Repeal Ph 401.01 and Ph 401.02, effective 10-15-20 (Document #13117), as follows:

~~Ph 401.01 Obtaining and Filing Renewal Applications. Applicants for renewal of a license to practice pharmacy shall submit, by December 15th of every even-numbered year, a Renewal License Form renewal form Ph A-2. The application may be obtained from the board office. Alternatively, applicants may file the renewal application online at **https://nhlicenses.nh.gov/eGov/Login.aspx**~~

~~Ph 401.02 Renewal Application Contents and Filing Deadline.~~

~~(a) Applications for renewal of a license to practice pharmacy in New Hampshire under RSA 318 shall be completed and filed biennially by December 15th of each even-numbered year.~~

~~(b) With the exception of authorized immunizing pharmacists per the provisions of Ph 1300, which shall have the combined renewal fee as noted below in (c), the application and the prescribed fee of $250 shall be filed with the board no later than December 15th of each even-numbered year. Each licensee shall complete and file his or her application for license renewal prior to this date.~~

~~(c) The biennial renewal fee for pharmacists who are authorized immunizing pharmacists shall be $270, which includes a fee for the immunization endorsement on their pharmacist license.~~

~~(d) Per the provisions of RSA 318:29-a, VI(b), $30 of each biennial pharmacist renewal fee noted in sections (b) and (c) above shall be used to fund the impaired pharmacist program.~~

Repeal Ph 401.06, effective 2-19-23 (Document #13514), as follows:

~~Ph 401.06 Reinstatement. A pharmacist whose license to practice pharmacy in this state has been suspended, revoked, voluntarily surrendered, or allowed to lapse shall be subject to the following requirements for reinstatement:~~

~~(a) File a reinstatement application provided by the board which shall include the following:~~

~~(1) Name, address, and telephone number of the applicant;~~

~~(2) Date of birth; and~~

~~(3) Current employment information.~~

~~(b) Pay the reinstatement fee of $200 if suspended, revoked, voluntarily surrendered, or allowed to lapse for longer than 30 days;~~

~~(c) Submit certificates of attendance or participation in continuing pharmaceutical education courses or programs, described in Ph 403, for a minimum of 30 hours, of which at least 10 hours shall be earned in a live setting;~~

~~(d) All such continuing education shall have been earned in the period 24 months immediately preceding the date of application for reinstatement;~~

~~(e) If the pharmacist has not held a license to practice pharmacy in this state for a period of 2 years or more, the applicant shall provide, in addition to the document required in (a), (b), and (c) above:~~

~~(1) Notarized affidavit(s) documenting the pharmacist's pharmacy experience during the 2 years immediately preceding the date of his or her application for reinstatement; and~~

~~(2) Proof of status of licensure in all states that the pharmacist has been licensed in; and~~

~~(f) If the pharmacist has not held a license to practice pharmacy in this state for a period of 5 years or more and has not practiced pharmacy in any other state, the board shall require the completion of a period of pharmacy practice internship no less than 160 hours in duration prior to reinstatement in addition to the requirements in (a) through (d) above~~.

Repeal Ph 403.02 and Ph 403.03, effective 10-15-20 (Document #13117), as follows:

~~Ph 403.02 Renewal Requirements.~~

~~(a) The board shall not issue licensure renewals unless the pharmacist indicates on the renewal application, and under penalty of unsworn falsification, that he or she has completed the minimum required hours of accredited or approved continuing pharmaceutical education courses or programs according to Ph 403.02(d). An incomplete renewal application shall not be processed by the board.~~

~~(b) Continuing education shall be required of all licensed, active or inactive pharmacists who apply for license renewal.~~

~~(c) Pharmacists submitting applications for their first biennial licensure renewal shall be exempt from the continuing education requirements.~~

~~(d) All pharmacists licensed in New Hampshire shall acquire a total of 30 hours (3.0 CEUs) during the 24 months immediately preceding the license renewal date of January 1st. At least 10 hours (1.0 CEUs) of the total required hours shall be earned in a live setting.~~

~~(e) Continuing education credits shall not be recognized for any repeat program attended or completed. Repeat programs shall be identified as any program, live or correspondence, which carries the same ACPE, CME, or any board program identification number.~~

~~(f) The pharmacist shall retain all certificates and other documented evidence of participation in an approved or accredited continuing education program or course for a period of at least 3 years. Such documentation shall be made available to the board for random audit or verification purposes.~~

~~(g) Not less than 10% of the registrants shall be randomly selected by the board after October 1 of every even numbered year for determinations of compliance with Ph 403.02.~~

~~Ph 403.03 Excess CEU's. Excess CEU's earned in one licensure period shall not be carried forward into the new licensure period.~~

Adopt Ph 400 to read as follows:

CHAPTER Ph 400 CONTINUED STATUS

Statutory Authority: RSA 318:5-a

PART Ph 401 PURPOSE; APPLICABILITY; NOTIFICATIONS; ISSUANCE OF LICENSES; INCORPORATED DEFINITIONS

Ph 401.01 Purpose. The purpose of this chapter is to protect public health and welfare by establishing:

(a) The requirements ~~must~~***to*** be met by ***licensees*** ~~pharmacy personnel and pharmaceutical entities~~ to maintain and renew licenses; and

(b) The requirements for closing a pharmaceutical entity that possesses prescription drugs.

