



PHARMACY

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The total cost of the *US Department of Labor; State Occupational Licensing Review and Reform Grant* program is \$244,260.28. \$244,260.28 (100%) is funded through a U.S. Department of Labor – Employment and Training Administration grant.

EXECUTIVE SUMMARY

In 2019, New Hampshire's Office of Professional and Occupational Licensure (OPLC) was awarded a grant by the U.S. Department of Labor, Employment and Training Administration (DOLETA) in the amount of \$244,260 to evaluate and streamline occupational licensing requirements to help address the effects of an aging population, opioid use and overdose deaths, and underemployment of certain untapped populations in the state's workforce.

New Hampshire's Occupational Licensing Review Project particularly sought to promote portability and reduce unnecessary licensing barriers, with special emphasis on populations that are most affected by licensing: low-income, military and justice-involved communities.

Through participation in the Occupational Licensing Learning Consortium facilitated by the National Conference of State Legislators (NCSL), the Council of State Government (CSG) and the National Governors Association (NGA), OPLC regularly engaged with other state grantees and regulatory subject matter experts to share learning, glean expert insight, and receive technical assistance for the state's licensing review. With the assistance of the Council on Licensure, Enforcement and Regulation (CLEAR), OPLC received licensing research and analysis, and subsequently to provide recommendations tailored to New Hampshire's regulatory infrastructure and environment.

New Hampshire's Office of Professional Licensure and Certification (OPLC) houses 40 professional licensing boards, commissions and councils and worked with the Council on Licensure, Enforcement and Regulation (CLEAR) to conduct an occupational licensing review and reform analysis on five (5) license categories: Alcohol and Other Drug Use Professionals; Office of Allied Health Professionals (including Occupational and Physical Therapist Assistants and Respiratory Care Providers); Barbering, Cosmetology, and Esthetics; Licensed Nursing Assistant, and Pharmacy Technician.

This final report contains CLEAR's findings from the Occupational Licensing Review Project. It is intended to be a comprehensive report of all accomplishments under the grant project and therefore also includes OPLC's accomplishments in fulfillment of its scope of work with DOLETA, some of which occurred without assistance from CLEAR.

The report provides an overview and discussion of the regulatory landscape, research and emerging practices concerning the special populations and focus areas selected by New Hampshire for the grant project. This is followed by promising practices from other umbrella agencies and standout innovations that could be leveraged by OPLC through its umbrella structure. The report summarized other accomplishments such as key legislation, operational improvements and technology advancements that were also accomplished during through the grant project. Lastly, this report delves into tailored analysis of the five professions applying a comparison to emerging practices and priority policies expressed by the state.¹

Key findings of the Occupational Licensing Review Project reveal several innovative and promising practices implemented by New Hampshire boards particularly related to entry to practice and labor mobility. Many of these relate to streamlined licensing process, helping applicants get to work quickly even through temporary permits while the board completes its due diligence. New Hampshire has broadly aligned entry to practice requirements to national averages and standards which bolsters reciprocity applicants and licensees. Early adoption and membership to licensure compacts further advances licensure portability.

New Hampshire boards reviewed as part of this project have generally not adopted more progressive policies concerning low-income applicants, military servicemembers, veterans and spouses, and individuals with criminal convictions. Some New Hampshire boards demonstrate promising practices that could serve as a model for other state licensing boards. Broad adoption of these practices or improvements to existing policies could promote greater fairness and equity in the licensure process, particularly for communities of color who are more likely also come from low-income communities and have a criminal record.

Several key findings of the project could be solved or partially accomplished through improved licensing technology, specifically through advancements in MLO or another licensing database. Improved technology, which is now widely accessible in the occupational licensing field, could dramatically reduce regulatory burden by creating efficiencies in the administrative process

¹These findings and recommendations are not considered legal advice nor should be construed as the opinion of CLEAR or its members. Where possible, alternatives are provided in an acknowledgement that a perceived barrier could be reduced through a plethora of potential solutions. The findings and recommendations must also be considered in context of the audience's intended outcomes which may vary among policymakers, board members, consumers and other stakeholders.

for both applicants and OPLC staff. Additionally, an improved data base could facilitate greater adoption of evidence-based regulations which evaluate characteristics of consumer endangerment and target regulatory interventions.

While this report makes tailored recommendations for consideration by each board, OPLC and other state policymakers may consider more sweeping initiatives that would support all boards. These strategies could include:

- Advance intentional staff and board member training on regulatory research and science, not just the practice act
- Improve My Licensing Office (MLO) or other technology to reduce regulatory burden and facilitate regulatory intelligence through data
- Improve operational effectiveness and efficiency through technology and rule reviews
- Public performance management through data collection and outcome tracking
- Consistent decision making among board members and over time to ensure fairness and equity
- Adopt evidence-informed regulations by evaluating regulatory data and outcomes
- Create a process to ensure boards align rules to statutes outside the practice act
- Embed a responsive regulatory culture through sunrise, sunset and routine regulatory review processes.

This final report provides in-depth analysis of research and findings related to Registered Pharmacy Technician and Certified Pharmacy Technician professions. These findings and recommendations are not considered legal advice nor should be construed as the opinion of CLEAR or its members. Where possible, alternatives are provided in an acknowledgement that a perceived barrier could be reduced through a plethora of potential solutions. The findings and recommendations must also be considered in context of the audience's intended outcomes which may vary among policymakers, board members, consumers and other stakeholders.

