

# Committee Report

**CONSENT CALENDAR**

**May 4, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Health, Human Services and Elderly  
Affairs to which was referred SB 45,**

**AN ACT relative to the controlled drug prescription  
health and safety program. Having considered the  
same, report the same with the following amendment,  
and the recommendation that the bill OUGHT TO PASS  
WITH AMENDMENT.**

**Rep. William Marsh**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

|                   |  |
|-------------------|--|
| Committee:        | <b>Health, Human Services and Elderly Affairs</b>                              |
| Bill Number:      | <b>SB 45</b>   |
| Title:            | <b>relative to the controlled drug prescription health and safety program.</b> |
| Date:             | <b>May 4, 2021</b>   |
| Consent Calendar: | <b>CONSENT</b>   |
| Recommendation:   | <b>OUGHT TO PASS WITH AMENDMENT<br/>2021-1253h</b>                             |

### **STATEMENT OF INTENT**

This bill makes necessary changes to the administration of the controlled drug prescription health and safety program administered by the Office of Professional Licensure and Certification so that the program can be accessed for the purposes of licensing boards, and not be accessed by retired individuals who no longer require access. The amendment introduces contingency language, as the program was moved from RSA 318-B to RSA 126-A in HB 2. It also includes a fix for a drafting error related to retired practitioners found by stakeholders.

Vote 21-0.

Rep. William Marsh  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Health, Human Services and Elderly Affairs

**SB 45**, relative to the controlled drug prescription health and safety program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill makes necessary changes to the administration of the controlled drug prescription health and safety program administered by the Office of Professional Licensure and Certification so that the program can be accessed for the purposes of licensing boards, and not be accessed by retired individuals who no longer require access. The amendment introduces contingency language, as the program was moved from RSA 318-B to RSA 126-A in HB 2. It also includes a fix for a drafting error related to retired practitioners found by stakeholders. **Vote 21-0.**

Amendment to SB 45

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31,  
4 IV to read as follows:

5 IV. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-  
6 IV controlled substance, but does not include:

7 (a) A licensed hospital pharmacy *under RSA 318* that dispenses less than a 48-hour  
8 supply of a schedule II-IV controlled substance from a hospital emergency department or that  
9 dispenses for administration in the hospital;

10 (b) A practitioner, or other authorized person who administers such a substance;

11 (c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

12 (d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled  
13 substance from a hospital emergency department to a patient; [ø¶]

14 (e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV  
15 controlled substance to a patient; *or*

16 (f) *A practitioner who does not hold or operate under an active Drug*  
17 *Enforcement Agency registration number to prescribe or dispense controlled substances.*

18 2 New Paragraph; Controlled Drug Prescription Health and Safety Program; Information.  
19 Amend RSA 318-B:32 by inserting after paragraph I the following new paragraph:

20 I-a. The office may enter into agreements or contracts to facilitate the confidential sharing of  
21 information relating to the prescribing and dispensing of schedule II-IV controlled substances, by  
22 practitioners within the state and to establish secure connections between the program and a  
23 practitioner's electronic health record keeping system. An electronic health record keeping system  
24 may allow for the query and retrieval of the provider specified, individual's program information for  
25 display and retention in the patient's medical information; provided that nothing in this section shall  
26 allow the electronic health record keeping system owner or license holder to perform data queries  
27 unrelated to individuals under the practitioner's care. The electronic health record keeping system  
28 owner or license holder shall be responsible for ensuring that only authorized individuals have  
29 access to program information. The program shall record and retain in its database what  
30 information was transferred and the identity of the organization who received the information. The  
31 program shall include this information when a patient requests a report pursuant to RSA 318-B:35,

**Amendment to SB 45**  
**- Page 2 -**

1 I(b)(1).

2 3 New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality.  
3 Amend RSA 318-B:34 by inserting after paragraph II the following new paragraph:

4 II-a. A practitioner who intends to request and use information from the program about a  
5 patient shall post a sign that can be easily viewed by the public that discloses to the public that the  
6 practitioner may access and use information contained in the program. In lieu of posting a sign, the  
7 practitioner may provide such notice in written material provided to the patient.