Ph 401.02 Applicability. This chapter shall apply to any pharmacy personnel or pharmaceutical entity that is licensed ~~under~~***pursuant to*** RSA 318.

Ph 401.03 Notifications; Issuance of Licenses. ~~The office of professional licensure and certification (OPLC) shall send all notifications to applicants and licensees and all licenses issued pursuant to this chapter in accordance with Plc 301.03.~~***All notices and licenses shall be sent pursuant to Plc 301.03 and Plc 308.03.***

Ph 401.04 Incorporated Definitions.

(a) All terms used in th***is chapter***~~ese rules~~ relative to procedures, applications, inspections, and fees that are defined in Plc 100, Plc 200, Plc 300, Plc 400, or Plc 1000 shall have the meaning specified in title Plc.

(b) The definitions in Ph 102 shall apply to this chapter.

PART Ph 402 CHAPTER-SPECIFIC DEFINITIONS

Ph 402.01 "Accredited programs" means continuing pharmacy education programs or courses that are sponsored by providers that are approved by:

(a) The American Council on Pharmaceutical Education (ACPE);

(b) The Canadian Council on Continuing Education in Pharmacy (CCCEP); or

(c) The Accreditation Council for Continuing Medical Education (ACCME) as ***American Medical Association (***AMA***)*** category I programs.

~~Ph 402.02 "Board-approved programs" means continuing pharmacy education programs or courses that have been approved by:~~

~~(a) The board pursuant to Ph 403.15(a); or~~

~~(b) A Canadian provincial or territorial pharmacy licensing authority.~~

~~Ph 402.03 "Certificate of accredited or approved CEUs" means a document issued to a specific individual by the provider of an accredited program or board-approved program that:~~

~~(a) Identifies the program or course by providing all of the following information:~~

~~(1) The name of the program or course;~~

~~(2) The name of the provider; and~~

~~(3) The date or dates on which the program or course was provided;~~

~~(b) Identifies the individual and certifies that the individual has satisfactorily completed the program or course and thereby earned the specified number of CEU(s); and~~

~~(c) Includes:~~

~~(1) For accredited programs, a unique program identification number assigned by the accrediting provider; or~~

~~(2) For board-approved programs, the date on which the board approved the program.~~

Ph 402.0*2*~~14~~ "Continuing pharmacy education" means accredited or approved post-licensure pharmacy education designed to maintain professional competence in the practice of pharmacy, improve professional skills, and preserve pharmaceutical standards for the purpose of protecting the health and welfare

of the citizens in the state of New Hampshire. Continuing pharmacy education includes study in one or more of the general areas of the properties and actions of drugs and dosage forms, etiology, characteristics and therapeutics of the disease state, or other topics relevant to the practice of pharmacy including legal aspects.

~~Ph 402.05 "Continuing education unit (CEU)" means 10 contact hours of participation in accredited or board-approved continuing pharmacy education programs.~~

Ph 402.~~-~~"***Controlled drug prescription health and safety program***~~Prescription drug monitoring program (PDMP)~~" means the program established by the NH ***department of health and human services (***DHHS***)*** pursuant to RSA 126-A:89-96 that requires registration and reporting relative to prescribing and dispensing schedule II-IV controlled substances. ***The program is also known as the "prescription drug monitoring program (PDMP)".***

PART Ph 403 ONGOING REQUIREMENTS FOR ALL LICENSEES; CONTINUING EDUCATION

Ph 403.01 License and Certification Availability Required.

(a) Each pharmacist shall ***have a digital or printed copy of*** ~~display~~ the pharmacist's current New Hampshire license ***that is readily retrievable*** as required by RSA 318:28.

(b) Each pharmacy intern, licensed advanced pharmacy technician, certified pharmacy technician, and registered pharmacy technician shall have a digital or printed copy of the individual's current New Hampshire license readily available at each work location.

(c) Each licensed advanced pharmacy technician and each certified pharmacy technician shall have a digital or printed copy of the individual's current certification that was submitted for initial or renewal licensure and maintained as required by Ph 403.09 readily available at each work location, in addition to the individual's current NH license.

(d) Subject to (e) and (f), below, each licensed pharmaceutical entity shall have a digital or printed copy of its current New Hampshire license readily available at the licensed location.

(e) Each licensed pharmacy that serves the public shall display its permit as required by RSA 318:39.

(f) Each licensed research organization shall display its permit as required by RSA 318:51-f, III.

Ph 403.02 Registration with PDMP Required. Each pharmacy that dispenses schedule II-IV controlled substances shall register with the PDMP and comply with its requirements***, including but not limited to Plc 500***.

Ph 403.03 Pharmacy Personnel Obligations for Notifications.

