

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number \_\_\_\_\_

Rule Number Ph 401.06

<p>1. Agency Name &amp; Address:</p> <p><b>N.H. Pharmacy Board c/o Office of Professional Licensure &amp; Certification 7 Eagle Square Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 318:5-a, II</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Reinstatement of Pharmacist License**

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

**Ph 401.06 describes reinstatement of a pharmacist license to practice pharmacy when the license has been suspended, revoked, voluntarily surrendered, or allowed to lapse and is being readopted with amendment to:**

- Clarify existing language;
- Add that the reinstatement fee is due if the license has been suspended, revoked, voluntarily surrendered, or allowed to lapse for longer than 30 days;
- Change the minimum continuing education due from 15 hours to 30 hours;
- Change the amount of continuing education required to be live hours from 5 hours to 10 hours;
- Change the number of hours required to be earned from the immediately preceding 12 months to 24 months; and
- Require that the pharmacy practice internship be no less than 160 hours when the pharmacist has not practiced for a period of 5 years or more.

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

**The groups affected by this change are pharmacists who wish to reinstate there lapsed license.**

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 401.06	RSA 318:5-a, II

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** Phone #: **(603) 271-5247**  
**7 Eagle Square** Fax#: **None**  
**Concord, NH 03301** 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, October 3, 2022 at 4 p.m.**

Fax  E-mail  Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, September 21, 2022 at 9:30 a.m.**  
**Office of Professional Licensure and Certification**  
Place: **7 Eagle Square**  
**Concord, NH 03301**

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

FIS # 22:137, dated 7-7-2022

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

When compared to the existing rules, section (f) of the proposed rules may have an indeterminable impact to pharmacists with lapsed licenses. There is no difference in costs when comparing the remaining 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):**

The proposed rule maintains the reinstatement fee of \$200. The proposed rule doubles the required hours of continuing pharmaceutical education and doubles the amount of time to complete the required hours from one year to two years. It also specifies 160 hours of pharmacy practice internship prior to reinstatement. This figure is reduced from the prior expectation of 1,500 hours [in practice, not in rules]. The reinstatement hours are earned in a variety of ways from volunteering to being paid at the same level as a pharmacy technician. Because there is no way to determine how pharmacists will work the hours, the cost and benefit to State citizens is indeterminable. There is no additional cost or benefit attributable to the other portion of the proposed rules.

**A. To State general or State special funds:**

None

- B. To State citizens and political subdivisions:**  
See #3
- C. To independently owned businesses:**  
None

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

**This rule does not violate Part I, Article 28-a of the New Hampshire Constitution. This rule does not mandate or assign this program to any political subdivision in any way.**