

Doc. #13364, (eff 4-18-22)
INTERIM EXPIRES: 10-4-22

Adopt Med 414 as follows:

PART Med 414 WAIVER OF ELECTRONIC PRESCRIPTION REQUIREMENT

Med 414.01 Definition. “Exceptional circumstances” means for the purposes of a waiver pursuant to RSA 318:47-c, III(a)(5), circumstances not within the reasonable control of the licensee that prevent the licensee from complying with RSA 318:47-c, III(a). The term does not include mere inconvenience, general resistance to the electronic prescribing requirement, a lack of awareness by the licensee of the electronic prescribing requirement, additional reasonable expenses, or any other circumstance that the licensee could overcome with reasonable effort.

Med 414.02 Application.

(a) Prescriptions for controlled substances shall be submitted electronically unless a waiver has been granted through the application process.

(b) A licensee seeking a waiver of electronic prescribing requirements pursuant to RSA 318:47-c, III(a)(5) shall submit to the board the following information on the “Application to Request a Waiver Pursuant to RSA 318:47-c, III(a)(5)” form dated 1/2022:

- (1) The name of the licensee seeking the waiver;
- (2) Licensees business mailing address;
- (3) The licensees license type and license number;
- (4) The duration of time for which the waiver is sought; and
- (5) The specific economic hardship, technological limitation not within the control of the applicant, or other exceptional circumstance necessitating the waiver.

Med 414.03 Effect of application. If a licensee submits a complete waiver application pursuant to Med 414.02, the electronic prescribing requirements of RSA 318:47-c, III(a) shall be deemed waived on an interim basis pending final review and action on the application by the board.

Med 414.04 Evaluation of application.

(a) The board shall review the application described in Med 414.02 and issue an approval of the waiver request within 60 days of the date the application has been received in the board’s office if the applicant meets the following:

- (1) Is a licensee in good standing with the board; and
- (2) The applicant has demonstrated that the waiver is needed for one of the following:
 - a. Economic hardship;

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b. Technological limitations that are not reasonably within the control of the licensee;
or

c. Other exceptional circumstance demonstrated by the licensee.

(b) An applicant wishing to challenge the board's denial of a waiver shall:

(1) Make a written request for a hearing of the applicant's challenge; and

(2) Submit[s] the request to the board within 60 days of the board's notification of the denial.

Med 414.05 Duration of waiver. No waiver of the electronic prescribing requirements set forth in RSA 318:47-c, III(a) shall be granted to exceed one year from the date the waiver is issued.

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Rule	Statute Implemented
Med 414	RSA 318:47-c