



March 15, 2022

Nebraska Department of Health and Human Services
Attn: Ron Briel
PO Box 95026
Lincoln, NE 68509-5026

Dear Mr. Briel,

Please accept this letter to serve as the Nebraska Pharmacists Association's Letter of Intent to pursue a credentialing review of the Nebraska statutes relating to pharmacy technicians. While the Credentialing Review Program was created to review proposals for changes in scope of practice or for new credentialing on the part of representatives of Nebraska health professions, our application includes an applicant group who have already changed their scope of practice pursuant to federal authority.

On October 21, 2020, the United States Department of Health and Human Services (USDHHS) issued a declaration under the [Public Readiness and Emergency Preparedness Act \(PREP Act\)](#) extending liability protections for qualified pharmacy technicians to administer childhood vaccines and COVID-19 vaccines. In an unprecedented move, the USDHHS authorization "preempts any state and local law that prohibits or effectively prohibits [qualified pharmacy technicians] from administering COVID-19 or routine childhood vaccines" as outlined in the declaration. Pharmacy technicians began administering vaccinations in Nebraska upon completion of the required training. This authorization is temporary and will expire on October 1, 2024 unless an end to the public health emergency is declared sooner.

According to Nebraska Revised Statute Section 38-2891 "A pharmacy technician shall only perform tasks which do not require the professional judgment of a pharmacist, and which are subject to verification to assist a pharmacist in the practice of pharmacy." The current language neither prohibits a pharmacy technician from administering vaccines nor does it expressly allow the function. The Nebraska Pharmacists Association does not consider the act of administering a vaccine to be performing a task requiring the professional judgment of a pharmacist.

We request a review to allow the following language to be added to Nebraska Revised Statute Section 38-2891:

A pharmacy technician may administer vaccines, and such administration shall not be considered to be performing a task requiring the professional judgment of a pharmacist, when:

- (a) The vaccines are verified by the pharmacist responsible for the supervision and verification of the activities of the pharmacy technician prior to administration;
- (b) Administration is limited to intra-muscular in the deltoid muscle or subcutaneous on the arm to a person three years of age or older;
- (c) The pharmacy technician is certified as required by Section 38-2890;



- (d) The pharmacy technician has completed certificate training in vaccine administration that includes, at a minimum, vaccine administration, blood-borne pathogen exposure, safety measures during administration, and biohazard handling;
- (e) The pharmacy technician is currently certified in basic life support skills for health care providers as determined by the Board of Pharmacy; and
- (f) The pharmacist responsible for the supervision and verification of the activities of the pharmacy technician is on site.

A study was done regarding the administration of vaccines by pharmacy technicians in Nebraska. No public harm was identified by this study. A completed application can be submitted by April 15, 2022.

These proposed changes will allow a trained and supervised pharmacy technician to administer vaccines. Training includes a national certification requirement, a certificate training in vaccine administration, and basic life-support certification. The pharmacy technicians will be limited to intra-muscular injections in the arm in patients who are three years of age and older. The vaccines administered by a pharmacy technician will be reviewed and verified by the pharmacist on site.

A copy of this letter will be sent via U.S. Mail along with our \$500.00 application fee. Thank you for your assistance with this process. If you have any questions, please do not hesitate to contact me.

Sincerely,

Marcia Mueting, PharmD, RP
Chief Executive Officer
Nebraska Pharmacists Association