

1 Pharmacies; Definitions. Amend RSA 318:1, VI-f to read as follows:

**VI-f. "Hormonal contraceptives" means pills, shots, patches, and rings which the United States Food and Drug Administration (FDA) classifies as available by prescription for the purpose of contraception or emergency contraception. It does not include similar items classified as "over the counter" by the FDA, intrauterine devices, or intradermal implants.**

**VI-g.** "Law enforcement officer" means any officer of the state or political subdivision of the state who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter.

2 New Section; Hormonal Contraceptives; Dispensing. Amend RSA 318 by inserting after section 47-k the following new section:

318:47-1 Hormonal Contraceptives; Dispensing.

I. In this section, standing order" means a written and signed protocol authored by one or more physicians licensed under RSA 329:12 or one or more advanced practice registered nurses licensed under RSA 326-B:18. Such agreement shall specify a protocol allowing the pharmacist licensed under RSA 318-B:18 to dispense hormonal contraceptives under the delegated prescriptive authority of the physician or APRN, specify a mechanism to document screening performed and the prescription in the patient's medical record, and include a plan for evaluating and treating adverse events. Any such prescription shall be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.

II. Licensed pharmacists following standing orders may dispense hormonal contraceptives to persons in this state without a prior prescription. Such products shall only be dispensed by pharmacy employees, and shall not be accessible by the public without the assistance of a pharmacy employee.

III. ~~A pharmacist or pharmacy shall not employ a physician or APRN for the sole purpose of issuing standing orders.~~ A pharmacist, pharmacy, physician, or APRN issuing standing orders shall be prohibited from seeking personal financial benefit by participating in any incentive-based program or accepting any inducement that influences or encourages therapeutic or product changes or the ordering of tests or services.

IV. Prior to dispensing hormonal contraceptives under this section, a pharmacist shall complete ~~contraceptive education and training in accordance with continuing education requirements established by the board.~~ An Accreditation Council for Pharmacy Education (ACPE) accredited educational training program related to the prescribing of contraceptives by a pharmacist. In addition, pharmacists shall comply with the most current United States Medical Eligibility Criteria (USMEC) for Contraceptive Use as adopted by the U.S. Centers for Disease Control and Prevention (CDC).

V. The pharmacist shall provide each recipient of hormonal contraceptives pursuant to this section with a standardized information sheet written in plain language, which shall include, but is not limited to, the indication for the use of the hormonal contraceptive, the importance of follow-up care, and health care referral information.

VI. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Education and training required under paragraph IV.

(b) Content and format of the information sheet required under paragraph V.

(c) Other matters necessary to the proper administration of this section.

(d) A model statewide protocol, which the protocols adopted in RSA 318:47-1 I may follow, in collaboration with the Board of Medicine, the Board of Nursing, and the Department of Health and Human Services.

VII. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary action against a physician based on a pharmacist's failure to follow standing orders provided the provisions of this section and the rules adopted under this section are satisfied. The board of nursing shall not deny, revoke, suspend, or otherwise take disciplinary action against an APRN based on a pharmacist's failure to follow standing orders provided the provisions of this section and the rules adopted under this section are satisfied. The board of pharmacy shall not deny, revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing orders based on a defect in those standing orders provided the provisions of this section and the rules adopted under this section are satisfied.

3 New Paragraph; Pharmacists; Rulemaking. Amend RSA 318:5-a by inserting after paragraph XVIII the following new paragraph:

XIX. Dispensing hormonal contraceptives in accordance with RSA 318:47-1.

4 Insurance; Group; Coverage for Prescription Contraceptive Drugs and Prescription

Contraceptive Devices and for Contraceptive Services. Amend RSA 415:18-i to read as follows:

415:18-i Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services.

"Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis, ***including medication therapy management services provided by a pharmacist*** and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

5 Insurance; Health Service Corporations; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-A:17-c to read as follows:

420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis, ***including medication therapy management services provided by a pharmacist***, and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health service corporation and every other similar corporation licensed under the laws of a different state that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

6 Insurance; Health Maintenance Organizations; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-B:8-gg to read as follows:

420-B:8-gg Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any policy of group health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis, ***including medication therapy management services provided by a pharmacist***, and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any group health insurance providing benefits for medical or hospital expenses

which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

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