



COLORADO

Department of
Regulatory Agencies

Division of Professions and Occupations

STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for EMERGENCY RULE

Recent guidance regarding the newly allowed ability of Pharmacy Technicians to administer immunizations from the Federal Department of Health and Human Services, published by the Office of the Assistant Secretary for Health on October 20, 2020, conflicts with the Colorado State Board of Pharmacy's rules, which presently do not allow Pharmacy Technicians to administer immunizations. Emergency revisions to Rule 19.00.00, will resolve this conflict between state regulations and federal law, and allow Pharmacy Technicians to begin training and administering immunizations.

Basis

The basis for the emergency revisions to Rule 19.00.00 is to align the State Board of Pharmacy's rules and regulations with federal law. The Board has rulemaking authority pursuant to sections 12-280-101, 12-280-103(38.5)(a)(VI), 12-280-107, and 24-4-103(6)(a), C.R.S.

Purpose and Justification

The purpose of this emergency rulemaking is to allow Board-certified pharmacy technicians to administer vaccines and immunizations. Immediate adoption of the revisions to Rule 19.00.00, is imperatively necessary to comply with federal law, and for the preservation of the public health, safety or welfare.

Pursuant to section 24-4-103(6)(a), C.R.S., a temporary or emergency rule may be adopted without compliance with section 24-4-103(4), C.R.S., which requires the agency to hold a public hearing "at which it shall afford interested persons an opportunity to submit written a data, views, or arguments and to present the same orally"; and with less than the twenty days' notice as set forth in section 24-4-103(3), C.R.S., or without notice where circumstances imperatively require, only if the agency finds that "[i]mmediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for preservation of the public health, safety or welfare and compliance with the requirements of this section would be contrary to the public interest."

The emergency revisions to Rule 19.00.00 take effect November 19, 2020, and remain effective for a maximum of 120 days after adoption, which is March 19, 2021.