

LEGISLATIVE COMMITTEE MINUTES

SB57

Bill as
Introduced

SB 57 - AS INTRODUCED

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

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Definition; Supervision. Amend RSA 318:1, XIX to read as follows:

2 XIX. "Supervision" means under the direct charge or direction and does not contemplate
3 absence of the person responsible for providing such supervision, except where permitted by rules of
4 the board under RSA 318:5-a, XIV. ***In this chapter, an individual responsible for providing***
5 ***supervision shall not be absent during the performance of non-dispensing functions if the***
6 ***supervisor is not present at the pharmacy location, and such supervision occurs remotely***
7 ***via audio, video, or other electronic means.***

8 2 New Paragraph; Definition; Non-Dispensing Function. Amend RSA 318:1 by inserting after
9 paragraph XXXIII the following new paragraph:

10 XXXIV. "Non-dispensing function" means an activity that does not require the physical
11 possession of prescription drugs. Non-dispensing functions include, but are not limited to,
12 prescription transfers, drug utilization reviews, product verification tasks, claims adjudications,
13 refill authorizations, and entering patient and prescription information into a pharmacy's electronic
14 database. Non-dispensing functions may occur within or outside of a pharmacy space.

15 3 Licensed Pharmacists; Pharmacy Technicians. Amend RSA 318:15-a to read as follows:

16 318:15-a Pharmacy Technician.

17 I. No person shall perform the functions or duties of a pharmacy technician unless such
18 person is either registered by the board to perform certain functions or, upon completion of training,
19 certified to perform certain functions, and does so under standards of supervision established by
20 rules of the board adopted pursuant to RSA 541-A.

21 II. ***Notwithstanding paragraph I, a pharmacy technician working under a***
22 ***pharmacist's supervision may access a pharmacy's electronic database from outside of the***
23 ***pharmacy and perform non-dispensing functions if:***

24 (a) ***The pharmacy technician is registered or certified by the board;***

25 (b) ***The pharmacy establishes controls to protect the confidentiality and***
26 ***integrity of patient information; and***

27 (c) ***None of the database is downloaded, duplicated, or removed from the***
28 ***pharmacy's electronic database.***

29 4 Licensed Pharmacists; Pharmacy Interns. Amend RSA 318:15-b to read as follows:

30 318:15-b Pharmacy Interns.

SB 57 - AS INTRODUCED

- Page 2 -

1 I. No person shall perform the functions or duties of a pharmacy intern unless such person
2 is registered by the board to perform certain functions, and does so under standards of supervision
3 established by rules of the board adopted pursuant to RSA 541-A.

4 ***II. Notwithstanding paragraph I, a pharmacy intern working under a pharmacist's***
5 ***supervision may access a pharmacy's electronic database from outside of the pharmacy***
6 ***and perform non-dispensing functions if:***

7 (a) *The pharmacy intern is registered by the board;*

8 (b) *The pharmacy establishes controls to protect the confidentiality and*
9 *integrity of patient information; and*

10 (c) *None of the database is downloaded, duplicated, or removed from the*
11 *pharmacy's electronic database.*

12 5 New Paragraph; Licensure of Pharmacies; Required; Compliance. Amend RSA 318:37 by
13 inserting after paragraph II the following new paragraph:

14 III. This section shall not prohibit pharmacists, pharmacy technicians, and pharmacy
15 interns from remotely accessing a pharmacy's electronic database from outside of a permitted
16 pharmacy in order to perform non-dispensing functions.

17 6 Effective Date. This act shall take effect 60 days after its passage.

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

ANALYSIS

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

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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.

CHAPTER 76
SB 57 - FINAL VERSION

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

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ANALYSIS

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

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CHAPTER 76
SB 57 - FINAL VERSION

03/11/2021 0610s

21-0938
08/06

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 76:1 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
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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 76:2 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.

76:3 Effective Date. This act shall take effect upon its passage.

Approved: June 11, 2021
Effective Date: June 11, 2021

Amendments

Amendment to SB 57

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Paragraphs; Definitions. Amend RSA 318:1 by inserting after paragraph XXXIII the
4 following new paragraphs:

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6 XXXIV. "Remote processing" means accessing the pharmacy database to perform non-
7 dispensing activities other than at a licensed pharmacy. The pharmacy shall establish controls to
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23 registered New Hampshire pharmacy interns may engage in remote processing, provided that all
24 work requiring pharmacist supervision is supervised by a licensed pharmacist through electronic or
25 other remote means.