(a) As required by RSA 318:26-a, any pharmacist, licensed advanced pharmacy technician, or certified or registered pharmacy technician who changes the licensee's name, place of employment, status of employment, or residence shall notify the OPLC licensing bureau in writing within 15 days.

(b) Each licensee shall know, and have available in the licensee's office or other place of business, information regarding how complaints can be filed with the OPLC.

(c) ***Except for those changes listed in (a) above,*** ~~E~~***e***ach licensee shall comply with Plc 307.02 relative to updates of contact information and providing notice of certain events.

(d) Each licensed pharmacy intern shall notify the licensing bureau within ~~15~~***10 working*** days of:

(1) Transferring enrollment from one accredited college or university pharmacy program to another; or

(2) Permanently terminating enrollment, other than by graduating, from the accredited pharmacy program identified on the intern's application.

(e) The notice required by (d), above, shall contain the following:

(1) The intern's name and license number;

(2) The name of the accredited pharmacy program previously attended; ***and***

(3) If applicable, the name of the accredited pharmacy program the intern is currently attending and the anticipated date of graduation~~; and~~

~~(4) Any new violations of law, convictions, fines, or discipline, or the revocation of any registration, certification or license for violation of pharmacy-related drug laws or regulations in this or any other jurisdiction~~.

Ph 403.04 Notification of Change in Information for Pharmaceutical Entities.

(a) Subject to (c), below, a pharmaceutical entity shall notify the OPLC licensing bureau within 30 days of a change in the information provided on the most recent license application, whether initial***,*** ~~or~~ renewal***, or reinstatement***, relative to responsible officials including the pharmacy manager, the legal structure of the entity, or the scope of work of the entity.

(b) The notice required by (a), above, shall contain:

(1) The current New Hampshire license number of the facility;

(2) The trade name of the entity, old and new, if applicable;

(3) The mailing address of the facility, old and new, if applicable; and

(4) The name, address, and title of each new responsible official, if applicable;

(5) If applicable, the specific change in the entity's scope of work; and

(6) Each reason for each change.

(c) A new permit, based on a new application, shall be required for any change that results in~~:~~

~~(1) A change in the legal name of the pharmaceutical entity;~~

~~(2) A~~ ***a*** change in the ownership or controlling interest of the pharmaceutical entity~~;~~

~~(3) A change from a non-dispensing entity to a dispensing entity; or~~

~~(4) A change in the location of the pharmaceutical entity~~.

Ph 403.05 Licensee Responsibilities for Renewal. Each licensee shall:

(a) Know when the licensee's license is due to expire;

(b) Meet all applicable requirements for renewal; and

(c) File an application for renewal prior to the expiration of the current license in accordance with Ph 406.02.

Ph 403.06 Additional Obligations for Pharmacy Personnel. Each licensed pharmacy personnel shall***, at a minimum***:

(a) Comply with Plc 307.05 relative to obligations of persons subject to the rules;

(b) Engage only in activities that are authorized for the pharmacy personnel category in which the individual is licensed;

(c) Perform each duty in accordance with the standard of care established for the duty and as directed by the individual's supervisor, if any;

(d) Respect the confidential nature of personal health records, and only disclose such information if authorized by law to do so;

(e) Report adverse events as required by the individual's employer, Ph 500, or other applicable law;

(f) Maintain awareness***, and compliance with,*** of applicable federal and state laws, rules, and professional standards at the level required for the individual's licensure category and duties; and

(g) Participate in quality assurance and continuous improvement programs, if applicable to the individual's role, as required by the individual's employer or by other applicable law.

Ph 403.07 Additional Obligations for Pharmaceutical Entities. Each licensed pharmaceutical entity shall***, at a minimum***:

(a) Establish a process by which a licensed pharmacist will be assigned the responsibility for ensuring the requirements regarding supervision of pharmacy personnel are met;

(b) Comply with Plc 307.05 relative to obligations of persons subject to the rules;

(c) Engage only in activities that are authorized for the pharmaceutical entity category in which the entity is licensed;

(d) Respect the confidential nature of personal health records, and only disclose such information if authorized by law to do so;

(e) Ensure the secure and accurate maintenance of inventory records and compliance with applicable requirements of DSCSA;

(f) Report adverse events as required by the entity's adopted policies, Ph 500, or other applicable law;

(g) Maintain up-to-date knowledge of federal laws and regulations, state laws and rules, and licensing requirements that apply to the category of licensure held by the entity; and

(h) Implement and maintain a program to ensure the quality of services that is appropriate to the scope of services provided, such as periodic internal audits, reporting mechanisms, and corrective action procedures.

Ph 403.08 Additional Obligations for Personnel Authorized to Administer Vaccines. A pharmacist, pharmacy intern, licensed advanced pharmacy technician, or certified pharmacy technician who is authorized to administer vaccines shall maintain current basic or higher certification in cardiopulmonary resuscitation (CPR) from the American Heart Association, the American Red Cross, or another organization that provides training and certification based on the standards of the American Heart Association ***that is readily retrievable at each work location***.

Ph 403.09 Maintenance of Pharmacy Technician Certification Required.