REGISTERED PHARMACY TECHNICIANS AND CERTIFIED PHARMACY TECHNICIANS

Pharmacy technicians assist pharmacists in the practice of pharmacy to provide a variety of services to patients and customers. This may include maintaining inventory, stocking machines, and communicating with patients. Pharmacy technicians must work under the supervision of a pharmacist. New Hampshire offers two types of credentials to pharmacy technicians: Registered Pharmacy Technician or Certified Pharmacy Technician. It is notable there are two additional license types similar to technicians: Pharmacy Interns and Licensed Advanced Pharmacy Technicians. Pharmacy Interns are graduate-level applicants working towards a full pharmacy license meaning this credential is interim in nature. Licensed Advanced Pharmacy Technicians constitute a new license type under the Board of Pharmacy and rules have not yet been adopted related to these technicians at the time of this analysis.

Certified Pharmacy Technicians ranked 28th in the list of workers highest in demand in the healthcare industry from April 1 - June 30, 2020, and 36th in the certifications highest in demand. The charts below summarize employment and wage data related to pharmacy technicians, as reported by New Hampshire Employment Security.

PHARMACY TECHNICIANS	
Code:	29-2052
May 2019 estimated employment from Department of Labor	1,870
Number of NH certified pharmacy technicians	2,004
Number of NH registered pharmacy technicians	2,795
Entry Level Wage	\$12.95
Mean (Average) Wage	\$16.38
Median Wage	\$15.84
Experienced Wage	\$18.10
Living Wage Merrimack County	\$12.39
New Hampshire Minimum Wage	\$7.25

PHARMACY AIDES	
Code:	31-9095
May 2019 estimated employment from Department of Labor	120
Number of NH licensed individuals	NH dose not license/certify/register
Entry Level Wage	\$13.01
Mean (Average) Wage	\$13.99
Median Wage	\$14.21
Experienced Wage	\$14.49
Living Wage Merrimack County	\$12.39
New Hampshire Minimum Wage	\$7.25
New Hampshire Minimum Wage	\$7.25

NEW APPLICANTS

CLEAR's review of entry requirements for original applicants considered emerging policies in the field such as multiple pathways, gradations of licensure, reliance or acceptance of national certifications and/or use of a national exam among others.² Many of these items are established in statute or rule. CLEAR'S review also considered processes and policies such as the use of standing orders to allow a board or staff member to approve applications (either with and without ratification), communication, technology, and workflows. A review of these items ideally requires intensive observation of procedures and information which CLEAR could not feasibly undertake due to operational or legal constraints concerning confidential information. Instead, CLEAR interviewed board members, OPLC staff, and other stakeholders to glean major pain points throughout the process. Barriers to entry related to low-income applicants, military service members, veterans and military spouses, and applicants with criminal convictions are considered under subsequent sections.

ORIGINAL APPLICANTS

Original applicants seeking to become a Registered or Certified Pharmacy Technician face relatively few barriers to entry when compared to other professions. To become a Registered Pharmacy Technician, an applicant must:

- (1) *Be at least 16 years of age;*
- (2) *Have a high school or equivalent diploma, or be working to achieve a high school or equivalent diploma;*
- (3) *Not have been convicted of a drug or pharmacy-related felony or misdemeanor or admitted to sufficient facts to warrant such a finding; and*
- (4) *Register with the board within 15 days of start date of employment as a pharmacy technician, and post such registration in the pharmacy within 30 days.*³

An applicant holding a private national certification through PTCB or NHA may become a Certified Pharmacy Technician in New Hampshire which requires:

- (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.*⁴

New Hampshire does not require any national credential, experience, formal education, or passage of an exam in order to become a Registered Pharmacy Technician. This means entry to the profession is rather quick and applicants are processed timely. Training for the job is provided by the supervising pharmacist and records of this training are kept by that individual meaning the applicant does not need to assemble lengthy paperwork, track down signatures, or await board verification of entry requirements - all very common features of the application experience in most regulated professions. Because a Registered Pharmacy Technician works under supervision, New Hampshire's Pharmacy Board has enacted streamlined regulations that are appropriately matched to the low risk of harm, despite the trend some economists observe in which barriers are elevated for professions with little risk.⁵ Accordingly, emerging policies such as the use of alternative pathways or competency based assessments are neither useful nor needed for Registered Pharmacy Technicians.

The gradations of licensure observed within the pharmacy profession in New Hampshire are however notable. As some economists have noted, gradations can provide a legitimate pathway into a profession and encourage other workforce infrastructure that benefits the state's residents and economy.⁶ Low barriers and gradation of licensure also benefit other special populations in addition to the general public.

³ N.H. Code Admin Ph 803.01(a)(1-4).

⁴ N.H. Code Admin Ph 808.01(a)(1-5).

