

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

BOARD OF PHARMACY

121 South Fruit Street, Suite 401
Concord, NH 03301-2412
Phone 603-271-2350 • Fax 603-271-2856
www.oplc.nh.gov/pharmacy

Board of Pharmacy

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

OPLC

*Peter Danles
Executive Director*

*Sheri Walsh, Esquire
Director, Health Professions*



January 15, 2019

BOARD NOTICE

The Board is rescinding the BOARD NOTICE issued on January 3, 2019 and issuing this revised notice.

The Board would like to update all pharmacists as to new rules concerning pharmacy technicians. An updated version of Ph 800, Pharmacy Technician rules is included for your review and discussion with your technicians. I would like to point out a few of the changes that will impact pharmacy practice:

1. Ph. 803.02 (b). Technicians will be submitting registration biennially starting with the April 1st registration date. The fee will be \$100.00 for this two year registration.

Paragraph 2 is revised to read as follows:

2. Ph 812.02 Certified Technician Duties. Per Ph 812.02(a)(6), performing the data entry of a prescription or medication order into the computer without supervision is a duty specifically assigned to certified pharmacy technicians. Therefore, a registered pharmacy technician may not perform data entry unless they are currently in a training program to achieve certification as permitted by Ph 807.02(d).

Paragraph 3 is revised to read as follows:

3. Ph 808.01 (b) A registered pharmacy technician seeking certified status shall obtain and maintain certification from a nationally recognized certifying organization, such as the PTCB or the NHA, within one year of entering into a certified pharmacy program. ***The start date for purposes of these new rules, regardless if a technician is currently enrolled in a training program is January 15th, 2019.*** They will have 1 year from this date to complete the training program and obtain certification.

4. Ph 810.02 Continuing Education Requirements for Certified Pharmacy Technicians.

- (a) Certified pharmacy technicians shall maintain their nationally certified status and stay up to date with all continuing education requirements such as certification demands.
- (c) Certified pharmacy technicians with duties involving sterile and non-sterile compounding shall complete a minimum of 0.4 CEU's in the area of compounding.

Please also review Ph 812.02 Certified Pharmacy Technicians Duties TO changes within these rules. Board investigators/inspectors will be verifying technician training upon inspection and/or audit. Have all training documentation readily retrievable and up to date. The pharmacists in charge and the permit holder will be held accountable for the rules. Review with all your pharmacy staff so they understand the changes and the necessary requirements for proper training.

Contact the Board office for any questions.

Readopt with amendment Ph 800, effective 11-22-14 (Document #10720), to read as follows:

CHAPTER Ph 800 PHARMACY TECHNICIANS

PART Ph 801 PURPOSE AND SCOPE

Ph 801.01 Purpose and Scope. The provisions of this chapter shall apply to, and impose duties upon, all pharmacy technicians holding registrations or certifications issued by the board.

PART Ph 802 DEFINITIONS

Ph 802.01 Definitions. Except where the context makes another meaning manifest, the following definitions shall apply:

- (a) “Registered pharmacy technician” means a person who is registered with the board, employed by a pharmacy, and who can assist in performing, under the supervision of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy and other such duties, subject to such restrictions as the board has specified; and
- (b) “Certified pharmacy technician” means a pharmacy technician who has become and who maintains national certification by taking and passing an exam recognized by the board for the purpose of certifying technicians and who has been certified the board.

PART Ph 803 REQUIREMENTS FOR REGISTERED PHARMACY TECHNICIANS

Ph 803.01 Registered Pharmacy Technician Qualifications.

(a) An applicant for a registered pharmacy technician shall:

- (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.
- (b) No person shall perform the functions or duties of a pharmacy technician unless such person is registered by the board.

Ph 803.02 Application Procedures for Registered Pharmacy Technicians.

(a) Registered pharmacy technician applicants shall complete and submit an “Initial Application for Pharmacy Technician Registration” form (PT-1), or electronic equivalent, for registration to the board that contains the following:

- (1) Legal name, residence address, mailing address, home or cell phone number, personal e-mail address, and social security number of the applicant;
 - (2) Date and place of birth and gender of the applicant;
 - (3) Name of current employer and the mailing address, phone number, and e-mail address of employment site;
 - (4) Name of supervisor and pharmacy phone number;
 - (5) An indication as to whether or not the applicant has been convicted of a drug or pharmacy-related felony or misdemeanor or admitted to sufficient facts to warrant such a finding, and if yes, an explanation, an explanation of the circumstances surrounding such a finding or conviction;
 - (6) An indication as to whether the applicant has ever voluntarily surrendered for disciplinary reasons a license, registration, or certification to practice as a pharmacy technician in any jurisdiction and, if so, an explanation of such surrender;
 - (7) An indication as to whether the applicant has any felony convictions and, if so, an explanation of such convictions; and
 - (8) Applicant's signature and date.
- (b) The prescribed fee shall be \$100, and shall be submitted with the completed application form.
- (c) The “Initial Application for Pharmacy Technician Registration” form PT-1 for registration of pharmacy technicians in New Hampshire may be obtained from and shall be filed at the office of the board, identified in Ph 103.03.

