Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, July 20, 2026 6:25 PM
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

Works for me.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Monday, July 20, 2026 1:55 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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I copied the statutory definition and inserted it in the rule. Doing otherwise with a statutorily defined term seems to me to introduce ambiguity because we would be using something similar to the defined term, but not the defined term.

See how this does it for you. Thanks.

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

This email has been scanned for viruses and malware by Mimecast Ltd.

Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Sunday, July 19, 2026 2:53 PM
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

Good afternoon,

An RRC Commissioner contacted me to request a change to 21 NCAC 46 .2517. His request is below.

I don't know what the acronym "CLIA" stands for and if I don't understand it, how would our state's citizens? I would like the Board of Pharmacy and Medical Board to spell it out because it would be clearer to our citizens. It will improve the chances that I vote "Aye" on this regulation.

In line 7, please spell out "CLIA" and resend us the changed Rule.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

---

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

21 NCAC 46 .2517 INFLUENZA TEST AND TREAT

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

(a) Order and perform a ~~CLIA-waved~~ CLIA-waived test for influenza, which is a laboratory test authorized by the Food and Drug Administration and waived under the Clinical Laboratory Improvement Amendments of 1988, ~~influenza~~ and initiate treatment pursuant to the results of the CLIA-waived test; or

(b) Initiate prophylactic treatment for ~~certain~~ high-risk patients who have been exposed to ~~influenza.~~ influenza, as set forth in the protocols.

These protocols are available at the Board of Pharmacy's office and on its website (www.ncbop.org/protocols). ~~(www.ncbop.org).~~ The pharmacist shall maintain records of compliance with the protocols for three years, pursuant to Section .2300 of this Chapter. ~~years.~~

History Note: *Authority G.S. 90-85.3(b2); 90-85.3A(e); 90-85.6; 90-85.32; 90-85.36; S.L. 2025-37, s. 5.3; Eff. August 1, 2026.*

4903-1551-6095.v1

Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Sunday, July 19, 2026 2:53 PM
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

Good afternoon,

An RRC Commissioner contacted me to request a change to 21 NCAC 46 .2517. His request is below.

I don't know what the acronym "CLIA" stands for and if I don't understand it, how would our state's citizens? I would like the Board of Pharmacy and Medical Board to spell it out because it would be clearer to our citizens. It will improve the chances that I vote "Aye" on this regulation.

In line 7, please spell out "CLIA" and resend us the changed Rule.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026
Attachments: 21 NCAC .2517 with changes 4932-7254-5719 v.1.docx

---

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Wednesday, July 1, 2026 2:27 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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Here it is. I don't need to talk if we're good.

I'll be there virtually. If anybody has any questions, you can just beam me in. I expect the Med Board people will be there for their parallel rule, since they have many people doing my job. I'm forwarding them the rule as we've revised it, so they should make similar changes.

I will now go chase down the ice cream man.

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

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

21 NCAC 46 .2517 INFLUENZA TEST AND TREAT

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

(a) Order and perform a CLIA-waved test for influenza, as defined in G.S. 90-85.3(b2), ~~influenza~~ and initiate treatment pursuant to the results of the CLIA-waived test; or

(b) Initiate prophylactic treatment for ~~certain~~ high-risk patients who have been exposed to ~~influenza.~~ influenza, as set forth in the protocols.

These protocols are available at the Board of Pharmacy's office and on its website (www.ncbop.org/protocols). ~~(www.ncbop.org).~~ The pharmacist shall maintain records of compliance with the protocols for three years, pursuant to Section .2300 of this Chapter. ~~years.~~

History Note: *Authority G.S. 90-85.3(b2); 90-85.3A(e); 90-85.6; 90-85.32; 90-85.36; S.L. 2025-37, s. 5.3; Eff. August 1, 2026.*

Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, July 1, 2026 2:09 PM
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

I'm satisfied with the changes made. I'm happy to schedule a call if you remain confused. Please send the final revised Rule to oah.rules@oah.nc.gov and cc Mr. Burgos and I (or just reply all).

This Rule is final for review and can be placed on July's agenda. Please let us know if anyone from your agency will be present for the meeting, in-person or on WebEx.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026
Attachments: 21 NCAC .2517 with changes 4932-7254-5719 v.1.docx

---

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Wednesday, July 1, 2026 1:39 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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Here you go. Let me know if I remain confused, or if you think there's a better way to do this.

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

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

21 NCAC 46 .2517 INFLUENZA TEST AND TREAT

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

(a) Order and perform a CLIA-waved test for influenza, as defined in G.S. 90-85.3(b2), ~~influenza~~ and initiate treatment pursuant to the results of the CLIA-waived test; or

(b) Initiate prophylactic treatment for ~~certain~~ high-risk patients who have been exposed to ~~influenza.~~ influenza, as set forth in the protocols.

