

# Senate Health and Human Services Committee

*Kirsten Koch 271-3266*

**HB 143**, relative to an electronic prescription drug program.

**Hearing Date:** May 5, 2021

**Time Opened:** 9:18 a.m.

**Time Closed:** 9:26 a.m.

**Members of the Committee Present:** Senators Gray, Avard, Sherman and Whitley

**Members of the Committee Absent :** Senator Bradley

**Bill Analysis:** This bill requires electronic prescribing for controlled drugs under certain circumstances.

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**Sponsors:**

Rep. Merchant

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**Who supports the bill:** Paula Minnehan, NH Hospital Association

**Who opposes the bill:** Alexandra Menella

**Who is neutral on the bill:** None

**Summary of Testimony Presented:**

**Representative Gary Merchant, Sullivan 4**

- Rep. Merchant said, this bill holds software companies liable for prescribing opioids.
- Rep. Merchant said, in January of 2020, Allscripts' Practice Fusion agreed to pay \$145 Million to resolve criminal and civil investigations by the Department of Justice related to an illegal arrangement with a major opioid manufacturer. Practice Fusion received payments from pharmaceutical manufacturers to create and implement Clinical Decision Supports used by providers to make clinical decisions. Practice Fusion alerts encouraged providers to evaluate a patient's pain. When a patients' pain hit a certain level, the program generated an Opioid Therapy treatment option that included drugs manufactured by pharmaceutical companies who provided payments to Practice Fusion.
- Rep. Merchant said, the language incorporated in this bill addresses this concern by adding a provision to the Consumer Protection Act's deceptive practices section.
- Rep. Merchant said, there is a problem with the chronic prescribing of controlled drugs.
- Rep. Merchant said, a problem is individuals using fraudulent prescriptions for high quality legal narcotics and controlled drugs. These individuals, usually employees, will steal prescription pads to write their own prescriptions on, or increase the dosage prescribed on the prescription pad. It is easy to add zeros to numbers. There was a story about a hospital employee stole pads to fill prescriptions; go to busy pharmacy and get it filled

- Rep. Merchant said, the Medicare Modernization Act of 2003 included a provision for electronic prescribing of medications, which provided momentum for e-prescribing. To address the opioid crisis, Congress passed the SUPPORT Act in 2018 to require e-prescribing of controlled substances paid for by Medicare Part D plans. CMS delayed implementation of the law for 12 months until January 2022.
- Rep. Merchant said, federal law only applies to prescriptions paid for by CMS under a Part D drug benefit plan excluding a significant, if not a majority, of pain prescription.
- Rep. Merchant said, please support this bill and stand with the 400+ NH families that have lost a loved one to a drug over-dose.

### **Paula Minnehan, NH Hospital Association**

- Ms. Minnehan testified in support of this bill.
- Ms. Minnehan said, this bill passed in the House last year, but did not make it to Senate because of the pandemic.
- Ms. Minnehan said, many hospitals have already implemented this program, and many others are in the process of implementing it. Hospitals support this.
- Ms. Minnehan said, moving toward electronic prescribing enhances safety and efficacy. These programs can notify clinicians of patients' allergies, duplicate prescriptions of medications, and more. These programs also enhance communication and increases security.

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Date Hearing Report completed: May 5, 2021