PART Ph 303 1900 IN STATE PHARMACY PERMIT OPTION LICENSING AND OPERATION

Ph 303.04 1900.01 Licensing the Entire Store Area.

(a) The pharmacy shall include the prescription department and all other retail sections of the store.

(b) The entire pharmacy shall be equipped with a functional alarm system to prevent entry when the pharmacy is not open to the public, according to Ph 702.04.

(c) The prescription department shall not be closed while the balance of the establishment remains open.

(d) A licensed pharmacist shall be on duty in the pharmacy at all times when open to the public.

Source. #1639, eff 11-1-80; ss by #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED: 1-19-96
New. #6181-B, eff 2-5-96, EXPIRED: 2-5-04
New. #8316, eff 3-26-05, EXPIRED: 3-26-13
New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15
New. #11031, eff 1-29-16

Ph 303.02 1900.02 Licensing Only the Prescription Department.

(a) The pharmacy shall include only the prescription department where drugs, chemicals, medicines, prescriptions are stored, compounded and dispensed. This area shall not include the other retail sections of the store the principle business of which is not the practice of pharmacy.

(b) The prescription department described in (a), above, shall be equipped with a functional alarm system to prevent entry when the pharmacy is not open to the public according to Ph 702.04.

(c) The prescription department may be closed while the remainder of the business establishment remains open to the public. During such periods, the pharmacy shall comply with Ph 702.04.

(d) A licensed pharmacist shall be on duty at all times when the prescription department is open to the public and during any absences by the pharmacist, the prescription department shall be secured except as is provided in Ph 704.01(b).
(e) Whenever the prescription department is closed, a sign indicating that there is no pharmacist on duty shall be conspicuously displayed in the pharmacy area. Such sign shall be composed of 2" 2-inch lettering.

(f) Whenever the prescription department is closed, prescriptions may be left via a mail slot which falls directly into the pharmacy area.

(g) The prescription mail slot:

1. Shall be constructed so as to accept only a written or typed prescription or a notation of the prescription number for refills;

2. Shall be no larger than 8" x 11" and designed so that prescriptions or notations, once deposited, cannot be retrieved by hand or by mechanical means; and

3. Shall be constructed so as to deliver these prescriptions or notations directly into the prescription area for access by the pharmacist only so that they are not visible to the general public.

(h) No prescription, new or refill, shall be left with or accepted by pharmacy technicians as defined in RSA 318:1, XI-b or pharmacy interns as provided in RSA 318:42, IX when the prescription department is closed except as is provided in Ph 704.01(c).

(i) No finished prescriptions shall be left outside of the pharmacy area prescription department for pick-up when the prescription department is closed.

(j) No telephone prescriptions, new or refill shall be accepted by pharmacy technicians or pharmacy interns when the prescription department is closed except as is provided in Ph 704.01(c).

(k) All drug order deliveries containing prescription drugs shall be delivered only when the prescription department is open and/or a licensed pharmacist is on the premises in order to secure such drug orders.

(l) A barrier preventing access to the prescription department by the public shall be erected pursuant to the security requirements of Ph 702.04(c).

(m) The pharmacist-in-charge may designate personnel, in compliance with the provisions of Ph 702.05(b), to have keys, and a list of these individuals shall be communicated to the board of pharmacy in writing whenever changes occur.

(n) All prescription departments licensed under this section shall be so equipped with a physical barrier from floor to ceiling capable of being locked and alarmed, separate from the rest of the store, to be utilized when the prescription department is not opened to the public.
PART Ph 304 1901 PHARMACY PERMIT APPLICATION

Ph 304.01 1901.01 Obtaining and Filing an Permit Initial Application.

(a) Application Ph B-1 revised September 2015 for a permit to operate a pharmacy in New Hampshire may be obtained from the board or board-website, and shall be filed at the board office, identified in Ph 103.03;

A. Application form Ph B-2, (Feb 2018), or electronic equivalent may be obtained from the board or the board's website at www.oplc.nh.gov/pharmacy

B. Applicants for licensure shall submit a completed form and file it with the Board of Pharmacy office as identified in Ph 103.03 along with all supporting documentation listed below and as described by the application itself at least 30 days before consideration will be given for a temporary permit.

1) The questions on the applications completed, if a ‘yes’ answer submit additional detailed explanation, signed and dated by the owner of the pharmacy and pharmacist in charge.

2) Have there been or are there now pending any indictments of any nature or any alleged violations of the law governing the practice of pharmacy, controlled substances, or other regulated drugs against the corporation, members of the corporation or partnership, or any of the individuals named in this application or supporting documents?

