

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2022-23 Rule Number Ph 2301.07

<p>1. Agency Name & Address: N.H. Pharmacy Board c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 318:5-a, XIII</u> 3. Federal Authority: <u>n/a</u> 4. Type of Action: <input type="checkbox"/> Adopt <input type="checkbox"/> Amendment (only if Initial Proposal was filed before 9/27/20.) <input type="checkbox"/> Repeal <input type="checkbox"/> Readoption <input checked="" type="checkbox"/> Readoption w/amendment</p>
---	--

5. Short Title: **Drug Control In Ambulatory Patient Treatment Areas**

6. Contact person for copies and questions:

Name:	Tina M. Kelley	Title:	Program Specialist IV
Address:	Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301	Phone #:	(603) 271-5247

7. The rulemaking notice appeared in the Rulemaking Register on **November 24, 2021**.

SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET AND ONE COPY OF THE FOLLOWING: (optional to number correspondingly)

8. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.
9. Yes N/A Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.
10. Yes N/A The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).
11. Yes N/A The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

<p>1. Agency Name & Address:</p> <p>N.H. Pharmacy Board c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 318:5-a, XIII</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
--	--

5. Short Title: **Drug Control In Ambulatory Patient Treatment Areas**

6. (a) Summary of what the rule says and of any proposed amendments:

Ph 2301.07 describes dispensing drugs in ambulatory patient treatment areas for the immediate needs of the patient and exceptions to the rule. The rule is being readopted with amendment to add 2 exceptions the first for a full course of medication therapy needed to treat patients under a public health incident and the second for a full course of medication therapy needed to treat patients of sexual assault.

6. (b) Brief description of the groups affected:

The groups affected by this change are practitioners authorized under any laws of the State of New Hampshire to dispense drugs for the immediate needs of the patient in an ambulatory patient treatment area.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute the Rule Implements
Ph 2301.07	RSA 318:5-a, XIII

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina M. Kelley** Title: **Program Specialist IV**
 Address: **Office of Professional Licensure and Certification** Phone #: **(603) 271-5247**
7 Eagle Square Fax#: **(603) 271-0597**
Concord, NH 03301 E-mail: **OPLC-Rules@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, May 2, 2022 at 4 p.m.**

- Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, April 20, 2022 at 9:00 a.m.**
Office of Professional Licensure and Certification
Place: **7 Eagle Square**
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 22:019 , dated 2-9-2022

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no difference in cost when comparing the proposed rules to the existing rules.
2. **Cite the Federal mandate. Identify the impact on state funds:**
No federal mandate, no impact on state funds.
3. **Cost and benefits of the proposed rule(s):**
 - A. **To State general or State special funds:**
None
 - B. **To State citizens and political subdivisions:**
None
 - C. **To independently owned businesses:**
None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

This rule does not violate Part I, Article 28-a of the New Hampshire Constitution. This rule does not mandate or assign this program to any political subdivision in any way.

Readopt with amendments Ph 2301.07, effective 1-5-2022 (Document #13323), to read as follows:

Ph 2301.07 Drug Control In Ambulatory Patient Treatment Areas.

(a) In the ambulatory patient treatment areas, a practitioner authorized under ~~[under]~~ any other law of the state of New Hampshire may dispense drugs for the immediate needs of the patient, with no more than a maximum of a 72-hour supply, except:

(1) For Schedule II-IV controlled substances, a maximum of 48-hour supply; ~~[or]~~

Edit. "For multi-dose"

(2) Multi-dose forms of drugs such as, but not limited to, inhalers or epi-pens[-];

(3) For a full course of medication therapy needed to treat patients under a public health incident; or

(4) For a full course of medication therapy needed to treat patients of sexual assault.

(b) If a licensed pharmacist is on the premises, that pharmacist may fill one-time, full amount, non-refillable prescriptions for patients for medications related to the ambulatory patient treatment visit.

(c) A readily retrievable record shall be made of all dispensing of controlled drugs in the ambulatory patient area ambulatory patient area and contain the following:

(1) Name and address of the patient;

(2) Name of the medical practitioner;

(3) Name, strength, and quantity of the drug(s);

(4) Date of administration or dispensing; and

(5) Signature or electronic identifier, as defined in Ph 2301.01(b), of the agent removing the drug(s) from the inventory.

Unclear. It is unclear why "ambulatory patient area" is said twice.

Appendix

Rule	Statute
Ph 2301.07	RSA 318:5-a, XIII