

CHAPTER 311
HB 1615 – FINAL VERSION

25Mar2014... 0823h
05/15/14 1748s
4Jun2014... 1963CofC
4Jun2014... 2027EBA

2014 SESSION

14-2845
08/03

HOUSE BILL ***1615***

AN ACT relative to allocation from the annual license renewal fee for pharmacists to the impaired pharmacist program and relative to emergency prescriptions.

SPONSORS: Rep. K. Williams, Hills 4; Rep. Schlachman, Rock 18; Sen. Soucy, Dist 18

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill:

I. Allows the New Hampshire pharmacy board to determine the allocation from the annual license renewal fees for pharmacists to the impaired pharmacist program.

II. Allows a pharmacy to dispense a one-time emergency supply of a prescribed medication in certain circumstances.

III. Enumerates a list of drugs or classes of drugs that may not be dispersed as an emergency prescription.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to allocation from the annual license renewal fee for pharmacists to the impaired pharmacist program and relative to emergency prescriptions.

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

1 311:1 Impaired Pharmacist Program. Amend RSA 318:29-a, VI(b) to read as follows:

2 (b) The board may allocate [~~§§~~] ***an amount determined by the board*** from each
3 pharmacist annual license renewal fee it collects to provide funding for the impaired pharmacist
4 program as set forth in subparagraph VI(a).

5 311:2 New Section; Emergency Prescription. Amend RSA 318 by inserting after section 47-h the
6 following new section:

7 318:47-i Emergency Prescription. In the event a pharmacist receives a request for a prescription
8 that requires a prior authorization that has neither been approved nor denied, and such medication
9 is determined by the pharmacist to be essential to the maintenance of life or to the continuation of
10 therapy in a chronic condition, or the interruption of therapy might reasonably produce undesirable
11 health consequences or may cause physical or mental discomfort, the pharmacist may dispense a
12 one-time emergency prescription of a maximum 72-hour supply of the prescribed medication to be
13 reimbursed according to RSA 420-J:7-b, IX. A product that is packaged in a dosage form that is fixed
14 and unbreakable may be dispensed as a 72-hour supply.

15 311:3 New Paragraph; Emergency Prescription. Amend RSA 420-J:7-b by inserting after
16 paragraph VIII the following new paragraph:

17 IX.(a) Every health benefit plan that provides prescription drug benefits shall allow its
18 covered persons to obtain an emergency prescription for up to a 72-hour supply of covered
19 prescription drugs on the covered person's health benefit plan formulary in the event a prescription
20 requires prior authorization by an insurance carrier and the prior authorization has neither been
21 approved nor denied and a pharmacist has determined the medication is essential as provided in
22 RSA 318:47-i. Such reimbursement shall be according to the payment rates of the provider contract.
23 If authorization is subsequently denied, the carrier shall reimburse the pharmacist for the
24 prescription as given based on the pro-rated amount they would have otherwise received under the
25 terms of the provider contract.

26 (b) The following drugs or classes of drugs, or their medical uses, may be excluded from

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1 coverage or otherwise restricted:

2 (1) Agents when used for anorexia, weight loss, or weight gain.

3 (2) Agents when used to promote fertility.

4 (3) Agents when used for cosmetic purposes or hair growth.

5 (4) Agents when used for the symptomatic relief of cough and colds.

6 (5) Agents when used to promote smoking cessation.

7 (6) Prescription vitamins and mineral products, except prenatal vitamins and

8 fluoride preparations.

9 (7) Nonprescription drugs, except, in the case of pregnant women when
10 recommended by or under the supervision of a physician, agents approved by the Food and Drug
11 Administration under the over-the-counter monograph process for purposes of promoting, and when
12 used to promote, tobacco cessation.

13 (8) Covered outpatient drugs which the manufacturer seeks to require as a condition
14 of sale that associated tests or monitoring services be purchased exclusively from the manufacturer
15 or its designee.

16 (9) Barbiturates.

17 (10) Benzodiazepines.

18 (11) Agents when used for the treatment of sexual or erectile dysfunction, unless
19 such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the
20 agents have been approved by the Food and Drug Administration.

21 311:4 Effective Date. This act shall take effect on January 1, 2015.

22

23 Approved: August 1, 2014

24 Effective Date: January 1, 2015