

Rep. Marsh, Carr. 8
Rep. Campion, Graf. 12
February 3, 2020
2020-0418h
01/04

Amendment to HB 1600-FN-A

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to smoking cessation therapy and pharmacist reimbursement under
4 Medicaid and making an appropriation therefor and relative to insurance coverage
5 for pharmacist cognitive services.
6

7 Amend RSA 126-A:3, III-a as inserted by section 1 of the bill by replacing it with the following:

8
9 III-a. Pharmacists shall be considered providers under RSA 126-A:3, III for the purpose of
10 billing for providing cognitive services performed within the scope of a person's license including, but
11 not limited to, RSA 318:1, XXVIII, RSA 318:16-a, RSA 318:47-l, II, and RSA 318:47-m. The
12 commissioner shall submit a Title XIX Medicaid state plan amendment to the federal Centers for
13 Medicare and Medicaid Services to implement this paragraph, if necessary.
14

15 Amend RSA 318:1, XVIII-a as inserted by section 3 of the bill by replacing it with the following:

16
17 XVIII-a. "Smoking cessation therapy" means patches, gums, lozenges, inhalers, and nasal
18 sprays which the United States Food and Drug Administration (FDA) classifies as available by
19 prescription for the purpose of smoking cessation.
20

21 Amend the bill by replacing all after section 3 with the following:

22
23 4 New Section; Pharmacists and Pharmacies; Smoking Cessation Therapy. Amend RSA 318 by
24 inserting after section 47-l the following new section:

25 318:47-m Smoking Cessation Therapy.

26 I. In this section, "standing order" means a written and signed protocol authored by a
27 physician licensed under RSA 329:12 or an advanced practice registered nurses licensed under RSA
28 326-B:18. The agreement shall specify a protocol allowing a licensed pharmacist to provide smoking
29 cessation therapy under the delegated prescriptive authority of the physician or APRN, a mechanism
30 to document screening performed and the prescription in the patient's medical record, and include a
31 plan for evaluating and treating adverse events. The prescriptions shall be considered a legitimate
32 medical purpose in the usual course of professional practice.

Amendment to HB 1600-FN-A
- Page 2 -

1 II. Licensed pharmacists following standing orders may provide smoking cessation therapy
2 to persons in this state without a prior prescription.

3 III. A pharmacist, pharmacy, physician, or APRN issuing or following standing orders shall
4 be prohibited from seeking personal financial benefit by participating in any incentive-based
5 program or accepting any inducement that influences or encourages therapeutic or product changes
6 or the ordering of tests or services.

7 IV. Prior to providing smoking cessation therapy under this section, a pharmacist shall
8 complete an Accreditation Council for Pharmacy Education (ACPE) accredited educational training
9 program related to smoking cessation.

10 V. The pharmacist shall provide each recipient of smoking cessation therapy with a
11 standardized information sheet written in plain language, which shall include, but is not limited to,
12 the indication for the use of the smoking cessation therapy, the importance of follow-up care, and
13 health care referral information.

14 VI. The board shall adopt rules, pursuant to RSA 541-A, relative to:

15 (a) Education and training required under paragraph IV.

16 (b) Content and format of the information sheet required under paragraph V, in
17 consultation with the commissioner of the department of health and human services.

18 (c) A model statewide protocol, with the consent of the board of medicine, the board of
19 nursing, and the department of health and human services to be used for the purposes of paragraph
20 I.

21 (d) Communication to the patient's primary care provider with the consent of the
22 patient.

23 VII. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary
24 action against a physician based on a pharmacist's failure to follow standing orders provided the
25 provisions of this section and the rules adopted under this section are satisfied. The board of
26 nursing shall not deny, revoke, suspend, or otherwise take disciplinary action against an APRN
27 based on a pharmacist's failure to follow standing orders provided the provisions of this section and
28 the rules adopted under this section are satisfied. The board of pharmacy shall not deny, revoke,
29 suspend, or otherwise take disciplinary action against a pharmacist who follows standing orders
30 based on a defect in those standing orders provided the provisions of this section and the rules
31 adopted under this section are satisfied.

