

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Pharmacy

RULE CITATION: 21 NCAC 46 .2517

**DEADLINE FOR RECEIPT: Tuesday, July 7, 2026.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 4, consider adding a comma after "Director" and replace "and" with "which were".*

*Line 6, consider deleting "either" since it's unnecessary.*

*Line 7, what is a "CLIA-waved test for influenza"? Consider referencing the definition found G.S. 90-85.3(b2) for clarity.*

*Line 9, what is a "prophylactic treatment"? Please define it or cite a definition.*

*Line 9, who would be considered "certain high-risk patients"? Are there factors or criteria that will be evaluated? Please clarify.*

*Line 10, add the specific page on the website where the protocols are found ([www.ncbop/protocols.org](http://www.ncbop/protocols.org))*

*Line 10, is "the pharmacist" referring to the "prescribing" pharmacist? Please clarify.*

*Line 11, "maintain" how? Does this mean digitally stored in a secure cloud location? Physical files in a filing cabinet? Or both?*

*Line 11, "three years" from what date?*

*Line 13, add G.S. 90-85.3(b2) if it's used to define the phrase in line 7.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs  
Commission Counsel  
Date submitted to agency: June 23, 2026

1 21 NCAC 46 .2517 is adopted as published in 40:17 NCR 1351:

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3 **21 NCAC 46 .2517 INFLUENZA TEST AND TREAT**

4 In accordance with the protocols issued by the State Health Director and adopted by the Medical Board and the Board  
5 of Pharmacy pursuant to S.L. 2025-37, s. 5.3.(b), including any amendments adopted by the Medical Board and the  
6 Board of Pharmacy, a pharmacist may either:

7 (a) Order and perform a CLIA-waved test for influenza and initiate treatment pursuant to the results of the CLIA-  
8 waived test; or

9 (b) Initiate prophylactic treatment for certain high-risk patients who have been exposed to influenza.

10 These protocols are available at the Board of Pharmacy's office and on its website ([www.ncbop.org](http://www.ncbop.org)). The pharmacist  
11 shall maintain records of compliance with the protocols for three years.

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13 History Note: Authority G.S. 90-85.3A(e); 90-85.6; 90-85.32; 90-85.36; S.L. 2025-37, s. 5.3;

14 Eff. August 1, 2026.