

Amendment to HB 479

1 Amend the bill by replacing section 1 with the following:

2
3 1 New Paragraph; Department of Health and Human Services; General Provisions;
4 Pharmacists. Amend RSA 126-A:3 by inserting after paragraph III the following new paragraph:

5 III-a.(a) Pharmacists shall be considered providers under RSA 126-A:3, III for the purpose of
6 billing for providing services performed within the scope of a person's license when said service
7 would have been covered under this section if furnished by a physician or as an incident to a
8 physician's service, or furnished by a physician assistant or an advanced registered nurse
9 practitioner.

10 (b) The commissioner shall submit a Title XIX Medicaid state plan amendment to the
11 federal Centers for Medicare and Medicaid Services to implement this paragraph, if necessary.
12

13 Amend the bill by replacing section 4 with the following:

14
15 4 New Section; Pharmacists and Pharmacies; Nicotine Cessation Therapy. Amend RSA 318 by
16 inserting after section 47-l the following new section:

17 318:47-m Nicotine Cessation Therapy.

18 I. In this section, "standing order" means a written and signed protocol authored by a
19 physician licensed under RSA 329:12, a physician assistant licensed under RSA 328-D:2, or an
20 advanced practice registered nurse licensed under RSA 326-B:18. The agreement shall specify a
21 protocol allowing a licensed pharmacist to provide nicotine cessation therapy under the delegated
22 prescriptive authority of the physician, physician assistant, or APRN, a mechanism to document
23 screening performed and the prescription in the patient's medical record, and include a plan for
24 evaluating and treating adverse events. The prescriptions shall be considered a legitimate medical
25 purpose in the usual course of professional practice.

26 II. Licensed pharmacists following standing orders may provide nicotine cessation therapy
27 to persons in this state without a prior prescription.

28 III. A pharmacist, pharmacy, physician, physician assistant, or APRN issuing or following
29 standing orders shall be prohibited from seeking personal financial benefit by participating in any
30 incentive-based program or accepting any inducement that influences or encourages therapeutic or
31 product changes or the ordering of tests or services.

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1 IV. Prior to providing nicotine cessation therapy under this section, a pharmacist shall
2 complete an Accreditation Council for Pharmacy Education (ACPE) accredited educational training
3 program related to nicotine cessation.

4 V. The pharmacist shall provide each recipient of nicotine cessation therapy with a
5 standardized information sheet written in plain language, which shall include, but is not limited to,
6 the indication for the use of the nicotine cessation therapy, the importance of follow-up care, and
7 health care referral information.

8 VI. The board shall adopt rules, pursuant to RSA 541-A, relative to:

9 (a) Education and training required under paragraph IV.

10 (b) Content and format of the information sheet required under paragraph V, in
11 consultation with the commissioner of the department of health and human services.

12 (c) A model statewide protocol, with the consent of the board of medicine, the board of
13 nursing, and the department of health and human services to be used for the purposes of paragraph
14 I.

15 (d) Communication to the patient's primary care provider with the consent of the
16 patient.

17 VII. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary
18 action against a physician or physician assistant based on a pharmacist's failure to follow standing
19 orders provided the provisions of this section and the rules adopted under this section are satisfied.
20 The board of nursing shall not deny, revoke, suspend, or otherwise take disciplinary action against
21 an APRN based on a pharmacist's failure to follow standing orders provided the provisions of this
22 section and the rules adopted under this section are satisfied. The board of pharmacy shall not deny,
23 revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing
24 orders based on a defect in those standing orders provided the provisions of this section and the rules
25 adopted under this section are satisfied.

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AMENDED ANALYSIS

This bill includes pharmacists as providers for certain covered services including Medicaid and authorizes pharmacists to provide nicotine cessation therapy pursuant to a standing order from a physician, physician assistant, or APRN and to be reimbursed under Medicaid.