

Bill as Introduced

HB 572 - AS AMENDED BY THE HOUSE

7Apr2021... 0576h

2021 SESSION

21-0708
10/08

HOUSE BILL

572

AN ACT relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines.

SPONSORS: Rep. Merchant, Sull. 4; Sen. Prentiss, Dist 5

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS -

This bill allows licensed advanced pharmacy technicians to administer vaccines, combines the pharmacist administration of vaccines authority into one section, provides for recording vaccinations in the state vaccine registry with consent, and requires the report of any adverse reactions..

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines.

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

1 1 Pharmacist Administration of Vaccines. RSA 318:16-b is repealed and reenacted to read as
2 follows:

3 318:16-b Pharmacist Administration of Vaccines. A pharmacist, pharmacy intern, or licensed
4 advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist may
5 administer haemophilus influenza, hepatitis A, hepatitis B, hepatitis A and B, human
6 papillomavirus, influenza, meningococcal, pneumococcal, tetanus and diphtheria, varicella, zoster,
7 MMR (measles, mumps, and rubella), and Tdap (tetanus, diphtheria and pertussis) vaccines, which
8 have been approved by the Food and Drug Administration, to individuals 18 years of age or older as
9 ordered by an immunizing pharmacist. A pharmacist, pharmacy intern, or licensed advanced
10 pharmacy technician under the supervision of an on-site immunizing pharmacist may administer a
11 COVID-19 vaccine, if available, provided that all applicable criteria in this section have been
12 met. The pharmacist, pharmacy intern, or licensed advanced pharmacy technician shall:

13 I. Hold a current license to practice as a pharmacist, be registered as a pharmacy intern
14 under RSA 318:15-b in New Hampshire, or be licensed as a licensed advanced pharmacy technician
15 under RSA 318:15-c.

16 II. Possess at least \$1,000,000 of professional liability insurance coverage.

17 III. In order to administer vaccines, have completed training specific to administration of
18 the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy
19 Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or
20 state or local health department programs or programs recognized by the board.

21 IV. Provide to the board evidence of compliance with paragraphs I-III.

22 V. Provide notice to the primary care provider, when designated by the patient, of the
23 administration of any vaccine.

24 VI. Record the vaccination in the state vaccine registry with patient consent or when
25 required by state and federal law and maintain a record of the vaccination as required by state and
26 federal law.

27 VII. Submit reports of any adverse reactions following vaccination to the Center for Disease
28 Control (CDC) Vaccine Adverse Event Reporting System (VAERS) within 3 days of being made
29 aware of such adverse effects occurring.

HB 572 - AS AMENDED BY THE HOUSE

- Page 2 -

- 1 2 Repeal. RSA 318:16-d, relative to additional authority for pharmacist administration of
- 2 vaccines, is repealed.
- 3 3 Effective Date. This act shall take effect upon its passage.

HB 572 - AS AMENDED BY THE SENATE

7Apr2021... 0576h
05/20/2021 1464s

2021 SESSION

21-0708
10/08

HOUSE BILL **572**

AN ACT relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines.

SPONSORS: Rep. Merchant, Sull. 4; Sen. Prentiss, Dist 5

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

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HB 572 - AS AMENDED BY THE SENATE

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

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4 advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist may
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6 pharmacy intern, or licensed advanced pharmacy technician, under the supervision of an on-site
7 immunizing pharmacist may administer haemophilus influenza, hepatitis A, hepatitis B, hepatitis A
8 and B, human papillomavirus, meningococcal, pneumococcal, tetanus and diphtheria, varicella,
9 zoster, MMR (measles, mumps, and rubella), and Tdap (tetanus, diphtheria and pertussis) vaccines,
10 which have been approved by the Food and Drug Administration, to individuals 18 years of age or
11 older as ordered by an immunizing pharmacist. The pharmacist, pharmacy intern, or licensed
12 advanced pharmacy technician shall:

13 I. Hold a current license to practice as a pharmacist, be registered as a pharmacy intern
14 under RSA 318:15-b in New Hampshire, or be licensed as a licensed advanced pharmacy technician
15 under RSA 318:15-c.

16 II. Possess at least \$1,000,000 of professional liability insurance coverage.

17 III. In order to administer vaccines, have completed training specific to administration of
18 the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy
19 Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or
20 state or local health department programs or programs recognized by the board.

21 IV. Provide to the board evidence of compliance with paragraphs I-III.

22 V. Provide notice to the primary care provider, when designated by the patient, of the
23 administration of any vaccine.

24 VI. Record the vaccination in the state vaccine registry in accordance with RSA 141-C:20-f
25 and/or when required by state and federal law and maintain a record of the vaccination as required
26 by state and federal law.

27 VII. Submit reports of any adverse reactions following vaccination to the Centers for Disease
28 Control (CDC) Vaccine Adverse Event Reporting System (VAERS).