8 4 Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-  
9 B:35, I(a)(2) and (3) to read as follows:

10 (2) For reviewing information regarding prescriptions issued or dispensed *or for*  
11 *conducting medication reconciliation* by the requester; ~~or~~

12 (3) For the purpose of investigating the death of an individual; *or*

13 (4) *For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA*  
14 *329:13-b, and other participating health professional boards.*

15 5 Repeal. RSA 318-B:35, I(b)(5), relative to a practitioner or consultant retained by the office of  
16 professional licensure and certification to review certain information, is repealed.

17 6 Contingent Version; Controlled Drug Prescription Health and Safety Program; Definitions.  
18 Amend RSA 126-A:89, VI to read as follows:

19 VI. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-  
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21 (a) A licensed hospital pharmacy *under RSA 318* that dispenses less than a 48-hour  
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32 7 Contingent Version; New Paragraph; Controlled Drug Prescription Health and Safety  
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36 sharing of information relating to the prescribing and dispensing of schedule II-IV controlled  
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Amendment to SB 45

- Page 3 -

1 program and a practitioner's electronic health record keeping system. An electronic health record  
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8 what information was transferred and the identity of the organization who received the information.  
9 The program shall include this information when a patient requests a report pursuant to RSA 126-  
10 A:93, I(b)(1).

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18 9 Contingent Version; Providing Controlled Drug Prescription Health and Safety Information.  
19 Amend RSA 126-A:93, I(a)(2) and (3) to read as follows:

20 (2) For reviewing information regarding prescriptions issued or dispensed *or for*  
21 *conducting medication reconciliation* by the requester; [ø]

22 (3) For the purpose of investigating the death of an individual; *or*

23 (4) *For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA*  
24 *329:13-b, and other participating health professional boards.*

25 10 Contingent Version; Repeal. RSA 126-A:93, I(b)(4), relative to a practitioner or consultant  
26 retained by the department of health and human services to review certain information, is repealed.

27 11 Contingency.

28 I. If HB 2-FN-A-L of the 2021 legislative session becomes law and contains provisions  
29 transferring the administration of the controlled drug prescription health and safety program from  
30 the office of professional licensure and certification under RSA 318-B to the department of health  
31 and human services under RSA 126-A, then sections 1-5 of this act shall take effect upon its passage  
32 and until July 1, 2021 and then sections 6-10 of this act shall take effect July 1, 2021 at 12:01 a.m.

33 II. If HB 2-FN-A-L of the 2021 legislative session becomes law and does not contain  
34 provisions transferring the administration of the controlled drug prescription health and safety  
35 program from the office of professional licensure and certification under RSA 318-B to the  
36 department of health and human services under RSA 126-A, or if HB 2 FN-A-L does not become law,  
37 then sections 6-10 of this act shall not take effect and sections 1-5 of this act shall take effect upon

**Amendment to SB 45**

**- Page 4 -**

1 its passage.

2 12 Effective Date.

3 I. Sections 1-10 of this act shall take effect as provided in section 11 of this act.

4 II. The remainder of this act shall take effect upon its passage.



**Amendment to SB 45**  
**- Page 5 -**

2021-1253h

AMENDED ANALYSIS

This bill modifies requirements for participation in and sharing of information from the controlled drug prescription health and safety program.

# Voting Sheets

**HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

**EXECUTIVE SESSION on Bill # SB 45**

**BILL TITLE:** An Act relative to the controlled drug prescription health and safety program.

**DATE:** 5/3/2021

**LOB ROOM:** 306-8

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**MOTION: (Please check one box)**

Adoption of Amendment # 2021 - 1253h

Moved by Rep. Marsh

Seconded by Rep. Merchant

Vote: 21-0

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**MOTION: (Please check one box)**

OTP/A

Moved by Rep. Marsh

Seconded by Rep. Merchant

Vote: 21-0

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**CONSENT CALENDAR:**  YES  NO

**Minority Report?**  Yes  No If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: \_\_\_\_\_  
Rep. Beth Folsom, Clerk

