

# Committee Report

**CONSENT CALENDAR**

**May 4, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Executive Departments and Administration to which was referred SB 57,**

**AN ACT relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.**

**Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. Tony Lekas**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Executive Departments and Administration</b>
Bill Number:	<b>SB 57</b>
Title:	<b>relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.</b>
Date:	<b>May 4, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS</b>

### **STATEMENT OF INTENT**

This bill would allow pharmacy technicians and interns to work remotely when performing administrative activities that do not require the physical possession of prescription drugs. These are activities such as prescription transfers, claims adjudications, refill authorizations, and entering patient and prescription information into a pharmacy's electronic database. This has been permitted by Emergency Order #13. This bill would permit it to continue after the end of the State of Emergency. The activities performed by pharmacy technicians and interns will continue to be governed by the rules of the Pharmacy Board.

Vote 19-0.

Rep. Tony Lekas  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Executive Departments and Administration

**SB 57**, relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks. **OUGHT TO PASS.**

Rep. Tony Lekas for Executive Departments and Administration. This bill would allow pharmacy technicians and interns to work remotely when performing administrative activities that do not require the physical possession of prescription drugs. These are activities such as prescription transfers, claims adjudications, refill authorizations, and entering patient and prescription information into a pharmacy's electronic database. This has been permitted by Emergency Order #13. This bill would permit it to continue after the end of the State of Emergency. The activities performed by pharmacy technicians and interns will continue to be governed by the rules of the Pharmacy Board. **Vote 19-0.**

**Archived:** Monday, May 10, 2021 8:34:10 AM  
**From:** Carol McGuire  
**Sent:** Saturday, May 8, 2021 8:29:47 PM  
**To:** Miriam Simmons  
**Subject:** Re: Committee Report on SB 57  
**Importance:** Normal

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Nice and simple!

On Sat, May 8, 2021 at 8:03 PM Miriam Simmons <[miriam.simmons@leg.state.nh.us](mailto:miriam.simmons@leg.state.nh.us)> wrote:  
Thank you Rep Lekas

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

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**From:** Tony Lekas <[rep.tony.lekas@gmail.com](mailto:rep.tony.lekas@gmail.com)>  
**Sent:** Saturday, May 8, 2021 8:02:29 PM  
**To:** Carol McGuire <[carol@mcguire4house.com](mailto:carol@mcguire4house.com)>  
**Cc:** Miriam Simmons <[miriam.simmons@leg.state.nh.us](mailto:miriam.simmons@leg.state.nh.us)>  
**Subject:** Committee Report on SB 57

SB57 relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.

Committee Motion: OTP

This bill would allow pharmacy technicians and interns to perform administrative activities that do not require the physical possession of prescription drugs remotely. These are activities such as prescription transfers, claims adjudications, refill authorizations, and entering patient and prescription information into a pharmacy's electronic database. This has been permitted by Emergency Order #13. This bill would permit it to continue after the end of the State of Emergency. The activities performed by pharmacy technicians and interns will continue to be governed by the rules of the Pharmacy Board.

--

Representative Tony Lekas  
Hillsborough 37 (Hudson and Pelham)  
Committee: Executive Departments and Administration  
[30 Barretts Hill Rd](#)  
[Hudson, NH 03051](#)  
603-305-5726

# Voting Sheets

**HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**EXECUTIVE SESSION on SB 57**

**BILL TITLE:** relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.

**DATE:** May 4, 2021

**LOB ROOM:** Remote / Hybrid

**MOTIONS:** **OUGHT TO PASS**

Moved by Rep. T. Lekas

Seconded by Rep. S. Pearson

Vote: 19-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON EDTA

EXECUTIVE SESSION ON HB SB 57

BILL TITLE: SB 57 RELATIVE TO ALLOWING PHARMACY TECHNICIANS AND INTERNS TO REMOTELY PERFORM NON-DISPENSING TASKS.

DATE: 5-4-21

LOB ROOM: 206

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2<sup>nd</sup> year)

Moved by Rep. LEKAS Seconded by Rep. WAGNER Vote: 19-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2<sup>nd</sup> year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2<sup>nd</sup> year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2<sup>nd</sup> year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR?

