



January 25, 2023

Kylynne Johnson
Policy and Public Affairs Liaison
State of Ohio Board of Pharmacy
77 South High Street, 17th Floor
Columbus, Ohio 43215

Submitted via email to RuleComments@pharmacy.ohio.gov and CSIPublicComments@governor.ohio.gov

Re: CSI Rulemaking; 4729:3-3-06 – Immunization Administration

Dear Ms. Johnson,

On behalf of our members operating chain pharmacies throughout Ohio, the National Association of Chain Drug Stores (NACDS) appreciates the ongoing opportunity to share our perspectives on the proposed changes to OAC 4729:3-3-06 being promulgated under the Ohio Common Sense Initiative (CSI) to authorize pharmacy technicians to administer immunizations. In October 2022, NACDS's submitted comments to the State of Ohio Board of Pharmacy (Board) outlining how allowing pharmacy technicians to administer immunizations enhances pharmacies' capacity to meet growing patient demand for pharmacy care and urged further revisions to the proposed rule language to better support this. In addition to the important public health considerations in our past comments, NACDS offers the following additional comments and considerations to the Board and leaders of the CSI regarding how certain provisions in the proposed rule changes to OAC 4729:3-3-06 would unduly burden pharmacies and should therefore be eliminated from the rule consistent with CSI goals "to improve Ohio's regulatory climate [...] and to "help businesses navigate regulatory obstacles."

As noted in NACDS's prior comments on this rulemaking, we strongly support that the proposed rule would modernize the administrative code to expressly authorize pharmacy technicians to administer immunizations, thereby permanently codifying allowances for pharmacy technicians to perform immunization activities allowed during the COVID-19 public health emergency under the federal Public Readiness and Emergency Preparedness Act (PREP Act). This critical rule change will support Ohio pharmacies' ability to optimize use of the skills of pharmacy technicians to assist with the delivery of immunization services into the future. **However, we remain concerned that the proposed rule language would impose new and restrictive requirements for pharmacy technician to administer vaccinations that would create unwarranted regulatory burdens on pharmacies, and for that reason, should be stricken from the rule before it is finalized.**

- 1. Eliminate rule language under 4729:3-3-06 (K) that imposes an arbitrary and baseless staffing limit on the number of pharmacy technicians who can assist pharmacists in administering immunizations.**

Under 4729:3-3-06 (K), the Board has proposed rule language to limit the number of pharmacy technicians who can assist a pharmacist with immunization administration – a limitation that is inconsistent with both the existing parameters under the federal PREP Act allowances and associated implementation guidance provided by the Ohio Board of Pharmacy. Specifically, the proposed rule would require that "[u]nless otherwise approved by the Board, a pharmacist shall not supervise more than three pharmacy technicians engaged in the administration of immunizations..." Imposing this new and arbitrary staffing limitation is baseless, especially considering that pharmacy

technicians have been safely and effectively participating in immunization administration without a pharmacy technician ratio throughout the pandemic and even before the pandemic in other states. Moreover, such a **staffing limit would impede pharmacies' ability to implement cost-effective staffing models that remove business inefficiencies** and focus pharmacists on patient care activities that require a pharmacist's expertise. No evidence exists to support any particular pharmacist to technician ratio, nor are there any reports or studies showing that ratios improve patient safety. Establishing a pharmacy technician ratio now – after years of having no such regulatory limits – would only undermine pharmacies ability to optimize use of the skills of pharmacy technicians to assist with nondiscretionary and technical tasks that do not otherwise require pharmacists' professional judgment. **Given the nonexistence of evidence supporting ratios and the unjustified constraint that such staffing limits would impose on pharmacies, NACDS urges changes to the rule language to eliminate the proposed pharmacy technician ratio.**

- 2. Align the pharmacy technician training requirements set forth under 4729:3-3-06 (C) with what is currently required and proven effective for immunizing pharmacy technicians under the federal PREP Act allowances.**

The proposed pharmacy technician training requirements under 4729:3-3-06 (C) notably differ from what is currently required for pharmacy technicians to administer immunizations under the federal PREP Act declaration. To qualify to administer vaccinations under the federal PREP Act, pharmacy technicians must complete an ACPE-approved practical training program that “include[s] hands-on injection technique and the recognition and treatment of emergency reactions to immunizations.”¹ In contrast to this, the proposed rule outlines detailed requirements for pharmacy technician immunization training courses. Notably, many pharmacies have already developed and utilized internal training programs to effectively ready pharmacy technicians to administer immunizations in accordance with the requirements of the PREP Act. Establishing new training program criteria that differs from current requirements **may necessitate costly changes to existing training programs and the retraining of many pharmacy technicians without benefits to patient safety.** Considering that pharmacy technicians throughout Ohio have demonstrated their ability to safely and effectively assist pharmacists with administering immunizations for well over two years now, revising the training standard would be a needless and burdensome change. **NACDS urges revisions to the language to simplify the pharmacy technician training program requirements under 4729:3-3-06 (C) to align with the existing vaccination training requirements that are currently in place for technicians administering immunizations pursuant to PREP Act allowances.**

NACDS thanks the Board and leadership of the CSI for the ongoing opportunity to share our perspectives on this important matter. For questions or further discussion, please contact NACDS' Jill McCormack, Regional Director, State Government Affairs, at jmccormack@nacds.org or 717-525-8962.

Sincerely,



Steven C. Anderson, FASAE, CAE, IOM
President and Chief Executive Officer
National Association of Chain Drug Stores

¹ U.S. Department of Health and Human Services *Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing*, October 20, 2020 (available at: <https://www.hhs.gov/sites/default/files/prep-act-guidance.pdf>)

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NACDS represents traditional drug stores, supermarkets and mass merchants with pharmacies. Chains operate over 40,000 pharmacies, and NACDS' 80 chain member companies include regional chains, with a minimum of four stores, and national companies. Chains employ nearly 3 million individuals, including 155,000 pharmacists. They fill over 3 billion prescriptions yearly, and help patients use medicines correctly and safely, while offering innovative services that improve patient health and healthcare affordability. NACDS members also include more than 900 supplier partners and over 70 international members representing 21 countries. Please visit [NACDS.org](https://www.nacds.org).