3) Have any of the named individuals/entities been convicted of a local, state, or federal drug or pharmacy law?

4) Have any of the above individuals/entities been convicted of a felony within the past 10 years?
C. Certificate of Good Standing by the New Hampshire Secretary of State's office authorizing it to do business in the state of New Hampshire under the corporate name.

D. List of all employees of pharmacy, to include:
   1) Full legal name;
   3) Complete license number with the New Hampshire Board of Pharmacy;
   4) Complete title or position of the employee;
   6) Hours for each employee scheduled at that pharmacy per week;
   7) Pharmacist In Charge.

E. Separate list of 'floater' employee's with the above listed requirements.

F. Certificate of working alarm.

G. The prescribed fee of $250.00 in the form of a check or money order or electronic format
   If applicable, made payable to 'Treasurer State of New Hampshire'.

H. List of corporate officers/owners and a corporate structure.

I. Detailed list of pharmacy hours of operation.

J. Dimensions of the pharmacy to include square footage.

K. Detailed list of all space to be utilized by the pharmacy.

L. Anticipated Date of Opening/Move.

M. Attestation signed, dated.

N. List the Type of Pharmacy it will be;
   1) Entire store;
   2) Pharmacy area only;
   3) Community Pharmacy;
   4) Hospital Pharmacy;
   5) Home Infusion Pharmacy;
   6) Clinic or ambulatory Pharmacy;

(b) Form Ph-B-1 shall be used for:

   (1) Applying for a permit to operate a new pharmacy within the State of New Hampshire;

   (2) Changing the location of a currently licensed New Hampshire pharmacy;

   (3) Changing the ownership of a currently licensed New Hampshire pharmacy; and

   (4) Changing the pharmacist in charge of a currently licensed New Hampshire pharmacy.

Ph_1901.02 Applicable Applications

A. The application Ph B-2 or an electronic equivalent and all required items detailed in Ph
   1901.01 shall also be used for the following procedures;
1. Initial Application;
2. Ownership Change; at any level, parent, grandparent, etc.
3. The sale of the pharmacy;
4. The addition or deletion of one or more partners in a partnership;
5. The death of a singular owner; or
6. In a publicly traded, multi-tiered corporation, a change in the corporate ownership of the majority or controlling interest of the lowest tier of the corporate structure doing business as a pharmacy in the State of New Hampshire
7. Name Change; even if just name change, and not FEIN change, etc.
8. Change of Location;

Source. #1639, eff 11-1-80; ss by #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED, 1-19-96

New. #6181-B, eff 2-5-96, EXPIRED: 2-5-04
New. #8316, eff 3-26-05, EXPIRED: 3-26-13
New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15
New. #11031, eff 1-29-16

Ph 395-04 1901.03 Pharmacy Permit Conference.

(a) In addition to all requirements set forth in the statutes and elsewhere in this chapter, each applicant applying for an initial permit to operate a pharmacy in New Hampshire shall appear before the board for an informal conference to review the responsibilities of the pharmacist-in-charge and permit holder.

(b) If the owner is not the pharmacist-in-charge, then the owner or an officer of the corporation, or the district manager, as well as the anticipated pharmacist-in-charge shall appear before the board.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04
New. #8316, eff 3-26-05, EXPIRED: 3-26-13
New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15
New. #11031, eff 1-29-16
(a) Following the applicant's conference, the proposed site shall be inspected by one or more board members or compliance inspectors to determine if the premises are secure and suitable, as set forth in the NH pharmacy application information according to the provisions of Ph 702, for the operation of a pharmacy, and that the required professional library material, according to Ph 702.07 (e) & (d), is available.

(b) Within the 60 day period after the issuance of the temporary permit as required by Ph 305.03, an inspector or a board member or both shall inspect the pharmacy. The full operation of the pharmacy shall be examined for compliance with federal and state statutes and rules governing the practice of pharmacy to ensure public protection.

A. Once a pharmacy application, Ph B-2 has been approved, the information will be forwarded to the compliance department of the Board of Pharmacy from the licensing department to have an initial inspection, form #508 completed within 30 days.

B. Providing that, the premises are suitable for the operation of a pharmacy and the applicant has met all other requirements of these rules and RSA 318, the applicant shall be granted a permit. The permit shall authorize the operation of a pharmacy only in the location and only under the name specified in the permit and shall authorize the pharmacist-in-charge to buy, possess and dispense prescription drugs, chemicals and pharmaceuticals.

C. Once an inspection has been completed, by the compliance department, they will then forward their approval for licensure to the licensing department for issuance of the pharmacy permit.

