



# THE RULES DIGEST

July 2011

**Scheduled for Committee review**  
**Tuesday, July 12, 2011**  
**Room #116**

Reference  
XXXIII IAB No. 25(06/15/11)  
XXXIII IAB No. 26(06/29/11)

## **HIGHLIGHTS IN THIS ISSUE:**

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### **BANKING DIVISION**

9:10

*Closing agents*, IAB Vol. XXXIII, No. 26, ARC 9593B, EMERGENCY.

This filing is also published as a notice of intended action. Senate File 2348 was enacted in 2010; that Act goes into effect July 1. The Act provides for a new licensed profession in real estate matters, a “closing agent”. This agent is defined as a person not a party to a real estate transaction who provides real estate closing services. Closing services include those administrative and clerical services required to carry out the conveyance or transfer of real estate or an interest in real estate. The licensing requirements do not apply to licensed attorneys or government officials.

A licensed closing agent must provide a \$25,000 bond. The Act also imposes trust account requirements applicable to closing agents and conditions governing the making of disbursements from such trust accounts in a real estate closing. The rules set out detailed closing standards. The closing agent must maintain a closing file for each real estate transaction for which the closing agent performed real estate closing services.

These rules also require that effective January 1, 2012, mortgage bankers and mortgage brokers maintain the certain records electronically.

### **PHARMACY BOARD**

9:40

*Tech-check-tech*, IAB Vol. XXXIII, No. 25, ARC 9557B, NOTICE.

Generally, a pharmacist may delegate technical dispensing functions to pharmacy technicians, but only if the pharmacist is physically present to verify the accuracy and completeness of the patient's prescription prior to the delivery of the prescription. However, the physical presence requirement does not apply when a pharmacist is utilizing an automated dispensing system or a tech-check-tech program.

The "tech-check-tech program" is a program allowing one or more certified pharmacy technicians to safely check the work of other certified pharmacy technicians and provide final verification for drugs which are dispensed for subsequent administration to patients in a care facility, hospital or other institutional setting.

These proposed rules authorize the establishment of a tech-check-tech program in a hospital pharmacy or in a general pharmacy which provides services to a residential care facility. The program must be approved by the board. The facility must establish a training program under the direction of a pharmacist, which includes the prevention, identification, and classification of medication errors. The responsible pharmacist must continuously monitor and evaluate of each certified pharmacy technician participating in the program in order to ensure the continued competency of the technicians and the safety of patients.

Under the program a certified technician may check activities relating to the filling of floor stock, unit dose distribution systems, proprietary bag and vial systems or manufactured premix intravenous products, and AMDS components for hospital and long-term care facility patients.

## HUMAN SERVICES DEPARTMENT

10:50

*Supervised apartment living placement services*, IAB Vol. XXXIII, No. 25, ARC 9563B, NOTICE.

These proposed amendments are intended to strengthen the licensing requirements for child-placing agencies in the area of supervised apartment living placement services. The changes were identified in a program review conducted to prepare a request for proposals for purchase of services to children in supervised apartment living foster care. The Department finds that the changes offer basic protections that should be available to all children in a supervised apartment placement operated by a child-placing agency. The changes include:

- Requiring a description of education and community activity options available to be included in the agency program statement that is given to all children in supervised apartment placement.
- Requiring the agency to document its findings that the proposed living situation is safe; is accessible to the child's school, work, and activities; and is reasonably priced and that the agency program will meet the child's needs.
- Removing the requirement that the child's combination of school and work must be equivalent to a full-time commitment, given the scarcity of jobs for persons of this age and skill level.
- Requiring the agency to involve the child's family in the development of the child's service plan and specifying the elements that the service plan must include.
- Requiring that agency staff be present in a cluster-site arrangement at any time when a child is in the living unit and be available to the children in placement 24 hours per day, seven days per week.
- Requiring agency staff to document their personal observation that the living situation allows for the child's social and emotional needs to be met, has a telephone and a working smoke detector, and presents no reasonable cause for believing that the child's mode of living presents unacceptable risks to the child's health or safety.