

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Ph 1300

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

2. RSA Authority: RSA 318:5-a, XVII
 3. Federal Authority: n/a
 4. Type of Action:
 Adoption _____
 Repeal _____
 Readoption _____
 Readoption w/amendment X

5. Short Title: **Administration of Vaccines**

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

Ph 1301 describes the purpose and scope of Chapter 1300 and is being readopted with amendment to change pharmacist to pharmacy personnel as those that the chapter regulates for the administration of vaccinees.

Ph 1302.02 is being adopted to add the definition of “Certified pharmacy technician”.

Ph 1302.04 is being adopted to add the definition for “Pharmacy intern”

Ph 1303.01 describes the qualification of a pharmacist to administer vaccines and is being readopted with amendment to add the qualification of pharmacy intern and pharmacy technicians authorized by RSA 318:16-b. Included is the removal of the restriction of pharmacists to delegate the administration of vaccines and to add the requirement that when delegating the administering of vaccines, the pharmacist shall be on-sight.

Ph 1303.02 describes the application to administer vaccines and is being readopted with amendment to have the name of the application in rule match the name of the application on the form and remove the \$25.00 application fee.

Ph 1304 describes the administration of vaccines procedural and record keeping requirements and is being readopted with amendment as follows:

- **Clarify the pharmacist is required to provide electronically, in writing, or by fax to the primary care providing the administration of the vaccine when required to do so by the patient. Removing the provided within 30-day requirement;**
- **Mandate that the consent form indicates that the patient understands there are risks;**
- **Changing the administering pharmacist name on the consent form to the vaccine administers name; and**
- **Mandate that the name of the pharmacist overseeing the administration by the pharmacy intern or pharmacy technician be on the consent form.**

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

These rules affect pharmacists, pharmacy interns, and pharmacy technicians. These rules also affect the general public allowing them to receive vaccines at pharmacies.

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 1301.01	RSA 541-A:8
Ph 1301.02	RSA 541-A:8; RSA 318:5-a, IV-a
Ph 1302.01, Ph 1302.02, and Ph 1302.04	RSA 541-A:7; RSA 541-A:8; RSA 541-A:16, I(b)
Ph 1303.01	RSA 318:16-b; RSA 318-A:16
Ph 1303.02	RSA 541-A:16, I(b); RSA 318:16-b, IV
Ph 1304	RSA 318:16-b; RSA 318:16-f

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#: **None**

E-mail: **OPLC-Rules@oplcnh.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, August 29, 2021 at 4:00 p.m.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, August 17, 2022 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 # 22:125, dated 6-15-2022

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may decrease costs to certain citizens and independently owned businesses. Not applicable to Ph 1302.03 and Ph 1302.05 as these are new sections.

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):

This proposed rule removes the \$25 application fee for administering vaccines. OPLC stated in 2021 the Board issued 175 immunization endorsements to pharmacists and 125 immunization endorsements to pharmacy interns. With the removal of the \$25 application fee the OPLC fund will have an estimated reduction in revenue of \$7,500.

A. To State general or State special funds:

There will be no direct impact on the State general fund, however after paying all costs and salaries associated with the Office, any remaining balance in the OPLC fund lapses to the general fund at the close of each biennium. There will be reduced revenue to the OPLC fund from the removal of the \$25 application fee.

B. To State citizens and political subdivisions:

A State citizen who is a pharmacist, pharmacy intern or pharmacy technician who currently administers vaccines would experience a \$25 savings on the application to administer vaccines. There will be no impact to political subdivisions.

C. To independently owned businesses:

Any independently owned pharmacy who currently covers the cost for qualified employees to administer vaccines will experience a savings from no longer being required to pay the \$25 application fee.

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.