D. After the primary site inspection, the board shall notify the applicant in writing of all deficiencies. The applicant shall, within 20 days of the date of the notice of deficiency, deliver to the board documents evidencing the correction of those deficiencies.

E. If the deficiencies are not corrected within 20 days of receiving the deficiency notice, the application shall, without further action or notice by the board, be denied. Effective on the 21st day of receiving the deficiency notice.

F. All permits will be emailed to the Pharmacist In Charge for that facility.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16
(a) Applicants shall file a completed application at least 30 days before consideration will be given for a temporary permit.

(b) Providing that the premises are suitable, according to Ph 305.02 (a), for the operation of a pharmacy and the applicant has met all other requirements of these rules and RSA 318, the applicant shall be granted a temporary permit which shall expire in 60 days. The temporary permit shall authorize the operation of a pharmacy only in the location and only under the name specified in the permit and shall authorize the pharmacist in charge to buy, possess and dispense prescription drugs, chemicals and pharmaceuticals.

(c) After consideration of the application and the report of the primary site inspection, the board shall notify the applicant in writing of all deficiencies in the application which, in the absence of correction, shall result in the denial of the application. The applicant shall, within 20 days of the date of the notice of deficiency, deliver to the board documents evidencing the correction of those deficiencies. In the absence of timely filing of documentation, the application shall, without further action or notice by the board, be denied effective as of the expiration of 20 days after the date of the notification of deficiency.

A. If an applicant successfully files an application Ph B-2 or Ph B-3 complete in all manner including; the form and supporting documentation, and fee; then the form will be reviewed by the Administrator/Chief of Compliance who has the authority to approve.

B. If an application has negative findings in the application or supporting documentation, the Administrator/Chief of Compliance may forward the application and all supporting documentation to the full Board for review.

C. The full Board shall review the application and supporting documentation and determine if the application is complete in all manner and if it should be approved or denied. If the application is denied, a written letter shall be mailed by the Board's office detailing the requirements that the applicant failed to meet and if they can apply again once the deficiencies are met.

D. Applications will be open and active for 90 days from the date the Board of Pharmacy office receives the application. If an application is not completed and approved by the Board in this timeframe, then the application will have to begin the process from the beginning, including paying the fee again.

E. The pharmacy permit shall be issued to the pharmacy in the name of the permit holder and pharmacist-in-charge, who shall have sole joint control and responsibility for the operation of the pharmacy in accordance with all laws and rules pertaining to the practice of pharmacy in this state and always in the best interest of public health and safety.
PART Ph 306 1901.06 PHARMACY PERMITS - CHANGES IN SUPPORTING DATA

Ph-306.04  A. Pharmacy Ownership Transfer. A transfer of ownership shall include any of the following:

(a) 1. The sale of the pharmacy, at any level;

(b) 2. The addition or deletion of one or more partners in a partnership;

(c) 3. The death of a singular owner; or

(d) 4. In a publicly traded, multi-tiered corporation, a change in the corporate ownership of the majority or controlling interest of the lowest tier of the corporate structure doing business as a pharmacy in the State of New Hampshire.

Ph-306.02  B. Reporting Changes. The person to whom a permit to operate a pharmacy in New Hampshire has been issued shall, within 15 days of that person's discovery of a change in any of the data contained in the application for an original or renewal permit, report that change to the board in writing. An original new permit application, A change in supporting data, form Ph B-1 XXX revised September 2015 XXXX or electronic equivalent shall be completed and filed in addition to the written notice when the name, location, ownership, licensed area, or pharmacist in charge of the pharmacy are changed.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05; amd by #8572, eff 2-23-06; intro. paragraph and paragraphs (a)-(c) EXPIRED: 3-26-13; paragraph (d) EXPIRED: 2-23-14

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16.
Ph 306.03 C. Change in Pharmacy Name or Location - Prohibited. No person shall operate a pharmacy under a name, or at a location, different from the name and location contained in the permit issued pursuant to Ph 304.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16

Ph 306.04 D. Renovations. Plans for any renovation at any time after an original permit is issued shall be filed with the board office for review and approval before proceeding with such changes.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16

Ph 1901.07 Pharmacist In Charge Application

1. Application Form Ph B-3 or an electronic equivalent shall be used for a Pharmacist In Charge Change whenever there has been a change in pharmacist in charge, from the original application submitted to the Board along with the prescribed fee of $250.00.

Ph 306.05_1901.08 Special Permit Provisions for Sudden Termination of Pharmacist-In-Charge (PIC).

A. Existing pharmacy permit holders who have a sudden loss of the pharmacist-in-charge (PIC), shall be issued a special pharmacy permit valid for 60 days while a new PIC is identified and appears before the board according to Ph 305.01.