Yes  No

Minority Report? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, author, Rep.: \_\_\_\_\_ Motion: \_\_\_\_\_

Respectfully submitted, Rep. [Signature], Clerk





2021 SESSION

Executive Departments and Administration

Bill #: SB 57 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 5-4-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Judy, Jean L.	X		
Schmidt, Peter B.	X		
Schultz, Kristina M.	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
<b>TOTAL VOTE:</b>			

19-0

# Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 57

**BILL TITLE:** relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.

**DATE:** April 15, 2021

**LOB ROOM:** 306 **Time Public Hearing Called to Order:** 11:05 a.m.

**Time Adjourned:** 11:30 a.m.

**Committee Members:** Reps. McGuire, Roy, Sytek, S. Pearson, Yakubovich, T. Lekas, Alliegro, Bailey, Lanzara, Santonastaso, Goley, Schuett, Jeudy, P. Schmidt, Schultz, Fellows, Fontneau, Grote and O'Brien

**Bill Sponsors:**

Sen. Carson  
Sen. Bradley  
Rep. L. Ober

Sen. D'Allesandro  
Rep. Goley  
Rep. McGuire

Sen. Soucy  
Rep. Long

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**April 15, 2021**

The entire ED&A Committee was present for all hearings.

**SB 57 relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks. (11:05 AM/11:30 AM)**

[Rep. Roy in the Chair as Rep. McGuire was a co-sponsor]

**Sen. Carson, prime sponsor, introduced the bill and said this bill would codify the Governor's emergency order #13 (EO).**

**She introduced this bill at the request of PillPack (based in Manchester).**

PP wanted a waiver from the Board of Pharmacy to continue the practice after the EO expired. The BofP, however, said that it did not have the clear legislative authority to grant this waiver. Thus, this bill was introduced for that purpose. She said there would be testimony stating that the work-from-home program has shown positive trends in employment, employee satisfaction and productivity, and patient safety. She added that passing this bill now would allow ample time for developing administrative rules. She summarized by saying this bill would be good for consumers, employees and business. She said that a clarifying senate amendment had been incorporated.

**Chris Rochon, representing PillPack, starting by describing the company and the type of pharmacy that PillPack was.**

He gave examples of non-dispensing activities as data entry and prescription transfers. He said that supervision of these technicians and interns was required and that technology made remote supervision safe and effective. He said that 11 states had adopted this practice even before the pandemic and 34 states were using the practice after the start of the pandemic.

The National Association of Boards of Pharmacy has developed language for the remote work program which this bill reflects. He echoed the advantages of remote work as had been mentioned by Sen. Carson. He added that this bill would enable PP to continue to grow in NH. He said that the Board of Pharmacy denied the waiver, not for substantive issues, but because it felt it did not have the authority.

**In answer to a question**, he said he was unaware of any opposition. He also described how remote supervision was done; what was meant by “not limited to”; how employee verification was done; how home computers were protected from hacking.

**Hearing on bill closed at 11:30 a.m.**

**Respectfully submitted by  
Rep John Sytek  
Committee Clerk**

**April 15, 2021**

The entire ED&A Committee was present for all hearings.

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Respectfully submitted by Rep John Sytek  
Committee Clerk

# House Remote Testify

## Executive Departments and Administration Committee Testify List for Bill SB57 on 2020-01-20

Support: 7 Oppose: 1 Neutral: 0 Total to Testify: 2

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Rochon, Christopher	Manchester, NH crochon@pillpack.com	A Member of the Public	PillPack	Support	Yes (5m)	4,
Carson, Sharon	Londonderry, NH deborah.chroniak@leg.state.nh.us	An Elected Official	Senate District 14	Support	Yes (5m)	4,
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Myself	Support	No	4,
Mennella, Alexandra	Hooksett, NH amennella1@protonmail.com	A Member of the Public	Myself	Oppose	No	4,
Bradley, Jeb	Concord, NH jeb.bradley@leg.state.nh.us	An Elected Official	SD3	Support	No	4,
Grimbilas, Jodi	Strafford, NH jodi@jgstrategies.com	A Lobbyist	CVS Health	Support	No	4,
Newman, Rick	Nottingham, NH rick@ricknewman.com	A Lobbyist	NH Independent Pharmacy Association	Support	No	4,
Merchant, Gary	Claremont, NH gary.merchant@leg.state.nh.us	An Elected Official	Myself	Support	No	4,

# Testimony

**Archived:** Friday, April 16, 2021 5:17:02 PM  
**From:** Gary Merchant  
**Sent:** Wednesday, April 14, 2021 8:20:21 PM  
**To:** ~House Executive Departments and Administration  
**Cc:** Gary Merchant  
**Subject:** SB 57  
**Importance:** Normal

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I write in support of SB 57, scheduled to be heard by ED&A tomorrow morning. I worked closely with stakeholders in drafting and redrafting amendments to the bill..

