

Amendment to SB 45

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31,
4 IV to read as follows:

5 IV. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-
6 IV controlled substance, but does not include:

7 (a) A licensed hospital pharmacy ***under RSA 318*** that dispenses less than a 48-hour
8 supply of a schedule II-IV controlled substance from a hospital emergency department or that
9 dispenses for administration in the hospital;

10 (b) A practitioner, or other authorized person who administers such a substance;

11 (c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

12 (d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled
13 substance from a hospital emergency department to a patient; [ø]

14 (e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV
15 controlled substance to a patient; ***or***

16 ***(f) A practitioner who does not hold or operate under an active Drug***
17 ***Enforcement Agency registration number to prescribe or dispense controlled substances.***

18 2 New Paragraph; Controlled Drug Prescription Health and Safety Program; Information.
19 Amend RSA 318-B:32 by inserting after paragraph I the following new paragraph:

20 I-a. The office may enter into agreements or contracts to facilitate the confidential sharing of
21 information relating to the prescribing and dispensing of schedule II-IV controlled substances, by
22 practitioners within the state and to establish secure connections between the program and a
23 practitioner's electronic health record keeping system. An electronic health record keeping system
24 may allow for the query and retrieval of the provider specified, individual's program information for
25 display and retention in the patient's medical information; provided that nothing in this section shall
26 allow the electronic health record keeping system owner or license holder to perform data queries
27 unrelated to individuals under the practitioner's care. The electronic health record keeping system
28 owner or license holder shall be responsible for ensuring that only authorized individuals have
29 access to program information. The program shall record and retain in its database what
30 information was transferred and the identity of the organization who received the information. The
31 program shall include this information when a patient requests a report pursuant to RSA 318-B:35,

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1 I(b)(1).

2 3 New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality.
3 Amend RSA 318-B:34 by inserting after paragraph II the following new paragraph:

4 II-a. A practitioner who intends to request and use information from the program about a
5 patient shall post a sign that can be easily viewed by the public that discloses to the public that the
6 practitioner may access and use information contained in the program. In lieu of posting a sign, the
7 practitioner may provide such notice in written material provided to the patient.

8 4 Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-
9 B:35, I(a)(2) and (3) to read as follows:

10 (2) For reviewing information regarding prescriptions issued or dispensed **or for**
11 **conducting medication reconciliation** by the requester; ~~or~~

12 (3) For the purpose of investigating the death of an individual; **or**

13 (4) **For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA**
14 **329:13-b, and other participating health professional boards.**

15 5 Repeal. RSA 318-B:35, I(b)(5), relative to a practitioner or consultant retained by the office of
16 professional licensure and certification to review certain information, is repealed.

17 6 Contingent Version; Controlled Drug Prescription Health and Safety Program; Definitions.
18 Amend RSA 126-A:89, VI to read as follows:

19 VI. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-
20 IV controlled substance, but does not include:

21 (a) A licensed hospital pharmacy **under RSA 318** that dispenses less than a 48-hour
22 supply of a schedule II-IV controlled substance from a hospital emergency department or that
23 dispenses for administration in the hospital;

24 (b) A practitioner, or other authorized person who administers such a substance;

25 (c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

26 (d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled
27 substance from a hospital emergency department to a patient; ~~or~~

28 (e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV
29 controlled substance to a patient; **or**

30 (f) **A practitioner who does not hold or operate under an active Drug**
31 **Enforcement Agency registration number to prescribe or dispense controlled substances.**

32 7 Contingent Version; New Paragraph; Controlled Drug Prescription Health and Safety
33 Program; Information. Amend RSA 126-A:90 by inserting after paragraph I the following new
34 paragraph:

35 I-a. The department may enter into agreements or contracts to facilitate the confidential
36 sharing of information relating to the prescribing and dispensing of schedule II-IV controlled
37 substances, by practitioners within the state and to establish secure connections between the

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program and a practitioner's electronic health record keeping system. An electronic health record keeping system may allow for the query and retrieval of the provider specified, individual's program information for display and retention in the patient's medical information; provided that nothing in this section shall allow the electronic health record keeping system owner or license holder to perform data queries unrelated to individuals under the practitioner's care. The electronic health record keeping system owner or license holder shall be responsible for ensuring that only authorized individuals have access to program information. The program shall record and retain in its database what information was transferred and the identity of the organization who received the information. The program shall include this information when a patient requests a report pursuant to RSA 126-A:93, I(b)(1).

8 Contingent Version; New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 126-A:92 by inserting after paragraph II the following new paragraph:

II-a. A practitioner who intends to request and use information from the program about a patient shall post a sign that can be easily viewed by the public that discloses to the public that the practitioner may access and use information contained in the program. In lieu of posting a sign, the practitioner may provide such notice in written material provided to the patient.

9 Contingent Version; Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 126-A:93, I(a)(2) and (3) to read as follows:

(2) For reviewing information regarding prescriptions issued or dispensed ***or for conducting medication reconciliation*** by the requester; [ø]

(3) For the purpose of investigating the death of an individual; ***or***

(4) ***For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA 329:13-b, and other participating health professional boards.***

10 Contingent Version; Repeal. RSA 126-A:93, I(b)(4), relative to a practitioner or consultant retained by the department of health and human services to review certain information, is repealed.

11 Contingency.

I. If HB 2-FN-A-L of the 2021 legislative session becomes law and contains provisions transferring the administration of the controlled drug prescription health and safety program from the office of professional licensure and certification under RSA 318-B to the department of health and human services under RSA 126-A, then sections 1-5 of this act shall take effect upon its passage and until July 1, 2021 and then sections 6-10 of this act shall take effect July 1, 2021 at 12:01 a.m.

II. If HB 2-FN-A-L of the 2021 legislative session becomes law and does not contain provisions transferring the administration of the controlled drug prescription health and safety program from the office of professional licensure and certification under RSA 318-B to the department of health and human services under RSA 126-A, or if HB 2 FN-A-L does not become law, then sections 6-10 of this act shall not take effect and sections 1-5 of this act shall take effect upon

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1 its passage.

2 12 Effective Date.

3 I. Sections 1-10 of this act shall take effect as provided in section 11 of this act.

4 II. The remainder of this act shall take effect upon its passage.

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2021-1253h

AMENDED ANALYSIS

This bill modifies requirements for participation in and sharing of information from the controlled drug prescription health and safety program.