

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number <u>2021-98</u>	Rule Number <u>Ph 807.02 and Ph 808.01</u>				
1. Agency Name & Address: N.H. Pharmacy Board c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301	2. RSA Authority: <u>RSA 318-5-a, X (a) and (b)</u> 3. Federal Authority: <u>n/a</u> 4. Type of Action: <input type="checkbox"/> Adopt <input type="checkbox"/> Amendment (only if Initial Proposal was filed before 9/27/20.) <input type="checkbox"/> Repeal <input type="checkbox"/> Readoption <input checked="" type="checkbox"/> Readoption w/amendment				
5. Short Title: Registered Pharmacy Technician Duties and Qualifications					
6. Contact person for copies and questions: <table style="width: 100%;"> <tr> <td style="width: 50%;">Name: Tina M. Kelley</td> <td style="width: 50%;">Title: Program Specialist IV</td> </tr> <tr> <td>Address: Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301</td> <td>Phone #: (603) 271-5247</td> </tr> </table>		Name: Tina M. Kelley	Title: Program Specialist IV	Address: Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301	Phone #: (603) 271-5247
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7. The rulemaking notice appeared in the <u>Rulemaking Register</u> on October 7, 2021 . <p style="text-align: center;">SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET AND ONE COPY OF THE FOLLOWING: (optional to number correspondingly)</p>					
8. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.					
9. Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.				
10. Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).				
11. Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.				

1. Agency Name & Address:

**N.H. Pharmacy Board
c/o Office of Professional
Licensure & Certification
7 Eagle Square
Concord, NH 03301**

2. RSA Authority: RSA 318-5-a, X (a) and (b)3. Federal Authority: n/a

4. Type of Action:

Adoption _____

Repeal _____

Readoption _____

Readoption w/amendment X5. Short Title: **Registered Pharmacy Technician Duties and Qualifications**

6. (a) Summary of what the rule says and of any proposed amendments:

Ph 807.02 specifies the duties of a registered pharmacy technician and is being readopted with amendment to remove the restriction that a certified pharmacy technician may not perform data entry of prescription medication orders into the computer and making it a function that the certified pharmacy technician may do.

Ph 808.01 specifies the qualification in order to become a certified pharmacy technician and is being readopted with amendment to remove the requirement that the certified pharmacy technician become certified by the Pharmacy Technician Certification Board (PTCB) or the National Healthcare Association (NHA) within one year of entering a certified pharmacy program and maintaining that certification.

6. (b) Brief description of the groups affected:

These rules affect individuals who are registered pharmacy technicians or those who wish to become certified pharmacy technicians.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute the Rule Implements
Ph 807.02	RSA 318:5-a, X(b); RSA 318:15-a
Ph 808.01	RSA 318:5-a, X (a); RSA 318:15-a

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina M. Kelley**Title: **Program Specialist IV**

Address: **Office of Professional
Licensure and Certification
7 Eagle Square
Concord, NH 03301**

Phone #: **(603) 271-5247**Fax#: **(603) 271-0597**E-mail: **OPLC-Rules@oplc.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or
dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, November 29, 2021 at 4:00 p.m.**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, November 17, 2021 at 9:30 a.m.**

Place: **Office of Professional Licensure and Certification
7 Eagle Square, Concord NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 21:099, dated 9-24-2021

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no difference in cost when comparing the proposed rules to the existing rules.
2. **Cite the Federal mandate. Identify the impact on state funds:**
No federal mandate, no impact on state funds.
3. **Cost and benefits of the proposed rule(s):**
 - A. **To State general or State special funds:**
None.
 - B. **To State citizens and political subdivisions:**
None.
 - C. **To independently owned businesses:**
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program or responsibility to any political subdivision in any way.

Readopt with amendment Ph 807.02, effective 12-21-19 (Document #12951), to read as follows:

Ph 807.02 Registered Pharmacy Technician Duties. A registered pharmacy technician's duties, upon showing the requisite skill and receiving the appropriate training, shall be:

- (a) Non-discretionary functions within the pharmacy concerning cashier, stocking, delivery, and other non-clinical functions necessary for pharmacy operation under the supervision of a licensed pharmacist or certified pharmacy technician;
- (b) Performing the data entry of a prescription or medication order into the computer;
- (c) The counting, weighing, measuring, pouring, and reconstitution of non-parenteral prescription medication or stock legend drugs and controlled substances;
- (d) Performing stocking or replenishment of automated dispensing machine, other automated dispensing equipment, or other stock locations. Products shall be verified by a pharmacist or certified pharmacy technician. Bar-coding, radio frequency identification, or another form of electronic verification shall be used at the time of stocking or replenishment, or a licensed health professional shall check the medication before administration; and
- (e) If in training to become a certified technician, the duties of a certified pharmacy technician under the direct supervision of a pharmacist or certified pharmacy technician.

Readopt with amendment Ph 808.01, effective 11-17-18 (Document #12671), to read as follows:

Ph 808.01 Certified Pharmacy Technician Qualifications.

- (a) An applicant for a certified pharmacy technician shall:
 - (1) Be at least 18 years of age;
 - (2) Have a high school or equivalent diploma;
 - (3) Obtain and maintain national certification from a nationally recognized certifying organization, such as the Pharmacy Technician Certification Board (PTCB) or the National Healthcare Association (NHA);
 - (4) Not have been convicted of a drug or pharmacy-related felony or misdemeanor or admitted to sufficient facts to warrant such a finding; and
 - (5) Seek certification from the board within 15 days of the start date of employment as a certified pharmacy technician, and post such certification in the pharmacy within 30 days.
- (b) A certified pharmacy technician with duties involving sterile and non-sterile compounding, shall complete an American Society of Hospital Pharmacies (ASHP), PTCB, or other nationally recognized training program before participating in those duties.
- (c) Pharmacy technician applicants with previous out of state experience shall meet the requirements set by the board in this section before obtaining certification status.

(d) No person shall perform the functions or duties of a certified pharmacy technician unless such person is certified by the board.

Potentially inadequate fiscal impact statement. The Legislative Budget Assistant's Fiscal Impact Statement (FIS) indicates that there's no cost or benefit to the state's citizens for changes made in this proposal, and the agency's request for FIS stated it was “not anticipated that this proposed rule will impose any changes in costs or benefits to the citizens of this state”. However, the proposal removes the requirement that certified pharmacy technicians acquire and keep certification by the Pharmacy Technician Certification Board or the National Healthcare Association. If acquiring or keeping the certification means a cost or fee was paid, and that cost no longer needs to be paid to keep the individual's certification, then that change represents a benefit to those impacted citizens which should have been mentioned in the agency's response to question 3.B. in the FIS. An amended FIS was not filed with the final proposal.

APPENDIX

Rule	Specific State Statute the Rule Implements
Ph 807.02	RSA 318:5-a, X(b); RSA 318:15-a
Ph 808.01	RSA 318:5-a, X (a); RSA 318:15-a