

HB 1219 – AS INTRODUCED

2014 SESSION

14-2178  
10/01

HOUSE BILL            **1219**

AN ACT                relative to the work schedules of pharmacists.

SPONSORS:            Rep. Hatch, Coos 6; Rep. P. Schmidt, Straf 19

COMMITTEE:          Executive Departments and Administration

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ANALYSIS

This bill establishes requirements for the staffing and work schedule for a pharmacy by a pharmacist. Violations are subject to disciplinary action by the board of pharmacy.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears [~~in brackets and struck through~~].  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to the work schedules of pharmacists.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Section; Pharmacies and Pharmacists; Presence of Pharmacists. Amend RSA 318 by  
2 inserting after section 66 the following new section:

3           318:67 Presence of Pharmacists.

4           I. Prescription drugs and devices shall be dispensed only in the presence of and under the  
5 immediate supervision of a pharmacist, except as provided in paragraph III.

6           II. A pharmacist working longer than 5 consecutive hours in a work day shall take a  
7 30-minute rest break as provided in paragraph III.

8           III. If the pharmacy is staffed by a single pharmacist, the pharmacist may take a rest break  
9 for a period of 30 minutes without closing the pharmacy and removing the pharmacy technicians and  
10 pharmacy interns from the pharmacy if the pharmacist reasonably believes that the security of the  
11 prescription drugs will be maintained in his or her absence and in accordance with the following:

12           (a) Rest breaks shall be scheduled as close as possible to the same time each day for  
13 patients to become familiar with the approximate times of rest breaks.

14           (b) Rest breaks shall be part of the total hours worked each week.

15           (c) The pharmacist shall remain on the store premises during the rest break and be  
16 available for emergencies. Emergencies shall be defined as life threatening situations, at the  
17 discretion of the pharmacist.

18           (d) If 2 or more pharmacists are on duty, the pharmacists shall stagger their rest breaks  
19 so that the pharmacy is not left without a pharmacist on duty.

20           (e) Whenever the pharmacist temporarily leaves the prescription department for a rest  
21 break, a sign indicating that there is no pharmacist on duty shall be conspicuously displayed in full  
22 view of patients approaching the prescription department service area. The signage shall also  
23 indicate the time when the pharmacist is to return.

24           (f) Only pharmacy technicians or pharmacy interns authorized by the pharmacist on  
25 duty shall remain in the pharmacy while the pharmacist is on rest break.

26           (g) During such times that the pharmacist is temporarily absent from the pharmacy,  
27 only pharmacy technicians or pharmacy interns duly authorized by the pharmacist on duty may  
28 continue to perform non-discretionary duties as directed by the pharmacist. However, all duties  
29 performed by the technicians or interns shall be reviewed by the pharmacist upon his or her return  
30 from break.

31           (h) When a pharmacist is not in the pharmacy, there shall be no dispensing or sale of

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1 new prescriptions that the pharmacist has checked and are waiting to be picked up nor shall  
2 counseling be provided by the pharmacy technician or pharmacy intern.

3 (i) New, written prescriptions, presented in person by the patient or his agent, may be  
4 accepted by the pharmacy technician or pharmacy intern and the processing of that prescription, up  
5 to the final check, may occur during the absence of the pharmacist. However, no new prescriptions  
6 shall be dispensed or sold until the final check is completed by the pharmacist on his or her return.

7 (j) New prescriptions conveyed by telephone shall not be accepted and the caller shall be  
8 instructed to call back or leave the prescription order on the pharmacy's voicemail.

9 (k) During the pharmacist's absence, prescription refills which have been previously  
10 prepared and checked by a pharmacist may be picked up by a patient or his or her agent. If the  
11 patient does not have questions, the sale may proceed as normal with the patient signing a  
12 statement indicating the refusal of counseling by the pharmacist to return from break, or  
13 alternatively, asked to leave a telephone number for the pharmacist to call later that day.

14 (l) Telephone refill orders and refill requests presented in person, by the patient or his or  
15 her agent, may be accepted by the pharmacy technician or intern, and such refill orders may be  
16 processed by the technician or intern up to the final check. However, no such refill orders shall be  
17 dispensed or sold until the final check is completed by the pharmacist on his or her return from  
18 break.

19 (m) A pharmacist who takes a rest break in compliance with this paragraph shall not be  
20 subject to disciplinary action by the board or board citation for acts that he or she did not authorize  
21 and that he or she, by the exercise of reasonable care, could not have prevented during his or her  
22 absence.

23 (n) If, in the professional judgment of the pharmacist, for reasons of security or  
24 otherwise, the pharmacist determines that the pharmacy should close during his or her absence,  
25 then the pharmacist shall close the pharmacy. All pharmacy technicians and pharmacy interns shall  
26 be removed from the pharmacy during his or her absence. A sign informing the public of the  
27 pharmacist's return shall be conspicuously posted.

28 IV If a pharmacy or a pharmacist is determined to have more than one violation of this  
29 section during a calendar year, the board shall take disciplinary action pursuant to RSA 318:29, V.

30 2 Effective Date. This act shall take effect 60 days after its passage.