HB 572 - AS AMENDED BY THE SENATE

- Page 2 -

- 1 2 Repeal. RSA 318:16-d, relative to additional authority for pharmacist administration of
- 2 vaccines, is repealed.
- 3 3 Effective Date. This act shall take effect 90 days upon passage.

CHAPTER 192
HB 572 - FINAL VERSION

7Apr2021... 0576h
05/20/2021 1464s
24Jun2021... 2053EBA

2021 SESSION

21-0708
10/08

HOUSE BILL **572**

AN ACT relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines.

SPONSORS: Rep. Merchant, Sull. 4; Sen. Prentiss, Dist 5

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill allows licensed advanced pharmacy technicians to administer vaccines, combines the pharmacist administration of vaccines authority into one section, provides for recording vaccinations in the state vaccine registry, and requires the report of any adverse reactions.

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CHAPTER 192
HB 572 - FINAL VERSION

7Apr2021... 0576h
05/20/2021 1464s
24Jun2021... 2053EBA

21-0708
10/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines.

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

1 192:1 Pharmacist Administration of Vaccines. RSA 318:16-b is repealed and reenacted to read
2 as follows:

3 318:16-b Pharmacist Administration of Vaccines. A pharmacist, pharmacy intern, or licensed
4 advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist may
5 administer influenza and a COVID-19 vaccine, if available, to the general public. A pharmacist,
6 pharmacy intern, or licensed advanced pharmacy technician, under the supervision of an on-site
7 immunizing pharmacist may administer haemophilus influenza, hepatitis A, hepatitis B, hepatitis A
8 and B, human papillomavirus, meningococcal, pneumococcal, tetanus and diphtheria, varicella,
9 zoster, MMR (measles, mumps, and rubella), and Tdap (tetanus, diphtheria and pertussis) vaccines,
10 which have been approved by the Food and Drug Administration, to individuals 18 years of age or
11 older as ordered by an immunizing pharmacist. The pharmacist, pharmacy intern, or licensed
12 advanced pharmacy technician shall:

13 I. Hold a current license to practice as a pharmacist, be registered as a pharmacy intern
14 under RSA 318:15-b in New Hampshire, or be licensed as a licensed advanced pharmacy technician
15 under RSA 318:15-c.

16 II. Possess at least \$1,000,000 of professional liability insurance coverage.

17 III. In order to administer vaccines, have completed training specific to administration of
18 the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy
19 Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or
20 state or local health department programs or programs recognized by the board.

21 IV. Provide to the board evidence of compliance with paragraphs I-III.

22 V. Provide notice to the primary care provider, when designated by the patient, of the
23 administration of any vaccine.

24 VI. Record the vaccination in the state vaccine registry in accordance with RSA 141-C:20-f
25 and/or when required by state and federal law and maintain a record of the vaccination as required
26 by state and federal law.

27 VII. Submit reports of any adverse reactions following vaccination to the Centers for Disease
28 Control (CDC) Vaccine Adverse Event Reporting System (VAERS).

CHAPTER 192
HB 572 - FINAL VERSION
- Page 2 -

1 192:2 Repeal. RSA 318:16-d, relative to additional authority for pharmacist administration of
2 vaccines, is repealed.

 192:3 Effective Date. This act shall take effect 90 days after its passage.

Approved: August 10, 2021

Effective Date: November 08, 2021

Amendments

Sen. Sherman, Dist 24
April 27, 2021
2021-1214s
10/06

Amendment to HB 572

1 Amend RSA 318:16-b, VI as inserted by section 1 of the bill by replacing it with the following:

2

3 VI. Record the vaccination in the state vaccine registry in accordance with RSA 141-C:20-f
4 and administrative rule He-P 307 or when required by state and federal law and maintain a record
5 of the vaccination as required by state and federal law.

UNAPPROVED

2021-1214s

AMENDED ANALYSIS

This bill allows licensed advanced pharmacy technicians to administer vaccines, combines the pharmacist administration of vaccines authority into one section, provides for recording vaccinations in the state vaccine registry, and requires the report of any adverse reactions.

UNAPPROVED

Amendment to HB 572

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30 Control (CDC) Vaccine Adverse Event Reporting System (VAERS).

31 2 Repeal. RSA 318:16-d, relative to additional authority for pharmacist administration of
32 vaccines, is repealed.

Amendment to HB 572

- Page 2 -

1 3 Effective Date. This act shall take effect 90 days upon passage.

DRAFT - NOT FOR APPROVAL

2021-1353s

AMENDED ANALYSIS

This bill allows licensed advanced pharmacy technicians to administer vaccines, combines the pharmacist administration of vaccines authority into one section, provides for recording vaccinations in the state vaccine registry, and requires the report of any adverse reactions.