⁵ *The Evolving State of Occupational Licensing: Research, State Policies and Trends* (2nd ed., p. 17, Rep.). (2019). Denver, CO: National Conference of State Legislatures. doi:https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition_v02_web.pdf

⁶ Redbird, B. (2017). The New Closed Shop? The Economic and Structural Effects of Occupational Licensure. *American Sociological Review*, 82(3), 600-624. doi:10.1177/0003122417706463

OUT OF STATE APPLICANTS

The majority of states register pharmacy technicians although some certify or license pharmacy technicians. In order to become registered, many states require or accept a national voluntary certification issued by the Pharmacy Technician Certification Board (PTCB) or the National Healthcare Association (NHA). While the requirements for these credentials are slightly different, it is common for a state to accept the credential in order to qualify for a state-issued registration, certification, or license. Many states require some type of education or training experience, which may be directed by the supervising pharmacist or may be completed pursuant to the private national credential.

Only 15 states stipulate a certain number of hours in education or experience to qualify for registration. Accordingly, New Hampshire is among the majority of states that allow a person to become a Registered Pharmacy Technician without education or experience requirements. Since a pharmacy technician works under the direct supervision of a pharmacist and is limited to non-discretionary functions, consumers are protected while maintaining low barriers to entry for the field. This promotes portability into the state and often allows pharmacy students to engage in the profession while studying to become a pharmacist.

Registered Pharmacy Technician:

New Hampshire does not require national certification, experience, education or passage of an exam to become a registered pharmacy technician. Accordingly, anyone from another state could apply to become a registered pharmacy technician yielding a 100% reciprocity rate for incoming applicants to OPLC. This includes individuals coming from the seven states that do not regulate pharmacy technicians.

Certified Pharmacy Technician:

To become a Certified Pharmacy Technician in New Hampshire, an applicant must hold a national certification and pass either the PTCB or ExCPT exam. New Hampshire does not require experience or education hours in addition to these minimum requirements. While a private certification requires additional education and therefore cost, often the credential is more widely accepted by the industry generally allowing for portability across state lines.

Utilizing these standards, 19 states are reciprocal to New Hampshire for both the certification and examination requirements:

- 19 states (AZ, DC, ID, IL, IN, KS, LA, MD, MT, ND, NE, NM, OH – Certified Pharm Tech, OR, RI, SD, TX, WV and WY) are reciprocal in meeting both the certification and exam requirement,
- 3 states (MS, FL and IA) require certification but not an examination
- 9 states (CA, MA, MI, OK, RI-Pharmacy Tech I, SC, UT, VA, and WA) require the examination but not certification
- 15 states (AL, AK, AR, CT, GA, KY, ME, MN, MO, NV, NJ, NC, OH-Registered Pharm Tech, TN, and VT) are not reciprocal to New Hampshire requirements in that they do not require national certification or the same examination(s).
- 7 states (CO, DE, HI, NY, PA and WI) do not regulate pharmacy technicians.⁷

Accordingly, New Hampshire has a 37% reciprocity rate for Certified Pharmacy Technicians. If New Hampshire were to accept the three additional states that require national certification but not the same exam, this rate could be boosted to 43%. Given the number of states that do not offer a higher-level certification for pharmacy technicians, the reciprocity rate is low for this particular credential. Specifically, only 31 states require either certification or an exam. If only states with this more advanced credential are considered, New Hampshire would yield a 61% reciprocity rate (19 of 31). Lowering requirements would not yield increases to the reciprocity rate for this reason. Additionally, New Hampshire has provided a viable pathway through the Registered Pharmacy Technician credential which yields a 100% reciprocity rate.

Accordingly, out of state applicants for both Registered and Pharmacy Technicians do not face major barriers in transferring a license to New Hampshire because 1) the entry requirements are already relatively low and 2) the requirements for certification align to national industry standards. Other policy levers utilized in the occupational licensing field, such as reciprocity agreements or temporary licenses, would therefore be unnecessary.

⁷ Colorado passed legislation in 2019 to begin regulating pharmacy technicians.

PHARMACY TECHNICIAN EDUCATION/EXPERIENCE HOURS:	
Median	0
Mean	203
Min	0
Max	1500
New Hampshire	0

See Appendix B for a list of pharmacy technician requirements by state.

Finally, it is worth mentioning that when asked about “pain points” in the licensing process, both internal and external stakeholders referenced technology, communication and operational processes. For example, a relatively novice licensing population in the Pharmacy Technician field means licensees are inexperienced and unpracticed at navigating this governmental process. This adds work volume to OPLC staff that support the licensing and renewal processes as they provide one-on-one customer service to help these applicants through the process. Likewise, improved technology that provides a more intuitive user interface could drastically reduce the time commitment for both the applicant and OPLC staff to carry out these basic duties, all of which would benefit New Hampshire’s consumers and economy through an overall reduction in the regulatory footprint.

LOW INCOME APPLICANTS

CLEAR’s review of the treatment of low-income applicants considered policies such as reduced application fees, sliding scales, or fee waivers. Beyond licensing fees, entry requirements can be expensive for a given profession. Educational requirements can represent a significant barrier to low income applicants and traditional academic programs can entail steep student loans. Some states acknowledge experiential learning through apprenticeship or provide credit for years of experience towards satisfaction of educational requirements. These “earn and learn” policies can be particularly beneficial to low-income applicants. Importantly, attendees at OPLC stakeholder meetings in October and November 2020 identified additional barriers that were common complaints among students, including lack of transportation, expense of childcare and low earning potential (which in some circumstances could be influenced by Medicaid and Medicare reimbursement policies). These all point to the “total cost” of obtaining a license which is mostly directed by board regulations and above and beyond the license fee established by the board.

