

Amendment to SB 45

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31,  
4 IV to read as follows:

5 IV. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-  
6 IV controlled substance, **and conduct medication reconciliation**, but does not include:

7 (a) A licensed hospital pharmacy **under RSA 318** that dispenses less than a 48-hour  
8 supply of a schedule II-IV controlled substance from a hospital emergency department or that  
9 dispenses for administration in the hospital;

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

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

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

14 (e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV  
15 controlled substance to a patient; **or**

16 **(f) A practitioner who neither prescribes nor dispenses and who is not actively**  
17 **working as a pharmacist within a New Hampshire licensed pharmacy licensed under RSA**  
18 **318 or New Hampshire health care facility licensed under RSA 151.**

19 2 New Paragraph; Controlled Drug Prescription Health and Safety Program Established.  
20 Amend RSA 318-B:32 by inserting after paragraph I the following new paragraph:

21 I-a. The office may enter into agreements or contracts to facilitate the confidential sharing of  
22 information relating to the prescribing and dispensing of schedule II-IV controlled substances, by  
23 practitioners within the state and to establish secure connections between the program and a  
24 practitioner's electronic health record keeping system. The electronic health record keeping system  
25 may allow for the query and retrieval of program information for display and retention in the  
26 patient's medical information; provided that nothing in this section shall allow the electronic health  
27 record keeping system owner or license holder to perform data queries unrelated to individuals  
28 under the practitioner's care. The electronic health record keeping system owner or license holder  
29 shall be responsible for ensuring that only authorized individuals have access to program  
30 information.

31 3 New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality.  
32 Amend RSA 318-B:34 by inserting after paragraph II the following new paragraph:

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1           II-a. A practitioner who intends to request and use information from the program about a  
2 patient shall post a sign that can be easily viewed by the public that discloses to the public that the  
3 practitioner may access and use information contained in the program. In lieu of posting a sign, the  
4 practitioner may provide such notice in written material provided to the patient.

5           4 Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-  
6 B:35, I(a)(2) and (3) to read as follows:

7                   (2) For reviewing information regarding prescriptions issued or dispensed by the  
8 requester; ~~[or]~~

9                   (3) For the purpose of investigating the death of an individual; **or**

10                  **(4) For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA**  
11 **329:13-b, and other participating health professional boards.**

12           5 Repeal. RSA 318-B:35, I(b)(5), relative to a practitioner or consultant retained by the office of  
13 professional licensure and certification to review certain information, is repealed.

14           6 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill modifies the administration of the controlled drug prescription health and safety program administered by the office of professional licensure and certification