

JAN 05 2022

APPENDIX II-K

COVER SHEET FOR EMERGENCY RULE

ADOPTED RULE	
DOCUMENT #	13324
FILED	1-5-22 @
EFFECTIVE	1-5-22 @
EXPIRES	7-4-22

8:35 AM
8:35 AM

Document Number 13324

Rule Number Ph 2301.07

1. Agency Name & Address:

**Office of Professional
Licensure & Certification
7 Eagle Square
Concord, NH 03301**

5. Date of Filing: January 4, 2022

2. RSA Authority: RSA 318-5-a, XIII

3. Federal Authority: n/a

4. Type of Action:

Adoption _____

Amendment X

Repeal _____

6. Short Title: Drug Control In Ambulatory Patient Treatment Areas

7. Contact person for copies and questions:

Name: Tina M. Kelley

Address: 7 Eagle Square
Concord, NH 03301

Title: Program Specialist IV

Phone #: (603) 271-5247

****PLEASE ATTACH THE FOLLOWING**, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):

- 8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.
- 9. A summary of the effect if the rule were not adopted.
- 10. A description of those affected.

***PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET** and all attachments along with 2 copies of the emergency rule to the Office of Legislative Services, Administrative Rules.

****PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an emergency rule is necessary.

Date: 1/5/2022

Signature: [Handwritten Signature]

Name: ERIC R. LESSARD

Title: COMMISSIONER

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.

This emergency rule is needed for patients with COVID-19 and those seeking treatment for sexual assault. The current rule limits of access to drugs to treat COVID-19 and those seeking treatment of sexual assault and without the emergency rule treatment could be delayed in ambulatory treatment areas when a licensed pharmacist is not on the premises.

9. A summary of the effect if the rule were not adopted.

If this emergency rule is not adopted the medications Paxlovid and Molnupiravir oral antiviral medications used to treat COVID-19 and medication therapy for patient of sexual assault could not be administered in ambulatory treatment areas when a pharmacist is not on site. The result of this inability to administer drugs to these populations could lead to poor outcomes for patients seeking treatment.

10. A description of those affected.

Those affected by this emergency rule changes are ambulatory patient treatment areas who do not employ pharmacists to be on site 24 hours a day and their patients seeking treatment for COVID-19 and sexual assault.

#13324, (eff 1-5-22)

Emergency Rule EXPIRES: 7-4-22

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~~

(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.

#13324, (eff 1-5-22)
Emergency Rule EXPIRES: 7-4-22

Appendix

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