Amendment to HB 572

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9 immunizing pharmacist may administer haemophilus influenza, hepatitis A, hepatitis B, hepatitis A
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Amendment to HB 572

- Page 2 -

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Amendment to HB 572
- Page 3 -

2021-1464s

AMENDED ANALYSIS

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Committee Minutes

SENATE CALENDAR NOTICE
Health and Human Services

Sen Jeb Bradley, Chair
Sen James Gray, Vice Chair
Sen Kevin Avard, Member
Sen Tom Sherman, Member
Sen Rebecca Whitley, Member

Date: April 21, 2021

HEARINGS

| Wednesday | 04/28/2021 | |
|---------------------------|------------|-----------|
| (Day) | (Date) | |
| Health and Human Services | REMOTE 000 | 9:00 a.m. |
| (Name of Committee) | (Place) | (Time) |

| | | |
|-----------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9:00 a.m. | HB 146 | requiring health care providers to furnish upon request a list of ingredients contained in an injectable medication that is recommended or administered. |
| 9:15 a.m. | HB 572 | relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines. |
| 9:30 a.m. | HB 131 | relative to reporting of health care associated infections. |
| 9:45 a.m. | HB 503 | codifying the council on housing stability. |

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/97247944129>
2. To listen via telephone: Dial(for higher quality, dial a number based on your current location):

1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833

3. Or iPhone one-tap: 16465588656,,97247944129# or 13017158592,,97247944129#

4. Webinar ID: 972 4794 4129

5. To view/listen to this hearing on YouTube, use this link:

<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:

<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 146

Rep. Comtois

Rep. Aron

Rep. Cushman

HB 572

Rep. Merchant

Sen. Prentiss

HB 131

Rep. Woods

HB 503

Rep. Long

Rep. Wilhelm

Kirsten Koch 271-3266

Jeb Bradley
Chairman

Senate Health and Human Services Committee

Kirsten Koch 271-3266

HB 572, relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines.

Hearing Date: April 28, 2021

Time Opened: 9:15 a.m.

Time Closed: 9:39 a.m.

Members of the Committee Present: Senators Bradley, Gray, Avard, Sherman and Whitley

Members of the Committee Absent : None

Bill Analysis: This bill allows licensed advanced pharmacy technicians to administer vaccines, combines the pharmacist administration of vaccines authority into one section, provides for recording vaccinations in the state vaccine registry with consent, and requires the report of any adverse reactions..

Sponsors:

Rep. Merchant

Sen. Prentiss

Who supports the bill: Rep. Safiya Wazir, Merrimack 17; Courtney Tanner, Dartmouth-Hitchcock; J.J Smith, MD, MPH; Rick Newman, NH Independent Pharmacy Association; Sara Johnson; Elizabeth Fenner-Lukaitis; David Bates; Jodi Grimbilas, CVS Health; Katherine Inman.

Who opposes the bill: Dr. Melissa Druxbury, NH Academy of Family Physicians; Dr. Joann Buonomano, NH Academy of Family Physicians; Paula Minnehan, NH Hospital Association; Maryann Cooper; Amanda Morill; Robert Theriault, NHSHP; Tonya Carlton; Pamela DiNapoli, NH Nurses Association; Michael Padmore, NH Medical Society; Eric Pauer.

Who is neutral on the bill: Abigail Rogers, DHHS; Tyler Brannen, NH Insurance Department.

Summary of Testimony Presented:

Representative Gary Merchant, Sullivan 4

- Rep. Merchant said, this bill came out of the House HHS&EA Committee unanimously. This bill clarifies that a pharmacist may only inject a vaccine to an individual that is 18 years or older.
- Rep. Merchant said, patient utilization of pharmacist provider vaccines has increased greatly in the past few years
- Rep. Merchant said, please review line 24 and revise. Change language to "opt-out" rather than "opt-in."

- Sen. Sherman said, I have language from DHHS, as well as from you for an amendment on that. There has also been concern raised for making sure primary care providers are involved from the process of vaccination to make sure patients are not vaccinated twice. You are adding series vaccines, rather than single vaccines. Would you be willing to participate in a quick working group to make sure the final amendment is one that everybody is happy with that addresses those two issues?
 - Rep. Merchant said, yes, I would be in favor of that recommendation and participating in the work group.

Dr. Melissa Duxbury, NH Academy of Family Physicians

- *Note: Ms. Duxbury called into the hearing by phone while traveling in the car. Some of her verbal testimony was inaudible due to poor cell phone service in her location.*
- Ms. Duxbury said she is a family practice physician.
- Ms. Duxbury said she had several concerns with this bill.
- Ms. Duxbury said her concerns are about the transition of information from one group (the pharmacy) to another (primary care practice). It is difficult to keep track of series vaccines between the two.
- Ms. Duxbury said, we do not yet have a functioning state vaccine registry. Going through a pharmacy to get patient vaccine information is problematic. It is important to keep our patient relations good.
- Ms. Duxbury said, it is not a small thing when a patient has a vaccine reaction.

Paula Minnehan, New Hampshire Hospital Association (NHHA)

- Ms. Minnehan said, we are in opposition to the bill as amended. We hold the same concerns mentioned by Rep. Merchant.
- Ms. Minnehan said, the opt out provision in the current law is appropriate.
- Ms. Minnehan said, we are happy to participate in work group with Sen. Sherman and Rep. Merchant.