For Pharmacy Technicians, the “total cost” of licensure is likely very low. Experience is acquired on the job while earning a wage. Public stakeholders and staff reported that often the pharmacy employer will assist Pharmacy Technicians with licensing fees and at times may also assist with the cost of obtaining private certifications to advance to the next level of licensure. While perhaps outside of the Board’s direct purview and influence, these collaborative industry initiatives are beneficial to the state generally and complement Board efforts to reduce regulatory impact on low-income populations.

As described above, Pharmacy Technicians earn an average of \$14 - 16 an hour, only slightly above a living wage for a single adult with no children in New Hampshire. Recall however that an applicant need only be 16 years of age to become a Registered Pharmacy Technician. OPLC staff shared anecdotal observations of licensing trends, noting many in the profession are either young or working part-time and generally do not remain in a position for more than a year. Staff also shared concerns about a high level of stress and burnout in these positions. If validated, these anecdotes deserve further exploration to determine if greater labor market influences are contributing to underemployment. On the other hand, such exploration could also reveal the credential is an important stepping stone or supplemental to other income which would reduce the dire effects of a low wage. As noted above, pharmacy technicians are among the most in-demand positions and training in New Hampshire’s healthcare industry. A collaborative exploration of these labor market trends with New Hampshire Employment Security and key stakeholders such as local hospital human resource experts could prove valuable to the Board’s calibration of its regulations and processes.

MILITARY SERVICE MEMBERS, VETERANS AND MILITARY SPOUSES

CLEAR's review of policies affecting military service members, veterans and military spouses relied heavily on statewide legislation codified in New Hampshire RSA 332-G:7 which requires each board within OPLC to accept military training and experience towards licensure and to expeditiously approve a military spouse for a license if that individual holds a license in a state with substantially similar requirements.

Apart from these benefits, other states have considered bridge programs, temporary supervision, publicly available crosswalks, improved communications or an ombudsman appointed to this population. Some states also adopt policies related to entry to practice or portability, but limit these benefits specifically for the military community rather than extending them to the general applicant population. Any policy which expedites licensing for all applicants will benefit the military community.

For Registered Pharmacy Technicians, entry requirements are so low that the military community should have no issue entering the profession. For Certified Pharmacy Technicians, the acceptance of military experience would be determined by the private certifying body, given that PTCB or NHA certification is required. Under most circumstances for professions in which the board sets such a requirement, the board could consider strategies to reduce this burden by creating an alternative pathway that allows for military experience without relying on a third-party for this determination. In this instance, the Board of Pharmacy has already provided that pathway through a Registered Pharmacy Technician credential.

Military spouses also face few barriers to entry when transferring a license to New Hampshire. There are virtually no entry requirements to become a Registered Pharmacy Technician which typically delay military spouses such as requesting transcripts or verification of an out-of-state license. As mentioned above, New Hampshire has provided a viable pathway through the Registered Pharmacy Technician credential which yields a 100% reciprocity rate. The reliance on a national certification to become a Certified Pharmacy Technician also helps military spouses by relying on national industry standards to harmonize requirements across state lines.

Board of Pharmacy stakeholders, board members and staff reported few applications for military services members, veterans and/or military spouses likely given the state hosts only one naval base. One potential opportunity for OPLC generally, and the Board of Pharmacy specifically, is to consider more specific communication targeting the military community. While applications within OPLC are overlaid with a military questionnaire, it may be beneficial to promote to the military community the various benefits of entering the pharmacy profession. Colorado for example specifically calls out professions have requirements identical to military professions or that offer minimal barriers to entry⁸

JUSTICE INVOLVED APPLICANTS (WITH CRIMINAL CONVICTIONS)

Regulatory boards in New Hampshire are prescribed authority and responsibilities through state law. Most requirements are outlined in the profession's practice act, the accumulation of state laws related to the board and profession. RSA Chapter 310-A creates the Office of Professional Licensure and Certification which is given certain authorities to administer regulatory boards. All boards are also subject to RSA Chapter 332-G regarding the General Administration of Regulatory Boards and Commissions. It is this section of state law that outlines requirements of boards related to criminal convictions.

New Hampshire RSA 332-G:10 prevents boards from disqualifying a person from licensure simply for having been convicted of a crime and without consideration of the nature of the crime, relationship to the profession and the rehabilitation of the applicant. It states:

No board or commission shall disqualify a person from practicing, pursuing, or engaging in any occupation, trade, vocation, profession, or business for which a license, permit, certificate, or registration is required under this title, nor suspend or revoke such license, certificate, or registration because of a prior conviction of a crime in and of itself. However, a board or commission may deny a license or certificate, or the renewal of a license or certificate, or may suspend or revoke such license or certificate, because of a prior conviction after considering the nature of the crime and whether there is a substantial and direct relationship to the occupation, trade, vocation, or profession for which the person has applied, and may consider information about the rehabilitation of the convicted person, and the amount of time that has passed since the conviction or release.⁹

⁸ Department of Regulatory Agencies, D. (n.d.). Veterans Occupational Credentialing and Licensing (VOCAL). Retrieved February 23, 2021, from <https://dpo.colorado.gov/Military/VOCAL>

⁹ NH RSA 332-G:10

Recent legislation codified in New Hampshire RSA 332-G:13 limits consideration of a criminal record in licensing decisions and codifies:

- Procedures by which the applicant can petition for predetermination;
- Standards for disqualification based on a conviction;
- Procedures for determination and appeal; and,
- Annual reporting and publication requirements for OPLC.

