

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Plc 313.03

<p>1. Agency Name & Address:</p> <p align="center">Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u> RSA 310:6, II </u></p> <p>3. Federal Authority: <u> n/a </u></p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u> X </u></p>
---	---

5. Short Title: **Change to Licensure by Endorsement Application Affecting Pharmacists**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

The Executive Director of the Office of Professional Licensing and Certification (OPLC) adopted Plc 313, effective May 3, 2024, on licensure by endorsement as regular rules to implement RSA 310:17 relative to issuing licenses to applicants who are not currently licensed in New Hampshire but are licensed in another jurisdiction that has substantially similar requirements. The regular rules replaced interim rules adopted effective October 15, 2023, which expired April 12, 2024. Both the interim rules and the regular rules included a section that applied to pharmacist licenses.

Subsequent to adopting the regular rules, the Executive Director was notified that the National Association of Boards of Pharmacy (NABP) requires pharmacist licenses to be transferred via its Electronic Licensure Transfer Program® (eLTP®), and that New Hampshire risks losing its membership in the NABP if the rules fail to require pharmacists to use the eLTP®.

While it is regrettable that the Executive Director was never informed of this during either the interim rulemaking process or the regular rulemaking process, the Executive Director believes it is in the State’s best interests to remain a member of the NABP, and so is now proposing to readopt with amendment Plc 313.03 on applications for licensure by endorsement to require licensed pharmacists to use the eLTP®.

6. (b) Brief description of the groups affected:

The proposed rule affects pharmacists who are licensed in another jurisdiction that has substantially similar requirements for licensure, who apply for licensure by endorsement in New Hampshire.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State Statute Implemented
Plc 313.03	RSA 310:17; RSA 318:18

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

<p>Name: Gretchen Hamel</p> <p>Address: OPLC 7 Eagle Square Concord, NH 03301</p>	<p>Title: Program Specialist IV</p> <p>Phone #: Please contact via email</p> <p>Fax #: [discontinued]</p> <p>E-mail: Gretchen.R.Hamell@oplcnh.gov</p>
---	---

The rules can be reviewed on-line at
<https://www.oplc.nh.gov/oplc-laws-and-rules>

TTY/TDD Access: Relay NH 1-800-
735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 PM on Friday, August 9, 2024**

Please submit comments to OPLC-Rules@oplc.nh.gov

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, August 1, 2024 at 3:00 PM**

Physical Location: **Board Room (2nd floor), Office of Professional Licensure & Certification,
7 Eagle Square, Concord, NH 03301**

Electronic Access
(if applicable): **Not applicable**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 24:112, dated 06/21/2024

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs to certain State citizens and employers including independently owned businesses.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

When comparing the existing rules to the proposed rules, certain State citizens and independently owned businesses may see an increase in costs based on the new transfer program requiring the use of the Electronic Licensure Transfer Program® (eLTP®) of the National Association of Boards of Pharmacy (NABP). However, although this is a new requirement in rules there may not necessarily be a cost impact as most pharmacists are already using the NABP process under the NABP requirements. To the extent they are not using the NABP process, the cost would be \$100 to transfer the license and has a discount provision for armed forces and their spouses. Additionally, if an any independently owned businesses is not currently using the NABP process and pays for the transfer fee, they will also see an increase in cost. There is no impact on State General or special funds as the fee is paid directly to the NABP.

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

See #3 above.

C. To independently owned businesses:

See #3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The rule does not apply to political subdivisions. The rule thus does not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, so does not violate Part I, Article 28-a of the N.H. Constitution.