Dr. Joann Buonomano, NH Academy of Family Physicians

- Dr. Buonomano said she is a family doctor in NH.
- Dr. Buonomano said, we are blessed to have a 340(b) pharmacy in our building. We strive to integrate pharmacy staff in primary care.
- Dr. Buonomano said, the state registry is critical for moving forward. My staff is currently doing duplicate entries. The state registry needs a lot of work. Only 10% of pharmacy provided vaccines make it into a patient's medical records.
- Dr. Buonomano said, I support pharmacy provided vaccines. We need to be thoughtful and follow the standards of care. Vaccines need to be given in the context of a patient's medical whole. Vaccines need to be documented in a patient's medical history. We, as primary care providers, are responsible for vaccine information and we are expected to know this.

Primary care strives every day to overcome the challenges of a fragmented health care system.

- Dr. Buonomano said, I have concerns about several vaccines mentioned in the bill. There is a misunderstanding of vaccine administration in young adults. Colleges and places of employment require these vaccines.
- Sen. Avard said, with the pharmacies, I assume the same problem happens that there is no documentation?
 - Dr. Buonomano said, the pharmacy should give you a paper to give you to your primary care. If the pharmacy is providing a vaccine, the reporting needs to be mandatory, so the primary care team is aware of the history.
- Sen. Avard said, so the reporting isn't mandatory?
 - Dr. Buonomano said, it is not mandatory in the bill and the state system is brand new.
- Sen. Avard said, with regards to the registry, is it already in existence? And who has access to that?
 - Dr. Buonomano said, the registry is two weeks old and we are just signing in to it to have access. There are a lot of problems with it so far. As for getting access to it, we are ahead because we are a federally recognized primary care team. Several practices are not registered yet and I do not think the pharmacies are registered.

Courtney Tanner, Dartmouth-Hitchcock

- Ms. Tanner said, we supported bill as originally introduced.
- Ms. Tanner said this bill increases access to vaccines for patients.
- Ms. Tanner said, we have significant concerns about the bill as amended by the House, specifically regarding the opt in language.
- Ms. Tanner said, we are willing to participate in the work group.

Abigail Rogers, Department of Health and Human Services (DHHS)

- Ms. Rogers said, we have the same concerns about the language on line 24.
- Ms. Rogers said, we would be pleased to join the work group.
- Sen. Sherman said, thank you and we will add you to the list. There have been lots of questions about the registry. Could you give us an update?
 - Ms. Rogers said she did not have an answer, but that she could arrange a conversation with Beth Daly to answer any questions on the registry.

Speakers

Senate Remote Testify

Health and Human Services Committee Testify List for Bill HB572 on 2021-04-
Support: 9 Oppose: 7 Neutral: 2 Total to Testify: 5

| <u>Name</u> | <u>Email Address</u> | <u>Phone</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> | <u>S</u> |
|----------------------------|----------------------------|--------------|------------------------|------------------------------------------|-----------------|-------------------|----------|
| Duxbury, Dr. Melissa | Not Given | Not Given | A Member of the Public | Myself & NH Academy of Family Physicians | Oppose | Yes | 4 |
| Buonomano, Dr. Joann | Not Given | Not Given | A Member of the Public | Myself & NH Academy of Family Physicians | Oppose | Yes | 4 |
| Tanner, Courtney | Not Given | Not Given | A Lobbyist | Dartmouth-Hitchcock | Support | Yes | 4 |
| Minnehan, Paula | pminnehan@nhha.org | 603.496.1047 | A Lobbyist | NH Hospital Association | Oppose | Yes | 4 |
| Rogers, Abigail | Abigail.Rogers@dhhs.nh.gov | 603-545-7331 | State Agency Staff | Myself | Neutral | Yes | 4 |
| Morrill, Amanda | Not Given | Not Given | A Member of the Public | Myself (a pharmacist) | Oppose | No | 4 |
| Wazir, Safiya | Not Given | Not Given | An Elected Official | My Constituents | Support | No | 4 |
| Smith, MD, MPH, J. J. | policy@nhpha.org | Not Given | A Member of the Public | Myself | Support | No | 4 |
| Newman, Rick | rick@ricknewman.com | 16034919601 | A Lobbyist | NH Independent Pharmacy Association | Support | No | 4 |
| Cooper, Maryann | maryann.cooper@mcphs.edu | 617.216.2162 | A Member of the Public | Myself | Oppose | No | 4 |
| Padmore, Michael | michael.padmore@nhms.org | 603.858.4744 | A Lobbyist | NH Medical Society | Oppose | No | 4 |
| Johnson, Sara | Not Given | Not Given | A Member of the Public | Myself | Support | No | 4 |
| Pauer, Eric | secretary@BrooklineGOP.org | 603.732.8489 | A Member of the Public | Myself | Oppose | No | 4 |
| Brannen, Tyler | tyler.j.brannen@ins.nh.gov | 271-2396 | State Agency Staff | Insurance Department | Neutral | No | 4 |
| Fenner-Lukaitis, Elizabeth | glukaitis@mcctelecom.com | 16034566268 | A Member of the Public | Myself | Support | No | 4 |
| Bates, David | debates70@gmail.com | 603.456.2578 | A Member of the Public | Myself | Support | No | 4 |
| Grimbilas, Jodi | jodi@jgstrategies.com | 603-496-2638 | A Lobbyist | CVS Health | Support | No | 4 |
| Inman, Katherine | Not Given | Not Given | A Member of the Public | Myself | Support | No | 4 |