PART Ph 804 REGISTERED PHARMACY TECHNICIAN RENEWALS

Ph 804.01 Renewal Requirements for Registered Pharmacy Technicians.

- (a) All pharmacy technician registrations shall expire biennially on March 31.
- (b) Applications for the renewal of a registration for a pharmacy technician may be obtained from, and shall be filed at the office of the board, identified in Ph 103.03.
- (c) A pharmacy technician applying for renewal shall do so online at <https://nhlicenses.nh.gov/eGov/Login.aspx> by providing the following information:
- (1) Legal name, residence address, mailing address, personal e-mail address, and a mobile or home telephone number;
 - (2) License number and work email address of the pharmacist-in-charge;
 - (3) Name and phone number of current employer and address of employment site;

- (4) Record of convictions of violations of federal, state or local drug or pharmacy related laws or regulations; and
 - (5) Applicant's signature and date.
- (d) The application and the prescribed fee of \$100 shall be filed with the board no later than March 15.

PART Ph 805 ONGOING REQUIREMENTS FOR REGISTERED PHARMACY TECHNICIANS

Ph 805.01 Change in Registration Information for Registered Pharmacy Technicians.

- (a) The person to whom a pharmacy technician registration has been issued shall, within 15 days of a change of address or location of employment, notify the board of such changes.
- (b) The notice shall contain:
 - (1) Legal name of registrant;
 - (2) Address, phone number, and personal email address of the registrant, including old and new, if applicable;
 - (3) Registrant's registration number;
 - (4) Name of the pharmacy where employed including former and current, if applicable; and
 - (6) All new violations of law, convictions, fines, disciplines or any registration, certification, or license revocations for violation of pharmacy-related drug laws or regulations in this or any other state.
- (c) Failure to comply with Ph 805.01 shall constitute misconduct under RSA 318.

Ph 805.02 Penalty. Any registered pharmacy technician who alters, forges, or intentionally falsifies, or causes to be altered, forged or falsified, any information, documents, or records required to be kept or submitted by this rule shall be subject to disciplinary action under RSA 318:29, II.

PART Ph 806 REVOCATION, DENIAL, AND REINSTATEMENT OF REGISTERED PHARMACY TECHNICIANS

Ph 806.01 Effect of Revocation and Denial for Registered Pharmacy Technicians.

- (a) The board shall refuse to issue a registration or, after notice and hearing, shall revoke a registration whenever the board finds by the preponderance of the evidence any of the following:
 - (1) That the applicant, or registrant, has violated any of the provisions of RSA 318, RSA 318-B, or the board's administrative rules;
 - (2) That the applicant has been convicted of a felony or a misdemeanor resulting from a violation of any federal, state, or local drug or pharmacy-related law, rule or regulation;

- (3) That the applicant has attempted to obtain a pharmacy technician registration by fraudulent means;
 - (4) That the applicant is unable to engage in the performance of pharmacy technician functions with reasonable skill and safety by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition;
 - (5) That another state has suspended, revoked, or placed on probation the applicant's license, permit, or registration to practice as a pharmacy technician;
 - (6) That the applicant refused to appear before the board after having been ordered to do so in writing; or
 - (7) That the applicant made any fraudulent or untrue statement to the board.
- (b) The pharmacist on duty shall notify the board, in writing, within one calendar day after becoming aware that a pharmacy technician has adulterated, abused, stolen or diverted drugs.
 - (c) The board shall reinstate a revoked technician's previous permit after review, provided that the reason for revocation no longer exists or it is determined that there is no longer a threat to public safety.

Ph 806.02 Reinstatement of a Registered Pharmacy Technician. Registered pharmacy technicians who either voluntarily or accidentally allow their registration to lapse as of March 31 of the renewal year shall complete the following procedures to reinstate their registration:

- (a) Complete a reinstatement application found on the board's website at <https://www.oplc.nh.gov/pharmacy/documents/technician-reinstatement.pdf> (revised April 2018);
- (b) Submit the completed application and the prescribed fee to the board's office;
- (c) Submit any required documentation, as indicated on the form; and
- (d) Submit a signed and dated statement as to why the applicant did not renew his or her pharmacy technician registration prior to expiration and whether or not the applicant has practiced as a pharmacy technician since his or her registration has lapsed.