While boards are required to comply with the requirements set forth in Chapter 332-G, there are at times conflicts with the Practice Act and Board rules. For example, when legislation changes a state law applying to all boards, it can take some time for boards to adopt these new provisions into rules such is the case with RSA 332-G:13. For this analysis, CLEAR's review primarily considered the practice act and board rules. OPLC is currently working to harmonize statutory conflicts. CLEAR's review also considered provisions related to blanket bans, identification of crimes related to practice, the use of morality clauses, strategies for consistent decision making and evidence informed policy.

The Pharmacy statute in New Hampshire makes several references to criminal convictions. It provides broad authority to the board to define eligibility requirements for technicians and interns, but specifically limits the Board's consideration of criminal history for pharmacists, a higher level license to only felony and misdemeanors related to "drug or pharmacy-related law, rule, or regulation."^{10 11} The Board has adopted this identical requirement for technicians and interns in rule (Ph 803.01(a)(3) and elsewhere).¹²

Statute also uses a sweeping morality clause when defining disciplinary criteria in RSA 318:29(II)(b) which cites "conviction of a felony or any offense involving moral turpitude".¹³

Other appearances of moral character, moral turpitude and immorality appear throughout the Board of Pharmacy Statute especially related to business licensing.¹⁴

New Hampshire Pharmacy statute allows the board to deny a license to a pharmacist for a felony or misdemeanor and importantly takes the additional step of narrowing this conviction to a drug or pharmacy related offence. It is notable this is done in both statute and rule as statute is binding to the board. This practice is viewed favorably by experts speaking to the Occupational Licensing Learning Consortium, among others, who have promoted the next wave of policy innovation concerning this topic requires the hard work of identifying crimes related to practice and committing this to rule. Providing this commitment in statute places New Hampshire's Board of Pharmacy ahead of the game in this regard.

However, emerging practice also suggests policymakers and boards consider eliminating "morality clauses" such as moral turpitude or good moral character. References to morality clauses in the pharmacy statute and rules are inconsistent, especially among the various license, certification and registration types. The frequent and inconsistent use of morality clauses could be perceived to create ambiguity. Consider for example that Pharmacy Technicians and Interns must report on application conviction of a drug or pharmacy related felony or if the applicant "admitted to sufficient facts to warrant such a finding".¹⁵

This rule demonstrates the expansive nature morality clauses can take in occupational regulations and specifically board rules. Admission to whom? Admission when? What constitutes admission to "sufficient facts to warrant such a finding"? Is this requirement more stringent than the morality requirements set forth for pharmacists and pharmacies?

Another objection raised by some experts in the field note that boards too often consider charges or behaviors that do not constitute conviction of a crime. These regulations provide sweeping authority to boards to deny or revoke licenses when even the courts have not proven the applicant guilty of a crime. Morality clauses such as these make all the more important the provisions of RSA 332-G:13 and the ability to solicit a predetermination.

¹⁰ NH RSA 318:18, II

¹¹ See also N.H. Code Admin Ph 301.02(b) which states: "The candidate shall be of good professional character, and not have been convicted of any felony, or of a misdemeanor resulting from a violation of any drug and/or pharmacy-related law or rule".

¹² N.H. Code Admin Ph 803.01(a)(3)

¹³ NH RSA 318:29, II, b

¹⁴ NH RSA 318:48 to 318:51.

¹⁵ N.H. Code Admin Ph 808.014(a)(4); Ph 803.01(a)(3); and, Ph 808.02(a)(5).

Board rules continue to require (not authorize) the board to revoke or deny based on a felony or misdemeanor related to practice. This is notable in that the rules, which are drafted by the Board, do not allow the Board its own discretion to consider the Green factors promoted by equal opportunity employment law and include:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense, conduct and/or completion of the sentence; and.
- The nature of the job held or sought.¹⁶

Rules go on to again require the Board to reinstate a revoked license if “the reason for the revocation no longer exists or it is determined that there is no longer a threat to public safety”.¹⁷

Rules are drafted by boards. Rules that bind a board to a particular action can be useful to create consistent decision making. However, such rules can also eliminate the board’s ability to discern based up on the facts and circumstances of a particular case. Too much case-by-case analysis creates ambiguity. Instead, boards are challenged to consider regulations that would facilitate transparency, consistent decision making and appropriate discretion. This could be accomplished through several tools such as:

1. Adoption of a decision matrix policy and published on the board’s website, that provides the board’s consideration of aggravating and mitigating circumstances;
2. Modified rules that identify the Green factors or other considerations the board will utilize to guide decisions to deny or revoke a license; or
3. Statutory amendments that more clearly articulate grounds for denial or revocation based on a conviction related to practice and/or the removal of value

STANDOUT INNOVATIONS TO SHARE

Gradations of Licensure: The gradations of licensure observed within the pharmacy profession in New Hampshire are notable. As some economists have observed, gradations can provide a legitimate pathway into a profession and encourage other workforce infrastructure that benefits the state’s residents and economy.¹⁸ Low barriers and gradation of licensure also benefit other special populations, such as the low-income, military and justice-involved communities in addition to the general public.