Testimony

Kirsten Koch

From: Rogers, Abigail <Abigail.Rogers@dhhs.nh.gov>
Sent: Wednesday, April 28, 2021 6:59 AM
To: Jeb Bradley
Cc: Kirsten Koch; Tom Sherman; Williams, John
Subject: FW: :HB 572 Wednesday hearing - suggested language change

Hi Senator Bradley,

DHHS will be providing a comment on HB 572 at 9:15a today about a minor suggested language change related to Section VI in the bill. We are not taking a position on the bill.

HB 572 - relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines is scheduled for a hearing on Wednesday in the Senate HHS Committee. Dr. Beth Daly and Bureau of Infectious Disease had identified a conflict in the language, which was amended in the House, which we feel needs to be addressed.

The issue is in VI of the bill. Current law does not require patient consent and DHHS feels that the language should not be worded as such since it conflicts with state law. We would like to suggest the following change:

VI. Record the vaccination in the state vaccine registry *in accordance with 141-C:20-f and He-P 307* ~~with patient consent~~ or when required by state and federal law (added) and maintain a record of the vaccination as required by state and federal law.

We reached out to Senator Sherman and he has prepared an amendment though OLS with the suggested changes.

Thank you!

Abby Rogers

Abigail Rogers
Legislative Liaison

Division of Public Health Services
New Hampshire Department of Health and Human Services
29 Hazen Drive, Concord, NH 03301
603-333-6309 (cell)
603-271-4593 (O)
Abigail.Rogers@dhhs.nh.gov

ATTENTION: please visit the DHHS COVID-19 website for the latest COVID-19 information, resources and guidance: <https://www.nh.gov/covid19/>

From: Jennifer Horgan <jennifer.horgan@leg.state.nh.us>
Sent: Tuesday, April 27, 2021 9:13 AM
To: Rogers, Abigail <Abigail.Rogers@dhhs.nh.gov>
Cc: Tom Sherman <Tom.Sherman@leg.state.nh.us>
Subject: RE: :HB 572 Wednesday hearing - suggested language change

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good Morning Abby,

Senator Sherman wanted me to let you know that we are going to move forward with getting this amendment drafted up for Committee.

Please let me know if you have any questions.

Thank you very much,

Jenny

Jennifer C. Horgan
NH State Senate
Legislative Office Building
Room 5
Concord, NH 03301
(603) 271-7875

From: Rogers, Abigail <Abigail.Rogers@dhhs.nh.gov>
Sent: Monday, April 26, 2021 10:53 AM
To: Tom Sherman <Tom.Sherman@leg.state.nh.us>
Cc: Jennifer Horgan <jennifer.horgan@leg.state.nh.us>
Subject: :HB 572 Wednesday hearing - suggested language change

Good Morning, Senator Sherman.

HB 572 - relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines is scheduled for a hearing on Wednesday in the Senate HHS Committee.

Dr. Beth Daly and Bureau of Infectious Disease have identified a conflict in the language, which was amended in the House, which we feel needs to be addressed.

The issue is in VI of the bill. Current law does not require patient consent and DHHS feels that the language should not be worded as such since it conflicts with state law.

We would like to suggest the following change.

VI. Record the vaccination in the state vaccine registry ***in accordance with 141-C:20-f and He-P 307*** ~~with patient consent~~ or when required by state and federal law (added) and maintain a record of the vaccination as required by state and federal law.

Might you consider assisting with the amendment language through OLS? I have reached out to Rep. Merchant who is the bill's sponsor to let him know we would like to suggest a language change be proposed during Wednesday's hearing. He has not yet responded.

Thanks in advance for your consideration.

Abby Rogers

RSA 141-C:20-f

<http://www.gencourt.state.nh.us/rsa/html/X/141-C/141-C-20-f.htm>

Abigail Rogers

Legislative Liaison

Division of Public Health Services

New Hampshire Department of Health and Human Services

29 Hazen Drive, Concord, NH 03301

603-333-6309 (cell)

603-271-4593 (O)

Abigail.Rogers@dhhs.nh.gov

ATTENTION: please visit the DHHS COVID-19 website for the latest COVID-19 information, resources and guidance:
<https://www.nh.gov/covid19/>

From: Rogers, Abigail

Sent: Monday, April 26, 2021 9:48 AM

To: 'merchant4nhhouse@gmail.com' <merchant4nhhouse@gmail.com>

Subject: HB 572 Wednesday hearing - suggested language change

Hi Rep. Merchant,

I am the Legislative Liaison for the Division of Public Health Services. I am reaching out on HB 572. I know the original language was amended in the HHS/EA Committee through an amendment.

