

Virginia Department of Labor and Industry (DOLI)

Virginia Department of Education (VDOE)

DOLI Guidance to VDOE and School Divisions on CTE High School Pharmacy Technician Training Programs

Following is DOLI guidance for VDOE and school division on Career and Technical Education (CTE) High School Pharmacy Technician Training Programs I and II:

- Because of the new requirement that all Pharmacy Technician students complete a minimum of 130 hours of work-based learning through a Clinical Experience, VDOE and DOLI have agreed that all Pharmacy Technician students must enter into a DOLI Pharmacy Technician Student Work-Training Program Written Agreement ("DOLI Written Agreement") (copy attached) to assure proper oversight of child labor conditions in the pharmacy setting in accordance with DOLI's child protection statutes at [Va. Code §40.1-100.A.4](#) and [Va. Code § 40.1-103](#).
- The DOLI Written Agreement will be automated through a DocuSign [PowerForm](#) for ease of use and implementation. A link to the PowerForm will be provided through the DOLI website, the VDOE CTE website and/or email communication with the student.
- DOLI notes that any pharmacist who is providing the Clinical Experience for high school students under the age of 18 is serving in a "custodial" capacity with the child and can be held criminally liable should any harm come to the child as a result of their exposure to drugs that could be considered dangerous, poisonous or injurious¹ to the health of the child in their custody [Va. Code § 40.1-103](#).
- DOLI will pursue adoption of a permanent regulation specifically applicable to VDOE CTE Pharmacy Technician I and II courses pursuant to [Va. Code §40.1-89](#). This is the best legal option and most comprehensive way to address DOLI concerns about the current Clinical Experience framework and assure that adequate safeguards are in place to protect high school children under the age of 18 while working with prescription drugs that could be considered dangerous, poisonous or injurious to the health of the child.
- Because the regulatory adoption process normally takes 12-24 months, DOLI, VDOE, Department of Health Professions (DHP) and the Board have entered into a

¹ Here is a webpage describing Virginia's Schedules for Controlled Substances (Schedules I through VI): https://virginiarules.org/varules_topics/drugs-overview/

Also: [Va. Code § 54.1-3446. Schedule I](#); [Va. Code § 54.1-3448. Schedule II](#); [Va. Code § 54.1-3450. Schedule III](#); [Va. Code § 54.1-3452. Schedule IV](#); [Va. Code § 54.1-3454. Schedule V](#); [Va. Code § 54.1-3455. Schedule VI](#)

Memorandum of Agreement (MOA) that results in the implementation of a Clinical Affiliation Agreement specific to pharmacies and a requirement for Pharmacy Technician students and their parents/guardian, the School Division, and the Pharmacy to enter into a DOLI Written Agreement which meets the requirements of [Va. Code §40.1-89](#).

- The failure of a school division, Pharmacy Technician student (and their parents/guardian, and pharmacy to enter into a DOLI Written Agreement with DOLI would mean that the student during the Clinical Experience could not engage in the direct handling of potentially dangerous or poisonous prescription drugs (e.g., counting, measuring, compounding etc.) and therefore would not be able to satisfy the requirements of the VDOE Pharmacy Technician program.
- The VDOE Pharmacy Clinical Affiliation Agreement specific to pharmacies will include the following provisions:
 - Students must be at least 16 years old to participate in the Clinical Experience at a pharmacy.
 - All students enrolled in Pharmacy Technician I or II courses shall undergo a criminal background check before being permitted by a school division to participate in a Clinical Experience at a participating pharmacy. A [Juvenile Records Request](#) submitted by the parent/guardian of the student through the Virginia Department of Juvenile Justice (VDJJ) will be deemed to meet this requirement. Students shall complete the background check within the 90-day period immediately prior to the student's initial Clinical Experience placement. The process will be repeated if the student changes pharmacies. It shall be the student's responsibility to make timely arrangements for the background check and to pay all costs associated with such checks. The results of the request will be provided to the school prior to the student's Clinical Experience placement.

NOTE: The DocuSign [PowerForm](#) used to initiate the DOLI Written Agreement referenced above will contain an option for the parent/guardian to fill out the Juvenile Records Request form at the same time and have it automatically submitted to VDJJ.

- The Clinical Experience workplace ratio of supervisor to student shall be 1:1. Provided that the school division Program Director (licensed pharmacist or a nationally certified pharmacy technician) is present and provides "direct and close supervision" to the student or assures that the pharmacist designates a licensed pharmacist or pharmacy technician to "provide direct and close supervision" to meet a 1:1 ratio of supervisors to students, DOLI would consider such an arrangement to comply with [Va. Code § 40.1-89](#).
- School divisions shall be required to inform their Program Director and CTE Administrator of any CTE Pharmacy Technician I or II student under the age of 18 who has committed any felonious conduct involving alcohol, marijuana, a controlled

substance, imitation controlled substance, or an anabolic steroid (reporting non-felony offenses involving these are subject to the division superintendent and principal's discretion). [Va. Code § 22.1-279.3:1\(A\)\(i\)](#). The school shall immediately remove the student from the Clinical Experience at the pharmacy.