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

**Health, Human Services and Elderly Affairs**

Bill #: SB 45A      Motion: OTP      AM #: 2021-1253h      Exec Session Date: 5/3/2021

| <u>Members</u>                  | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|---------------------------------|-------------|-------------|-----------|
| Pearson, Mark A. Chairman       | 21          |             |           |
| Marsh, William M. Vice Chairman | 1           |             |           |
| McMahon, Charles E.             | 2           |             |           |
| Nelson, Bill G.                 | 3           |             |           |
| Acton, Dennis F.                | 4           |             |           |
| Gay, Betty I.                   | 5           |             |           |
| Cushman, Leah P.                | 6           |             |           |
| Folsom, Beth A. Clerk           | 7           |             |           |
| Kelsey, Niki                    | 8           |             |           |
| King, Bill C.                   | 9           |             |           |
| Kofalt, Jim                     | 10          |             |           |
| Weber, Lucy M.                  | 11          |             |           |
| MacKay, James R.                | 12          |             |           |
| Query,                          | 13          |             |           |
| Knirk, Jerry L.                 | 14          |             |           |
| Salloway, Jeffrey C.            | 15          |             |           |
| Cannon, Gerri D.                | 16          |             |           |
| Nutter-Upham, Frances E.        | 17          |             |           |
| Schapiro, Joe                   | 18          |             |           |
| Woods, Gary L.                  | 19          |             |           |

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #: SB 45A Motion: OTP AM #: 2021-1253h Exec Session Date: 5/3/2021

|                    |  |    |   |   |
|--------------------|--|----|---|---|
| Merchant, Gary     |  | 20 |   |   |
| <b>TOTAL VOTE:</b> |  | 21 | 0 | 0 |

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

**Health, Human Services and Elderly Affairs**

Bill #: SB 45A      Motion: OTP/A      AM #: \_\_\_\_\_      Exec Session Date: 5/3/2021

| <u>Members</u>                  | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|---------------------------------|-------------|-------------|-----------|
| Pearson, Mark A. Chairman       | 21          |             |           |
| Marsh, William M. Vice Chairman | 1           |             |           |
| McMahon, Charles E.             | 2           |             |           |
| Nelson, Bill G.                 | 3           |             |           |
| Acton, Dennis F.                | 4           |             |           |
| Gay, Betty I.                   | 5           |             |           |
| Cushman, Leah P.                | 6           |             |           |
| Folsom, Beth A. Clerk           | 7           |             |           |
| Kelsey, Niki                    | 8           |             |           |
| King, Bill C.                   | 9           |             |           |
| Kofalt, Jim                     | 10          |             |           |
| Weber, Lucy M.                  | 11          |             |           |
| MacKay, James R.                | 12          |             |           |
| Query,                          | 13          |             |           |
| Knirk, Jerry L.                 | 14          |             |           |
| Salloway, Jeffrey C.            | 15          |             |           |
| Cannon, Gerri D.                | 16          |             |           |
| Nutter-Upham, Frances E.        | 17          |             |           |
| Schapiro, Joe                   | 18          |             |           |
| Woods, Gary L.                  | 19          |             |           |

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
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Report

2021 SESSION

Health, Human Services and Elderly Affairs

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| Bill #:            | SB 45A | Motion: | OTP/A | AM #: |  | Exec Session Date: | 5/3/2021 |   |
| Merchant, Gary     |        |         |       |       |  | 20                 |          |   |
| <b>TOTAL VOTE:</b> |        |         |       |       |  | 21                 | 0        | 0 |

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Amendment to SB 45

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4 II. The remainder of this act shall take effect upon its passage.

UNAPPROVED

2021-1253h

AMENDED ANALYSIS

This bill modifies requirements for participation in and sharing of information from the controlled drug prescription health and safety program.

UNAPPROVED

# Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING on Bill # SB 45

**BILL TITLE:** An Act relative to the controlled drug prescription health and safety program.

**DATE:** 4/13/2021

**ROOM:** LOB 306-8      **Time Public Hearing Called to Order:** 9:15 am

**Time Adjourned:** 9:36 am

(please circle if present)

**Committee Members:** Reps. M. Pearson, Marsh, Folsom, McMahan, Nelson, Acton, Gay, Cushman, Kelsey, B. King, Kofalt, Weber, MacKay, Snow, Knirk, Salloway, Cannon, Nutter-Upham, Schapiro, Woods and Merchant

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

Senator Bob Giuda: Introduced bill.

Data privacy addressed

Enable hospitals and providers immediate access and incorporate data into medical files.

Enacting Medicaid and Medicare electronically access to data

Already incorporated into budget.

