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February 27, 2023

TO: Joseline Pena-Melnyk, Chair
House, Health and Government Operations Committee
FROM: Office of the Attorney General, Health Education and Advocacy Unit
RE: HB693 - State Board of Pharmacy – Board Membership and Delegated
Pharmacy Acts: **Letter of Support with Amendments**

The Health Education and Advocacy Unit of the Office of the Attorney General supports HB693 with suggested amendments. This bill adds a person who is a licensed pharmacy technician to the composition of the Board of Pharmacy and sets standards for the member's selection. It also seeks to permit a licensed pharmacist to delegate certain administrative tasks that can be performed remotely by a pharmacy technician or trainee or pharmacy student with general, offsite supervision. Additionally, it removes the prohibition on a registered pharmacy technician administering an influenza vaccination.

Unfortunately, as currently drafted, the bill appears to allow more acts than intended to be delegated with general offsite supervision to registered pharmacy technicians and interns. For example, § 12-101(g) (2)(ii) removes the administration of the influenza vaccine from the prior definition of what delegable acts could not include, seemingly allowing a pharmacy technician or intern to administer an influenza vaccination with general, rather than direct supervision. Moreover, the bill introduces inconsistencies with other statutory provisions. While § 12-307(d) requires acts delegated to registered pharmacy technician, trainee or pharmacy students to be directly supervised, (E) permits the delegation of pharmacy acts with indirect supervision, which if read too broadly could include vaccine administration.

Of additional note, a "Registered pharmacy intern" is defined in the statute as an individual who is registered with the Board to practice pharmacy *under the direct supervision* of a pharmacist, which is inconsistent with proposed § 12-307(E), allowing

interns to perform delegated pharmacy acts under indirect supervision.

In conversation with a Board of Pharmacy representative, we understand the intent was to permit only data entry tasks to be performed under remote supervision. The Board's representative suggested the inclusion of the word "administration" at (E)(3) to resolve the concern. We suggest further amending (E) to clarify the specific delegable acts permitted at remote locations as follows:

On page 5, at line 18,

18 **(E) A LICENSED PHARMACIST MAY DELEGATE ~~PHARMACY ACTS,~~**
19 **INCLUDING**
20 **ENTERING PRESCRIPTION-RELATED DATA INTO DATABASES OR**
21 **PATIENT CHARTS,**
22 **TO BE PERFORMED AT A REMOTE LOCATION TO A REGISTERED**
23 **PHARMACY**
24 **TECHNICIAN OR A REGISTERED PHARMACY INTERN PROVIDED THAT**
25 **THESE TASKS:**
26 **~~DELEGATED PHARMACY ACTS:~~**
27 **(1) ARE SUPERVISED BY A LICENSED PHARMACIST;**
28 **(2) ARE NOT REQUIRED TO BE PERFORMED BY A LICENSED**
29 **PHARMACIST;**
30 **(3) DO NOT INVOLVE THE COMPOUNDING, DISTRIBUTION, OR**
31 **DISPENSING, OR ADMINISTRATION OF PRESCRIPTION OR**
32 **PRESCRIPTION OR NONPRESCRIPTION DRUGS;**

With this friendly amendment to prevent creating an inconsistency in the statute, the HEAU supports a favorable report for HB693.

cc: Delegate Nicholas Kipke