As we reviewed the legislation again in preparation for the Senate hearing on Wednesday. The Bureau of Infectious Disease identified a conflict in the language which we feel needs to be addressed.

The issues is in VI of the bill. Current law does not require patient consent and DHHS feels that the language should not be worded as such since it conflicts with state law.

We would like to suggest the following change. As the sponsor of the bill I wanted to check in to get your thoughts on this suggestion.

VI. Record the vaccination in the state vaccine registry *in accordance with 141-C:20-f and He-P 307* ~~with patient consent~~ or when required by state and federal law (added) and maintain a record of the vaccination as required by state and federal law.

RSA 141-C:20-f

<http://www.gencourt.state.nh.us/rsa/html/X/141-C/141-C-20-f.htm>

Thanks in advance,

Abby Rogers

Abigail Rogers
Legislative Liaison

Division of Public Health Services
New Hampshire Department of Health and Human Services
29 Hazen Drive, Concord, NH 03301
603-333-6309 (cell)
603-271-4593 (O)
Abigail.Rogers@dhhs.nh.gov

***ATTENTION: please visit the DHHS COVID-19 website for the latest COVID-19 information, resources and guidance:
<https://www.nh.gov/covid19/>***

Senate Health and Human Services Committee

Testimony

HB 572 - Relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines

April 28, 2021

My name is Maryann Cooper, PharmD, BCOP. I am a Professor of Pharmacy Practice at MCPHS University in Manchester, NH, a Board Certified Oncology Pharmacist, and an immunizing pharmacist.

I am submitting testimony on behalf of the New Hampshire Pharmacists Association (NHPA). I am currently the Immediate-Past President of the organization. NHPA is **NOT** in favor of HB 572 as amended because the language takes away the pharmacists' ability to administer the flu vaccine to those who are under 18 years. It is important to keep this in place for the following reasons:

1. Influenza vaccines are not associated with an annual wellness visit like other routine childhood vaccines.
 2. Working families would have to make an appointment with their health care provider for children to receive the influenza vaccine.
 3. At this time, an entire family can receive the influenza vaccine without an appointment at a local pharmacy.
 4. Limiting the locations at which busy families can receive the influenza vaccine may decrease the number of children vaccinated, which could negatively affect public health.
- To ensure that pharmacists can continue to administer the flu vaccine, NHPA recommends the language read as follows:

Pharmacist Administration of Vaccines. RSA 318:16-b is repealed and reenacted to read as follows: 318:16-b Pharmacist Administration of Vaccines. A pharmacist, pharmacy intern, or licensed advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist ***may administer influenza vaccines to the general public and a pharmacist, pharmacy intern, or licensed advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist*** may administer haemophilus influenza, hepatitis A, hepatitis B, hepatitis A and B, human papillomavirus, ~~influenza~~, meningococcal, pneumococcal, tetanus and diphtheria, varicella, zoster, MMR (measles, mumps, and rubella), and Tdap (tetanus, diphtheria and pertussis) vaccines, which have been approved by the Food and Drug Administration, to individuals 18 years of age or older as ordered by an immunizing pharmacist. A pharmacist, pharmacy intern, or licensed advanced pharmacy technician under the supervision of an on-site immunizing pharmacist may administer a COVID-19 vaccine, if available, provided that all applicable criteria in this section have been met.

- NHPA is in **strong support** of allowing licensed advanced pharmacy technicians to vaccinate under the supervision of an on-site immunizing pharmacist.

- NHPA is in favor of expanding the vaccinations a pharmacist, pharmacy intern and licensed advanced pharmacy technician can administer in NH. All FDA approved vaccines should be available for a pharmacist to administer.
- NHPA does **NOT** support the language pertaining to the vaccine registry located in section VI of the amended bill. NHPA recommends removing section VI from the bill and referring back to the original vaccine registry statute so there is no redundancy or contradicting language between this bill and the vaccine registry statute, RSA 141-C:20-f.
- NHPA recommends adding a grace period for pharmacists to train in the New Hampshire Immunization Information System (NHIS). The vaccine registry became active on April 15, 2021. At this time, community pharmacists have not been trained to log vaccines in the system. Notification of the availability of the NHIS system has not been widely distributed to pharmacists in the state by the Board of Pharmacy or any other agency. Pharmacists need to be notified that the system is up and running and given an opportunity to train and pass the exam required for access to the system. If this bill passes with section VI, a pharmacist cannot vaccinate without logging the vaccine in NHIS. Pharmacists that have not had the opportunity to train in the system would no longer be able to administer any vaccine.

IN CLOSING, NHPA WOULD SUPPORT HB 572 WITH THESE SUGGESTED AMENDMENTS.