SB 57 has been introduced to allow the Pharmacy Board rule making authority to draft rules allowing a pharmacy technician to work remotely and be remotely supervised by a pharmacist, which is currently allowed under emergency orders issued by the Governor. In my opinion, the board has authority to create such rules, however, members of the Pharmacy Board believe the law does not provide clear rule making authority, thus a bill has been introduced to create appropriate legislation.


Board rules and the current emergency orders require tasks performed by a registered or certified pharmacy technician be reviewed and approved by a pharmacist. The bill, as written, does not specifically include this requirement for remote work or supervision, thus the committee may wish to amend the bill to clearly state this requirement. An option would be for the board to provide clarity in rules.

Regards - Gary

Rep. Gary Merchant  
NH House of Representatives  
Sullivan District 4  
[gary.merchant@leg.state.nh.us](mailto:gary.merchant@leg.state.nh.us)  
603-558-1389





**Archived:** Friday, April 16, 2021 5:17:02 PM  
**From:** [Malkov, Anya](#)  
**Sent:** Wednesday, April 14, 2021 5:31:57 PM  
**To:** ~House Executive Departments and Administration  
**Cc:** [Christopher Rochon](#)  
**Subject:** NH House Remote Testify: 10:30 am - SB57 in House Executive Departments and Administration  
**Importance:** Normal  
**Attachments:**  
[NH SB 57 Chris Rochon Testimony House EDA 4-15-21.pdf](#) 

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Hello,

Please find attached for the record the written testimony on SB57 that Chris Rochon of PillPack will deliver tomorrow. He has already signed in to testify.

Please let us know if you have any questions.

Thanks,  
Anya

[Anya V. Malkov](#) | Senior Manager, Public Policy | Amazon  
601 New Jersey Ave. NW, Suite 900 | Washington, DC 20001  
T 202.442.3128 | [amalkov@amazon.com](mailto:amalkov@amazon.com)

**NH House Executive Departments and Administration Committee**  
**Public Hearing on Senate Bill 57**  
**April 15, 2021**

**Statement of Christopher Rochon on behalf of PillPack**

Madam Chair and members of the committee:

My name is Chris Rochon and I represent PillPack. PillPack is a full-service pharmacy that offers patients a safe and innovative way to obtain prescriptions using convenient packaging, modern technology, and personalized service. PillPack was founded right here in New Hampshire, by a second generation pharmacist. Today, PillPack is licensed nationwide and is an independently operated subsidiary of Amazon. Our Manchester facility employs more than 500 full-time New Hampshire workers and processes more than 100,000 prescriptions each month for patients across the country.

We are here to provide support for SB 57. This bill would allow pharmacy technicians and interns to continue to perform non-dispensing tasks—such as data entry and prescription transfers—remotely, after the COVID-19 state of emergency ends.

We would like to thank the stakeholders who worked with us to improve this bill, including the New Hampshire Pharmacist Association, and Representative Merchant. The bill before you today includes the Senate amendment, crafted to address stakeholder concerns – ensuring that all quality and patient safety standards continue to be met, and making the language fit better into existing statute. The amendment also changes the effective date to “upon passage,” to ensure these practices can continue without interruption when the state of emergency ends.

We would also like to thank Governor Sununu and the Board of Pharmacy for their leadership on this issue last March, when they approved this practice during an emergency meeting and through Emergency Order #13. These emergency actions allowed PillPack to continue to process and deliver critical medications to patients in their homes, while maximizing the number of PillPack employees who could work safely from their own homes.