PART Ph 807 REGISTERED PHARMACY TECHNICIANS – STANDARDS OF PRACTICE

Ph 807.01 Determination of a Registered Pharmacy Technician's Duties.

- (a) A pharmacy technician shall only perform such tasks and duties which are prescribed by the permit holder or pharmacist-in-charge based upon the needs of the pharmacy.

- (b) A pharmacy technician's duties may be further limited by the pharmacist on duty or the supervising pharmacist.
- (c) Any training given under the direction of a pharmacist shall be documented by the pharmacist-in-charge and be retrievable upon inspection.

Ph 807.02 Registered Pharmacy Technician Duties. A registered pharmacy technician's duties, upon showing the requisite skill and receiving the appropriate training, shall be:

- (a) Non-discretionary functions within the pharmacy concerning cashier, stocking, delivery, and other non-clinical functions necessary for pharmacy operation under the supervision of a licensed pharmacist or certified pharmacy technician;
- (b) The counting, weighing, measuring, pouring, and reconstitution of non-parenteral prescription medication or stock legend drugs and controlled substances;
- (c) Performing stocking or replenishment of automated dispensing machine, other automated dispensing equipment or other stock locations. Products shall be verified by a pharmacist or certified pharmacy technician. Bar-coding, radio frequency identification, or another form of electronic verification shall be used at the time of stocking or replenishment, or a licensed health professional shall check the medication before administration; and
- (d) If in training to become a certified technician, the duties of a certified pharmacy technician under the direct supervision of a pharmacist or certified pharmacy technician.

PART Ph 808 REQUIREMENTS FOR CERTIFIED PHARMACY TECHNICIANS

Ph 808.01 Certified Pharmacy Technician Qualifications.

- (a) An applicant for a certified pharmacy technician shall:
 - (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.
- (b) A registered pharmacy technician seeking certified status shall obtain and maintain certification from a nationally recognized certifying organization, such as the PTCB or the NHA, within one year of entering into a certified pharmacy program.

(c) A certified pharmacy technician with duties involving sterile and non-sterile compounding, shall complete a American Society of Hospital Pharmacies (ASHP), PTCB, or other nationally recognized training program before participating in those duties.

(d) Pharmacy technician applicants with previous out of state experience shall meet the requirements set by the board in this section before obtaining certification status.

(e) No person shall perform the functions or duties of a certified pharmacy technician unless such person is certified by the board.

Ph 808.02 Application Procedures for Certified Pharmacy Technicians.

(a) Pharmacy technician applicants shall complete and submit an application form “Initial Application for Pharmacy Technician Registration” form PT-1, or electronic equivalent, for certification by the board that contains the following:

- (1) Legal name, residence address, mailing address, home telephone number, personal e-mail address, and social security number of the applicant;
- (2) Date and place of birth, and gender of the applicant;
- (3) Name of current employer and the mailing address, and phone number of employment site;
- (4) Name of supervisor and pharmacy phone number;
- (5) An indication as to whether or not the applicant has been convicted of a drug or pharmacy-related felony or admitted to sufficient facts to warrant such a finding, and if yes, an explanation of the circumstances surrounding such a finding or conviction;
- (6) An indication as to whether the application has any other felony convictions and, if so, an explanation of such convictions; and
- (7) Applicant's signature and date.

(b) The prescribed fee shall be \$100, and shall be submitted with the completed application form.

(c) “The Initial Application for Pharmacy Technician Registration” form for pharmacy technicians in New Hampshire may be obtained from and shall be filed at the office of the board, identified in Ph 103.03.

PART Ph 809 CERTIFIED PHARMACY TECHNICIAN RENEWALS

Ph 809.01 Renewal Requirements for Certified Pharmacy Technicians.

(a) All certified pharmacy technician certifications shall expire biennially on March 31.

(b) Applications for the renewal of a certification for a pharmacy technician may be obtained from, and shall be filed at the office of the board, identified in Ph 103.03.

(c) A pharmacy technician applying for renewal shall do so online at <https://nhlicenses.nh.gov/eGov/Login.aspx> by providing the following information about him or herself:

- (1) Legal name, residence address, mailing address, personal e-mail address, and a mobile or home telephone number;
 - (2) License number and work email address of the pharmacist-in-charge;
 - (3) Name and phone number of current employer and address of employment site;
 - (4) Record of convictions of violations of federal, state or local drug or pharmacy related laws or regulations;
 - (5) Report or copies of continuing education;
 - (6) Certification status; and
 - (7) Applicant's signature and date.
- (d) The application and the prescribed fee of \$100 shall be filed with the board no later than March 15.