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

29 3 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 57

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Paragraphs; Definitions. Amend RSA 318:1 by inserting after paragraph XXXIII the
4 following new paragraphs:

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7 dispensing activities other than at a licensed pharmacy. The pharmacy shall establish controls to
8 protect the confidentiality and integrity of patient information, as required by HIPAA, and prevent
9 any patient information from being downloaded, duplicated, or removed from the electronic
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14 tasks, claims adjudications, refill authorizations, entering patient and prescription information into
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16 that does not require the physical possession of prescription drugs, or other activities established by
17 rules of the board adopted pursuant to RSA 541-A.

18 2 New Section; Licensed Pharmacists, Certified New Hampshire Pharmacy Technicians,
19 Registered New Hampshire Pharmacy Interns; Remote Processing. Amend RSA 318 by inserting
20 after section 15-c the following new section:

21 318:15-d Remote Processing.

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

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

29 3 Effective Date. This act shall take effect upon its passage.

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: January 20, 2021

HEARINGS

Wednesday

01/27/2021

(Day)

(Date)

Executive Departments and Administration	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 55	relative to project labor agreements in government contracts.	
9:20 a.m. SB 56	relative to reports by trustees of charitable trusts.	
9:40 a.m. SB 57	relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.	
10:00 a.m. SB 58	relative to the administration of occupational regulation by the office of professional licensure and certification.	

EXECUTIVE SESSION MAY FOLLOW

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/93288810031>
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: +19292056099,,93288810031# or +13017158592,,93288810031#
4. Webinar ID: [932 8881 0031](https://www.zoom.us/j/93288810031)
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).

Cameron Lapine 271-2104

Sharon M Carson
Chairman

Sponsors:

SB 55

Sen. Avard
Rep. Ammon

Sen. Daniels
Rep. Lang

Sen. Bradley

Rep. Burt

SB 56

Sen. Kahn

SB 57

Sen. Carson
Rep. Goley

Sen. D'Allesandro
Rep. Long

Sen. Soucy
Rep. L. Ober

Sen. Bradley
Rep. McGuire

SB 58

Sen. Carson

Sen. Giuda

Senate Executive Departments and Administration Committee

Cameron Lapine 271-2104

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

Hearing Date: January 27, 2021

Time Opened: 10:34 a.m.

Time Closed: 10:48 a.m.

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent : None

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

Sponsors:

Sen. Carson
Sen. Bradley
Rep. L. Ober

Sen. D'Allesandro
Rep. Goley
Rep. McGuire

Sen. Soucy
Rep. Long

Who supports the bill: Senator Sharon Carson (Senate District 14), Chris Rochon (PillPack), Rick Newman (NH Independent Pharmacy Association), and Jodi Grimbilas (CVS Health).

Who opposes the bill: Robert Stout (New Hampshire Pharmacists Association).

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senator Sharon Carson

Senate District 14

- Senator Carson introduced SB 57.
- Senator Carson said that the language of SB 57 has been in force since March 2020 through Emergency Order 13. She said that PillPack would like to make the policy permanent and allow the work-from-home policy to continue after the COVID-19 state of emergency ends.
- Senator Carson said that SB 57 gives the licensing boards time to create rules and determine technical details.

- Senator Carson asked the Committee to hold off on taking action on SB 57 for a week to give her time to work on potential amendments.

Chris Rochon

PillPack

- Mr. Rochon said that PillPack is a convenient packaging process that uses technology for a personalized service. He said PillPack was founded in New Hampshire, is licensed nationwide, and is a subsidiary of Amazon.
- Mr. Rochon said that passing SB 57 will allow PillPack to continue doing business the way they are currently.
- Mr. Rochon said that pharmacy technicians and interns should be supervised, and that remote supervision is safe and effective. He said that 11 states allowed certain tasks with remote supervision before the COVID-19 pandemic. During the pandemic, that number has increased to 34 states. He said that the expansion of remote supervision has been safe.
- Mr. Rochon says that the National Association of Boards of Pharmacy developed model language for remote work and SB 57 reflects that model language.
- Mr. Rochon said that all employees are supervised and supervisors are available via phone, email, and secure chat with screensharing capabilities. He said that while promoting remote work, quality data has remained strong and PillPack has met or exceeded their standards.
- Mr. Rochon said that PillPack has been able to hire additional technicians from other parts of the state and increased their workforce in the state. If PillPack has the confirmation that their remote work program can continue then PillPack can keep growing and hiring in New Hampshire.
- Mr. Rochon said that PillPack tried to receive a waiver from the Board of Pharmacy to make their remote work program permanent. The request was denied, Mr. Rochon said, not on substance but because the Board believed that it did not have the authority to do so. The Board recommended that Mr. Rochon have a legislator introduce a bill to expressly give the Board the authority to do so.