(a) Each licensed advanced pharmacy technician and each certified pharmacy technician who is licensed under this chapter shall:

(1) Maintain certification from a nationally-recognized certifying organization for pharmacy technicians, such as the Pharmacy Technician Certification Board (PTCB) or the National Healthcare Association (NHA), throughout the license period; and

(2) Notify the OPLC licensing bureau within 5 working days if the national certification is suspended or revoked.

(b) Any certified pharmacy technician who does not maintain national certification shall notify the OPLC and the permit holder immediately of the lapse of certification. An individual who was a certified pharmacy technician whose certification has lapsed shall be permitted to perform the duties of a registered pharmacy technician, but shall not perform the additional duties of a certified pharmacy technician unless certification is reobtained.

Ph 403.10 Continuing Pharmacy Education Required.

(a) All pharmacy personnel who are required to obtain continuing pharmacy education shall be subject to the continuing education documentation and audit requirements in Plc 308.04.

(b) Each pharmacist licensed in New Hampshire shall acquire 30 hours of continuing pharmacy education, ***including at least 2 hours of pharmaceutical jurisprudence continuing education*** ~~equivalent to 3.0 CEUs~~, during the 24 months immediately preceding the licensee's license renewal date.

(c) Continuing education credit shall not be claimed more than once in a renewal period for:

(1) An ~~accredited~~ program with the same provider and identification number previously completed by the applicant; or

(2) The same ~~board approved~~ program ***previously completed by the applicant***.

(d) Each licensed advanced pharmacy technician and each certified pharmacy technician shall meet the continuing education requirements to maintain national certification, provided that each licensed advanced pharmacy technician and each certified pharmacy technician having duties involving sterile and non-sterile compounding shall complete a minimum of ***4 hours of continuing pharmacy education*** ~~0.4 CEU~~ in the area of compounding.

(e) Continuing pharmacy education must:

(1) Be presented at an appropriate level for the identified target audience;

(2) Teach material that is relevant to pharmacy practice in New Hampshire;

(3) Identify educational objectives that are appropriate for the topic and identified target audience;

(4) Have scientific or evidence-based content, or both;

(5) Be free from commercial bias and marketing influence;

(6) Include one or more mechanisms to assess learner understanding and the effectiveness of the CE activity, such as evaluations;

(7) Be presented by individuals that are qualified and knowledgeable in the subject matter of the program;

(8) Include educational methods that are appropriate for the learning objectives and audience; and

(9) Have a process to evaluate the effectiveness of the program using the feedback from attendees for all programs offered by the provider.

Ph 403.11 Excess C***ontinuing Education Hours***~~EU(s)~~. Any ***continuing education hours***~~CEU(s)~~ earned in one licensure period over the number required shall not be carried forward into the new licensure period.

Ph 403.12 CEU(s) from Other States. CEU(s) obtained by attending continuing pharmacy education programs approved by a board of pharmacy in another jurisdiction shall be accepted towards the CEUs required by Ph 403.09 only if the program meets or exceeds the requirements for program approval specified in Ph 403.15(a).

Ph 403.13 Credit for Instruction of Continuing Education.

(a) A pharmacist whose primary responsibility is not ***the*** education of health care professionals, who leads, instructs, or lectures to groups of nurses, physicians, pharmacists, or other health care professionals on pharmacy-related topics in organized continuing education or in-service programs, may claim continuing education credit for time spent in actual presentation(s), to a maximum of 4 hours per year, subject to the limitation in (c), below.

(b) A pharmacist whose primary responsibility is the education of health professionals may claim continuing education credit only for time spent leading, instructing, or lecturing to groups of physicians, pharmacists, nurses, or other healthcare personnel on pharmacy-related topics that are outside of the pharmacist's formal course responsibilities in a learning institution, to a maximum of 4 hours per year, subject to the limitation in (c), below.

(c) Credit for presentation of in-service training programs or other lectures shall be granted only once per renewal cycle for any given program or lecture.

Ph 403.14 Postgraduate Pharmacy Curricula.

(a) A pharmacist who enrolls in a postgraduate pharmacy course may claim CEU(s) for satisfactory completion of each course within said curriculum or program at the rate of ~~0.~~1 CEU per course credit hour.

(b) The course work for which CEU credit may be claimed pursuant to (a), above, shall provide instruction in one or more of the following areas of study:

(1) Pharmacy;

(2) Pharmaceutical calculations;

(3) Pharmaceutical chemistry;

(4) Pharmacology;

(5) Therapeutics;

(6) Pharmacy management;

(7) Pharmaceutical jurisprudence; or

(8) Other course work related to the pharmaceutical sciences.

