

## Burgos, Alexander N

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**Subject:** FW: [External] RE: NC Medical Board Request for Changes - June 2022 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Thursday, June 9, 2022 5:51 PM  
**To:** Wanda Long <Wanda.Long@NCMEDBOARD.ORG>  
**Cc:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: NC Medical Board Request for Changes - June 2022 RRC

Will do! You as well.

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**From:** Wanda Long <[Wanda.Long@NCMEDBOARD.ORG](mailto:Wanda.Long@NCMEDBOARD.ORG)>  
**Sent:** Thursday, June 9, 2022 5:46 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: NC Medical Board Request for Changes - June 2022 RRC

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Brian,

Please send a link to attend by Webex to Marcus and me.  
Have a nice evening.

Thanks,

Wanda

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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Thursday, June 9, 2022 4:05 PM  
**To:** Wanda Long <[Wanda.Long@NCMEDBOARD.ORG](mailto:Wanda.Long@NCMEDBOARD.ORG)>  
**Cc:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: NC Medical Board Request for Changes - June 2022 RRC

Hi Wanda,

You're right, I didn't see that she'd been copied. I'll just let her know this is the final version and is ready to go then.

As to not attending, it's your choice, but on the off chance that someone from RRC has a question, I usually tell agencies that it's a good idea to have someone available to speak, even if it's just via Webex. If you do decide to have someone available, just let us know.

Thanks,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**From:** Wanda Long <[Wanda.Long@NCMEDBOARD.ORG](mailto:Wanda.Long@NCMEDBOARD.ORG)>  
**Sent:** Thursday, June 9, 2022 1:33 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: NC Medical Board Request for Changes - June 2022 RRC

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Thank you, Brian.

Yes, please send the changes to Dana. I had assumed sending the changes to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) in the response email would get these changes to Dana.

Also, we do not plan to attend the Commission meeting at this time.

Thanks,

Wanda

## Burgos, Alexander N

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**Subject:** FW: [External] RE: NC Medical Board Request for Changes - June 2022 RRC

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**From:** Wanda Long <Wanda.Long@NCMEDBOARD.ORG>

**Sent:** Thursday, June 9, 2022 1:33 PM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Cc:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

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Also, we do not plan to attend the Commission meeting at this time.

Thanks,

Wanda

## Burgos, Alexander N

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**Subject:** FW: [External] RE: NC Medical Board Request for Changes - June 2022 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Wednesday, June 8, 2022 10:58 PM

**To:** Wanda Long <Wanda.Long@NCMEDBOARD.ORG>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: NC Medical Board Request for Changes - June 2022 RRC

Good evening,

These look good, and I will recommend approval of these rules to RRC next week. Please let me know who will be appearing from the agency, and if they will be appearing in person or via Webex.

With your OK, I'll send these to Dana for filing.

Thanks,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: NC Medical Board Request for Changes - June 2022 RRC  
**Attachments:** 21 NCAC 32U .0101-technical changes.06.08.2022.docx; 21 NCAC 32U .0102 - technical changes.06.08.2022.docx; 21 NCAC 32A.0112-technical changes.06.08.2022.docx

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**From:** Wanda Long <Wanda.Long@NCMEDBOARD.ORG>  
**Sent:** Wednesday, June 8, 2022 1:35 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** [External] RE: NC Medical Board Request for Changes - June 2022 RRC

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Brian,

Attached are the technical changes you requested. Please let us know if we need to make any other changes.

Thanks,

**Wanda A. Long, NCCP**

Paralegal, Legal Department  
Victim Services Coordinator

North Carolina Medical Board

**P** 800.253.9653 x212 **W** [www.ncmedboard.org](http://www.ncmedboard.org)

**D** 919.277.1841 **M** PO Box 20007, Raleigh, NC 27619

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21 NCAC 32U .0101 is amended, **with changes**, as published in 36:17 NCR page 1440-1442 as follows:

**SUBCHAPTER 32U - PHARMACISTS VACCINATIONS AND ADMINISTRATION OF LONG-ACTING**  
**INJECTABLES**

**SECTION .0100 - PHARMACISTS VACCINATIONS AND ADMINISTRATION OF LONG-ACTING**  
**INJECTABLES**

**21 NCAC 32U .0101      ADMINISTRATION OF VACCINES BY PHARMACISTS**

Pharmacist personnel may administer vaccines in accordance with 21 NCAC 46 .2507.