PART Ph 810 ONGOING REQUIREMENTS FOR CERTIFIED PHARMACY TECHNICIANS

Ph 810.01 Changes in Certification Information for Certified Pharmacy Technicians.

- (a) The person to whom a pharmacy technician certification has been issued shall, within 15 days of a change of address or location of employment, notify the board of such changes.
- (b) The notice shall contain:
 - (1) Legal name of certified pharmacy technician;
 - (2) Address, phone number, and personal email address of the certified pharmacy technician, including old and new, if applicable;
 - (3) Certified pharmacy technician's New Hampshire permit number;
 - (4) Name of the pharmacy where employed including former and current, if applicable;
 - (5) Certification status; and
 - (6) All new violations of law, convictions, fines, disciplines or any registration, certification, or license revocations for violation of pharmacy-related drug laws or regulations in this or any other state.
- (c) Failure to comply with Ph 810.01 shall constitute misconduct under RSA 318.

Ph 810.02 Continuing Education Requirements for Certified Pharmacy Technicians.

- (a) Certified pharmacy technicians shall maintain their nationally certified status and stay up to date with all continuing education requirements such certification demands.
- (b) A certified pharmacy technician shall retain all certificates and/or other documented evidence of participation in an approved/accredited continuing education program/course for a period of 3 years. Such documentation shall be made available to the board for random audit or verification.
- (c) Certified pharmacy technicians with duties involving sterile and non-sterile compounding shall complete a minimum of 0.4 CEU's in the area of compounding.
- (d) Not less than 10% of certified pharmacy technicians shall be randomly selected each year by the board for determinations of compliance.

Ph 810.03 Excess Continuing Education Requirements for Certified Pharmacy Technicians. Excess continuing education units earned in one licensure period shall not be carried forward into the new licensure period for the purpose of fulfilling that year's continuing education prerequisite for licensure renewal.

Ph 810.04 Penalty. Any certified pharmacy technician who alters, forges, or intentionally falsifies, or causes to be altered, forged or falsified, any information, documents, or records required to be kept or submitted by this rule shall be subject to disciplinary action under RSA 318:29, II.

PART Ph 811 REVOCATION, DENIAL, AND REINSTATEMENT OF CERTIFIED PHARMACY TECHNICIANS

Ph 811.01 Effect of Revocation and Denial for a Certified Pharmacy Technician.

- (a) The board shall refuse to issue a certification or, after notice and hearing, shall revoke a certification whenever the board finds by the preponderance of the evidence any of the following:
 - (1) That the applicant, or certified pharmacy technician, has violated any of the provisions of RSA 318, RSA 318-B, or the board's administrative rules;
 - (2) That the applicant has been convicted of a felony or a misdemeanor resulting from a violation of any federal, state, or local drug or pharmacy-related law, rule or regulation;
 - (3) That the applicant has attempted to obtain certified pharmacy technician status by fraudulent means;
 - (4) That the applicant is unable to engage in the performance of certified pharmacy technician functions with reasonable skill and safety by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition;
 - (5) That another state has suspended, revoked, or placed on probation the applicant's license, permit, certification, or registration to practice as a pharmacy technician;

- (6) That the applicant refused to appear before the board after having been ordered to do so in writing; or
- (7) That the applicant made any fraudulent or untrue statement to the board.
- (b) The pharmacist-in-charge shall notify the board, in writing, within one calendar day after becoming aware that a pharmacy technician has adulterated, abused, stolen or diverted drugs.
- (c) The board shall issue a new certification after review, provided that the reason for revocation no longer exists or it is determined that there is no longer a threat to public safety.

Ph 811.02 Reinstatement of a Pharmacy Technician Certification. Certified pharmacy technicians who either voluntarily or accidentally allow their certification to lapse as of March 31 of the renewal year shall complete the following procedures to reinstate their certification:

- (a) Complete a reinstatement application found on the board's website at <https://www.oplc.nh.gov/pharmacy/documents/technician-reinstatement.pdf> (revised April 2018);
- (b) Submit the completed application and the prescribed fee to the board's office;
- (c) Submit any required documentation as outlined on the form;
- (d) Submit a signed and dated statement as to why the applicant did not renew his or her pharmacy technician certification prior to expiration and whether or not the applicant has practiced as a pharmacy technician since his or her certification has lapsed.
- (e) Submit a current national certification certificate; and
- (f) Submit proof of continuing education as defined in Ph 805.02 completed within the immediately preceding 24 months.