We look forward to working with the Committee.

Thank you for your consideration.



Maryann Cooper, PharmD, BCOP
Professor of Pharmacy Practice
MCPHS University
Email: Maryann.Cooper@mcphs.edu
Cell phone: 617.216.2162

Rep. Gary Merchant
Sullivan District 4, Claremont
Health, Human Services, and Elderly Affairs
603-558-1389
Gary.merchant@leg.state.nh.us

HB 572

Mister Chairmen and members of the Senate Health, Human Services Committee, please find my written testimony to introduce HB 572 as amended by House amendment 2021-0301h.

Vaccines – Today, pharmacists administer approximately 34% of adult vaccines in New Hampshire. Patients do not require an appointment with pharmacists who provide walk-in service, and pharmacies offer convenient locations, especially in rural areas.

Pharmacists today administer the following vaccines: Hepatitis A, Hepatitis B, Influenza, MMR (Measles, mumps, and rubella), Meningococcal, Pneumococcal, Varicella, and Zoster. All except two vaccines appear on the CDC recommended Adult Immunization Schedule – Haemophilus and HPV (Human Papillomavirus).

The bill aligns the list of vaccines a pharmacist may administer with all CDC recommended adult vaccines on the immunization schedule. If the CDC adds a vaccine as COVID to the list, the bill allows the vaccine to be added to the list of vaccines a pharmacist may administer.

Licensed Advanced Pharmacy Technician – Today, the states of Utah, Nevada, Idaho, Michigan, Washington, and Rhode Island allow trained pharmacy technicians to administer a vaccine when supervised by a licensed, immunizing pharmacist. Recently, the US Department of Health and Human Services issued guidance under the PREPS Act that allows pharmacy technicians throughout the United States to administer child vaccines and COVID 19 vaccines.

In 2019, the State of New Hampshire created a new pharmacy technician category, a Licensed Advanced Pharmacy Technician or LAPT. Requirements for licensure of an LAPT include:

- Passing a national certification exam.
- Working 2,000 hours as a certified technician.
- Completing a board-approved advanced pharmacy technician program.
- Passing a state exam.

The bill allows an appropriately trained LAPT to administer a vaccine approved by a pharmacist and requires a pharmacist to be physically on-site.

Amendment 2021-0198h – The bill as written includes all vaccines approved by the CDC. The amendment clarifies that only vaccines on the CDC Adult Immunization Schedule may be provided by a pharmacist.

Senate Health and Human Services Committee
HB-572 AN ACT relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines

April 28, 2021

My name is Robert Theriault, I am the Pharmacy Director at Wentworth-Douglass Hospital in Dover and the Legislative Chair of the New Hampshire Society of Health-System Pharmacists (NHSHP). I am submitting written testimony on behalf of NHSHP. The society is **NOT** in favor of HB-572 as amended in The House for the following reasons:

- The amended language removes the ability of pharmacists to administer influenza vaccines for those who are under 18 years old.
- The documentation requirements in item VI make the amended bill complex as NH currently has a statute for recording the vaccine administration in the vaccine registry and pharmacy laws require that pharmacies maintain a record of the medication. The language is redundant and not necessary.

Utilization of vaccination programs remains a significant public health concern. Pharmacist involvement in immunization results in increased access and an uptake of immunization. Pharmacists and Pharmacy Technicians have played a significant role in the administration of the novel Covid-19 vaccines. For these reasons, NHSHP **supports** the bills intent to expand the vaccinations that a pharmacist, pharmacy intern and licensed advanced pharmacy technician can administer. Those FDA approved and CDC recommended immunizations for adults should be available for a pharmacy to administer.

In closing, NHSHP would support the bill with those items amended and are willing to work on appropriate language with the bill sponsor. Thank you for your consideration.

Robert Theriault, Jr., MBA, BSP Pharm
Chair, Legislative Committee
New Hampshire Society of Health-System Pharmacists
Wentworth-Douglass Hospital
789 Central Avenue
Dover, NH 03820
(603) 609-6177

32 Thatcher Way
Barrington, NH 03825
(603) 252-0771

Voting Sheets

Senate Health and Human Services Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # HB 572

Hearing Date: 4/28/21

Executive Session Date: 5/12/21

Motion: Amendment 13535 OTP Vote: 5-0

| Committee Member | Present | Made by | Second | Yes | No |
|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Sen. Bradley, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gray, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Avard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Sherman | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Whitley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Motion: OTPA Vote: 5-0

| Committee Member | Present | Made by | Second | Yes | No |
|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Sen. Bradley, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gray, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Avard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Sherman | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Whitley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Motion: Consent Calendar Vote: 5-0

| Committee Member | Present | Made by | Second | Yes | No |
|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Sen. Bradley, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gray, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Avard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Sherman | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Whitley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Motion: _____ Vote: _____

| Committee Member | Present | Made by | Second | Yes | No |
|-----------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Sen. Bradley, Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gray, Vice Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Avard | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Sherman | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Whitley | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Reported out by: Sen. Sherman

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, May 13, 2021

THE COMMITTEE ON Health and Human Services

to which was referred **HB 572**

AN ACT

relative to pharmacist administration of vaccines
and allowing a licensed advanced pharmacy
technician to administer vaccines.