Front end - insuring only authorized individuals have access

Users must be registered and given specific access password

Dr. Strong

The integration requires less time as current process has multiple steps

Increases control over mis-use of controlled substances

Password provides electronic footprint

Separate codes for provider and staff

Controlled substances only

Currently no access for DHHS

Merchant - patient consent?

Cushman - concerns regarding expansion

Weber - original overarching purpose to ensure controlled substance not abused, now this streamlines the purpose.

Paula Minnehan

PP3 covers confidentiality issues

Critical to get this into statute

Linsey Courtney, Ex Dir PDMP program

will add to work flow efficiency

# House Remote Testify

Health, Human Services and Elderly Affairs Committee Testify List for Bill SB45 on 2021-04-13

Support: 9 Oppose: 0 Neutral: 1 Total to Testify: 3

Export to Excel

| <u>Name</u>       | <u>City, State</u><br><u>Email Address</u>          | <u>Title</u>           | <u>Representing</u>                     | <u>Position</u> | <u>Testifying</u> | <u>Signed Up</u>   |
|-------------------|---|------------------------|---|-----------------|-------------------|--------------------|
| Giuda, Bob        | Warren, NH<br>bob.giuda@leg.state.nh.us             | An Elected Official    | NH Senate District 2 - PRIME            | Support         | Yes (3m)          | 4/7/2021 5:24 PM   |
| Minnehan, Paula   | Concord, NH<br>pminnehan@nhha.org                   | A Lobbyist             | NH Hospital Association                 | Support         | Yes (3m)          | 4/12/2021 3:25 PM  |
| Strang, David     | Gilmanton, NH<br>davidstrangmd@yahoo.com            | State Agency Staff     | Myself                                  | Support         | Yes (1m)          | 4/11/2021 12:27 AM |
| kurk, neal        | weare, NH<br>hiho-hiho@gmx.com                      | A Member of the Public | Myself                                  | Support         | No                | 4/12/2021 11:38 PM |
| Courtney, Lindsey | Concord, NH<br>lindsey.courtney@oplc.nh.gov         | State Agency Staff     | Office of Professional Licensure & Cert | Support         | No                | 4/13/2021 8:11 AM  |
| Rogers, Abigail   | Concord, NH<br>Abigail.Rogers@dhhs.nh.gov           | State Agency Staff     | DIvision of Public Health Services      | Support         | No                | 4/13/2021 10:23 AM |
| Carson, Sharon    | Londonderry, NH<br>deborah.chroniak@leg.state.nh.us | An Elected Official    | Senate District 14                      | Support         | No                | 4/6/2021 2:49 PM   |
| Rosenwald, Cindy  | Concord, NH<br>cindy.rosenwald@leg.state.nh.us      | An Elected Official    | SD 13                                   | Support         | No                | 4/8/2021 12:52 PM  |
| Pauer, Eric       | Brookline, NH<br>secretary@BrooklineGOP.org         | A Member of the Public | Myself                                  | Neutral         | No                | 4/11/2021 7:27 PM  |
| Beihl, Brian      | Alton Bay, NH<br>brian@beihl.org                    | A Member of the Public | Myself                                  | Support         | No                | 4/6/2021 7:29 PM   |

# Testimony





**New Hampshire State Senate  
107 North Main Street  
Concord, NH 03301**

April 13, 2021

Chairman Mark Pearson  
House Health, Human Services and Elderly Affairs Committee  
Legislative Office Building Room 205  
33 North State Street  
Concord, NH 03301

Re: Testimony on SB 45

Good morning Honorable Chairman Pearson and Members of the Committee:

For the record, I'm State Senator Bob Giuda, representing Senate District 2, and prime sponsor of Senate Bill 45, relative to the controlled drug prescription health and safety program.

SB 45 as amended by the Senate adds some key data sharing provisions to the Prescription Drug Monitoring Program, or PDMP. Specifically, in Section 1, Roman IV, we add "medical reconciliation" to the definition of services delivered by a dispenser. The CMS definition of the term "medical reconciliation" means "the process of identifying the most accurate list of all medications that the patient is taking, including name, dosage, frequency, and route, by comparing the medical record to an external list of medications obtained from a patient, hospital, or other provider."