~~(a) An Immunizing Pharmacist shall administer only those vaccines or immunizations permitted by G.S. 90-85.15B and shall do so subject to all requirements of that statute and this Rule.~~

~~(b) The following words and terms, when used in this Rule, have the following meanings:~~

~~(1) "Administer" means the direct application of a drug to the body of a patient by injection, inhalation, ingestion, or other means by:~~

~~(A) an Immunizing Pharmacist or a Pharmacy Intern who is under the direct, in person supervision of an Immunizing Pharmacist; or~~

~~(B) the patient at the direction of either an Immunizing Pharmacist or a health care provider authorized by North Carolina law to prescribe the vaccine.~~

~~(2) "Immunizing Pharmacist" shall have the meaning provided in G.S. 90-85.3(i1).~~

~~(3) "Pharmacy Intern" shall have the meaning provided in 21 NCAC 46 .1317(28).~~

~~(4) "Physician" means an M.D. or D.O. currently licensed with the North Carolina Medical Board who is responsible for the supervision of the Immunizing Pharmacist pursuant to the Written Protocol between the Immunizing Pharmacist and the Physician.~~

~~(5) RESERVED~~

~~(6) RESERVED~~

~~(7) RESERVED~~

~~(8) RESERVED~~

~~(9) RESERVED~~

~~(10) RESERVED~~

~~(11) RESERVED~~

~~(12) "Written Protocol" is a document prepared, signed, and dated by the Physician and Immunizing Pharmacist that shall contain the following:~~

~~(A) the name of the Physician responsible for authorizing the Written Protocol;~~

~~(B) the name of the Immunizing Pharmacist authorized to administer vaccines;~~

~~(C) the immunizations or vaccinations that may be administered by the Immunizing Pharmacist;~~

1                   (D) ~~the screening questionnaires and safety procedures that shall at least include the then-~~  
2                   ~~current minimum standard screening questionnaire and safety procedures adopted by the~~  
3                   ~~Medical Board, the Board of Nursing, and the Board of Pharmacy pursuant to S.L. 2013-~~  
4                   ~~246, s. 6, and available at the North Carolina Medical Board's office and on its website~~  
5                   ~~(www.nemedboard.org).~~

6                   (E) ~~the procedures to follow, including any drugs required by the Immunizing Pharmacist for~~  
7                   ~~treatment of the patient, in the event of an emergency or adverse event following vaccine~~  
8                   ~~administration;~~

9                   (F) ~~the reporting requirements by the Immunizing Pharmacist to the Physician, including~~  
10                  ~~content and time frame; and~~

11                  (G) ~~the locations at which the Immunizing Pharmacist may administer immunizations or~~  
12                  ~~vaccinations.~~

13 The Physician and the Immunizing Pharmacist shall review the Written Protocol at least annually and revise it if  
14 necessary.

15 (e) ~~An Immunizing Pharmacist who, because of physical disability, is unable to obtain a current provider level CPR~~  
16 ~~certification pursuant to G.S. 90-85.3(i1)(1), may administer vaccines in the presence of a pharmacy technician or~~  
17 ~~pharmacist who holds a current provider level CPR certification.~~

18 (d) ~~With each dose of vaccine, either the Immunizing Pharmacist or a Pharmacy Intern shall give the most current~~  
19 ~~vaccine information regarding the purpose, risks, benefits, and contraindications of the vaccine to the patient or legal~~  
20 ~~representative. The Immunizing Pharmacist or Pharmacy Intern must ensure that the patient or legal representative~~  
21 ~~has the opportunity to read, or to have read to him or her, the information provided and to have any questions answered~~  
22 ~~prior to administration of the vaccine.~~

23 (e) ~~In agreeing to serve as a supervising Physician, the Physician shall agree to meet the following requirements:~~

24                  (1) ~~be responsible for the formulation or approval of the Written Protocol and review the Written~~  
25                  ~~Protocol and the services provided to patients under the Written Protocol, as set out in Subparagraph~~  
26                  ~~(b)(12) of this Rule;~~

27                  (2) ~~be accessible to the Immunizing Pharmacist or be available through direct telecommunication for~~  
28                  ~~consultation, assistance, direction, and provide back up coverage; and~~

29                  (3) ~~receive a periodic status reports from the Immunizing Pharmacist, including any problems or~~  
30                  ~~complications encountered.~~

31 (f) ~~The following requirements pertain to drugs administered by an Immunizing Pharmacist:~~

32                  (1) ~~Drugs administered by an Immunizing Pharmacist under the provisions of this Rule shall be in the~~  
33                  ~~legal possession of:~~

