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2018 SESSION

18-2207.1
01/04

HOUSE BILL *[bill number]*

AN ACT making hormonal contraceptives available directly from pharmacists by means of
a collaborative pharmacy practice agreement.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill allows pharmacists to dispense hormonal contraceptives pursuant to a standing order entered into by health care providers.

This bill is the result of the commission established pursuant to 2017, 23.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT making hormonal contraceptives available directly from pharmacists by means of a collaborative pharmacy practice agreement.

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

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

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

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

9 2 New Section; Hormonal Contraceptives; Dispensing. Amend RSA 318 by inserting after
10 section 47-k the following new section:

11 318:47-l Hormonal Contraceptives; Dispensing.

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

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

24 III. A pharmacist or pharmacy shall not employ a physician or APRN for the sole purpose of
25 issuing standing orders.

26 IV. The board shall adopt rules, pursuant to RSA 541-A, relative to administering this
27 section.

28 V. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary
29 action against a physician based on a pharmacist's failure to follow standing orders provided the
30 provisions of this section and the rules adopted under this section are satisfied. The board of

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

7 3 New Paragraph; Pharmacists; Rulemaking. Amend RSA 318:5-a by inserting after paragraph
8 XVIII the following new paragraph:

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

10 4 Insurance; Group; Coverage for Prescription Contraceptive Drugs and Prescription
11 Contraceptive Devices and for Contraceptive Services. Amend RSA 415:18-i to read as follows:

12 415:18-i Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices
13 and for Contraceptive Services. Each insurer that issues or renews any group policy of accident or
14 health insurance providing benefits for medical or hospital expenses, which provides coverage for
15 outpatient services shall provide to each group, or to the portion of each group comprised of
16 certificate holders of such insurance who are residents of this state, coverage for outpatient
17 contraceptive services under the same terms and conditions as for other outpatient services.
18 "Outpatient contraceptive services" means consultations, examinations, and medical services,
19 provided on an outpatient basis, ***including medication therapy management services***
20 ***provided by a pharmacist*** and related to the use of contraceptive methods to prevent pregnancy
21 which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or
22 renews any policy of group accident or health insurance providing benefits for medical or hospital
23 expenses which provides a prescription rider shall cover all prescription contraceptive drugs and
24 prescription contraceptive devices approved by the U.S. Food and Drug Administration under the
25 same terms and conditions as other prescription drugs. Nothing in this section shall be construed
26 as altering the terms and conditions of a contract relating to prescription drugs and outpatient
27 services.

28 5 Insurance; Health Service Corporations; Coverage for Prescription Contraceptive Drugs and
29 Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-A:17-c to read
30 as follows:

31 420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive
32 Devices and for Contraceptive Services. Every health service corporation and every other similar
33 corporation licensed under the laws of another state that issues or renews any policy of group
34 accident or health insurance providing benefits for medical or hospital expenses, which provides
35 coverage for outpatient services shall provide to each group, or to the portion of each group
36 comprised of certificate holders of such insurance who are residents of this state, coverage for
37 outpatient contraceptive services under the same terms and conditions as for other outpatient
38 services. "Outpatient contraceptive services" means consultations, examinations, and medical

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1 services, provided on an outpatient basis, ***including medication therapy management services***
2 ***provided by a pharmacist***, and related to the use of contraceptive methods to prevent pregnancy
3 which has been approved by the U.S. Food and Drug Administration. Each health service
4 corporation and every other similar corporation licensed under the laws of a different state that
5 issues or renews any group policy of accident or health insurance providing benefits for medical or
6 hospital expenses which provides a prescription rider shall cover all prescription contraceptive
7 drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration
8 under the same terms and conditions as other prescription drugs. Nothing in this section shall be
9 construed as altering the terms and conditions of a contract relating to prescription drugs and
10 outpatient services.

11 6 Insurance; Health Maintenance Organizations; Coverage for Prescription Contraceptive
12 Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-
13 B:8-gg to read as follows:

14 420-B:8-gg Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive
15 Devices and for Contraceptive Services. Every health maintenance organization and every other
16 similar corporation licensed under the laws of another state that issues or renews any policy of
17 group health insurance providing benefits for medical or hospital expenses, which provides coverage
18 for outpatient services shall provide to each group, or to the portion of each group comprised of
19 certificate holders of such insurance who are residents of this state, coverage for outpatient
20 contraceptive services under the same terms and conditions as for other outpatient services.
21 "Outpatient contraceptive services" means consultations, examinations, and medical services,
22 provided on an outpatient basis, ***including medication therapy management services***
23 ***provided by a pharmacist***, and related to the use of contraceptive methods to prevent pregnancy
24 which has been approved by the U.S. Food and Drug Administration. Each health maintenance
25 organization and every other similar corporation licensed under the laws of another state that
26 issues or renews any group health insurance providing benefits for medical or hospital expenses
27 which provides a prescription rider shall cover all prescription contraceptive drugs and prescription
28 contraceptive devices approved by the U.S. Food and Drug Administration under the same terms
29 and conditions as other prescription drugs. Nothing in this section shall be construed as altering
30 the terms and conditions of a contract relating to prescription drugs and outpatient services.

31 7 Effective Date. This act shall take effect 60 days after its passage.