PART Ph 812 CERTIFIED PHARMACY TECHNICIANS – STANDARDS OF PRACTICE

Ph 812.01 Determination of a Certified Pharmacy Technician's Duties.

- (a) Any certified pharmacy technician who does not maintain national certification shall notify the board and the pharmacist-in-charge immediately of the lapse of certification. Those whose certification has lapsed shall be permitted to perform the duties of a registered pharmacy technician, but shall no longer perform the additional duties of a certified pharmacy technician.
- (b) A certified pharmacy technician shall only perform such tasks and duties which are prescribed by the permit holder or pharmacist-in-charge based upon the needs of the pharmacy.
- (c) A certified pharmacy technician's duties may be further limited by the pharmacist on duty or the supervising pharmacist.

- (d) Any training given under the direction of a pharmacist shall be documented by the pharmacist-in-charge and be retrievable upon inspection.

Ph 812.02 Certified Pharmacy Technicians Duties.

- (a) A certified pharmacy technician's duties shall include:
- (1) Any duties performed by registered pharmacy technicians under Ph 807.02;
 - (2) Accepting a new oral telephone order;
 - (3) Accepting an oral refill authorization from a provider;
 - (4) Communicating a prescription transfer for a non-control medication to or from another pharmacy that does not maintain a common database;
 - (5) Communicating orally or in writing, any medical, therapeutic, clinical, or drug information, or any information recorded on a patient profile that does not require professional judgment;
 - (6) Performing the data entry of a prescription or medication order into the computer without supervision;
 - (7) The task of reducing to writing a prescription left on a recording or message line;
 - (8) Preparing or compounding sterile and non-sterile compounds;
 - (9) Verifying stock replenishment medications against the stocking/replenishment system, report or label prior to the stocking/replenishment of the automated dispensing machine, other automated dispensing equipment, or other stock location provided that bar-coding, radio frequency identification or another form of electronic verification is used at the time of stocking/replenishment, or a licensed health professional checks the medication before administration to the patient;
 - (10) Clarification of an original prescription or drug order with a practitioner or authorized agent of the practitioner; and
 - (11) Preparation, verification, and sealing of an emergency kit.

Appendix

Rule	Specific State Statute the Rule Implements
Ph 801.01	RSA 318:5-a, X (a); RSA 541-A:7
Ph 802.01	RSA 318:5-a, X (a); RSA 541-A:7
Ph 803.01	RSA 318:5-a, X (a); RSA 318:5-a, XI; RSA 318:15-a
Ph 803.02	RSA 318:5-a, X (a); RSA 318:5-a, XI; RSA 318:15-a
Ph 804.01	RSA 318:5-a, X (f); RSA 318:5-a, XI; RSA 318:15-a
Ph 805.01	RSA 318:5-a, X (b); RSA 318:5-a, XI; RSA 318:15-a
Ph 805.02	RSA 318:5-a, X (b); RSA 318:5-a, XI; RSA 318:15-a
Ph 806.01	RSA 318:5-a, X (d); RSA 318:5-a, XI; RSA 318:15-a
Ph 806.02	RSA 318:5-a, X (g); RSA 318:5-a, XI; RSA 318:15-a
Ph 807.01	RSA 318:5-a, X (b); RSA 318:5-a, XI; RSA 318:15-a
Ph 807.02	RSA 318:5-a, X (b); RSA 318:5-a, XI; RSA 318:15-a
Ph 808.01	RSA 318:5-a, X (a); RSA 318:5-a, XI; RSA 318:15-a
Ph 808.02	RSA 318:5-a, X (a); RSA 318:5-a, XI; RSA 318:15-a
Ph 809.01	RSA 318:5-a, X (f); RSA 318:5-a, XI; RSA 318:15-a
Ph 810.01	RSA 318:5-a, X (b); RSA 318:5-a, XI; RSA 318:15-a
Ph 810.02	RSA 318:5-a, X (f); RSA 318:5-a, XI; RSA 318:15-a
Ph 810.03	RSA 318:5-a, X (f); RSA 318:5-a, XI; RSA 318:15-a
Ph 810.04	RSA 318:5-a, X (f); RSA 318:5-a, XI; RSA 318:15-a
Ph 811.01	RSA 318:5-a, X (d); RSA 318:5-a, XI; RSA 318:15-a
Ph 811.02	RSA 318:5-a, X (g); RSA 318:5-a, XI; RSA 318:15-a
Ph 812.01	RSA 318:5-a, X (b); RSA 318:5-a, XI; RSA 318:15-a
Ph 812.02	RSA 318:5-a, X (b); RSA 318:5-a, XI; RSA 318:15-a