- Prior to permitting a student under the age of 18 to participate in Clinical Experience (and on a quarterly basis thereafter), the school division shall check the DHP [License Lookup](#) webpage for the prior three calendar years of licensing, inspection, violation and penalty history of the host pharmacy, pharmacist(s) and pharmacy technician(s) for significant violations of Board of Pharmacy regulations; and license probations, suspensions or revocations. A record of the searches shall be maintained for a period of three years.

NOTE: "Significant violations of Board regulations" includes, but is not limited to, instances of drug diversion, drug theft, the appearance of a pattern of behavior indicative of systemic problems with inventory control, etc.

Should the initial license lookup prior to placement result in the identification of significant violations, license probations, suspensions or revocations, the school division shall conduct an assessment of whether the pharmacy meets the high operational and ethical standards necessary to warrant inclusion in the Clinical Experience. The assessment shall be reduced to writing and provided to DOLI, the student and the student's parents/guardian prior to the student being allowed to start a Clinical Experience at the pharmacy. Notification to DOLI shall be sent to:

Assistant Director
Division of Labor and Employment Law
Virginia Department of Labor and Industry
North Run Business Park
1570 East Parham Road
Richmond, Virginia 23228

If the above assessment does not result in the initial placement of the student in a Clinical Experience with the subject pharmacy, no notification to the student, the student's parents/guardian or DOLI is required.

Should a quarterly license lookup result in the identification of significant violations, license probations, suspensions or revocations, the school division shall immediately remove the student from the Clinical Experience at the pharmacy and conduct an assessment of whether the pharmacy meets the high operational and ethical standards necessary to warrant inclusion in the Clinical Experience. The assessment shall be reduced to writing and provided to DOLI, the student and the student's parents/guardian prior to the student being allowed to return to a Clinical Experience at the pharmacy. Notification to DOLI shall be sent to the contact information referenced above.

- The school division and participating pharmacy shall limit Clinical Experience job tasks involving direct handling of unpackaged prescription drugs assigned to Pharmacy Technician II students under the age of 18 to Schedule VI drugs. Pharmacy

Technician I students shall not engage in the direct handling of unpackaged prescription drugs.

- Participating pharmacies shall immediately notify (but within no later than three business days of the pharmacy's receipt of final determination) the school division pharmacy technician Program Director and CTE Administrator if the license of a pharmacist or pharmacy technician is put on probation, suspended or revoked. Upon receiving such notification, the school division shall immediately remove the student from the Clinical Experience at the pharmacy and conduct an assessment of whether the pharmacy meets the high operational and ethical standards necessary to warrant inclusion in the Clinical Experience. The assessment shall be reduced to writing and provided to DOLI, the student and the student's parents prior to the student being allowed by the School Division to return to the Clinical Experience at the pharmacy. Notification to DOLI shall be sent to the contact information referenced above.
- Participating pharmacies shall immediately notify (but within no later than three business days of the pharmacy's receipt of final inspection results) the school division pharmacy technician Program Director and CTE Administrator of the final results of DHP inspections, including any violations issued, penalties assessed and the terms of any consent orders. Should the inspection results indicate the presence of significant violations, license probations, suspensions or revocations, the school division shall immediately remove the student from the Clinical Experience at the pharmacy and conduct an assessment of whether the pharmacy meets the high operational and ethical standards necessary to warrant inclusion in the Clinical Experience. The assessment shall be reduced to writing and provided to DOLI, the student and the student's parents/guardian prior to the student being allowed to return to the Clinical Experience at the pharmacy. Notification to DOLI shall be sent to the contact information referenced above.
- Participating pharmacies shall immediately notify (but within no later than three business days) the school division pharmacy technician Program Director and CTE Administrator of drug diversions or drug thefts. The school division shall immediately inform affected students and their parents/guardian of the notification. Upon receipt of such notification, the school division shall immediately remove the student from the Clinical Experience at the pharmacy and conduct an assessment of whether the pharmacy meets the high operational and ethical standards necessary to warrant inclusion in the Clinical Experience. The assessment shall be reduced to writing and provided to DOLI, the student and the student's parents/guardian prior to the student being allowed to return to the Clinical Experience at the pharmacy. Notification to DOLI shall be sent to the contact information referenced above.