~~Ph 403.15 Board Review of Proposed Continuing Pharmacy Education Programs.~~

~~(a) Any person wishing to obtain board approval for a continuing pharmacy education program shall submit the following to the board:~~

~~(1) The name of the sponsor of the proposed program;~~

~~(2) The name and email address of the individual who can be contacted about the proposal and the relationship of that individual to the sponsor;~~

~~(3) The name of the proposed program and a description of the proposed program's content and educational objectives, including how the program relates specifically to the practice of pharmacy in New Hampshire;~~

~~(4) Whether the program is targeted to a particular pharmacy personnel category, such as pharmacists or technicians;~~

~~(5) Whether the program is formatted using lectures or interactive sessions, or both;~~

~~(6) The mechanism(s) that will be used to assess learner understanding and the effectiveness of the program;~~

~~(7) The duration of the proposed program and how many CEU(s) are requested for the program, which shall not exceed 0.1 CEU per program hour;~~

~~(8) The name and qualifications of each individual proposed to present any part of the program;~~

~~(9) Identification of each reference upon which the program is based in whole or in part; and~~

~~(10) The date(s) on which the sponsor proposes to offer the program, which shall be at least 60 days after the date the information is submitted to the board, provided that the program shall not be offered as a "board-approved" program until and unless board approval is obtained.~~

~~(b) The board members designated to review CE program approval requests pursuant to Ph 103.02(b) shall review the submitted information and make a recommendation to approve the proposed program or not approve the proposed program at the first board meeting that is more than 2 weeks from receipt of the request.~~

~~(c) If the assigned board members determine that all information was not provided or are unable to determine whether the criteria specified in Ph 403.15 for approving a program are met, the members shall request additional information from the proposed sponsor.~~

~~Ph 403.16 Board Approval of Proposed Continuing Pharmacy Education Programs.~~

~~(a) The assigned board members shall recommend approval, and the board shall approve the program, if:~~

~~(1) The material will be presented at an appropriate level for the identified target audience;~~

~~(2) The material to be covered is relevant to pharmacy practice in New Hampshire;~~

~~(3) The identified educational objectives are appropriate for the topic and identified target audience;~~

~~(4) The program has scientific or evidence-based content, or both;~~

~~(5) The program is free from commercial bias and marketing influence;~~

~~(6) One or more mechanisms to assess learner understanding and the effectiveness of the CE activity, such as evaluations, are included;~~

~~(7) The individuals presenting the program's content are qualified and knowledgeable in the subject matter;~~

~~(8) The chosen educational methods are appropriate for the learning objectives and audience; and~~

~~(9) The provider has a process to evaluate the effectiveness of the program using the feedback from attendees for all programs offered by the provider.~~

~~(b) If the board finds that the criteria in (a), above, have not been met, the board shall inform the provider that the program is not approved, without prejudice to the sponsor making adjustments to the program to meet the criteria and submitting the revised program for approval.~~

PART Ph 404 QUALIFICATIONS AND REQUIREMENTS FOR RENEWAL LICENSURE: PHARMACY PERSONNEL

Ph 404.01 Qualifications for Pharmacist License Renewal. To be eligible to renew a pharmacist license, the licensee shall:

(a) Have completed the continuing education required by Ph 403.*1*0~~9~~(b); and

(b) Not have been convicted in the prior 2 years of a felony or misdemeanor resulting from a violation of any state or federal drug- or pharmacy-related statute, rule, or regulation.

Ph 404.02 Additional Attestation Required for Pharmacist License Renewal Application. In addition to the information required ***pursuant to*** ~~by~~ Plc 308.06 and the documentation required ***pursuant to*** ~~by~~ Plc 308.07, an applicant to renew a pharmacist license shall attest that all continuing pharmacy education programs and courses attended in the current license term.

Ph 404.03 Qualifications for Pharmacy Intern Renewal Registration. To be eligible to renew a pharmacy intern license, the licensee shall:

(a) Be either:

(1) Currently enrolled in:

a. An accredited pharmacy degree program in the U.S.; or

b. A foreign pharmacy program with certification from the Foreign Pharmacy Graduate Examination Committee (FPGEC) of the National Association of Boards of Pharmacy (NABP); or

(2) Have graduated within the last 12 months from a program listed in (1)a. or b. but not yet be licensed as a pharmacist; and

(b) Not have been convicted in the prior 2 years of a felony or misdemeanor resulting from a violation of any state or federal drug- or pharmacy-related statute, rule, or regulation.

Ph 404.04 No Additional Information and Documentation Required for Pharmacy Intern Registration Renewal Application. No additional information or documentation shall be required in addition to the information required ***pursuant to*** ~~by~~ Plc 308.06 and the documentation required ***pursuant to*** ~~by~~ Plc 308.07 to renew a pharmacy intern license.

Ph 404.05 Qualifications for Licensed Advanced Pharmacy Technician Renewal Licensure. To be eligible to renew a licensed advanced pharmacy technician license, the licensee shall:

(a) Have maintained national certification;

(b) Have completed all continuing education required by Ph 403.***1***0~~9~~(***d***~~e~~); and

(c) Not have been convicted in the prior 2 years of a felony or misdemeanor resulting from a violation of any state or federal drug- or pharmacy-related statute, rule, or regulation.