B. The term “sudden” means not expecting, not previously notified of, not previously aware of, this change.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13
PART Ph-307 1902 RENEWAL AND REPLACEMENT PHARMACY PERMITS

Ph-307.01 Renewal Permits Required. The person to whom a permit to operate a pharmacy in New Hampshire has been issued shall renew that permit by December 31st of each year.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04
New. #8316, eff 3-26-05, EXPIRED: 3-26-13
New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15
New. #11031, eff 1-29-16

Ph-307.02 Renewal Application Where Obtained and Filed. Applications for the renewal of a permit to operate a pharmacy in New Hampshire may be obtained from, and shall be filed at the board office.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04
New. #8316, eff 3-26-05, EXPIRED: 3-26-13
New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15
New. #11031, eff 1-29-16

Ph-307.03 Renewal Application Contents and When Filed.

(a) Applications for renewal of a permit to operate a pharmacy in New Hampshire shall consist of the prescribed form Ph-B-2 revised September 2015 and the prescribed fee of $250.
(b) Renewal applications as required pursuant to Ph 307.01 shall be submitted to the board office identified in Ph 103.03 no later than the 15th day of December of each year.

Source: #6181-B, eff 2-5-96; amd by #6933, eff 2-1-99; paragraph (b) EXPIRED: 2-5-04; amd by #8316, eff 3-26-05; paragraph (a) EXPIRED: 2-1-07; paragraph (b) EXPIRED: 3-26-13

New: #10702, INTERIM, eff 10-23-14, , EXPIRED: 4-21-15

New: #11031, eff 1-29-16

Ph 1902.01 Renewal application contents, obtained and filed.

a. RSA 318:38 requires the biennial renewal of a pharmacy permit.
b. Applications and supporting documentation can be filed electronically or as directed in Ph 103.03
c. Renewal fee of $250.00, application and all supporting documentation should be submitted to the Board’s office no later than the 15th day of the last month of renewal in the renewal year.
d. Supporting documentation to prove a complete renewal are:
   1. Complete current list of employees employed by that pharmacy itself (not the corporation).
   2. List the employee’s full legal name, license number, and hours working at the facility.
   3. On the list of employee’s designate the Pharmacist In Charge along with license number, title, hours worked at facility, email address.
e. Applications should include a detailed list of the hours of operation, days of week.
f. Questions on the application should include but not be limited to:
   1. I attest this electronic application is true and accurate in all respects.
   2. I understand that the pharmacy permit is issued in the name of the corporation or owner of the pharmacy and a Pharmacist In Charge.
   3. I understand the permit is not transferrable.
   4. My electronic signature (as documented by my printed name, title, and date below) constitutes my acknowledgment of the responsibilities of both the pharmacist-in-charge and the corporation/owner/permit holder regarding the safe operation of the pharmacy as required by NH RSA 318:38 & Ph 704.11
   5. List of employees, titles, and license numbers that have access to the locked medications.
g. Is the pharmacy registered with the NH PDMP?
h. Is the pharmacist checking the PDMP and reporting as required by RSA 318-B
Ph 307.04 1902.02 Renewal Application Deficiencies. The board shall notify the applicant in writing as to how the application for renewal is deficient. The applicant may, within 10 days after the date of the notice of deficiency, correct the deficiency or the renewal shall be denied.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16

Ph 307.05-1902.03 Issuance or Denial of Renewal Permit.

a. If applicant timely files an application, complete in all respects, and demonstrates the fulfillment of all the requirements of the Administrative Rules and RSA 318, the board shall issue a renewal permit.

b. If applicant fails to meet the requirements of the Administrative Rules and RSA 318, then the application shall be forwarded to the Board for review and possible discipline action.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16

Ph 307.96 1902.04 Replacement Permit Application and Contents.

(a) The holder of a current permit to operate a pharmacy in New Hampshire, whose permit has been lost or destroyed shall apply for a replacement permit within 15 days after the date the licensee discovers, or with reasonable diligence, should have discovered, the loss or destruction of the permit. There shall be no form prescribed for an application for a replacement permit.
(b) The request for a replacement permit shall:

(1) Be in writing;

(2) Contain the number of the current permit held by the applicant, if known;

(3) Be accompanied by the remains, if any, of the permit for which a replacement is sought;

(4) Be accompanied by the prescribed fee of $25.100.00; and

(5) Be filed at the board office.

