

Amendment to SB 504

1 Amend RSA 318:1, XIV as inserted by section 6 of the bill by replacing it with the following:

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3 XIV.(a) "Practice of pharmacy" means the scope of practice for the provision of patient care  
4 services by a pharmacist shall be based on their education, training, and experience, and determined  
5 by practice setting and in accordance with generally accepted standards of care, including but not  
6 limited to:

7 (1) The interpretation and evaluation of prescription orders;

8 (2) The compounding, dispensing, labeling, administering, and distribution of drugs  
9 and devices;

10 (3) The selection, evaluation, and monitoring of drug and drug-related therapies;

11 (4) The performance of drug utilization reviews and medication therapy  
12 management;

13 (5) The participation in collaborative pharmacy practice and collaborative pharmacy  
14 practice agreements as defined in RSA 318:1, XXVI - XXVII, and RSA 318:16-a;

15 (6) The prescribing, ordering, administering, and interpretation of laboratory tests,  
16 controlled and noncontrolled drugs, and devices;

17 (7) The education and counseling of patients and health care professionals on the  
18 therapeutic use, potential hazards, and outcomes of drugs and devices;

19 (8) The maintenance of appropriate records and the safe storage and handling of  
20 drugs and devices;

21 (9) The interprofessional communication with appropriate health care providers to  
22 ensure continuity of care;

23 (10) Any other professional acts, services, operations, or transactions necessary to  
24 the operation and management of pharmacy practice.

25 (b) For purposes of this paragraph, the scope of practice of a pharmacist shall be  
26 determined at the practice level based on the education, training, and experience of the pharmacist.  
27 Practice settings may include, but are not limited to, a community setting, hospitals, nursing homes,  
28 extended care facilities, infirmaries, hospice houses, correctional facilities, and/or ambulatory care  
29 setting governed by a system of credentialing and/or granting of privileges. Pharmacists may  
30 perform any act not expressly prohibited by federal or state law, provided it is consistent with their  
31 education, training, experience, and clinical competence.

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1           (c) Nothing in this paragraph may be interpreted to permit an alteration of a prescribing  
2 clinician's directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, or  
3 the practice of medicine (allopathic or osteopathic), unless otherwise permitted by protocol.

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5 Amend the bill by replacing all after section 8 with the following:

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7           9 Pharmacy Board; Rulemaking; Examinations. Amend RSA 318:5-a, IV(a) to read as follows:

8           (a) The subjects to be tested *pursuant to RSA 318:19*;

9           10 Pharmacy Board; Rulemaking; Licensed Advanced Pharmacy Technicians. Amend RSA  
10 318:5-a, XI-c(a) to read as follows:

11           (a) Requirements for licensure, including experience and education requirements,  
12 *except that there shall not be any examination requirement for licensure.*

13           11 Pharmacists and Pharmacies; Examinations. Amend RSA 318:19 to read as follows:

14           318:19 Examinations. – Applicants for licensure as pharmacists shall, to prove their respective  
15 requisite knowledge, be examined to a properly varying degree in pharmacy-related subject areas  
16 which may include chemistry, math, pharmacology, pharmacy theory, the practice of pharmacy [~~and~~  
17 ~~pharmacy law~~], and any other areas as the board may prescribe, *except that the board shall not*  
18 *require any applicant to be examined on pharmacy state-specific or universal state level*  
19 *jurisprudence or law.*

20           12 New Section; Pharmacist Liability; Negligence. Amend RSA 318 by inserting after section  
21 29-d the following new section:

22           318:29-e Pharmacist Liability; Negligence. A pharmacist shall be responsible for any negligent  
23 act arising from his or her modification of medication or services provided under drug therapy  
24 management protocols. Nothing in this section shall limit a prescribing clinician's liability for  
25 negligent acts not related to such pharmacist modifications.

26           13 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill:

I. Authorizes the dispensing of up to a 30-day supply of noncontrolled oral anti-cancer medication by a licensed health care professional legally authorized to prescribe and administer medications to a patient under a provider's care or supervision subject to certain conditions.

II. Amends the display requirements for certain licenses and permits.

III. Authorizes licensed advanced pharmacy technicians to engage in remote processing.

IV. Removes the requirement that a pharmacist's name or initials be on a label affixed to any controlled drug or prescription issued.

V. Amends the definition of the "practice of pharmacy."

VI. Removes certain authority of the board of pharmacy with respect to the regulation of collaborative pharmacy practice agreements.

VII. Eliminates any examination requirement for licensure as an advanced pharmacy technician.

VIII. Prohibits the pharmacy board from testing applicants on pharmacy jurisprudence or law.