



THE REPORT OF THE DIRECTOR OF THE DIVISION OF PUBLIC HEALTH ON THE PROPOSAL TO MAKE CHANGES IN THE SCOPE OF PRACTICE OF PHARMACY TECHNICIANS

Date: February 3, 2023

To: The Speaker of the Nebraska Legislature
The Chairperson of the Executive Board of the Legislature
The Chairperson and Members of the Legislative Health and Human Services Committee

From: Matt Donahue, MD
Interim Chief Medical Officer
Department of Health and Human Services

Introduction

The Regulation of Health Professions Act (as defined in Neb. Rev. Stat., Section 71-6201, et. seq.) is commonly referred to as the Credentialing Review Program. The Department of Health and Human Services Division of Public Health administers this Act. As Chief Medical Officer I am presenting this report under the authority of this Act.

Summary of the Pharmacy Technicians Proposal

Pharmacy Technicians are seeking to establish in statute the right to provide vaccinations to members of the general public under the general supervision of a pharmacist.

The full text of their proposal can be found under the Pharmacy Technicians review area of the credentialing review program link at <https://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx>

Summary of Technical Committee and Board of Health Recommendations

The technical review committee members recommended in favor of this proposal. The Board of Health also recommended in favor of this proposal. I concur with these recommendations, and my comments regarding my reasons for supporting the proposal follow, below.

The Director's Recommendations on the Proposal

Discussion on the six statutory criteria of the Credentialing Review Program as they relate to the Pharmacy Technicians proposal

Criterion one: *The health, safety, and welfare of the public are inadequately addressed by the present scope of practice or limitations on the scope of practice.*

The applicants' proposal would extend and make permanent the benefit of improved access to vaccination services that Nebraskans have enjoyed since the 2020 emergency declaration which granted temporary permission to pharmacies to allow them to utilize Pharmacy Technicians to provide vaccination services to their customers. This is a benefit that should be continued and made permanent and for this reason it is my judgement that the proposal satisfies this criterion.

Criterion two: *Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public.*

The proposal seeks to make the improvements to access to vaccination services implemented in 2020 as the result of the emergency declaration permanent which is clearly a benefit to all Nebraskans.

Criterion three: *The proposed change in scope of practice does not create a significant new danger to the health, safety, or welfare of the public.*

No evidence was presented during the credentialing review on this proposal that indicated any new potential for harm to the public from the proposal.

Criterion four: *The current education and training for the health profession adequately prepares practitioners to perform the new skill or service.*

Under the terms of the proposal supervising Pharmacists would be responsible for the training and conduct of all vaccinations provided by their Pharmacy Technician employees. The proposal would require the physical presence of a supervising Pharmacist whenever a Pharmacy Technician employee of theirs is providing vaccination service to Pharmacy patients. These requirements would provide protection for the public.

Criterion five: *There are appropriate post-professional programs and competence assessment measures available to assure that the practitioner is competent to perform the new skill of service in a safe manner.*

The training and oversight provided by a supervising, licensed Pharmacist would provide assurance that the vaccination services rendered by the Pharmacy Technician employee would be provided in a competent and safe manner.

Criterion six: *There are adequate measures to assess whether practitioners are competently performing the new skill or service and to take appropriate action if they are not performing competently.*

The training and oversight provided by a supervising, licensed Pharmacist would provide assurance that the vaccination services rendered by the Pharmacy Technician employee would be provided in a competent and safe manner.

Final Thoughts

Passing this proposal is vital to ensuring the continuance of the benefits to the public of current vaccination privileges established during the Pandemic that began in 2020 and which will soon expire unless these privileges are made permanent by the Unicameral.