32 5 New Section; Accident and Health Insurance; Coverage for Cognitive Services; Individual.
33 Amend RSA 415 by inserting after section 6-x the following new section:

34 415:6-y Coverage for Pharmacist Cognitive Services. Each insurer that issues or renews any
35 individual policy of accident or health insurance providing benefits for medical or hospital expenses,
36 shall provide to certificate holders of such insurance, who are residents of this state, coverage for
37 providing pharmacist cognitive services, at a reimbursement rate established by contract between

Amendment to HB 1600-FN-A
- Page 3 -

1 the pharmacy and the insurer, provided by a pharmacist in a collaborative practice agreement
2 pursuant to RSA 318:16-a or under a standing order pursuant to RSA 318:47-m and RSA 318:47-l.
3 Coverage shall be subject to terms and conditions of the policy.

4 6 New Section; Accident and Health Insurance; Coverage for Pharmacist Cognitive Services;
5 Group. Amend RSA 415 by inserting after section 18-bb the following new section:

6 415:18-cc Coverage for Pharmacist Cognitive Services. Each insurer that issues or renews any
7 policy of group or blanket accident or health insurance providing benefits for medical or hospital
8 expenses, shall provide to certificate holders of such insurance, who are residents of this state,
9 coverage for providing pharmacist cognitive services, at a reimbursement rate established by
10 contract between the pharmacy and the insurer, provided by a pharmacist in a collaborative practice
11 agreement pursuant to RSA 318:16-a or under a standing order pursuant to RSA 318:47-m and RSA
12 318:47-l. Coverage shall be subject to terms and conditions of the policy.

13 7 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

14 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter
15 and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
16 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
17 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u,
18 RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, **RSA 415:6-y**, RSA 415:18, V, RSA 415:18, XVI and XVII,
19 RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA
20 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa,
21 RSA 415:18-bb, **RSA 415:18-cc**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable
22 provisions of title XXXVII wherein such corporations are specifically included. Every health service
23 corporation and its agents shall be subject to the fees prescribed for health service corporations
24 under RSA 400-A:29, VII.

25 8 Health Services Corporations; Applicable Statutes; Effective January 2021. Amend RSA 420-
26 A:2 to read as follows:

27 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter
28 and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
29 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
30 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v,
31 RSA 415:6-w, RSA 415:6-x, **RSA 415:6-y**, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18,
32 VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA
33 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, **RSA 415:18-**
34 **cc**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII
35 wherein such corporations are specifically included. Every health service corporation and its agents
36 shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

Amendment to HB 1600-FN-A
- Page 4 -

1 9 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read
2 as follows:

3 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
4 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA
5 415:6-x, ***RSA 415:6-y***, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j,
6 RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA
7 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc***, RSA 415-A, RSA 415-F, RSA 420-G, and
8 RSA 420-J shall apply to health maintenance organizations.

9 10 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021.
10 Amend RSA 420-B:20, III to read as follows:

11 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
12 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA***
13 ***415:6-y***, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r,
14 RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA
15 415:18-bb, ***RSA 415:18-cc***, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health
16 maintenance organizations.

17 11 Appropriation; Department of Health and Human Services. The sum of \$100,000 for the
18 biennium ending June 30, 2021 is hereby appropriated to the department of health and human
19 services for the purposes of this act. The governor is authorized to draw a warrant for said sum out
20 of any money in the treasury not otherwise appropriated.

21 12 Effective Date.

22 I. Sections 8 and 10 of this act shall take effect January 1, 2021 at 12:04 a.m.

23 II. The remainder of this act shall take effect June 30, 2020.

Amendment to HB 1600-FN-A
- Page 5 -

2020-0418h

AMENDED ANALYSIS

This bill authorizes pharmacists to provide smoking cessation therapy pursuant to a standing order from a physician or APRN and to be reimbursed under Medicaid. This bill also provides insurance coverage for pharmacist cognitive services under certain circumstances.