Having considered the same, the committee recommends that the Bill

ought to pass with amendment

BY A VOTE OF: 5-0

AMENDMENT # 1464s

Senator Tom Sherman
For the Committee

This bill allows licensed advanced pharmacy technicians to administer vaccines, combines the pharmacist administration of vaccines authority into one section, provides for recording vaccinations in the state vaccine registry with consent, and requires the report of any adverse reactions. This bill provides increased accuracy for patients' medical records. Currently primary care providers do not have a reliable way of knowing if patients have already received vaccines from pharmacies. This bill will decrease the risk that patients will receive duplicate vaccinations. As amended, this bill addresses concerns for patients who are new residents of New Hampshire with no vaccine records in the state and patients who have opted out of the registry.

Kirsten Koch 271-3266

FOR THE CONSENT CALENDAR

HEALTH AND HUMAN SERVICES

HB 572, relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines.

Ought to Pass with Amendment, Vote 5-0.

Senator Tom Sherman for the committee.

This bill allows licensed advanced pharmacy technicians to administer vaccines, combines the pharmacist administration of vaccines authority into one section, provides for recording vaccinations in the state vaccine registry with consent, and requires the report of any adverse reactions. This bill provides increased accuracy for patients' medical records. Currently primary care providers do not have a reliable way of knowing if patients have already received vaccines from pharmacies. This bill will decrease the risk that patients will receive duplicate vaccinations. As amended, this bill addresses concerns for patients who are new residents of New Hampshire with no vaccine records in the state and patients who have opted out of the registry.

General Court of New Hampshire - Bill Status System

Docket of HB572

Docket Abbreviations

Bill Title: relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines.

Official Docket of HB572.:

| Date | Body | Description |
|-------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1/12/2021 | H | Introduced (in recess of) 01/06/2021 and referred to Health, Human Services and Elderly Affairs HJ 2 P. 54 |
| 2/16/2021 | H | Public Hearing: 02/16/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94563888809 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened. |
| 3/2/2021 | H | Executive Session: 03/02/2021 12:30 pm Members of the public may attend using the following links: To join the webinar: https://www.zoom.us/j/99282187833 |
| 3/4/2021 | H | Committee Report: Ought to Pass with Amendment #2021-0576h (Vote 19-0; CC) HC 18 P. 16 |
| 4/7/2021 | H | Amendment #2021-0576h : AA VV 04/07/2021 HJ 5 P. 35 |
| 4/7/2021 | H | Ought to Pass with Amendment 2021-0576h: MA VV 04/07/2021 HJ 5 P. 35 |
| 4/7/2021 | H | Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50 |
| 4/7/2021 | S | Introduced 04/01/2021 and Referred to Health and Human Services; SJ 11 |
| 4/21/2021 | S | Remote Hearing : 04/28/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; SC 21 |
| 5/13/2021 | S | Committee Report: Ought to Pass with Amendment #2021-1464s , 05/20/2021; Vote 5-0; CC; SC 24 |
| 5/20/2021 | S | Committee Amendment #2021-1464s , AA, VV; 05/20/2021; SJ 16 |
| 5/20/2021 | S | Ought to Pass with Amendment 2021-1464s, MA, VV; OT3rdg; 05/20/2021; SJ 16 |
| 6/10/2021 | H | House Concurs with Senate Amendment 2021-1464s (Rep. M. Pearson): MA VV 06/10/2021 HJ 10 P. 12 |
| 7/8/2021 | S | Enrolled Bill Amendment #2021-2053e Adopted, VV, (In recess of 06/24/2021); SJ 20 |
| 7/12/2021 | H | Enrolled Bill Amendment #2021-2053e : AA VV (in recess of) 06/24/2021 |
| 7/21/2021 | S | Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20 |
| 7/23/2021 | H | Enrolled (in recess of) 06/24/2021 |
| 8/16/2021 | H | Signed by Governor Sununu 08/10/2021; Chapter 192; Eff: 11/08/2021 |

NH House

NH Senate

Other Referrals

July 2, 2021
2021-2053-EBA
04/11

Enrolled Bill Amendment to HB 572

The Committee on Enrolled Bills to which was referred HB 572

AN ACT relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 572

This enrolled bill amendment makes a correction in the effective date of the bill.

Enrolled Bill Amendment to HB 572

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 90 days after its passage.

Senate Inventory Checklist for Archives

Bill Number: HB 512

Senate Committee: HHS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # Sherman 2021-1353s - amendment # 2021-1464s
- amendment # Sherman 2021-1214s - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- _____ - amendment # _____ - amendment # _____
- _____ - amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s) 2053
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Kirsten Koch
Committee Aide

7/26/21
Date

Senate Clerk's Office AK