These protocols are available at the Board of Pharmacy's office and on its website (www.ncbop.org/protocols). ~~(www.ncbop.org).~~ The pharmacist shall maintain records of compliance with the protocols for three years, pursuant to Section .2300 of this Chapter. ~~years.~~

History Note: *Authority G.S. 90-85.3(b2); 90-85.3A(e); 90-85.6; 90-85.32; 90-85.36; S.L. 2025-37, s. 5.3; Eff. August 1, 2026.*

Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Wednesday, July 1, 2026 1:33 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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I appreciate it. I'm a little dense today because I'm melting from the heat. Fat, old and hot is no way to live.

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, July 1, 2026 1:28 PM
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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No, I'm not asking you change or define "prophylactic." Today, I've only made one request for change (line 7-spell out "CLIA").

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Wednesday, July 1, 2026 1:06 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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I'm not at all trying to be antagonistc, just trying to understand. Y'all have a hard job over there, and nobody respects it as much as I do.

So, you asked me to define the term "prophylactic" because it may not be known outside the regulated people. My response was that I'm willing to do that, but this term is used in the most common way in which this term is defined. See also Miriam-Webster:

prophylactic
1
: guarding from or preventing the spread or occurrence of disease or infection
2
: tending to prevent or ward off **: preventive**

So my question is whether you would still like me to define or change the use of this term.

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, July 1, 2026 1:01 PM
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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Where?

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Wednesday, July 1, 2026 12:58 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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Since you just did 23 minutes ago, yes that is my question. Thanks for looking at this.

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, July 1, 2026 12:57 PM
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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I'm not requesting any change to the use of "prophylactic". Is that your question?

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Wednesday, July 1, 2026 12:55 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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So you're not swayed by the fact that we're using that term in its usual dictionary definition?

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Wednesday, July 1, 2026 12:52 PM
To: Clint Pinyan
Cc: Burgos, Alexander N
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

Please ensure you include Mr. Burgos on all communications.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Wednesday, July 1, 2026 12:40 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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I'll go ahead and make the change, though I note that the term prophylactic is also used in the normal sense of the word that normal people would use it, assuming they know the word. See the attached result that I got from a simple word search.

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, 01 July 2026 12:36:33

To: Clint Pinyan <CPINYAN@brookspierce.com>
Subject: Automatic reply: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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I will be out of the office on leave until Monday, July 6th.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

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Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Wednesday, July 1, 2026 12:36 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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I'm happy to do those things. Just wanted to explain the thought process. I'll get it back to you.

Get Outlook for iOS

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, 01 July 2026 12:34:54
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

This Message Is From an External Sender

This email originated from outside the firm. Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Good afternoon,

Thank you for the changes and explanations. Please see below.

Line 7, what is a "CLIA-waved test for influenza"? Consider referencing the definition found G.S. 90-85.3(b2) for clarity. I don't see the default provision you mentioned in your "definitions rule", but even so, I'm requesting that you spell out what "CLIA" stands for or cite G.S. 90-85.3(b2) for clarity.

Line 9, what is a "prophylactic treatment"? Please define it or cite a definition. Your Response- "this is unnecessary for the regulated people. This is a universally known term in health care, meaning to prevent something from happening (think of the most common use of the term 'prophylactic'). I'm told by the pharmacists at the Board that not a single health care practitioner reading this would be confused, and they would think we were odd for telling them that's what it means. "

- I'm happy to read that both of these phrases are "universally known" in health care and "not a single health care practitioner" would find them to be unclear or ambiguous. I don't read G.S. 150B-21.9(a)(2) as applicable to only the regulated community. In my opinion, it's imperative that citizens directly affected by an agencies' rules be provided the clearest version possible to understand what's being required of regulators. I appreciate that many rules adopted by agencies are highly technical. However, the RRC strives to help agencies promulgate rules that the general public can understand to the best of their ability.

I'm otherwise satisfied with the changes to this Rule. Please reply with the requested change, or explain why it will not be done, at your earliest convenience.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026
Attachments: 07_2026-Response to Board of Pharmacy-Request for Technical Changes 4914-1296-1463 v.1.docx; 21 NCAC .2517 with changes 4932-7254-5719 v.1.docx

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Wednesday, June 24, 2026 9:57 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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Thanks for your help reviewing this. Here are some revisions and some thoughts. For a couple of your requests, I've included some of our thought process for explanation and further discussion. Let me know if you would like to see further changes.

Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
f: 336.232.9157

230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

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". Done

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

Line 7, what is a "CLIA-waved test for influenza"? Consider referencing the definition found G.S. 90-85.3(b2) for clarity. I'm not at all opposed to this, but let's talk about whether it's necessary or just adding unnecessary detail: Our definitions rule has a default that terms in the rules are used as defined in the Pharmacy Practice Act, so that we don't have to define terms that the General Assembly defined for us. So, for example, we do not define the term "pharmacy" or "drug" in the rules because those are defined in the statute. Also, despite the fact that the General Assembly defined it, it is universally known in the health care industry what this means. Which may be why the statutory definition basically just writes out what CLIA stands for and says, "it's waived under that." Happy to do it, but we didn't think it added anything here.

Line 9, what is a "prophylactic treatment"? Please define it or cite a definition. Again, happy to do it, but this is unnecessary for the regulated people. This is a universally known term in health care, meaning to prevent something from happening (think of the most common use of the term 'prophylactic'). I'm told by the pharmacists at the Board that not a single health care practitioner reading this would be confused, and they would think we were odd for telling them that's what it means. But let me know.

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

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

I think this is fixed now. Some background may help explain my predicament here: These protocols came to be because the General Assembly first told the State Health Director to come up with them as standing. Then we adopted them without any substantive changes. So, the "high-risk individuals" are the ones listed in this protocol:

https://www.ncbop.org/downloads/InfluenzaProphylaxisProtocol.pdf

And it was just my job to describe them. I don't know how to describe that disparate group of people otherwise, but it would certainly be clearer if I referred to the protocols. So that's what I'll do here.

Frankly, this is hard to summarize in a rule, which is why it's in a protocol. But the General Assembly said we had to adopt a rule, so there it is. If you have other thoughts, please let me know.

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

Done. It wasn't set up and live until recently, so I knew we'd need to fix that.

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

Do you think this is clarified by reference to line 6? The first sentence in the rule is that "a pharmacist" may do these things. It seems clear enough that we're still talking about that same pharmacist. I wouldn't know how to fix it other than to say "the pharmacist initiating treatment," which I would do. But, again, there's only one pharmacist in this rule. So let me know.

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

Good point. We have rules about how to maintain records, so I've referred to those. These just get kept the same way that pharmacies keep any records, since these are effectively the same as any other drugs that they dispense.

Line 11, "three years" from what date?

As with the line 10 thing, I wonder if this is clear enough already. The rule allows for initiating treatment of someone for the flu (either someone with the flu or a high-risk person exposed to the flu). That's the event referenced in the rule. It seemed clear to me that three years means three years from the event. Plus, as stated in the last item, the rule is now going to refer to Section .2300, which also contains a "three year"

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

rule, so they should know to keep them the same as any other records of any other drug that they have dispensed. I could add "from the initiation of treatment," but ponder whether that's overkill.

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

Done.

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

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

21 NCAC 46 .2517 INFLUENZA TEST AND TREAT

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

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

(b) Initiate prophylactic treatment for ~~certain~~ high-risk patients who have been exposed to ~~influenza.~~ influenza, as set forth in the protocols.

These protocols are available at the Board of Pharmacy's office and on its website (www.ncbop.org/protocols). ~~(www.ncbop.org).~~ The pharmacist shall maintain records of compliance with the protocols for three years, pursuant to Section .2300 of this Chapter. ~~years.~~

History Note: *Authority G.S. 90-85.3(b2); 90-85.3A(e); 90-85.6; 90-85.32; 90-85.36; S.L. 2025-37, s. 5.3; Eff. August 1, 2026.*

Burgos, Alexander N

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Tuesday, June 23, 2026 3:26 PM
To: Wiggs, Travis C
Cc: Burgos, Alexander N
Subject: Re: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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I had forgotten. They don't have to be. Just thought it might make the explanations easier. I'll deal with it as is.

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Clint Pinyan

BROOKS PIERCE

t: 336.271.3157
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230 North Elm Street, Suite 2000
Greensboro, NC 27401
P.O. Box 26000 (27420)

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, 23 June 2026 15:15:35
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
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The protocols were not incorporated by reference. If that was your intent, then I have more requests for changes.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings

Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Tuesday, June 23, 2026 3:03 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: Board of Pharmacy-RRC Request for Changes-July 2026

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Thanks. I think several of these questions are answered in the protocol that is incorporated by reference, which you wouldn't know since I didn't include it. I'll get back to you by tomorrow.

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Clint Pinyan

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, 23 June 2026 14:59:16
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Board of Pharmacy-RRC Request for Changes-July 2026

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Good afternoon,

I'm the attorney who reviewed the Rule submitted by the Board of Pharmacy for the July 2026 RRC meeting. The RRC will formally review this Rule at its meeting on Thursday, July 30, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rule to me via email, no later than 5 p.m. on July 7, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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