Under Roman IV, the bill adds one additional category, "(f)" to those excluded from being considered as dispensers, specifically "a practitioner who neither prescribes nor dispenses and who is not actively working as a pharmacist within a NH licensed pharmacy licensed under RSA 318 or NH health care facility licensed under RSA 151." This excludes non-practicing professionals from gaining access to PDMP data.

In section 4, the bill adds under "(4)" the ability of pharmacy, nursing, physician licensing and other participating boards to use PDMP data in treating impaired members of their professions.

At this point, it's important to speak to why the original bill was amended by the Senate. It was amended to delete any references to PDMP data-sharing with DHHS given that the PDMP is being moved from OPLC to DHHS. Though this makes administrative sense, the Senate has several concerns with the move.

First, DHHS seeks to use PDMP data for Public Health programs and analyses. But the program was never intended to be used for Public Health purposes. It was intended to identify individuals, not to analyze populations. Any such potential expansion of the program's intent merits careful scrutiny by this legislature prior to implementation and will be the subject of future legislation.

Second, the legislature's privacy mandate regarding use of PDMP data was clear and unambiguous and was underscored by the public's overwhelming support for the 2018 CACR that added Article 2-b to our NH Constitution. Clearly, data privacy is of paramount importance to the people of NH. Unfortunately, a DHHS attempt to provide PDMP data to the federal government to garner grant funding was discovered, and prompted the Senate, mindful of the obvious data privacy concerns, to remove DHHS data sharing provisions from this bill and to address it in separate legislation.

This concludes my testimony on SB 45. I ask for the committee's support for this legislation to improve the utility of the PDMP while scrupulously maintaining the privacy of its data. I'm happy to answer any questions.

Respectfully,

A handwritten signature in blue ink, appearing to be 'Bob Giuda', with a long horizontal flourish extending to the right.

Bob Giuda  
State Senator  
NH District 2  
Phone: (603) 271-3042  
E-mail: [bob.giuda@leg.state.nh.us](mailto:bob.giuda@leg.state.nh.us)



## HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

April 13, 2021

### SB 45 – Relative to the Controlled Drug Prescription Health and Safety Program

#### Testimony

Good morning, Chairman, and members of the committee. My name is Paula Minnehan, Senior VP, State Government Relations with the New Hampshire Hospital Association (NHHA), representing all 26 of the state's community hospitals as well as all specialty hospitals.

The NHHA supports SB 45. Specifically, I am testifying on paragraph 2, which amends RSA 318-B:32. This language was included in a bill that Senator Giuda sponsored in 2020 (SB 676) but did not ultimately pass due to the timing of the pandemic impacting the legislative process. We appreciate this legislation being reintroduced this year. The Prescription Drug Monitoring Program (PDMP) is an essential tool for practitioners, defined as both prescribers and dispensers, to understand a patient's medication history which can assist them with proper treatments and prescriptions. We believe that the changes put forward in SB 45 will only enhance a practitioner's ability to utilize this crucial information for patient care and safety.

SB 45 is enabling legislation that will allow the Office of Professional Licensure and Certification to enter into agreements or contracts with health care entities to allow practitioners to query and retrieve PDMP information and to save it as part of a patient's electronic medical record. It will be up to the health care entity to ensure that only authorized users have access to PDMP information.

The last section of the bill was included to ensure that there is an opportunity for the patient to know that the PDMP could be utilized as part of the practitioner's process to review a patient's medication history. We believe that this language, consistent with other states' that we reviewed, would provide proper notice to the patient.

NHHA is in support of SB 45 and we ask for your support as well. Thank you for the opportunity to provide our comments.

# State of New Hampshire

## OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

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LINDSEY B. COURTNEY  
Executive Director



April 13, 2021

Hon. Mark Pearson  
Chair, Health, Human Services & Elderly Affairs  
LOB Room 205  
33 North State Street  
Concord, NH 03301

**Re: Testimony in Support of SB 45—Relative to the Controlled Drug Prescription Health & Safety Program**

Good morning, Mr. Chairman, members of the committee:

My name is Lindsey Courtney, Executive Director of the New Hampshire Office of Professional Licensure and Certification, the agency that administers the controlled drug prescription health and safety program, known colloquially as the prescription drug monitoring program, or PDMP.