Let me be clear: pharmacy technicians and interns are—and should be—supervised by licensed pharmacists. Technology makes remote supervision possible, safe, and effective. This is why, even prior to the COVID-19 pandemic, 11 states had allowed pharmacy technicians to perform certain tasks from home under remote pharmacist supervision. This practice has expanded significantly during the pandemic with 34 states, including New Hampshire, currently allowing some form of remote work for pharmacy technicians. As far as we are aware, the expansion of

remote supervision has been safely implemented across the country, as well as in New Hampshire. The National Association of Boards of Pharmacy developed remote work model language for pharmacy technicians, which SB 57 reflects.

Since implementing the remote work program, we have seen positive trends in employee job satisfaction, productivity, and prescription accuracy. All technicians and interns continue to be supervised by licensed pharmacists and have access to their supervisors by email, phone, and secure instant message chat (including video screen share) for support and guidance as needed, consistent with PillPack's existing operations. We have seen a sustained increase in job satisfaction, and our quality data has remained very strong throughout the remote work period. We are continuously monitoring these important metrics to ensure that we are meeting or exceeding our strict patient safety standards.

Our remote work program has also allowed PillPack to hire additional technicians from different parts of the state, many of whom were specifically seeking remote work. PillPack is continuing to grow and we plan to increase our workforce in New Hampshire. SB 57 will provide us, and other pharmacies, the certainty that our remote work program can continue after the state of emergency concludes. This will allow us to continue to grow and hire in New Hampshire, where we process and fulfill orders for customers across the country.

We previously sought a waiver from the New Hampshire Board of Pharmacy to make remote work permanent. That request was denied by the Board, not on substance, but because the Board did not believe it had sufficiently clear statutory authority to grant the waiver. In its denial, the Board recommended that PillPack and other interested parties pursue legislation that would provide the necessary statutory authority.

As a result, we are testifying before you today to ask for your support to allow pharmacy technicians and interns to continue to perform non-dispensing tasks remotely. Codifying this practice would create much-needed business certainty for pharmacies in the state and for our patients across the country. Thank you again for considering this important piece of legislation during these unprecedented times, and I urge you to vote SB 57 "Ought to Pass."

Bill as  
Introduced

SB 57 - AS AMENDED BY THE SENATE

03/11/2021 0610s

2021 SESSION

21-0938

08/06

SENATE BILL **57**

AN ACT relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.

SPONSORS: Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Soucy, Dist 18; Sen. Bradley, Dist 3; Rep. Goley, Hills. 8; Rep. Long, Hills. 10; Rep. L. Ober, Hills. 37; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill allows pharmacy technicians and interns to remotely perform non-dispensing tasks.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Paragraphs; Definitions. Amend RSA 318:1 by inserting after paragraph XXXIII the  
2 following new paragraphs:

3 XXXIV. "Remote processing" means accessing the pharmacy database to perform non-  
4 dispensing activities other than at a licensed pharmacy. The pharmacy shall establish controls to  
5 protect the confidentiality and integrity of patient information, as required by HIPAA, and prevent  
6 any patient information from being downloaded, duplicated, or removed from the electronic  
7 database.

8 XXXV. "Non-dispensing activities" are activities permitted under that individual's scope of  
9 practice that do not require the physical possession of prescription drugs. Non-dispensing activities  
10 include, but are not limited to, prescription transfers, drug utilization reviews, product verification  
11 tasks, claims adjudications, refill authorizations, entering patient and prescription information into  
12 a pharmacy's electronic database, any other task permitted under that individual's scope of practice  
13 that does not require the physical possession of prescription drugs, or other activities established by  
14 rules of the board adopted pursuant to RSA 541-A.

15 2 New Section; Licensed Pharmacists, Certified New Hampshire Pharmacy Technicians,  
16 Registered New Hampshire Pharmacy Interns; Remote Processing. Amend RSA 318 by inserting  
17 after section 15-c the following new section:

18 318:15-d Remote Processing.

19 I. New Hampshire licensed pharmacists, certified New Hampshire pharmacy technicians, or  
20 registered New Hampshire pharmacy interns may engage in remote processing, provided that all  
21 work requiring pharmacist supervision is supervised by a licensed pharmacist through electronic or  
22 other remote means.

23 II. Notwithstanding the above, the board may allow registered technicians to perform  
24 remote processing activities after completion of a board-approved training program on remote  
25 processing.

26 3 Effective Date. This act shall take effect upon its passage.