

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

New Section; Pharmacies; Hormonal Contraceptives. Amend RSA 318 by adding definitions to 318:1 and inserting after section 47-j the following new section:

318:1 XXVII-a Definitions:

A “collaborative pharmacy practice agreement for contraceptives” means a written and signed agreement entered into voluntarily between one or more pharmacists licensed per RSA 318:18 and one or more physicians licensed per RSA 329:12 or one or more advanced practice registered nurses licensed per RSA 326-B:18. Such agreement shall specify a protocol whereby the pharmacist(s) may dispense hormonal contraceptives under the delegated prescriptive authority of the physician(s) or APRN(s); shall specify a mechanism to document screening performed and the prescription in the patient's medical record; and shall include a plan for evaluating and treating adverse events.

“Hormonal contraceptives” means pills, shots, patches and rings which the US 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.

318:47-k Pharmacies; Hormonal Contraceptives.

I. Licensed pharmacists who have an active collaborative pharmacy practice agreement for contraceptives 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.

II. A pharmacist or pharmacy may not employ a physician or APRN for the sole purpose of forming a collaborative pharmacy practice agreement for contraceptives.

III. The Board of Pharmacy shall adopt rules, pursuant to RSA 541-A, relative to administering this section. Rules already adopted regarding collaborative pharmacy agreements shall apply to collaborative practice agreements for contraceptives unless superseded by new rules. Rules shall include an educational requirement for pharmacists prior to entering into a collaborative pharmacy practice agreement for contraceptives.

IV. Health carriers as defined in RSA 420-J:3 XXIII shall ensure reasonable access to medication therapy management services provided by a pharmacist .

V. A collaborative pharmacy practice agreement for contraceptives may be adopted for statewide use and subsequently be utilized by all pharmacists in the state if ratified by the NH Board of Pharmacy, the NH Board of Medicine and the NH Board of Nursing. Such an agreement may only be adopted if it specifies whose prescriptive authority is delegated to the pharmacists; if it specifies a mechanism to document screening performed and prescriptions made; and if it specifies a plan for evaluating and treating adverse events.