

**Commission to Study Allowing Pharmacists to Prescribe or Make Available via
Protocol Oral Contraceptives and Certain Related Medications**

Meeting Minutes
October 24, 2017

Opening

The fourth meeting of the Commission to Study Allowing Pharmacists to Prescribe or Make Available via Protocol Oral Contraceptives and Certain Related Medications was called to order at 1:00PM on October 24, 2017 in Room 205, Legislative Office Building by Representative Mariellen MacKay.

Present

Rep Mariellen MacKay; Rep William Marsh; Robert Stout; Michael Bullek; Gary Sobelson; Christopher Lopez;; Jennifer Frizzell; Sara Kellogg Meade; Patricia Tilley; Amy Schneider; Rep Peter Schmidt.

Approval of minutes

Christopher Lopez motioned to accept the minutes from October 12, 2017. Rep William Marsh seconded the motion. Minutes approved.

Agenda/Presentations

Rep MacKay opened the meeting by requesting that the Commission focus on draft LSR language. In doing so, it was clarified that the Commission can submit late legislation.

Rep MacKay requested that even though the Commission has a little more time to come to consensus on strategy, the meeting should focus on the language of Rep Marsh's proposed LSR. If time allows the Commission may consider working in small workgroups to further discuss details.

Rep Marsh reviewed the current draft. He noted that this version does not include a statewide protocol and instead utilizes language regarding Standing Orders.

John Williams, attorney for NH DHHS, addressed the Commission to discuss concerns and questions about potential legislation. Attorney Williams agreed with Reps Marsh and MacKay that there was still time available to work on a potential bill.

It was discussed that there is a need for the Commission to engage with Nancy Smith from the Attorney General's Office to seek ensure that potential language and direction of any bill is in alignment with NH law.

Previous bills about Naloxone distribution and Emergency Partner Therapy can provide a model for how to address issues such as prescriber protections and issues such as standing orders. The Boards of Medicine and Pharmacy should also weigh in heavily as they have through their representatives on the Commission.

Attorney Williams also suggested that NH DHHS may not be the most appropriate agency to implement potential Statewide Protocols for hormonal contraception. In situations such as distribution of Naloxone, the Public Health Agency was acting in response to a Public Health Emergency.

Questions/Comments:

Bob Stout commented that in Colorado the State Health Department worked with the Boards of Pharmacy and Medicine to develop statewide protocols that were acceptable.

Attorney Williams suggested that Nancy Smith would be better prepared to provide additional guidance as to if or how to propose similar authority and protections within NH for pharmacists and prescribers.

ACTION ITEM: Nancy Smith should be invited to the next Commission meeting. The meeting should be set for the week of October 30.

Gary Sobelson asked Attorney Williams to talk a little more about DHHS's role with statewide protocols for vaccines and/or Naloxone. John Williams described that DHHS has not been involved with vaccine protocols for pharmacists but that with Naloxone, DHHS did provide standing orders for retail pharmacists that wished to participate. Again, Naloxone was seen as a needed response to a public health emergency. Typically DHHS does not bypass the doctor/patient relationship.

The State could potentially provide protocols or orders for contraception, but it is a gray area if that the appropriate role for DHHS.

Representative Marsh then discussed potential opportunities for pharmacist remuneration using MTM codes.

Commission members then debated the utility of breaking up into small workgroups to further discuss the models of:

- Collaborative Practice
- Statewide Protocols
- Standing Orders

Bob Stout and Christopher Lopez commented that Statewide Protocols continue to be the most intriguing idea, but that there were a number of details that needed to be pursued and questions that would need to be answered by the Attorney General's Office.

Bob Stout noted that he believed that the agencies - the Boards of Medicine, Pharmacy and NH DHHS- could be empowered to create the Statewide Protocol.

Christopher Lopez noted that since other states have made this work, we could learn from their example.

Representative Mariellen MacKay asked if a small group could come together and develop a set of questions for the Attorney General's Office. She named the following members onto the group:

- Bob Stout
- Gary Sobelson
- Chris Lopez
- Jennifer Frizzell
- Michael Bullek

Gary Sobelson noted that the Medical Society is concerned about scope creep. As described in earlier meetings, the Commission needs to be cautious about the maintaining the relationship and differences between medical prescribers and pharmacists.

Christopher Lopez responded by stating that diagnosis is not within the scope of pharmacy. It's not realistic to say that pharmacists want to take on the role of primary care provider.

Sara Kellogg Meade stated that if we indeed want to expand access to hormonal contraception then we need to seek the guidance of the Attorney General's Office to see how to strike a balance that both improves access and maintains the doctor/patient relationship.

Jennifer Frizzell stated that she would benefit from learning more from the Attorney General's Office. Liability is only a small slice of the total set of issues. She would also

like to discuss the resources that are needed for full implementation. Other states have invested funds when they've gone down this path.

Representative MacKay t called for a recess from the general meeting so that the workgroup that she appointed could convene.

The meeting reconvened at 2:30 PM.

Bob Stout spoke on behalf of the workgroup. The Medical Society wants to be sure that there is a medical provider involved in the process. A potential bill could direct and empower the NH Medical Society to adopt a statewide model for increasing access to hormonal contraception. Any Bill should also include language provided by Jennifer Frizzell to improve education and training requirements.

In contrast to the challenges in providing pharmacist training regarding emergency contraception years ago, there is now readily available, national, web-based training for pharmacists about hormonal contraception.

There was a question as to whether or not a bill should have language that would compel commercial and public insurers to support these efforts. Protections should also be put in place for the uninsured.

Representative MacKay stated that the Commission will schedule a meeting for the next week. And while the Commission has a little extra time to come to consensus on a direction for any such legislation, ultimately the Commission may choose to not put forward a Bill. As the Commission consolidates its thoughts, a report will be made to document where the Commission came to agreement and any areas for which there remained questions or a lack of consensus.

The meeting on November 9th will develop the draft recommendations and report and the report will be voted upon on November 16th.

Adjournment

Meeting was adjourned at 3:00 by Representative Mariellen MacKay.

The next meeting was scheduled for 10/31/17 at 1:00 in the Legislative Office Building, Room 205.

Minutes submitted by: Patricia Tilley