



NH BOARD OF PHARMACY

PH 1300 – Administration of Vaccines

ADMINISTRATIVE RULES PUBLIC HEARING

August 17, 2022

Good morning. My name is Kathy Bizarro-Thunberg, Executive Vice President with the New Hampshire Hospital Association (NHHA), representing all 26 of the state's community hospitals as well as all specialty hospitals. Thank you for the opportunity to present testimony on the draft administrative rules Ph 1300 relative to Administration of Vaccines titled "Initial Proposal" dated 3/16/2022.

As we have seen over the course of the COVID-19 pandemic, the roles of pharmacy personnel have evolved quickly to support the broad public health and medical needs of our citizens. With the recent passage of SB 229, it's imperative to align Ph1300 administrative rules with that statute. And, there is an opportunity to incorporate the licensed advanced pharmacy technician in these rules since their scope of practice allows for the administration of vaccines (RSA 318:1 XXXIII and RSA 318:16-b).

I offer the following comments and suggestions to improve these draft rules to ensure compliance with existing statutes and newly passed SB229, and to promote ease of implementing these rules:

Ph1302 Definitions:

"Certified Pharmacy Technician" is an important addition to the administrative rules as authorized by SB 229, which updated RSA 318:16-b. It should be noted that any reference to "pharmacy technician" in the draft rules should be updated to refer to "**certified** pharmacy technician".

"Licensed Advanced Pharmacy Technicians" (LAPT) should be added to the list of pharmacy personnel that can administer vaccinations. Their authority is outlined in RSA 318:16-b: "A pharmacist, pharmacy intern, or *licensed advanced pharmacy technician*, under the supervision of an on-site immunizing pharmacist may administer influenza and a COVID-19 vaccine, if available, to the general public. 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, 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."

Therefore, a definition of LAPT should be added to this rule. The definition for LAPT can be found at RSA 318:1 XXXIII:

- "Licensed advanced pharmacy technician" means a person licensed by the board who:

- (a) May perform all functions allowed by federal or state law and approved by the board, under the supervision of a licensed pharmacist who is physically on premises and holds an unrestricted license issued by the board.
- (b) May conduct product verification, process refills, verify repackaging of drugs, and perform other pharmacist tasks not required to be completed by a licensed pharmacist.
- (c) May perform duties allowed by either certified or registered pharmacy technicians.
- (d) Shall not interpret or evaluate a prescription or drug order, verify a compounded drug, or counsel or advise individuals related to the clinical use of a medication.

“Pharmacy Personnel”, as noted in the purpose statement of these draft rules, should also be added to the list of definitions. If so added, the “Pharmacy Personnel” language could be used throughout the rule to simplify references to who can administer vaccinations. A suggestion for a definition could be:

- “Pharmacy Personnel” means a pharmacist, pharmacy intern, licensed advanced pharmacy technician or a certified pharmacy technician as authorized by RSA 318:16-b who seeks to engage in administration of vaccines.

Ph1301.01 (a) and (b) Qualifications: if the Board agrees to adopt the above definition of “pharmacy personnel”, then it could be used to replace the phrase “a pharmacist, pharmacy intern or pharmacy technician as authorized by RSA 318:16-b who seeks to engage in the administration of vaccines”. It would then read as *“Pharmacy personnel shall...”*

If a “pharmacy personnel” definition is not adopted, then we would recommend that this item include Licensed Advanced Pharmacy Technician since they are also authorized to administer vaccinations and it should also include the word “certified” for certified pharmacy technician. In that instance, it should be “A pharmacist, pharmacy intern, licensed advanced pharmacy technician or certified pharmacy technician as authorized by RSA 318:16-b who seeks to engage in the administration of vaccines...”.

Ph1301.01 (c) Qualifications: “Licensed Advanced Pharmacy Technician” and “certified pharmacy technician” should be added to this item and that a typo should be fixed: “sight” should be “site” so that it would read as: “A pharmacy intern, a licensed advanced pharmacy technician or a certified pharmacy technician shall be supervised by an on-site supervising pharmacist who is licensed with the board to administer vaccines.”

Ph1303.02 Application: the form referenced here needs to be expanded to allow for all four types of pharmacy personnel to file their application with the Board of Pharmacy to administer vaccines. It shouldn’t just be the pharmacist as the rule is currently drafted. We recommend “Pharmacy personnel who seek to engage in the administration of vaccines shall file a completed “Application to Administer Vaccines” Form (revised 6/2022) as specified in RSA 318:16-b, IV.”

Ph1304.01 Vaccine Administration Requirements: as noted above, there are now four types of pharmacy personnel that can administer vaccines. This item should be changed from just a pharmacist to “pharmacy personnel”. Thus, we recommend “Pharmacy personnel who engage in the administration of vaccines shall comply with the following procedures:...”

Ph1304.01 (a): this item refers to CDC’s Vaccine Information Statement (VIS) information for patients. It should be noted that COVID-19 vaccines are still under an Emergency Use Authorization (EUA) and do not have a VIS, so there needs to be an allowance for vaccines that are under EUA. Perhaps the wording could be “Provide the patient with a Vaccine Information Statement (VIS), or equivalent information if the vaccine is authorized under an Emergency Use Authorization, as provided by the Centers for Disease Control and Prevention (CDC);”

Ph1304.01 (b): the Board of Pharmacy should allow for multiple methods of providing patients with, and signing for, a “Patient Consent Form” including electronic forms of communication. It is not clear that this item could be done either on paper or electronically as it is currently worded.

Ph1304.02 Recordkeeping: As noted several times already, there are four types of pharmacy personnel that can administer vaccines, therefore, the reference to just the pharmacist in this item needs to change to “pharmacy personnel” or write out each type of personnel that is responsible for recordkeeping. In addition, the Board of Pharmacy should explicitly allow for the electronic storage of the patient consent form.

Ph1304.02 (e): typo should be fixed. The word “administers” should be “administrator”. Or, change the phrasing to “Administering pharmacy personnel’s name;”

Ph1304.02 (f): “Licensed Advanced Pharmacy Technician” and “certified pharmacy technician” should be added to this item to read “Name of pharmacist overseeing the administration by pharmacy interns, licensed advanced pharmacy technicians or certified pharmacy technicians as authorized by RSA 318:16-b:”

Ph1304.02 (g): the Board should explicitly allow for the patient’s signature to be completed electronically.

NHHA and its member hospitals stand ready to work with the Board of Pharmacy to fully review these administrative rules should additional work be considered. Thank you for the opportunity to present our testimony.