Alignment to National Standards: New Hampshire has a 100 percent reciprocity rate for Registered Pharmacy Technicians which also serves as a viable pathway to more advanced credentials, especially with anecdotal evidence of relatively frequent employer assistance.

On the Job Training: Training for Registered Pharmacy Technicians is provided on the job by the supervising pharmacist and records of this training are kept by that individual meaning the applicant does not need to assemble lengthy paperwork, track down signatures, or await board verification of entry requirements - all very common features of the application experience in most regulated professions. Because a Registered Pharmacy Technician works under supervision, New Hampshire’s Pharmacy Board has enacted streamlined regulations that are appropriately matched to the low risk of harm, despite the trend some economists observe in which barriers are elevated for professions with little risk.¹⁹

STANDOUT INNOVATIONS TO CONSIDER

Improved Technology: Improved technology that provides a more intuitive user-interface could drastically reduce the time commitment for both the licensee and OPLC staff to carry out basic application and renewal duties, all of which would benefit New Hampshire’s consumers and economy through an overall reduction in the regulatory footprint.

State Policy Levers to Support Licensure Preparation: A collaborative exploration of Pharmacy Technician labor market trends with New Hampshire Employment Security and key stakeholders, such as local hospital human resource experts to help inform the Board’s ongoing calibration of its regulations and processes.

¹⁷ N.H. Admin Code Ph 806.01, c and 811.01, c

¹⁸ Redbird, B. (2017). The New Closed Shop? The Economic and Structural Effects of Occupational Licensure. *American Sociological Review*, 82(3), 600-624. doi:10.1177/0003122417706463

¹⁹ The Evolving State of Occupational Licensing: Research, State Policies and Trends (2nd ed., p. 17, Rep.). (2019). Denver, CO: National Conference of State Legislatures. doi:https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition_v02_web.pdf

Communications Targeting Military Servicemembers and Veterans: Pharmacy Technician credentials in New Hampshire could present a key opportunity for transitioning service members and military spouses alike. This is worth promoting. Colorado for example specifically calls out professions have requirements identical to military professions or that offer minimal barriers to entry.²⁰

Eliminate Morality Clauses: Consider amending the frequent use of morality clauses to convey the Board's process more specifically and transparently for considering applicants with criminal convictions.

Transparency for Applicants with Criminal Convictions: Consider regulatory tools that would facilitate transparency, consistent decision making and room for discretion when considering applicants with criminal backgrounds. This could be accomplished through several tools such as:

- Public policy of a decision matrix, noticed on the board's website, that provides the boards consideration of aggravating and mitigating circumstances;
- Modified rules that identify the Green factors or other considerations the board will utilize to guide decisions to deny or revoke a license; or
- Statutory amendments that more clearly articulate grounds for denial or revocation based on a conviction related to practice and/or the removal of value

²⁰ Department of Regulatory Agencies, D. (n.d.). Veterans Occupational Credentialing and Licensing (VOCAL). Retrieved February 23, 2021, from <https://dpo.colorado.gov/Military/VOCAL>

APPENDIX

Pharmacy Technician Comparative Licensing Data and Reciprocity Analysis

Pharmacy Technician

Pharmacy technicians assist pharmacists to provide a variety of services to patients and customers. This may include maintaining inventory, compounding medicines, stocking machines and communicating with patients. Pharmacy technicians must work under the supervision of a pharmacist. New Hampshire offers two types of credentials to pharmacy technicians: Registered Pharmacy Technician or Certified Pharmacy Technician.

The majority of states register pharmacy technicians although some certify or license pharmacy technicians. In order to become licensed, many states require or accept a national voluntary certification issued by the Pharmacy Technician Certification Board (PTCB) or the National Healthcare Association (NHA). While the requirements for these credentials are slightly different, it is common for a state to accept the credential in order to qualify for a state issued registration, certification or license. Many states require some type of education or training experience, which may be directed by the supervising pharmacist or may be completed pursuant to the private national credential.

New Hampshire does not require any national credential, experience, formal education or passage of an exam in order to become a Registered Pharmacy Technician. An applicant holding a private national certification through PTCB or NHA may become a Certified Pharmacy Technician in New Hampshire.

Only 15 states stipulate a certain number of hours in education or experience to qualify for registration. Accordingly, New Hampshire is among the majority of states that allow a person to become a Registered Pharmacy Technician without education or experience requirements. Since a pharmacy technician works under the direct supervision of a pharmacist and is limited to non-discretionary functions, consumers are protected while maintaining low barriers to entry for the field. This promotes portability into the state and often allows pharmacy students to engage in the profession while studying to become a pharmacist. Note that blank cells below indicate that element is not required in the state.