PART Ph 308 Ph 1903 REVOCATION AND SUSPENSION OF A PHARMACY PERMIT

Ph 308.04 Ph 1903.01 Grounds for Revocation or Suspension. The board may revoke or suspend a permit to operate a pharmacy as stated in RSA 318:29II and RSA 318:29 V.: 

(a) Misconduct as described in RSA 318:29, II; and

(b) Violations of the provisions of RSA 318:29, V.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16

Ph 308.02 1903.02 Effect of Revocation.

(a) The revocation of a pharmacy permit shall permanently withdraw the authority to operate a pharmacy in New Hampshire.
(b) A subsequent permit may be obtained only by:

(1) Complying with all of the requirements of RSA 318 and these rules regarding the original licensing of pharmacies;

(2) Paying all penalties assessed in connection with the cause for revocation; and

(3) By demonstrating that the cause for revocation does not exist at the time of the subsequent application.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16 (from Ph 308.01)

Ph 308.03 1903.03 Effect of Suspension.

(a) The suspension of a pharmacy permit shall temporarily withdraw the authority to operate a pharmacy in New Hampshire until the time specified in the order of suspension.

(b) The authority to operate a pharmacy in New Hampshire shall be recovered only by:

(1) Complying with all of the requirements specified in the order of suspension;

(2) Complying with all of the requirements of RSA 318 and these rules regarding the renewal of a pharmacy permit; and

(3) Paying all penalties assessed in connection with the cause for suspension

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16 (from Ph 308.02)

Ph 308.04 1903.04 Voluntary Surrender When Permitted.
(a) Any person holding a pharmacy permit may voluntarily return that permit to the board.

(b) The return of such permit shall be accompanied by the licensee's signed, written statement as to why the permit is being voluntarily returned to the board.

(c) The voluntary surrender of a permit to operate a pharmacy in New Hampshire shall serve to withdraw the authority for the licensee to operate that pharmacy in New Hampshire.

(d) Voluntary surrender of a permit to operate a pharmacy in New Hampshire shall not be permitted if there exists, at the time the permit is presented to the board, any cause for involuntary revocation or suspension of the licensee's permit to operate a pharmacy, unless the licensee presenting the permit shall state in writing that the voluntarily surrendered permit is in lieu of proceedings for the involuntary revocation or suspension of the permit to operate a pharmacy in New Hampshire.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05, EXPIRED: 3-26-13

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16 (from Ph 308.03)

Ph 308.05.1903.05 Hearing. Except as authorized by statute or these rules, a permittee to operate a pharmacy in New Hampshire shall not be disciplined except after notice and opportunity for hearing provided by Ph 200.

Source. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05; ss by #8572, eff 2-23-06, EXPIRED: 2-23-14

New. #10702, INTERIM, eff 10-23-14, EXPIRED: 4-21-15

New. #11031, eff 1-29-16 (from Ph 308.04)

PART Ph 702.1904 PHARMACY FACILITIES AND EQUIPMENT

Ph 702.04.1904.01 Area, Space and Fixtures.

(a) Pharmaceuticals, library and equipment shall be housed in a well-lit and ventilated room or department with clean and sanitary surroundings devoted primarily to the preparation and dispensing of prescriptions. This portion of a pharmacy shall have an area of not less than 200 square feet. No area
shall be included in the calculation of the minimum area required by this section unless that area is used exclusively for the storage, manufacture, preparation and dispensing of drugs.

(b) The space primarily devoted to the preparation of prescriptions shall be equipped with:

(1) Necessary counters and storage cabinets;

(2) A sink with hot and cold running water with plumbing that meets all applicable state and local building codes; and

(3) Temperature controlled storage equipment used exclusively for drugs.

(4) Private enclosed consultation room of adequate size and design to ensure patient confidentiality.

Source. #1639, eff 11-1-80; ss by #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED, 1-19-96

New. #6181-B, eff 2-5-96, EXPIRED: 2-5-04

New. #8316, eff 3-26-05; amd by #8572, eff 2-23-06; paragraphs (a)(b)(2) and (e) EXPIRED: 3-26-13; paragraph (b)(3) EXPIRED: 2-23-14

New. #10903, eff 8-5-15
Ph 702.02 1904.02 Temperature. The temperature in any area wherein drugs are stored, manufactured, prepared or dispensed, shall be monitored and at all times be in compliance with the standards established by the manufacturer.

(a) Temperatures shall be recorded at opening and close of business or a minimum of twice a day and be readily retrievable upon Board request.

Ph 702.03 1904.03 Quarantine. Any drug which is expired, adulterated or misbranded shall be removed from routine stock and held in a specifically designated area of the pharmacy pending proper and safe disposition.

Ph 702.04 1904.04 Security.

