

**REPORT OF RECOMMENDATIONS AND FINDINGS ON THE
PROPOSAL TO MAKE CHANGES IN PHARMACY TECHNICIAN
SCOPE OF PRACTICE**

By the Nebraska State Board of Health

To the Director of the Division of Public Health of the Department of
Health and Human Services and the Members of the Health and
Human Services Committee of the Legislature

January 17, 2023

Table of Contents

Part One: Preliminary Information.....	Pages	3
Part Two: Summary of Board of Health Recommendations...Page	5	
Part Three: Summary of the Applicants' Proposal.....Page	6	
Part Four: Recommendations by the Board's Credentialing Review Committee.....	Pages	7
Part Five: Board of Health Recommendations.....	Pages	9

Part One: Preliminary Information

Introduction

The Credentialing Review Program is a review process advisory to the Legislature which is designed to assess the need for state regulation of health professionals. The credentialing review statute requires that review bodies assess the need for credentialing proposals by examining whether such proposals are in the public interest.

The law directs those health occupations and professions seeking credentialing or a change in scope of practice to submit an application for review to the Department of Health and Human Services, Division of Public Health. The Director of this Division will then appoint an appropriate technical review committee to review the application and make recommendations regarding whether or not the application in question should be approved. These recommendations are made in accordance with statutory criteria contained in Section 71-6221 of the Nebraska Revised Statutes. These criteria focus the attention of committee members on the public health, safety, and welfare.

The recommendations of technical review committees take the form of written reports that are submitted to the State Board of Health and the Director of the Division along with any other materials requested by these review bodies. These two review bodies formulate their own independent reports on credentialing proposals. All reports that are generated by the program are submitted to the Legislature to assist state senators in their review of proposed legislation pertinent to the credentialing of health care professions.

LIST OF MEMBERS OF THE NEBRASKA STATE BOARD OF HEALTH

Douglas Bauer, DO

Heather Cramer, RN

Russell Crotty, OD

Jaime Dodge, MD

Diane Jackson, APRN-FNP

Michael Kotopka, DDS

John Kuehn, DVM

Donald Ostdiek, DPT

Mark Patefield, PharmD

David Reese

Daniel Rosenthal, PE

Robert (Bud) Synhorst

Timothy Tesmer, MD

Douglas Vander Broek, DC

Dan Vehle

Joshua Vest, DPM

The members of the Board's Credentialing Review Committee met in the morning of January 17, 2023 to formulate their recommendations on the proposal.

The members of the full Board of Health met in the afternoon of January 17, 2023 to formulate their recommendations on the proposal.

Part Two: Summary of Board of Health Recommendations

The Board Committee members recommended in favor of the proposal.

The members of the full Board recommended in favor of the proposal.

Part Three: Summary of the Applicants' Proposal

The applicants' proposal would, if approved, incorporate the following wording into the statute that regulates Pharmacy Technicians:

- 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:
 - The vaccines are verified by the pharmacist responsible for the supervision and verification of the activities of the pharmacy technician prior to the administration;
 - Administration is limited to intra-muscular in the deltoid muscle or subcutaneous on the arm to a person three years of age or older;
 - The pharmacy technician is certified as required by section 38-2890;
 - 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;
 - The pharmacy technician is currently certified in basic life support skills for health care providers as determined by the board; and
 - The pharmacist responsible for the supervision and verification of the activities of the pharmacy technician is on site.
- The proposal clarifies that pharmacy technicians who are administering vaccines are assisting a pharmacist in the practice of pharmacy.

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

Part Four: The Recommendations of the Members of the Credentialing Review Committee of the Board of Health on the Pharmacy Technicians Proposal

Credentialing Review Committee Questions on the Pharmacy Technicians Proposal

Amy Reynoldson, representing NMA and speaking on behalf of the applicant group at this meeting, responded to a question from a Board member about how the proposal might impact small children. Ms. Reynoldson responded by stating that the proposal would not allow Pharm Techs to provide vaccinations for children under three years of age.

The Board's Credentialing Review Committee members made their recommendation on the six statutory criteria as follows:

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.

Voting to approve the proposal on criterion one were:

Daniel Rosenthal, PE; Douglas Vander Broek, DC; Joshua Vest, DPM;
Russell Crotty, OD; Heather Cramer, RN

There were no nay votes or abstentions.

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

Voting to approve the proposal on criterion two were:

Daniel Rosenthal, PE; Douglas Vander Broek, DC; Joshua Vest, DPM;
Russell Crotty, OD; Heather Cramer, RN

There were no nay votes or abstentions.

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.

Voting to approve the proposal on criterion three were:

Daniel Rosenthal, PE; Douglas Vander Broek, DC; Joshua Vest, DPM;
Russell Crotty, OD; Heather Cramer, RN

There were no nay votes or abstentions.

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

Voting to approve the proposal on criterion four were:

Daniel Rosenthal, PE; Douglas Vander Broek, DC; Joshua Vest, DPM;
Russell Crotty, OD; Heather Cramer, RN

There were no nay votes or abstentions.

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.

Voting to approve the proposal on criterion five were:

Daniel Rosenthal, PE; Douglas Vander Broek, DC; Joshua Vest, DPM;
Russell Crotty, OD; Heather Cramer, RN

There were no nay votes or abstentions.

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.

Voting to approve the proposal on criterion six were:

Daniel Rosenthal, PE; Douglas Vander Broek, DC; Joshua Vest, DPM;
Russell Crotty, OD; Heather Cramer, RN

There were no nay votes or abstentions.

The Board's Credentialing Review Committee members made their recommendation on the proposal via a yes / no, up-down vote, as follows:

Voting "yes" to recommend approval of this proposal were: Daniel Rosenthal, PE; Douglas Vander Broek, DC; Joshua Vest, DPM; Russell Crotty, OD; Heather Cramer, RN

Voting "no" to recommend against approval of this proposal were: There were no "nay" votes or abstentions.

By this vote the Board's Credentialing Review Committee members recommended approval of the proposal.

Part Five: The Recommendations of the Members of the Full Board of Health on the Pharmacy Technicians Proposal

Comments by the Members of the Full Board of Health and Pharmacy representatives

There were no comments or questions from Board members at this time.

The recommendations of the members of the full Board of Health on the Pharmacy Technicians proposal

The Board of Health members made their recommendation on the proposal via a yes / no, up-down vote on the recommendation of their Credentialing Review Committee, as follows:

Voting “yes” to recommend approval of this committee’s recommendation which was to recommend approval of the applicants’ proposal were:

Douglas Bauer, DO; Heather Cramer, RN; Russell Crotty, OD; Jaime Dodge, MD; Michael Kotopka, DDS; John Kuehn, DVM; Donald Ostdiek, DPT; David Reese; Daniel Rosenthal, PE; Timothy Tesmer, MD; Douglas Vander Broek, DC; Dan Vehle; Joshua Vest, DPM

Voting “no” to recommend against approval of this committee’s recommendation which was to recommend approval of the applicants’ proposal were:

There were no nay votes or abstentions.

By this vote the full Board of Health members recommended approval of the proposal.