OPLC is supportive of SB 45. Among other things, section 2 would permit the Office to integrate the PDMP with electronic health systems across the state. One of the most cited barriers to use of the PDMP by practitioners and dispensers is that it interrupts workflow—practitioners and dispensers must, at present, leave the electronic health record to query a separate portal, which takes additional time. By integrating the NH PDMP with EHR systems as other states have done, New Hampshire would promote the use of the PDMP by practitioners and dispensers by eliminating this barrier and providing ease of access within an established workflow. Given the public health crisis currently impacting our state, OPLC supports this legislation as it would encourage and promote use of the PDMP.

Thank you for the opportunity to provide comments.

Very truly yours,

A handwritten signature in blue ink that reads "L. Courtney".

Lindsey B. Courtney, JD  
Executive Director  
Office of Professional Licensure and Certification

Bill as  
Introduced

SB 45 - AS AMENDED BY THE SENATE

02/11/2021 0167s

2021 SESSION

21-0834

10/05

SENATE BILL **45**

AN ACT relative to the controlled drug prescription health and safety program.

SPONSORS: Sen. Giuda, Dist 2; Sen. Soucy, Dist 18; Sen. Carson, Dist 14; Sen. Prentiss, Dist 5; Rep. M. Pearson, Rock. 34; Rep. Marsh, Carr. 8; Rep. Merchant, Sull. 4

COMMITTEE: Health and Human Services

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AMENDED ANALYSIS

This bill modifies the administration of the controlled drug prescription health and safety program administered by the office of professional licensure and certification

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the controlled drug prescription health and safety program.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31,  
2 IV to read as follows:

3 IV. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-  
4 IV controlled substance, **and conduct medication reconciliation**, but does not include:

5 (a) A licensed hospital pharmacy **under RSA 318** that dispenses less than a 48-hour  
6 supply of a schedule II-IV controlled substance from a hospital emergency department or that  
7 dispenses for administration in the hospital;

8 (b) A practitioner, or other authorized person who administers such a substance;

9 (c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

10 (d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled  
11 substance from a hospital emergency department to a patient; ~~or~~

12 (e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV  
13 controlled substance to a patient; **or**

14 **(f) A practitioner who neither prescribes nor dispenses and who is not actively**  
15 **working as a pharmacist within a New Hampshire licensed pharmacy licensed under RSA**  
16 **318 or New Hampshire health care facility licensed under RSA 151.**

17 2 New Paragraph; Controlled Drug Prescription Health and Safety Program Established.  
18 Amend RSA 318-B:32 by inserting after paragraph I the following new paragraph:

19 I-a. The office may enter into agreements or contracts to facilitate the confidential sharing of  
20 information relating to the prescribing and dispensing of schedule II-IV controlled substances, by  
21 practitioners within the state and to establish secure connections between the program and a  
22 practitioner's electronic health record keeping system. The electronic health record keeping system  
23 may allow for the query and retrieval of program information for display and retention in the  
24 patient's medical information; provided that nothing in this section shall allow the electronic health  
25 record keeping system owner or license holder to perform data queries unrelated to individuals  
26 under the practitioner's care. The electronic health record keeping system owner or license holder  
27 shall be responsible for ensuring that only authorized individuals have access to program  
28 information.

29 3 New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality.  
30 Amend RSA 318-B:34 by inserting after paragraph II the following new paragraph:

31 II-a. A practitioner who intends to request and use information from the program about a

SB 45 - AS AMENDED BY THE SENATE

- Page 2 -

1 patient shall post a sign that can be easily viewed by the public that discloses to the public that the  
2 practitioner may access and use information contained in the program. In lieu of posting a sign, the  
3 practitioner may provide such notice in written material provided to the patient.

4 4 Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-  
5 B:35, I(a)(2) and (3) to read as follows:

6 (2) For reviewing information regarding prescriptions issued or dispensed by the  
7 requester; ~~[or]~~

8 (3) For the purpose of investigating the death of an individual; **or**

9 (4) ***For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA***  
10 ***329:13-b, and other participating health professional boards.***

11 5 Repeal. RSA 318-B:35, I(b)(5), relative to a practitioner or consultant retained by the office of  
12 professional licensure and certification to review certain information, is repealed.

13 6 Effective Date. This act shall take effect upon its passage.