Ph 404.06 Additional Information, Documentation, and Attestation Required for License Renewal Application. In addition to the information required ***pursuant to*** ~~by~~ Plc 308.06 and the documentation required ***pursuant to*** ~~by~~ Plc 308.07, an applicant to renew a licensed advanced pharmacy technician license shall provide ***the following by completing and submitting an "Addendum to the Universal Application for License Renewal for Certified Pharmacy Technicians and Licensed Advanced Pharmacy Technicians" revised 8/2026:***:

(a) ***The individual's name and social security number as it appears on the Universal Application of License Renewal;***

(b) ***The individuals license number and license type;***

(c) A copy of the individual's national certification; ~~and~~

(d) If applicable, the information and attestation required by Ph 404.02 for each program or course taken pursuant to Ph 403.***1***0~~9~~(***d***~~e~~) that covered compounding***;*** ~~.~~***and***

(e) The individual's signature and date of signature.

Ph 404.07 Qualifications for Certified Pharmacy Technician License Renewal. To be eligible to renew a certified pharmacy technician license, the licensee shall:

(a) Have maintained national certification;

(b) Have completed all continuing education required by Ph 403.***1***0~~9~~(***d***~~e~~); and

(c) Not have been convicted in the prior 2 years of a felony or misdemeanor resulting from a violation of any state or federal drug- or pharmacy-related statute, rule, or regulation.

Ph 404.08 Additional Information, and Documentation Required for Certified Pharmacy Technician License Renewal Application. In addition to the information required ***pursuant to*** ~~by~~ Plc 308.06 and the documentation required ***pursuant to*** ~~by~~ Plc 308.07, an applicant to renew a certified pharmacy technician license shall provide ***the following by completing and submitting an "Addendum to the Universal Application for License Renewal for Certified Pharmacy Technicians and Licensed Advanced Pharmacy Technicians" revised 8/2026:***

(a) ***The individual's name and social security number as it appears on the Universal Application of License Renewal;***

(b) ***The individuals license number and license type;***

(c) A copy of the individual's national certification; ~~and~~

(d) If applicable, the information and attestation required by Ph 404.02 for each program or course taken pursuant to Ph 403.***1***0~~9~~(***d~~e~~***) that covered compounding***;~~.~~ and***

(e) The individual's signature and date of signature.

Ph 404.09 Qualifications for Registered Pharmacy Technician License Renewal. To be eligible to renew a registered pharmacy technician license, the licensee shall:

(a) Continue to meet the qualifications for initial licensure specified in Ph 303.09(a) and (b); and

(b) Not have been convicted in the prior 2 years of a felony or misdemeanor resulting from a violation of any state or federal drug- or pharmacy-related statute, rule, or regulation.

Ph 404.10 No Additional Information and Documentation Required for Registered Pharmacy Technician License Renewal Application. No additional information or documentation shall be required in addition to that required ***pursuant to*** ~~by~~ Plc 308.06 and Plc 308.07 for an application to renew a registered pharmacy technician license.

PART Ph 405 QUALIFICATIONS AND REQUIREMENTS FOR RENEWAL LICENSURE: PHARMACEUTICAL ENTITIES

Ph 405.01 Qualifications for Renewal Licensure as a Pharmaceutical Entity. To qualify for renewal of any pharmaceutical entity license, the applicant shall:

(a) Have a current U.S. Drug Enforcement Agency (DEA) registration if dispensing or otherwise handling controlled substances as defined in Ph 102.12;

(b) Be in compliance with:

(1) The ~~NH Prescription Drug Monitoring Program (NH~~ PDMP~~)~~ established under RSA 126-A:91, if applicable; and

(2) The annual self-certification requirements of the Combat Methamphetamine Epidemic Act of 2005 (CMEA), if applicable; and

(c) Have no officer or director that was convicted in the prior 2 years of a felony or misdemeanor resulting from a violation of any state or federal drug- or pharmacy-related statute, rule, or regulation.

PART Ph 406 PROCESSING OF RENEWAL APPLICATIONS

Ph 406.01 Timing of License Renewal Application.

(a) Any licensee who intends to continue to work in the licensed profession in New Hampshire ~~after the current license expires~~ shall file a complete***d*** application to renew the license ***along with the appropriate fee an supporting documentation*** no sooner than ~~9~~***6***0 days prior to expiration and no later than the date of expiration.

(b) Pursuant to RSA 310:8, III, the license shall expire if the licensee fails to file a complete application for renewal on or before the expiration date, and the licensee shall no longer be authorized to practice the licensed profession in New Hampshire or operate the licensed pharmaceutical entity, unless and until a license is reinstated or a new license is obtained as provided in Plc 312.

Ph 406.02 Applying for License Renewal. Each licensee intending to renew licensure shall apply by complying with Plc 308.05 prior to the expiration of the current license, subject to the following:

(a) The profession-specific "supplement shall provide the additional information and attestation required for pharmacy personnel ***pursuant to*** ~~by~~ the applicable section in Ph 404;

(b) The fee shall be the applicable application processing and licensing fee specified in Plc 1002.38, provided that ***pursuant to Plc 308.05(b)(5)*** an individual applying for facilitated renewal licensure as active military or a military spouse shall not pay the fee.