(a) That portion of a pharmacy wherein drugs are stored, manufactured, prepared or dispensed, shall, when the pharmacy is open, be so designed and constructed as to prevent entry into that area by any person or persons without the knowledge of the pharmacist then on duty, or when the pharmacy is not open to the public, by the activation of an alarm.

(b) The pharmacy shall be is equipped with an alarm system which, when activated, shall emit a signal which is capable of alerting law enforcement or designated pharmacist or corporate representative.

1. Audible to the average person situated outside the building in which the pharmacy is located, at least 100 feet from any point of that building, or the public highway closest to that building, whichever is greater; and

2. Observable by a law enforcement or security officer situated in a station of the law enforcement organization having jurisdiction over the area in which the pharmacy is located, an office of a security organization serving the area in which the pharmacy is located or an alarm monitoring company.

(3) be connected to a monitoring service with means of alerting both law enforcement and Pharmacist on call or corporate representative.
(e) In order to be adequately designed and constructed, within the meaning of this section, a pharmacy shall be equipped with a door or doors capable of being locked.

Source. #1639, eff 11-1-80; ss by #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED: 1-19-96

New. #6181-B, eff 2-5-96, EXPIRED: 2-5-04
New. #8316, eff 3-26-05, EXPIRED: 3-26-13
New. #10903, eff 8-5-15

Ph 702.05 1904.05 Limitations on Access.

(a) Except as provided in Ph 704.01(b), no pharmacy shall be open unless a pharmacist is present in the pharmacy. At all times during which a pharmacist is not present in the pharmacy, all entry to the licensed pharmacy area shall be barred by locked doors.

(b) The keys to the locked doors of a pharmacy shall be possessed only by secured at all times, and only be authorized access availability by the following:

1. The pharmacist-in-charge;
2. Pharmacists in the employ of the pharmacy;
3. A non-pharmacist owner or owners of the pharmacy; or
4. Store management and security personnel when secured in a locked safe in the building and kept separate from the alarm code needed to access the secured area.

5. Qualified security personnel as shall be designated by the pharmacist-in-charge and permit holder and a list of such personnel shall be filed with the board by the pharmacist-in-charge; or

5. If an institutional pharmacy, administrators of the institution and those nurses designated to enter the pharmacy to obtain medications in emergency situations.

(c) A non-pharmacist owner or owners may be on the premises of a pharmacy which he or she owns in the absence of a pharmacist employed by that pharmacy, provided that the pharmacy is not open and no drugs are compounded, dispensed or sold.

(d) The pharmacy permit shall be issued to the pharmacy in the name of the permit holder and pharmacist-in-charge, who shall have sole joint control and responsibility, and accountability for the operation of the pharmacy in accordance with all laws and rules pertaining to the practice of pharmacy in this state and always in the best interest of public health and safety.

Source. #1639, eff 11-1-80; ss by #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED: 1-19-96

New. #6181-B, eff 2-5-96; and by #6933, eff 2-1-99; paragraphs (a) (c) EXPIRED: 2-5-04; and by #8316, eff 3-26-05; and by #8572, eff 2-23-06; para. (d) EXPIRED:

Source: 
- #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED: 1-19-96
- New. #6181-B, eff 2-5-96, EXPIRED: 2-5-04
- New. #8316, eff 3-26-05, EXPIRED: 3-26-13
- New. #10903, eff 8-5-15

Ph-702.07-1905.06 Minimum Standard of Technical Equipment and Stock.

(a) Permit holders shall provide that every pharmacy shall have contained therein, at all times, the following:

1. Prescription labels showing the name, address, telephone number and DEA number of the pharmacy;
2. All equipment, supplies and drugs that are relevant to the practice and meet all state and federal standards;
3. An assortment of auxiliary labels or the software to produce them;
4. A current reference library, or the ability to access references online, as determined by the permit holder and pharmacist-in-charge to meet the needs of the practice, and specialties of that pharmacy and the patients it serves; and
5. A current copy, with supplements, or the ability to access online within the licensed area the New Hampshire Pharmacy Law Book.

(6) High-speed access to the internet with the ability for the pharmacist to access sites they deem necessary, as well as access to internal and external email capabilities.

Source: 
- #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED: 1-19-96
- New. #6181-B, eff 2-5-96; ss by #6933, eff 2-1-99, EXPIRED: 2-1-07
- New. #10102, eff 3-30-12; ss by #10903, eff 8-5-15


(a) Pharmacists looking to serve as a Pharmacist-in-Charge (PIC) shall:

1. Have worked as a pharmacist for a minimum of 2 years post-graduation;
(2) Complete and pass with a minimum of 80% an exam designed by the board to assess the knowledge of the candidate in regard to their responsibilities as PIC; and

(3) Work a minimum of 20 hours per week at the location where he/she serves as PIC except when absent due to scheduled vacation or other authorized leave.