Pharmacy Technician Education/Experience Hours:

Median	0
Mean	203
Min	0
Max	1500
New Hampshire	0

STATE	TITLE	TYPE	NATL CERT REQ*	TRAINING REQUIREMENTS	TRAIN HOURS	TYPE	EXAM - PTCB OR EXCPT*	MIN GRADE	MIN AGE	ADDITIONAL REQUIREMENTS***
AL	Pharmacy Technician	registration		no			no	0	17	criminal background check (CBC); photo
AK	Pharmacy Technician	licensure		on-the-job training by PIC appropriate to technician's duties			no	12	18	not in arrears on child support or in default on student loan
AZ	Pharmacy Technician	licensure	yes	yes		600	PTCB or ExCPT or other Board-approved exam	12	18	CBC; photo
AR	Pharmacy Technician	registration		no			no	12	0	state and federal CBC
CA	Pharmacy Technician	licensure		training and/or pharmacy technician certification program accredited by National Commission for Certifying Agencies			training and/or pharmacy technician certification program accredited by National Commission for Certifying Agencies	12	0	photo; NPDB Self-Query Report; LiveScan fingerprints for CBC

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CO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CT	Pharmacy Technician	registration		on-the-job training by PIC appropriate to technician's duties			no	0	0	
DE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
DC	Ancillary Personnel	registration	yes	yes			yes			
FL	Pharmacy Technician	licensure	yes	board-approved training program	1050	education	no	0	17	
GA	Pharmacy Technician	registration		yes	1500	experience	no	0	17	CBC; 1500 hours internship
HI	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ID	Pharmacy Technician	registration	yes	yes			yes	12	18	high school graduate; CBC; certificate of moral character signed by 2 reputable business persons
IL	Pharmacy Technician	licensure	yes	yes	600	Experience	PTCB or other Board-approved exam	12	18	16 years of age
IN	Pharmacy Technician	licensure	yes	yes			accept PTCB or ExCPT	12	18	CBC
IA	Pharmacy Technician	registration	yes	yes			no	12	0	
KS	Pharmacy Technician	registration	yes	yes			exam approved by Board	0	0	CBC
KY	Pharmacy Technician	registration	for some functions	no			no	0	16	
LA	Pharmacy Technician	licensure	yes	no	600	experience	PTCB or other Board-approved exam	12	18	18 years of age; CBC
ME	Pharmacy Technician	licensure		yes			no	0	0	CBC
MD	Pharmacy Technician	registration	yes or proof of training	pharmacy technician training program if not completed national certification	160	experience	yes	0	17	17 years of age; CBC
MA	Pharmacy Technician	registration		yes	240	education	yes	0	18	18 years of age; good moral character and no drug-related felonies
MI	Pharmacy Personnel	certification		training requirements developed by training pharmacies and approved by board			yes	12	0	CBC
MN	Pharmacy Technician	registration		yes			no	12	18	18 years of age
MS	Pharmacy Technician or Support Personnel	registration	yes	no			no	12	18	18 years of age; CBC; photo; fill-in-the- blank short answer questionnaire/quiz @ familiarity with regulations
MO	Pharmacy Technician	registration		training for sterile compounding			no	0	0	CBC; photo
MT	Pharmacy Technician	registration	yes	technician utilization plan filed with board or didactic course			PTCB or ExCPT	12	18	photo; 3 character references (1 lic'd pharmacist, 2 non-relatives)

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NE	Pharmacy Technician	registration	yes	training requirements developed by training pharmacies and approved by board			yes	12	18	18 years of age
NV	Pharmaceutical Technician or Support Personnel	registration		yes	950	education and experience	no	12	18	18 years of age; training hours are totaled for comparison purposes, requirements set at 600 clock hours education and 350 clock hours experience
NH	Registered Pharmacy Technician	registration	no	no			no	0	16	16 years of age; working toward high school diploma; attestation from Pharmacist-in-Charge
NH	Certified Pharmacy Technician	certification	yes	yes			PTCB, NHA / ICPT, or ASHP			18 years of age, high school diploma; attestation from Pharmacist-in-Charge
NJ	Pharmacy Technician	registration		no			no	12	18	18 years of age; attestation of written and spoken English proficiency; CBC
NM	Pharmacy Technician	licensure	yes	yes	600	experience	PTCB or ExCPT	0	0	
NY	n/a	n/a		n/a			n/a	n/a	n/a	n/a
NC	Pharmacy Technician	registration	PTCB for some functions	yes			no	0	0	
ND	Registered Pharmacy Technician	registration	yes	ASHP-accredited program	480	experience	PTCB only	12	0	photo; training hours noted in equivalent clock hours; requirements are set at 3 months' work experience
OH	Pharmacy Technician	registration		yes			no	12	18	18 years of age; English proficiency attestation; CBC; technician attestation form
OH	Certified Pharmacy Technician	certification	yes	yes			yes	12	18	18 years of age; English proficiency attestation; CBC; technician attestation form
OK	Pharmacy Technician	registration/ issued a permit		yes	600	experience	yes	12	0	pharmacy technician exam @ familiarity with regulations
OR	Pharmacy Technician	licensure	yes	yes			yes	n/a	n/a	18 years of age; CBC; photo
PA	n/a	n/a		n/a			n/a	0	18	n/a
RI	Pharmacy Technician I	licensure		yes	600	experience	PTCB or board-approved training program and exam			18 years of age
RI	Pharmacy Technician II	licensure	yes	yes			PTCB			18 years of age
SC	Pharmacy Technician	registration		1,000 hours under supervision of pharmacist and Board-approved technician course			PTCB or board-approved exam	0	0	
SD	Pharmacy Technician	registration	yes	yes, same as PTCB requirements			PTCB	12	0	
TN	Pharmacy Technician	registration		no			no	0	0	
TX	Pharmacy Technician	registration	yes	yes			yes	12	0	CBC for renewal
UT	Pharmacy Technician	licensure		yes	600	experience	PTCB or ExCPT	12	0	CBC; Utah law exam