Summary of testimony presented in opposition:

Robert Stout – Provided Written Testimony

NH Pharmacists Association

- Mr. Stout argued that there is nothing in rules to prohibit the remote processes taking place currently. He said that there has been remote work from practice sites for 20 years. Mr. Stout read the Merriam Webster's definition for "remote".
- Mr. Stout said that if remote work was not allowed, every pharmacy would need to be closed because they all use remote servers to store their data.
- Mr. Stout said that confusion comes over the definition of the word "remote". He said that he disagreed that the Board of Pharmacy did not have the authority to create work-from-home rules at this time. He said that the Board has the authority as exemplified in the current rules regarding security and access codes.
- Mr. Stout said that he believes the Board already has authority over making rules for remote work because of Administrative Rule Ph 703.04.
- Mr. Stout suggested that the General Court define "remote access" rather than specify what

- each license class can do. He said that that could conflict with rules.
- Senator Prentiss asked if the definition of “supervision” on Page 1, Lines 2 through 7 needed to be more specific.
 - Mr. Stout said that there is a definition of “supervision” already in place. Mr. Stout said that what is more important is making sure individuals work within the scope of their practice. He said that someone does not need supervision for data entry. Mr. Stout said that if the rules do not say that one can’t do something, then one can – as long as they meet any other requirements in place.

Neutral Information Presented: None.

cml
Date Hearing Report completed: January 29, 2021

Speakers

Name	Title	Representing	Position	Testifying
Rochon Chris	A Member of the Public	PillPack	Support	Yes
Newman Rick	A Lobbyist	NH Independent Pharmacy Association	Support	Yes
Carson Sharon	An Elected Official	Senate District 14	Support	Yes
Stout Robert	A Member of the Public	New Hampshire Pharmacists Association	Oppose	Yes
Grimbilas Jodi	A Lobbyist	CVS Health	Support	No

Testimony

Ph 703.04 Automated Data Processing Systems. All pharmacies shall have an automated data processing system to be used for the storage of original, faxed or written prescriptions and the retrieval of refill information for all prescription orders including, but not limited to, controlled substances in schedules II, III, IV, and V, as defined in 21 CFR 1308.11-1308.15 subject to the following conditions:

(a) The system shall provide security against improper manipulation or alteration of stored records. Individual access codes shall be unique to each licensed location and shall not be available to any other location;

(b) A pharmacy shall make arrangements with the supplier of data processing services or materials to assure that the pharmacy continues to have access to the complete prescription and dispensing records if the relationship with such supplier terminates for any reason. A pharmacy shall assure continuity in the maintenance of records for the protection of public health;

(c) Any computerized system shall provide on-line retrieval, via electronic display or hard-copy printout, of all prescription records processed at that licensed location;

(d) The information required by (c) above shall include:

- (1) The original prescription number;
- (2) The date of issuance of the original prescription order by the practitioner;
- (3) The full name and address of the patient;
- (4) The name, address, and DEA registration number of the practitioner, when applicable;
- (5) The name, strength, dosage form, quantity prescribed, and quantity dispensed if different from the quantity prescribed, and the total number of refills authorized by the prescribing practitioner, if any; and
- (6) The date each fill is dispensed.

(e) Any computerized system shall also provide on-line retrieval, via electronic display or hard-copy printout, of the current refill history of all prescription orders including controlled substances in schedules III, IV, and V;

(f) This refill history shall include:

- (1) The name of the drug;
- (2) The date of refill;
- (3) The quantity dispensed;
- (4) The identification code, or name or initials of the dispensing pharmacist for each refill; and
- (5) The total number of refills dispensed to date for that prescription order;

(g) Documentation of the fact that the refill information entered into the computer each time a pharmacist refills an original prescription order, including refill orders for a schedule III, IV, or V controlled substances is correct shall be provided by:

- (1) A hard-copy printout of each day's controlled substance prescription order refill data which shall be verified, dated, and signed by each pharmacist who refilled such prescription orders;
- or

(2) In lieu of such a printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in such dispensing shall sign a statement each day, attesting to the fact that the refill information entered into the computer that day has been reviewed by him and is correct as shown;