(b) Pharmacist in charge duties shall include:

(1) Responsibility for the control of all drugs issued or dispensed in the pharmacy where he/she practices;

(2) Ensuring written policies and procedures for the procurement, storage, compounding and dispensing of drugs are in place;

(3) Ensuring that all staff pharmacists are familiar with and in compliance with the established policies and procedures;

(4) Establishing and supervising the recordkeeping system for the purchase, sale, possession, storage, and repackaging of drugs;

(5) Maintaining the security of the prescription department and its contents;

(6) Determining who will have keys and access to the pharmacy with the exception of security personnel;

(7) Establishing quality assurance guidelines to ensure the medication dispensed is in conformance with the prescription received;

(8) Prohibiting the presence of adulterated or misbranded drugs in the pharmacy;

(9) Ensuring compliance with the provisions of RSA 318 and RSA 318-B and any other state or federal pharmacy-related laws or rules;

(10) Supervising personnel in the prescription department; and

(11) Ensuring all personnel involved in the preparation and dispensing of prescriptions are properly licensed or registered with the board.

(c) Pharmacists may serve as a pharmacist-in-charge for a maximum of 2 pharmacies, providing that one of these pharmacies shall be in an institution requiring the services of a pharmacist only on a part-time basis.

(d) The corporate entity or permit holder shall be responsible for the following:

(1) Written policies and procedures for the procurement, storage, compounding and dispensing of drugs;

(2) Ensuring that all staff pharmacists are familiar with and in compliance with the established policies and procedures;

(3) Determining which security personnel will have keys and access to the pharmacy and inform the pharmacist in charge;

(4) Establishing procedures and policies to ensure the security of the pharmacy department when a pharmacist is working alone and needs to leave the licensed area for counseling, immunizations, lunch or rest room breaks;
(5) Providing online access to the New Hampshire law book, medical reference material and other state and local sites for reference by their pharmacists;

(6) Assuming all the responsibilities of the pharmacist in charge in an interim period when the pharmacist in charge has been vacated unexpectedly; and

(7) Supplying adequate staffing to assist the board of pharmacy during scheduled routine inspections to assist with the retrieval of records when hard copy records are not maintained

(8) Maintaining the security of the prescription department and its contents:

Source: #4600, eff 8-1-89; ss by #6094 B, INTERIM, eff 9-21-95, EXPIRED, 1-19-96
New: #6181 B, eff 2-5-96, EXPIRED: 2-5-04
New: #8316, eff 3-26-05; ss by #10457, eff 11-1-13; ss by #10903, eff 8-5-15

Ph 704.12 1905.08 Termination of Pharmacist-in-Charge Notice. Whenever a pharmacist-in-charge shall cease performing that function, that pharmacist-in-charge shall notify the board in writing of the date upon which the cessation of that function is effective within 15 days of termination of duties. That pharmacist-in-charge shall remain responsible for compliance, in the pharmacy in which he or she was the pharmacist-in-charge, with all pharmacy related statutes and rules until the effective date of termination.

Source: #4600, eff 8-1-89; ss by #6094 B, INTERIM, eff 9-21-95, EXPIRED, 1-19-96
New: #6181 B, eff 2-5-96, EXPIRED: 2-5-04
New: #8316, eff 3-26-05, EXPIRED: 3-26-13
New: #10903, eff 8-5-15

Ph 704.13 1905.09 Termination of Pharmacist-in-Charge — Inventory responsibilities. Whenever a pharmacist-in-charge shall cease performing that function in a pharmacy, the new pharmacist-in-charge shall, within 3 days of Board approval, cause to be completed a written inventory of all controlled substances located in that pharmacy. The record of that inventory shall be retained in the pharmacy for a minimum of 2 years. A self inspection form ph 538 shall be completed within 7 business days of board approval and kept on file in the pharmacy. This form shall be readily retrievable upon inspection or Board review.

Source: #4600, eff 8-1-89; ss by #6094 B, INTERIM, eff 9-21-95, EXPIRED, 1-19-96
New: #6181 B, eff 2-5-96, EXPIRED: 2-5-04
New: #8316, eff 3-26-05, EXPIRED: 3-26-13
New: #10903, eff 8-5-15
PART Ph 708 1906 TERMINATION OF A PHARMACY OPERATION

Ph 708.01 1906.01 Notification of Closing.