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VT	Pharmacy Technician	registration		no			no	0	0	18 years of age
VA	Pharmacy Technician	registration		PTCB or board-approved training program and exam			PTCB or board-approved training program and exam	12	0	
WA	Pharmacy Technician	certification		Commission-approved program with didactic training and practical experience	600	experience	exam administered by organizations accredited by National Commission for Certifying Agencies	12	0	8 hours pharmacy law study; 4 hours HIV/AIDS training
WV	Pharmacy Technician	registration	yes	competency-based pharmacy technician training and education program or PTCB/ExCPT	980	education and experience	PTCB or ExCPT	12	0	CBC; photo; training hours combined for comparison purposes, requirements set at 20 hours education and 960 hours experience
WI	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
WY	Registered Pharmacy Technician	licensure	yes	on-the-job training in permitted activities			PTCB only	12	18	CBC

Source: Data drawn from the 2018 Survey of Pharmacy Law by National Association of Boards of Pharmacy and the Institute of Justice, License to Work. Additional Requirements data obtained via review of each state's applications, statutes and rules.

* National certification through Pharmacy Technician Certification Board - requirements:

High school diploma or equivalent educational diploma (e.g., a GED or foreign diploma).

Full disclosure of all criminal and State Board of Pharmacy registration or licensure actions.

Compliance with all applicable PTCB Certification policies.

Passing score on the Pharmacy Technician Certification Exam® (PTCE®).

Beginning in 2020, PTCB will require technicians to complete a PTCB-recognized education/training program or have equivalent work experience to be eligible to apply.

* National certification through National Healthcare Association - requirements:

Successfully completed a pharmacy technician or pharmacy-related training offered by an accredited or state-recognized institution or provider within the last five years, or a registered apprenticeship pharmacy technician training program that is registered by the U.S. Department of Labor.

Formal pharmacy training program offered by any branch of the U.S. Military fulfills the Training Program.

In lieu of training, completed at least 1,200 hours of supervised pharmacy related work experience within any one (1) year in the last three (3) years

High school diploma or GED/high school equivalency.

Passing score on the ExCPT exam.

Data drawn from 2018 Survey of Pharmacy Law by National Association of Boards of Pharmacy and the Institute of Justice

Additional Requirements data obtained via review of each state's applications and laws/regulations

**Pharmacy Technicians Certification Board (PTCB) or Exam for the Certification of Pharmacy Technicians (ExCPT from National Healthcare Association)

Pharmacy Technician Reciprocity Analysis

The majority of states register pharmacy technicians although some certify or license pharmacy technicians. In order to become licensed, many states require or accept a national voluntary certification issued by the Pharmacy Technician Certification Board (PTCB) or the National Healthcare Association (NHA). While the requirements for these credentials are slightly different, it is common for a state to accept the credential in order to qualify for a state issued registration, certification or license. Many states require some type of education or training experience, which may be directed by the supervising pharmacist or may be completed pursuant to the private national credential.

New Hampshire does not require any national credential, experience, formal education or passage of an exam in order to become a Registered Pharmacy Technician. An applicant holding a private national certification through PTCB or NHA may become a Certified Pharmacy Technician in New Hampshire.

Registered Pharmacy Technician

New Hampshire does not require national certification, experience, education or passage of an exam to become a registered pharmacy technician. Accordingly, anyone from another state could apply to become a registered pharmacy technician yielding a 100% reciprocity rate for incoming applicants to OPLC. This includes individuals coming from the seven states that do not regulate pharmacy technicians.

Certified Pharmacy Technician

To become a Certified Pharmacy Technician in New Hampshire, an applicant must hold a national certification and pass either the PTCB or ExCPT exam. New Hampshire does not require experience or education hours in addition to these minimum requirements. Utilizing these standards, 19 states are reciprocal to New Hampshire for both the certification and examination requirements:

- 19 states (AZ, DC, ID, IL, IN, KS, LA, MD, MT, ND, NE, NM, OH – Certified Pharm Tech, OR, RI, SD, TX, WV and WY) are reciprocal in meeting both the certification and exam requirement,
- 3 states (MS, FL and IA) require certification but not an examination
- 9 states (CA, MA, MI, OK, RI-Pharmacy Tech I, SC, UT, VA, and WA) require the examination but not certification
- 15 states (AL, AK, AR, CT, GA, KY, ME, MN, MO, NV, NJ, NC, OH-Registered Pharm Tech, TN, and VT) are not reciprocal to New Hampshire requirements in that they do not require national certification or the same examination(s).
- 7 states (CO, DE, HI, NY, PA and WI) do not regulate pharmacy technicians.*

*Colorado passed legislation in 2019 to begin regulating pharmacy technicians.

Accordingly, New Hampshire has a 37% reciprocity rate for Certified Pharmacy Technicians. If New Hampshire were to accept the three additional states that require national certification but not the same exam, this rate could be boosted to 43%. Given the number of states that do not offer a higher-level certification for pharmacy technicians, the reciprocity rate is low for this particular credential. Specifically, only 31 states require either certification or an exam. If only states with this more advanced credential are considered, New Hampshire would yield a 61% reciprocity rate (19 of 31). Lowering requirements would not yield increases to the reciprocity rate for this reason. Additionally, New Hampshire has provided a viable pathway through the Registered Pharmacy Technician credential which yields a 100% reciprocity rate.



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