CHAPTER 48
SB 31 – FINAL VERSION

03/26/2015 0990s
03/26/2015 1133s

2015 SESSION

15-0961
01/04

SENATE BILL ***31***

AN ACT relative to the controlled drug prescription health and safety program.

SPONSORS: Sen. Bradley, Dist 3; Sen. Lasky, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Hosmer, Dist 7; Sen. Carson, Dist 14; Sen. Watters, Dist 4; Sen. Forrester, Dist 2; Sen. Feltes, Dist 15; Sen. Stiles, Dist 24; Rep. Abrami, Rock 19; Rep. Ford, Graf 3; Rep. P. Schmidt, Straf 19

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill makes certain changes to the controlled drug prescription health and safety program, including clarifying the registration process and confidentiality procedures.

This bill also establishes a committee to study certain issues relative to the controlled drug prescription health and safety program.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

AN ACT relative to the controlled drug prescription health and safety program.

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

48:1 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31, IV to read as follows:

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

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

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

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

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

(e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV controlled substance to a patient.

48:2 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31, VI to read as follows:

VI. "Practitioner" means a physician, dentist, podiatrist, veterinarian, ***pharmacist, APRN, physician assistant,*** or other person licensed or otherwise permitted to prescribe, dispense, or administer a controlled substance in the course of licensed professional practice.

48:3 Controlled Drug Prescription Health and Safety Program; Operation. Amend RSA 318-B:33, II to read as follows:

II. All prescribers and dispensers authorized to prescribe or dispense schedule II-IV controlled substances within the state shall be required to register with the program ***as follows:***

(a) Practitioners who prescribe but do not dispense schedule II-IV controlled substances shall register with the program as a prescriber;

(b) Practitioners who dispense but do not prescribe schedule II-IV controlled substances shall register with the program as a dispenser unless exempted pursuant to RSA 318-B:31, IV; and

(c) Practitioners who prescribe and dispense schedule II-IV controlled

substances shall register with the program as both a prescriber and a dispenser unless exempted pursuant to RSA 318-B:31, IV.

II-a. Only registered prescribers and dispensers shall be eligible to access the program.

48:4 Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 318-B:34, I to read as follows:

I. Information contained in the program, information obtained from it, and information contained in the records of requests for information from the program, is confidential, is not a public record or otherwise subject to disclosure under RSA 91-A, and is not subject to discovery, subpoena, or other means of legal compulsion for release and shall not be shared with an agency or institution, except as provided in this subdivision. ***This paragraph shall not prevent a practitioner from using or disclosing program information about a patient to others who are authorized by state or federal law or regulations to receive program information.***

48***:***5 New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 318-B:34 by inserting after paragraph II the following new paragraph:

III. The board may use and release information and reports from the program for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the data are aggregated or otherwise de-identified.

48:6 New Subparagraph; Controlled Drug Prescription Health and Safety Program; Health and Safety Information. Amend RSA 318-B:35, I by inserting after subparagraph (b) the following new subparagraph:

(c) By electronic or written request on a case-by-case basis to:

(1) A controlled prescription drug health and safety program from another state; provided, that there is an agreement in place with the other state to ensure that the information is used or disseminated pursuant to the requirements of this state.

(2) An entity that operates a secure interstate prescription drug data exchange system for the purpose of interoperability and the mutual secure exchange of information among prescription drug monitoring programs, provided that there is an agreement in place with the entity to ensure that the information is used or disseminated pursuant to the requirements of this state.

48:7 Controlled Drug Prescription Health and Safety Program; Rulemaking. Amend RSA 318-B:37, V to read as follows:

V. The criteria for notifying [~~prescribers~~] ***practitioners*** of individuals that are engaged in obtaining controlled substances from multiple practitioners or dispensers.

48:8 Controlled Drug Prescription Health and Safety Program Established; Information Deleted. Amend RSA 318-B:32, IV to read as follows:

IV. Prescription information relating to any individual, which information does not meet the level established to suggest possible drug abuse or diversion shall be deleted within [~~6~~] ***36*** months

after the initial prescription was dispensed. All other information shall be deleted after 3 years.

48:9 Controlled Drug Prescription Health and Safety Program; Reports Required. Amend 2012, 196:3, III to read as follows:

III. The pharmacy board shall report annually to the oversight committee on health and human services***, the president of the senate, the speaker of the house representatives, the governor, and the senate and house committees having jurisdiction over health and human services issues,*** relative to the effectiveness of the program established in section 2 of this act. ***The report shall also include the number of practitioners signed up for the program, the percentage of practitioners using the program, and a comparison of results and progress based on the use of the program.***

48:10 Committee Established.

I.(a) There is established a committee to study certain issues relative to the controlled drug prescription health and safety program. The members of the committee shall be as follows:

(1) Two members of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

II.(a) The committee's study shall include, but not be limited to, considering whether and under what conditions there should be a requirement to utilize the system before prescribing any schedule II-IV controlled drugs.

(b) The committee shall solicit information from any person or entity the committee deems relevant to its study.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

IV. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2015.

48:11 Repeal. RSA 318-B:35, I(b)(4), relative to certain health and safety information, is repealed.

48:12 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Approved: May 21, 2015

Effective Date: I. Section 10 shall take effect May 21, 2015.

II. Remainder shall take effect July 20, 2015.