(h) The hard-copy printout or log book referenced in (g) above shall be kept at the pharmacy, in a separate file, for a period of 4 years from the dispensing date;

(i) The computerized system shall have the capability of producing a printout of all refill data and shall include:

- (1) A refill-by-refill audit trail for any specified strength and dosage form of any controlled substance;
- (2) Name of the prescribing practitioner;
- (3) Name and address of the patient;
- (4) Quantity dispensed on each refill;
- (5) Date of the dispensing for each refill;
- (6) Name or identification code of the dispensing pharmacist; and
- (7) The number of the original prescription order;

(j) In any computerized system employed by a user pharmacy, the central recordkeeping location shall be capable of sending the printout to the pharmacy within 48 hours;

(k) Each pharmacy using an automated data processing system shall maintain on-file a hard copy of all controlled substance prescriptions in schedules II, III, IV and V, excluding electronic, preserving all information contained on the original written or oral prescription. Any computer generated material shall be affixed to the rear of the prescription, leaving the face of the prescription intact; and

(l) Computer-produced prescription container labels shall comply with RSA 318:47-a, RSA 318:47-b and RSA 318-B:13, II.

Source. #2118, eff 8-12-82: ss by #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED, 1-19-96

New. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10903, eff 8-5-15 (from Ph 703.05)

Ph 703.05 Federal DEA #222 Order Forms. All used DEA #222 order forms or any successor forms shall be maintained on the premises to which the forms and the corresponding DEA permit number were issued. In the case of on-line ordering of CII drugs, all records of such shall be maintained on said premises and be readily retrievable. Such records shall meet the requirements of federal laws and regulations and shall be maintained for a period of not less than 2 years.

Source. #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED: 1-19-96

New. #6181-B, eff 2-5-96; ss by #6933, eff 2-1-99, EXPIRED: 2-1-07

New. #10066, eff 12-28-11; ss by #10903, eff 8-5-15 (from Ph 703.06)

Ph 703.06 Inspection Report. The current compliance inspection report of the licensed location, conducted by the board, shall be kept on file in the prescription department.

Source. #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED, 1-19-96

New. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

"Central prescription processing" means the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order or to perform "remotely" processing functions, such as dispensing, drug utilization review, claims adjudication, refill authorizations, and therapeutic interventions.

**New Hampshire Executive Departments and Administration Committee
Public Hearing on Senate Bill 57
January 27, 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 Senator Carson for sponsoring this legislation. 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."

Testimony
Senate Executive Departments & Administration Committee
SB 57 –relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks
January 27, 2021

Dear Senator Carson, Chair, and Members of the Committee:

My name is Robert Stout. I am a past president of the NH Board of Pharmacy, and I have been involved in community practice for over 40 years. I am the current president of the NH Pharmacists Association, and I am here today to testify for the Association in **opposition** to SB 57 as currently written.

I believe the intent is to allow Certified pharmacy technicians to perform non-dispensing functions, which I believe are data entry and non-controlled drug prescription transfers, while not physically at the licensing site.

Under RSA 318, the Board of Pharmacy currently allows technicians from one location in the state to remotely do these functions for a sister store or licensed agreement for a store in a different location. An example is that a store with adequate help in Manchester can remotely perform non-dispensing functions for a store in Nashua to help if short-handed or overly busy. The central prescription processing rules allow this to happen between 2 different store locations. I would argue that doing work for the store you are registered to work at, with the security and specific log in and identifiers in place now, that no statutory authority is needed to allow this practice.

Pharmacists currently perform remote functions after hours and for emergency service even though there is no specific authority to do so. If the intent is to clearly state that this is allowed, I believe it should be done in Rules, either in the 700s which address computer systems and security or in the 1200s which address central prescription processing.

To specifically address our concerns with this bill as written, there are multiple issues with wording.

< ***In this chapter, an individual responsible for providing supervision shall not be absent during the performance of non-dispensing functions if the supervisor is not present at the pharmacy location, and such supervision occurs remotely via audio, video, or other electronic means.***

This sounds like an instance where the technician is at the licensed location, but the supervisor is not. There is no instance where a pharmacy is allowed to be open without the presence of a pharmacist. This scenario, as worded, would mean that the technician is not remote, but the supervising pharmacist is. If that is the case, we would never support that practice. We would support a technician working remotely and the pharmacist verifying their work, either at the licensed location or remotely, with the verified order then being available at the licensed location for dispensing.