(a) Written notification to the board shall be filed at least 15 days prior to the date of the anticipated closing. This notice shall indicate the date of closing and the planned disposition of legend drugs including controlled substances and all records thereof.

(b) Written notification to DEA shall be filed at least 15 days prior to the date of the anticipated closing. Compliance with DEA instructions relative to closing procedures shall be required.

(c) At least 5 days prior to the anticipated closing a notice shall be conspicuously posted at the pharmacy indicating the date of closing and the future location of the prescription files. This notice shall be posted for a period of at least 30 days unless removed by the landlord or a new tenant.

Source: #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #1600, eff 8-1-89; ss by #6094 B, INTERIM, eff 9-21-95, EXPIRED, 1-19-96
New. #6181 B, eff 2-5-96, EXPIRED: 2-5-04
New. #8316, eff 3-26-05, EXPIRED: 3-26-13
New. #10903, eff 8-5-15

Ph 708.02 1906.02 Disposition of Drugs/Records.

(a) Security of the pharmacy shall be maintained while there is a supply of legend drugs including controlled substances on the pharmacy premises. Stable, unopened containers of legend drugs including controlled drugs may be returned by the pharmacy to the wholesaler/manufacturer.

(b) At the time of closing, the remaining supply of controlled substances may be sold or given transferred to another pharmacy provided that:

(1) The transfer of schedule II substances shall comply with 21 CFR 1307.14 and 21 CFR 1305.06 by means of a properly executed federal DEA #222 Form;

(2) The transfer of schedules III, IV, and V are made by invoice with copies to each party and the board; and

(3) Prescription files, executed DEA #222 forms, biennial DEA inventories, applicable invoices, the balance of stock of all controlled substances, and the final printouts required by Ph 703.05(r)(2), shall be transferred as a package.

(c) At the time of closing, in addition to the electronic file transfer of the prescription records the closing pharmacy shall:

(1) Provide an up-to-date hard-copy printout of all non-controlled drug prescriptions stored in the automated system and a printout of all controlled drug prescriptions for the current 2 year period as part of the final records of that pharmacy;

(2) In lieu of such printout, an electronic back-up of the prescription records for the last 2 year may be provided on electronic media; and
(3) In the event that the pharmacy files are not sold to another pharmacy, the closing pharmacy shall make provision for these records to be available to any nearby pharmacy.

(d) If, in the interest of public health and safety, the board determines that after closure of the pharmacy a lack in the security, according to Ph 702.04, of the prescription drugs including controlled substances exists, the licensee shall immediately surrender to the board all prescription drugs including controlled substances and forms and invoices thereof. The drugs so held shall be inventoried, packaged, sealed and stored at the expense of the licensee in a place determined by the board to be appropriately secure. The licensee shall have 60 days after the effective date of the closing to make arrangements for the lawful sale or other disposition of these drugs. Lawful sale and/or disposition of these drugs shall be to a duly licensed person authorized to possess and store prescription drugs including controlled substances. Failing compliance within this 60-day period, such drugs shall then be surrendered to the board for destruction.

(e) Before disposing of any merchandise in the pharmacy, the owner and pharmacist-in-charge shall submit the licensed premises to an inspection by a representative of the board to certify that all prescription drugs including controlled substances have been secured.

Source. #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED: 1-19-96
New. #6181-B, eff 2-5-96; amd by #6933, eff 2-1-99; paragraphs (a), (b), (c) intro., (e)(1) (2), and (e) EXPIRED: 2-5-04; amd by #8346, eff 3-26-05; paragraphs (c)(3) and (d) EXPIRED: 2-1-07; paragraphs (a), (b), (e) intro., (e)(1) (2), and (e) EXPIRED: 3-26-13
New. #10903, eff 8-5-15

Ph 708.03 1906.03 Final Written Report. No later than 20 days after a pharmacy closing, the licensee shall:

(a) Return the pharmacy permit to the board;

(b) Notify the board that all signs and symbols indicating the presence of a pharmacy have been removed;

(c) Notify the board that all labels and blank prescriptions have been destroyed;

(d) Notify the board that the DEA license and all blank DEA #222 forms have been returned to the regional director of the DEA;

(e) File with the board, a copy of the dated inventory of all controlled substances transferred including the name and address of the person(s) to whom these drugs and applicable records were transferred; and

(f) In the case of an involuntary closing, file with the board the final disposition of the drugs as soon as possible after the transfer is made.

Source. #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED, 1-19-96
New. #6181-B, eff 2-5-96, EXPIRED: 2-5-04
New. #8316, eff 3-26-05, EXPIRED: 3-26-13