

Floor Amendment to SB 504

1 Amend RSA 318:1, XIV(b)-(c) as inserted by section 6 of the bill by replacing it with the following:

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3 (b) Nothing in this paragraph shall be construed to limit or restrict the provision of  
4 patient care services by pharmacists otherwise authorized under federal or state law or regulations,  
5 including those performed pursuant to protocol, collaborative practice agreements, or standing  
6 orders.

7 (c) Nothing in this paragraph shall be interpreted to permit an alteration of a  
8 prescribing clinician's diagnosis.

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10 Amend the bill by replacing section 12 with the following:

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12 12 Pharmacy Board; Enforcement of Law. Amend RSA 318:8 to read as follows:

13 318:8 Enforcement of Law.

14 ***I.*** It shall be the duty of the board, through officials and employees appointed by it or under  
15 its supervision for that purpose, and of all peace officers within the state, and of all county attorneys,  
16 to enforce all the provisions of this chapter. When so requested, the department of health and  
17 human services and its officials and employees shall cooperate with the board in collecting and  
18 analyzing samples of drugs and medicines sold, or suspected of being sold, in violation of this  
19 chapter. The members of the board, its inspectors and investigators shall have free access during  
20 business hours to all places where drugs, medicines, poisons or hypodermic devices are held, stored,  
21 or offered for sale and to all records of sale and disposition of drugs.

22 ***II.*** ***It shall also be the duty of the board, through officials and employees appointed***  
23 ***by it or under its supervision for that purpose, to evaluate whether a specific act is within***  
24 ***the practice of pharmacy, or whether an act can be delegated to other individuals under***  
25 ***pharmacist supervision. A licensee or registrant of the board of pharmacy shall***  
26 ***independently determine whether:***

27 (a) ***The act is expressly prohibited by:***

28 (1) ***This chapter;***

29 (2) ***The controlled drug act, RSA 318-B;***

30 (3) ***The rules of the board of pharmacy; or***

31 (4) ***Any other applicable state or federal laws or regulations;***

1                   ***(b) The act is consistent with the individual's education, training, and***  
2 ***experience; and***

3                   ***(c) Performance of the act is within the accepted standard of care that would be***  
4 ***provided in a similar setting by a reasonable and prudent individual with similar***  
5 ***education, training, and experience.***