contents of any prescription or the therapeutic effect thereof or the nature of professional pharmaceutical services rendered to a patient; the nature, extent, or degree of illness suffered by any patient; or any medical information furnished by the prescriber.

5.25(3) Discrimination. It is unethical for a pharmacy support person to unlawfully discriminate between patients or groups of patients for reasons of religion, race, creed, color, sex, sexual orientation, gender identity, age, national origin, or disease state when providing pharmaceutical services.

5.25(4) Unethical conduct or behavior. A pharmacy support person shall not exhibit unethical behavior in connection with the pharmacy support person's pharmacy employment. Unethical behavior shall include, but is not limited to, the following acts: verbal abuse, coercion, intimidation, harassment, sexual advances, threats, degradation of character, indecent or obscene conduct, and theft.
[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 5543C, IAB 4/7/21, effective 5/12/21]

657—5.26(155A) Reporting discipline and criminal convictions. A registered pharmacy support person shall provide to the board written notice of and unredacted documents related to any disciplinary or enforcement action imposed by any licensing agency or regulatory authority on any license or registration held by the registered pharmacy support person no later than 30 days after the final action. Discipline may include, but is not limited to, fine or civil penalty, citation or reprimand, probationary period, suspension, revocation, and voluntary surrender. A registered pharmacy support person shall provide written notice and unredacted documents to the board of any criminal conviction that is related to the practice of pharmacy or controlled substances no later than 30 days after the conviction. The term "criminal conviction" includes instances when the judgment of conviction or sentence is deferred.
[ARC 5543C, IAB 4/7/21, effective 5/12/21]

657—5.27(155A) Discipline of pharmacy support persons.

5.27(1) Violations. The board may impose discipline for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, 124B, 126, 147, 155A, or 205 or any rule of the board.

5.27(2) Sanctions. The board may impose the following disciplinary sanctions:

- a. Revocation of a pharmacy support person registration.

- b.* Suspension of a pharmacy support person registration until further order of the board or for a specified period.
- c.* Nonrenewal of a pharmacy support person registration.
- d.* Prohibition, permanently, until further order of the board, or for a specified period, from engaging in specified procedures, methods, or acts.
- e.* Probation.
- f.* Imposition of civil penalties not to exceed \$25,000.
- g.* Issuance of citation and warning.
- h.* Such other sanctions allowed by law as may be appropriate.

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 3857C, IAB 6/20/18, effective 7/25/18; ARC 5543C, IAB 4/7/21, effective 5/12/21]

These rules are intended to implement Iowa Code sections 147.55, 147.80, 155A.3, 155A.6B, 155A.18 and 155A.23.

[Filed ARC 8673B (Notice ARC 8380B, IAB 12/16/09), IAB 4/7/10, effective 6/1/10]

[Filed Emergency ARC 9009B, IAB 8/11/10, effective 7/23/10]

[Filed ARC 9785B (Notice ARC 9556B, IAB 6/15/11), IAB 10/5/11, effective 11/9/11]

[Filed ARC 0504C (Notice ARC 0351C, IAB 10/3/12), IAB 12/12/12, effective 1/16/13]

[Filed ARC 3637C (Notice ARC 3370C, IAB 10/11/17), IAB 2/14/18, effective 3/21/18]

[Filed ARC 3857C (Notice ARC 3506C, IAB 12/20/17), IAB 6/20/18, effective 7/25/18]

[Filed ARC 4267C (Notice ARC 4029C, IAB 9/26/18), IAB 1/30/19, effective 3/6/19]

[Filed ARC 5543C (Notice ARC 5374C, IAB 1/13/21), IAB 4/7/21, effective 5/12/21]

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