

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: January 14, 2022

FROM: Michael A. Morrell
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AT (OFFICE): Legislative Services

SUBJECT: Emergency Rule Document #13324 Drug Control in Ambulatory Patient Treatment Areas

To: File

Attached is an emergency rule amending Ph 2301.07 from the N.H. Pharmacy Board (Board) on drug control in ambulatory patient treatment areas (Document # 13324, effective 1-5-22). Pursuant to RSA 318:5-a, XIII, the Board is authorized to limit the dispensing of drugs in ambulatory patient treatment areas and to make exceptions to those limits. The rules amend Ph 2301.07(a) by inserting 2 new exceptions to the limitation otherwise imposed by the rule.

Item #8 of the Cover Sheet states that the emergency rule is necessary to create exceptions to allow drug treatment for Covid-19 patients and for victims of sexual assault. The Board indicated that without the exceptions there may be delays for treatment for such persons at ambulatory treatment areas when a licensed pharmacist is absent. Therefore, as indicated in Item 8, the ground for this emergency rule filed under RSA 541-A:18, I, is that there is “imminent peril to public health or safety”, one of the two grounds for an emergency rule.

Please note that the JLCAR may not object to an emergency rule, but it may petition pursuant to RSA 541-A:18, IV for repeal if the grounds for an emergency rule are not met. Unless readopted, the emergency rule will expire on June 8, 2022.