

STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF HEALTH PROFESSIONS

BOARD OF PHARMACY

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Board of Pharmacy

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October 23rd, 2017

BOARD NOTICE

The compliance and licensing team are issuing this board notice, *for a second time*, to permit holders and pharmacists due to many issues that have been brought to the Board on the applicability of the following rules:

Ph 704.01 Presence of Pharmacists.

- (a) No pharmacist shall work more than 8 hours without a rest break of 30 minutes. Breaks shall be scheduled as close as possible to the same time each day so that patients may become familiar with the approximate break times.
- (b) Whenever the prescription department is staffed by a single pharmacist, the pharmacist may take a rest break for a period of 30 minutes without closing the pharmacy and removing support personnel from the pharmacy, provided that the pharmacist reasonably believes that the security of the prescription drugs will be maintained in the pharmacist's absence.
- (c) Pharmacy technicians, NH certified pharmacy technicians and pharmacy interns may remain the pharmacy if the pharmacist on duty reasonably believes that the security of the prescription drugs will be maintained in his or her absence and in accordance with the following:
 - 1) Rest breaks shall be scheduled as close as possible to the same time each day in order for the patients to become familiar with the approximate times of breaks;
 - 2) The pharmacist shall remain on the premises, within the building, during the rest break and be available for emergencies. **Emergencies shall be defined by the pharmacist;**
 - 3) Whenever the pharmacist temporarily leaves the prescription department for a rest break, a sign indicating that there is no pharmacist on duty shall be conspicuously displayed in full view of patients approaching the prescription department service area. The signage shall also indicate the time when the pharmacist is to return;
 - 4) Only pharmacy technicians or pharmacy interns authorized by the pharmacist on duty may remain in the pharmacy while the pharmacist is on break;
 - 5) During such times that the pharmacist is temporarily absent from the pharmacy, only pharmacy technicians or pharmacy interns duly authorized by the pharmacist on duty may continue to perform non-discretionary duties as delineated by the pharmacist. However, all duties performed by the technicians or interns shall be reviewed by the pharmacist upon his or her return from break;
 - 6) When a pharmacist is not in the pharmacy, there shall be no dispensing or sale of new prescriptions that the pharmacist has checked and are waiting to be picked up nor shall counseling be provided by the pharmacy technician or pharmacy intern;

- (7) New, written prescriptions, presented in person by the patient or his agent, may be accepted by the pharmacy technician or pharmacy intern and the processing of that prescription, up to the final check, may occur during the absence of the pharmacist. **However, no new prescriptions may be dispensed or sold until the final check is completed by the pharmacist on his or her return;**
- (8) New prescriptions conveyed by telephone shall be accepted by a NH certified pharmacy technician or pharmacy intern or when authorized by the pharmacist or the caller shall be instructed to call back or a telephone number obtained for the pharmacist to call upon his or her return;
- (9) During the pharmacist's absence, prescription refills which have been previously prepared and checked by a pharmacist may be picked up by the patient or his agent. If the patient has no questions, the sale may proceed as normal with the patient signing a statement indicating the refusal of counseling by the pharmacist. **If the patient desires counseling, he or she shall be asked to wait for the pharmacist to return from break or, alternatively, asked to leave a telephone number for the pharmacist to call later that day; and**
- (10) Telephone refill orders as well as refill requests presented, in person, by the patient or his agent, may be accepted by the pharmacy technician or intern and such refill orders may be processed by the technician or intern up to the final check. However, no such refill orders shall be dispensed or sold until the final check is completed by the pharmacist on his or her return from break.
- (d) A pharmacist who takes a rest break in compliance with this section shall continue to be responsible for the operation and security of the pharmacy department. Therefore, if in the professional judgment of the pharmacist, for reasons of security or otherwise, the pharmacist determines that the pharmacy should close during his or her absence, then the pharmacist shall close the pharmacy. All pharmacy technicians, NH certified pharmacy technicians, and pharmacy interns shall leave the pharmacy during his or her absence. A sign informing the public of the pharmacist's return shall be conspicuously posted.
- (e) Pharmacists shall follow company protocols in leaving the pharmacy department unattended for any reason, such as but not limited to counsel.

There should be no confusion on this rule, effective 9/23/2016. The pharmacist is required to take a 30 minute break working more than 8 hours. It is the responsibility of the pharmacist on duty to follow the above rules. Any barriers to the rules should be directed to the Board. **This includes company protocols that mandate the pharmacist leave their break to do counseling.**

Compliance, upon inspection will be requiring your documentation noted in the above rules to be made available upon request. Proper documentation is required to avoid board disciplinary action.

By Order of the Board,



Michael D. Bullek, BSP, R.Ph.
Administrator / Chief of Compliance