34                   (A) ~~a pharmacy, which shall be the pharmacy responsible for drug accountability, including~~  
35                   ~~the maintenance of records of administration of the immunization or vaccination; or~~

36                   (B) ~~the Physician, who shall be responsible for drug accountability, including the maintenance~~  
37                   ~~of records of administration of the immunization or vaccination;~~

38                  (2) ~~Drugs shall be transported and stored at the proper temperatures indicated for each drug;~~

- 1       ~~(3) — Immunizing Pharmacists, while engaged in the administration of vaccines under the Written~~  
2       ~~Protocol, shall have in their custody and control the vaccines identified in the Written Protocol and~~  
3       ~~any other drugs listed in the Written Protocol to treat adverse events; and~~  
4       ~~(4) — After administering vaccines at a location other than a pharmacy, the Immunizing Pharmacist shall~~  
5       ~~return all unused prescription medications to the pharmacy or Physician responsible for the drugs.~~  
6       ~~(g) Record Keeping and Reporting.~~  
7       ~~(1) — An Immunizing Pharmacist shall maintain the following information, readily retrievable, in the~~  
8       ~~pharmacy records in accordance with the applicable rules and statute regarding each administration:~~  
9       ~~(A) — the name, address, and date of birth of the patient;~~  
10      ~~(B) — the date of the administration;~~  
11      ~~(C) — the administration site of injection (e.g., right arm, left leg, right upper arm);~~  
12      ~~(D) — route of administration of the vaccine;~~  
13      ~~(E) — the name, manufacturer, lot number, and expiration date of the vaccine;~~  
14      ~~(F) — dose administered;~~  
15      ~~(G) — the name and address of the patient's primary health care provider, as identified by the~~  
16      ~~patient; and~~  
17      ~~(H) — the name or identifiable initials of the Immunizing Pharmacist.~~  
18      ~~(2) — An Immunizing Pharmacist shall document the annual review with the Physician of the Written~~  
19      ~~Protocol as required in this Rule.~~  
20      ~~(3) — An Immunizing Pharmacist shall report adverse events associated with administration of a vaccine~~  
21      ~~to either the prescriber, when administering a vaccine pursuant to G.S. 90-85.15B(a), or the patient's~~  
22      ~~primary care provider, if the patient identifies one, when administering a vaccine pursuant to G.S.~~  
23      ~~90-85.15B(b).~~  
24      ~~(h) The Immunizing Pharmacist shall maintain written policies and procedures for handling and disposal of used or~~  
25      ~~contaminated equipment and supplies.~~

27   History Note:    Authority G.S. 90-85.3(r); 90-85.15B; SL 2021-110;  
28                    Emergency Adoption Eff. September 10, 2004;  
29                    Temporary Adoption Eff. December 29, 2004;  
30                    Eff. November 1, 2005;  
31                    Amended Eff. February 1, 2008;  
32                    Emergency Amendment Eff. October 9, 2009;  
33                    Temporary Amendment Eff. December 29, 2009;  
34                    Temporary Amendment Expired on October 12, 2010;  
35                    Amended Eff. July 1, 2022; September 1, 2014; March 1, 2012;  
36                    Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,  
37                    2016.



21 NCAC 32U .0102 is adopted, **with changes**, as published in 35:17 NCR pages 1440 - 1442 as follows:

**21 NCAC 32U .0102 ADMINISTRATION OF ~~LONG-ACTING~~ LONG-ACTING INJECTABLES**

Pharmacists may administer long-acting injectables in accordance with 21 NCAC 46 .2514.

*History Note: Authority SL 2021-110; **GS 90-85.15B**;*

*Eff. July 1, 2022.*

## Burgos, Alexander N

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**From:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>  
**Sent:** Friday, June 3, 2022 11:53 AM  
**To:** Liebman, Brian R; Wanda Long  
**Cc:** Burgos, Alexander N  
**Subject:** [External] RE: NC Medical Board Request for Changes - June 2022 RRC

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Thank you, Brian. Wanda and I will get working on these changes right away.

Thanks again,

Marcus

### Marcus Jimison

Senior Board Attorney

P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Friday, June 3, 2022 10:00 AM  
**To:** Wanda Long <Wanda.Long@NCMEDBOARD.ORG>  
**Cc:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** NC Medical Board Request for Changes - June 2022 RRC

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Medical Board for the June 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, June 16, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, June 10, 2022.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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