II. Notwithstanding paragraph I, a pharmacy technician working under a pharmacist's supervision may access a pharmacy's electronic database from outside of the pharmacy and perform non-dispensing functions if:

(a) The pharmacy technician is registered or certified by the board;

- (b) The pharmacy establishes controls to protect the confidentiality and integrity of patient information; and*
- (c) None of the database is downloaded, duplicated, or removed from the pharmacy's electronic database.*

There are multiple issues with this section. Only Certified pharmacy technicians are allowed to perform data entry and prescription transfers (non-controlled). Registered technicians can only do this during the year they are enrolled in a Certified technician training program, AND they are under the direct supervision of a pharmacist or Certified technician so they could never work remotely unsupervised. Items (b) and (c) are already stated in the current Board rules.

II. Notwithstanding paragraph I, a pharmacy intern working under a pharmacist's supervision may access a pharmacy's electronic database from outside of the pharmacy and perform non-dispensing functions if:

- (a) The pharmacy intern is registered by the board;*
- (b) The pharmacy establishes controls to protect the confidentiality and integrity of patient information; and*
- (c) None of the database is downloaded, duplicated, or removed from the pharmacy's electronic database.*

In this section, if a Certified pharmacy technician is allowed to work remotely, it states that a pharmacy intern working under the supervision of a pharmacist can perform these tasks. That language is the same as it exists now. If this is trying to allow remote work, it is not stated here in (b) and (c) are as drafted above.

In summary, this is a poorly written bill. We believe the Board has the authority to authorize what is being proposed by modifying or cleaning up current rules. This, in our opinion, is an unnecessary statute.

Thank you for your consideration.

Sincerely,

Robert Stout, RPh

NHPA President

I have attached the rules regarding Automated pharmacy systems where I believe this permission could be incorporated. If the Board wanted to include in the Ph 1200 rules regarding central processing a statute change would be needed adding the word remote to the definition in 318.

Voting Sheets

**Senate Executive Departments and
Administration Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill # 5857

Hearing date: 1-27-21

Executive Session date: 3-3-21

Motion of: Amendment OS22s + "Upon Passage" Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Carson

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, March 4, 2021

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, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0610s

Senator Sharon Carson
For the Committee

This bill allows pharmacy technicians and interns to remotely perform non-dispensing tasks. This is a practice that was adopted during the COVID-19 State of Emergency and has been shown to increase employment opportunities, by enabling remote work, while maintaining the high standards needed for pharmacy work. SB 57 gives the Board of Pharmacy the time and tools needed to make rules to ensure that remote work is done safely and professionally. The Committee Amendment makes some changes to the initial definitions in the bill in order to better achieve its goals.

Cameron Lapine 271-2104

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

Ought to Pass with Amendment, Vote 5-0.

Senator Sharon Carson for the committee.

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General Court of New Hampshire - Bill Status System

Docket of SB57

Docket Abbreviations

Bill Title: relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.**Official Docket of SB57.:**

Date	Body	Description
1/19/2021	S	Introduced 01/06/2021 and Referred to Executive Departments and Administration; SJ 3
1/20/2021	S	Remote Hearing: 01/27/2021, 09:40 am; Links to join the hearing can be found in the Senate Calendar; SC 8
3/4/2021	S	Committee Report: Ought to Pass with Amendment #2021-0610s , 03/11/2021; Vote 5-0; CC; SC 14
3/11/2021	S	Committee Amendment #2021-0610s , RC 23Y-1N, AA; 03/11/2021; SJ 7
3/11/2021	S	Ought to Pass with Amendment 2021-0610s, RC 23Y-1N, MA; OT3rdg; 03/11/2021; SJ 7
3/17/2021	H	Introduced (in recess of) 02/25/2021 and referred to Executive Departments and Administration HJ 4 P. 50
4/2/2021	H	Public Hearing: 04/15/2021 10:30 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/99594447166 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/24/2021	H	Committee Report: Ought to Pass (Vote 19-0; CC) HC 26 P. 6
6/3/2021	H	Ought to Pass: MA VV 06/03/2021
6/11/2021	H	Enrolled (in recess of) 06/10/2021
6/11/2021	S	Enrolled Adopted, VV, (In recess 06/10/2021); SJ 19
6/15/2021	S	Signed by the Governor on 06/11/2021; Chapter 0076; Effective 06/11/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 57

Senate Committee: ED+A

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):

- 2071 - amendment # 05225 ___ - amendment # ___
- 2071 - amendment # 06105 ___ - 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)
- 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:

Cameron M. Japine
Committee Aide

7/16/21
Date

Senate Clerk's Office JK