Ph 406.03 Processing of Renewal Applications; Decisions.

(a) Renewal applications shall be processed ***pursuant to*** ~~as provided in~~ Plc 308.09.

(b) The application shall be subject to the abandonment and withdrawal provisions of Plc 308.10.

(c) Applications shall be reviewed, decisions shall be made, and applicants shall be notified in accordance with Plc 308.11 and RSA 541-A:29, II.

(d) A renewal license shall be issued if the applicant:

(1) Has submitted a renewal application in accordance with Ph 406.02; and

(2) Meets the applicable eligibility for renewal requirements in Ph 404 or Ph 405, as applicable.

Ph 406.04 Renewal Licenses: Issuance and Duration.

(a) Renewal licenses shall be issued in accordance with Plc 308.13(a).

(b) Renewal licenses shall be ***effective*** ~~valid as provided~~ in ***accordance with*** Plc 308.13(b).

Ph 406.05 Challenging a Denial of License Renewal; Challenging License Conditions. An applicant who wishes to challenge the denial of an application for license renewal or who wishes to challenge conditions in the license shall do so as provided in Plc 308.12.

PART Ph 407 PROCEDURES; DISCIPLINARY ACTIONS

Ph 407.01 Rules of Practice and Procedure.

(a) The rules in Plc 200 and Plc 311 shall govern:

(1) The receipt of misconduct complaints and the investigation thereof;

(2) The conduct of disciplinary hearings;

(3) Disciplinary and non-disciplinary remedial proceedings;

(4) Imposing license conditions;

(5) Reciprocal discipline; and

(6) Rehearings and appeals.

(b) The rules in Plc 200 shall govern:

(1) The conduct of all other adjudicative and non-adjudicative proceedings;

(2) Waivers of rules;

(3) Voluntary surrender of licenses; and

(4) Any other procedures not included in this chapter.

Ph 407.02 Administrative Fines.

(a) Pursuant to RSA 310:12, I-***a***(e), the board may impose administrative fines for violations of RSA 318 and board rules, in addition to or in lieu of other sanctions, as provided in Plc 311.12 and this section.

(b) The fines established herein shall apply to both individual licensees and permit holders, with consideration of the individual or entity responsible for the violation based on the facts of the case.

(c) The board shall determine the appropriate fine by evaluating:

(1) The degree of noncompliance with the applicable rule or statute;

(2) The nature and extent of harm or potential harm caused;

(3) Whether the violation was committed negligently, recklessly, or intentionally; and

(4) The presence of any aggravating or mitigating factors, including prior disciplinary history or demonstrated good faith corrective action.

(d) For the purpose of assessing fines under this section, the board shall consider the following severity levels:

(1) "Minor violation" means a deviation from a requirement that presents minimal risk to public health or safety where no actual harm occurred, such as an administrative oversight or minor recordkeeping error that can be corrected with no harm done;

(2) ***"***Moderate violation***"*** means a deviation ***from a requirement*** that presents potential limited risk to public health or safety, or that reflects a failure to follow established protocols where harm is possible~~.~~***; and***

(3) ***"***Major violation***"*** means a deviation ***from a requirement*** that:

a. Results in or is likely to result in significant risk to public health or safety, including patient harm;

b. Was caused by gross negligence or was reckless or intentional; or

c. Included diversion of controlled substance.

(e) Based on the severity of the violation as determined in (d)~~,~~ above, the board shall impose fines as follows:

(1) For a minor violation:

a. ***There shall be*** ~~N~~***n***o fine for the first violation; and

b. For subsequent violations, the fine shall not be less than $50 and not more than $500;

(2) For a moderate violation, the fine shall not be less than $501 and not more than $2,000; and

(3) For a major violation, the fine shall not be less than $2,001 and not more than $3,000.

PART Ph 408 CLOSURE OF PHARMACEUTICAL ENTITIES

Ph 408.01 Purpose and Applicability.

(a) The purpose of the rules in this part is to establish the procedures to be followed by a pharmaceutical entity that wishes to discontinue operations under a New Hampshire pharmaceutical entity license, in order to ensure that:

(1) Notice of the closing is provided;

(2) Any remaining stocks of controlled substances, as defined in Ph 102.12, are properly transferred or disposed;

(3) Appropriate records of prescriptions and records of transfer or disposal are created; and

(4) The records identified in (***3***~~c~~)~~,~~ above, are retained so as to be accessible for not less than 2 years.

(b) This part shall not apply to a pharmaceutical entity that is ceasing operations but whose premises will be occupied by a new pharmaceutical entity permit holder.

Ph 408.02 Required Notification of Closing to OPLC.

(a) At least 30 days prior to the anticipated date of closing a location in New Hampshire that is covered by a pharmaceutical entity license, the permit holder shall notify the OPLC licensing bureau in writing, which may include email, by providing the information specified in (b)~~,~~ below.

(b) The ***pharmaceutical entity shall provide the following*** ~~information provided~~ pursuant to (a)~~,~~ above~~, shall be as follows~~:

(1) The name of the permit holder as shown on the New Hampshire license;

(2) The New Hampshire license number and date of issuance;

(3) The name of the responsible official for the location being closed;

(4) The physical address of the location being closed and its mailing address, if different;

(5) The date the location is anticipated to be closed;

(6) A summary of the records maintained at the location and the intended destination of the records, whether for use or storage;

(7) For any location where controlled substances are kept for any period of time, both:

a. The anticipated inventory of controlled substances as of the anticipated closing date; and

b. The intended destination of the controlled substances, whether to another pharmaceutical entity or for disposal; and

(8) The steps the permit holder has taken to notify its customers that it will be closing.

Ph 408.03 Compliance with Federal Requirements Required. A pharmaceutical entity that is closing shall comply with all applicable requirements of:

(a) The DSCSA; and

(b) The U.S. Drug Enforcement Agency (DEA), including but not limited to notifying the DEA as required by 21 CFR §1301.52.

Ph 408.04 Notification to Public and Customers Required.

(a) At least 30 days prior to the anticipated date of closing a location in New Hampshire that is covered by a pharmaceutical entity license and that fills or refills prescriptions for customers, the permit holder shall notify, in writing, each customer in the pharmacy's records having an active prescription, to offer assistance in transferring the active prescription(s).

(b) The notice provided pursuant to (a), above, shall clearly state that if the prescription is not transferred, it will become inactive.

(c) At least 30 days prior to the anticipated date of closing a location in New Hampshire that is covered by a pharmaceutical entity license and that provides services other than filling or refilling prescriptions, the permit holder shall notify, in writing, each customer in the entity's records that was active within~~g~~ the prior 2 years of the closing.

Ph 408.05 Retention of Records Required.

(a) The licensee shall create a complete record of all transactions involving controlled substances for the 2 year period prior to the actual close of business or for such period of time as is required by federal law if longer.

(b) The complete record also shall include records of all transfers and disposals of the stock of controlled substances on hand.

(c) The licensee shall retain a copy of the complete record on-site to be available for inspections until the licensee completely vacates the premises.

Ph 408.06 Security; Disposition of Controlled Substances.

(a) Security of the premises being closed shall be maintained for as long as any prescription drugs, including controlled substances, are on the premises.

(b) Transfers of prescription drugs, including controlled substances, shall be in strict compliance with the DSCSA.

Ph 408.07 Closing Statement.

(a) For any pharmaceutical entity that handled controlled substances, one or more pharmacy inspectors shall inspect the entity on the final day it will be in the licensed premises.

(b) The pharmacy inspector***(s)*** shall ensure that all prescription drugs, including controlled substances, have been inventoried, securely packaged, and addressed or otherwise ***transferred***~~delivered~~ as required by Ph 408.06.

(c) The pharmacy inspector***(s)*** shall complete the "Closing Statement" revised October 2025 for the permit holder's authorized representative to sign, and shall then sign the closing statement.

Ph 408.08 Final Written Report.

(a) For any pharmaceutical entity that did not possess controlled substances and for which no final inspection is conducted, the permit holder shall submit a final written report as described in (b), below, which

has been signed as described in (c) and (d), below, to the OPLC licensing bureau not later than 20 days after the entity closes the New Hampshire location.

(b) The ***pharmaceutical entity shall affirm on the*** final report required by (a)~~,~~ above~~, shall affirm~~ that:

(1) No prescription drugs or controlled substances are or were on the premises;

(2) All other drugs and chemicals have been removed from the premises;

(3) Customers or clients were notified as required ***pursuant to***~~by~~ Ph 408.04(c).

(c) The final report shall be signed by the permit holder's authorized agent.

(d) The signature shall constitute the permit holder's attestation that:

(1) All drugs and other chemicals have been removed from the premises in accordance with applicable law;

(2) The permit holder understands that by closing the premises, the permit becomes inactive and no further activities that are subject to RSA 318, RSA 318-B, or ~~the rules in~~ title Ph can be lawfully conducted on the premises.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule	Specific State Statute the Rule Implements
Ph 401.01 – Ph 401.04	RSA 318:5-a, II, IV-a, VI
Ph 402.01 – Ph 402.06	RSA 318:5-a, VI
Ph 403.01	RSA 318:28; RSA 318:39; RSA 318:51-f, III
Ph 403.02	RSA 126-A:91
Ph 403.03 – Ph 403.04	RSA 318:26-a
Ph 403.05 – Ph 403.16	RSA 318:5-a, VI
Ph 404.01 – Ph 404.10	RSA 318:5-a, VI
Ph 405.01	RSA 318:5-a, VI; RSA 318-B:26
Ph 406.01 – Ph 406.05	RSA 318:5-a, VI
Ph 407.01	RSA 318:5-a
Ph 407.02	RSA 318:5-a, VI; RSA 310:12, I(e)
Ph 408.01 – Ph 408.08	RSA 318:8; RSA 318-B:7; RSA 318-B:10; RSA 318-B:12