Readopt with amendment Ph 102.02, effective 2/5/1996 (Document # 6181-A), to read as follows:

Ph 102.02 Other Definitions.

(a) "Accredited programs/courses" means continuing education sponsored by providers which are approved by the American Council on Pharmaceutical Education (ACPE) or the Canadian Council on Continuing Education in Pharmacy (CCCEP).

[~~(a)~~]**(b)** "Active pharmaceutical ingredient[~~s~~] **(API)**" means [~~chemicals, substances, or other components of articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals or for use as nutritional supplements.~~] **any substance or mixture of substances intended to be used in the compounding of a preparation, thereby becoming the active ingredient in that preparation and furnishing pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans and animals or affecting the structure and function of the body. Conventionally manufactured drug product is not an API but is typically manufactured from an API.**

(c) "Administer" means "administer" as defined in RSA 318:1, I, namely, "an act whereby a single dose of a drug is instilled into the body of, applied to the body of, or otherwise given to a person or animal for immediate consumption or use."

(d) "Adulterated drug" means any drug:

(1) That is contaminated, decomposed, deteriorated, sub-potent, super-potent, or otherwise unsafe for administration to humans or other animals;

(2) Which has been manufactured, composed, prepared, stored, or dispensed in such a manner which may cause it to be contaminated, decomposed, deteriorated, sub-potent, super-potent, or otherwise unsafe for administration to humans or other animals; and

(3) Which can be defined as an adulterated drug under the provisions of RSA 146:4 or federal law.

(e) "Aseptic technique" means a set of methods used to keep objects and areas free of microorganisms and thereby minimize infection risk to the patient and is accomplished through practices that maintain the microbe count at an inrreducible minimum.

(f) "Automated dispensing machines" (ADM) means a mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information.

(g) "Automated dispensing system" means an automated pharmacy system that is a mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information. These do not include prepackaging or repacking devices;

(h) "Automated medication supply system" means an electronically controlled system that performs operations or activities relative to the storage and distribution of medications for administration and which collects, controls, and maintains all transaction information.

[~~(a)~~]**(i)** "Board" means the New Hampshire board of pharmacy created by RSA 318.

(j) "Certified pharmacy technician" means a pharmacy technician who has become and who maintains national certification by taking and passing an exam recognized by the board for the purpose of certifying technicians and who has been certified by the board.

(k) "Clinics" means an institution, building, or part of a building devoted to the diagnosis and care of outpatient ambulatory patients. The term also includes public health clinics and methadone clinics;

(l) "Component" means any ingredient used in the compounding of a preparation, including any active ingredient, added substance, or conventionally manufactured product.

(m) "Compounded sterile preparation (CSP)" means a preparation intended to be sterile that is created by combining, admixing, diluting, pooling, reconstituting other than as provided in the manufacturer's labeling, or otherwise altering of a drug or bulk drug substance.

(n) "Compounder" means personnel trained to compound preparations.

(o) "Compounding" means "compounding" as defined by RSA 318:1, III-a, namely, "the preparation, mixing, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the pharmacist-patient-prescriber relationship in the course of professional practice or, for the purpose of, or as an incident, to research, teaching, or chemical analysis, but not selling or dispensing. "Compounding" also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns. "Compounding" shall not include the reconstitution of powdered formulations before dispensing or the addition of flavoring. "Compounding" shall not include the simple addition of flavoring, nor shall it include the preparation of a single dose of a nonhazardous commercially available drug or licensed biologic for administration within 2 hours of preparation to an individual patient when done in accordance with the manufacturer's approved labeling or instructions consistent with that labeling."

(p) "Compounding area" means a space that is specifically designated for type of compounding being performed in a non-sterile compounding area, a cleanroom suite, or inside the perimeter of the SCA.

(q) "Continuous quality improvement (CQI)" means a system of standards and procedures to identify and evaluate quality-related events to improve patient care;

(r) "Controlled substance" means "controlled substance" as defined in RSA 318-B:31, II, namely, "controlled drugs as defined in RSA 318-B:1, VI."

(s) "Certificate of accredited or approved CEU's" means a document, issued to a particular pharmacist by an accredited or approved provider certifying that the pharmacist has satisfactorily completed a specified number of CEU's. Such certificates include a unique program identification number issued by the accrediting or approving provider.

(t) "Continuing education" means accredited or approved post-licensure pharmacy education designed to maintain professional competence in the practice of pharmacy, improve professional skills, and preserve pharmaceutical standards for the purpose of protecting the health and welfare of the citizens in the state of New Hampshire. Continuing education includes study in one or more of the general areas of the properties and actions of drugs and dosage forms, etiology, characteristics and therapeutics of the disease state, socio-economic and legal aspects of health care.

(u) "Continuing education advisory council (CEAC)" means a group of individuals appointed by the board of pharmacy to serve in an advisory capacity on continuing education.

(v) "Continuing education unit (CEU)" means 10 contact hours of participation in accredited or board approved continuing education courses or programs.

[~~(b)~~]**(w) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including any component part or accessory, which is required under federal law to bear the label, "Caution: Federal or State law requires dispensing by or on the order of a physician" or "Rx only".**

(x) "Dispense" means "dispense" as defined in RSA 318-B:31, III, namely, "to deliver a controlled substance by lawful means and includes the packaging, labeling, or compounding necessary to prepare the substance for such delivery."

(y) "Dispenser" means "dispenser" as defined in RSA 318-B:31, IV, namely, "a person lawfully authorized to deliver a schedule II-IV controlled substance, but does not include:

(1) A licensed hospital pharmacy that dispenses less than a 48 hour supply of a schedule II-IV controlled substance from a hospital emergency department, or that dispenses for administration in the hospital;

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

(3) A wholesale distributor of a schedule II–IV controlled substance or its analog;

(4) A prescriber who dispenses less than a 48 hour supply of a schedule II – IV controlled substance from a hospital emergency department to a patient; or

(5) A veterinarian who dispenses less than a 48 hour supply of a schedule II-IV controlled substance to a patient."

[~~(c)~~]**(z) "Distributor" means a person or persons who supplies or facilitates the supply of prescription drugs or devices to someone other than the patient, including, but not limited to, manufacturers, repackagers, brokers, and wholesale drug distributors.**

(aa) "Drug diversion" means the illegal distribution of prescription-controlled drugs, or transfer of any legally prescribed controlled substance from the individual for whom it was prescribed to another person for any illicit use;

(ab) "Drug preparation" means to prepare or approve a medication for dispensing when preparation is done according to manufacturer's instructions provided in the current Federal Food and Drug approved package insert.

(ac) "Electronic identifier", for purposes of paragraph (a) above, means a unique security code or other identifier which specifically identifies the person entering information into a data processing system.

[~~(b)~~]**(ad)** "Evidence" means all oral or documentary material received by the board. Evidence includes, but is not limited to, testimony under oath or affirmation, documents, exhibits, and sworn statements of witnesses who are unable to appear at the proceedings.

[~~(c)~~]**(ae)** "Executive secretary" means the board's staff director, a person with delegated authority to perform administrative and clerical functions for the board.

(af) "Facility" means a pharmacy, institution, business, or location that holds a pharmacy permit from the New Hampshire Board of Pharmacy

(ag) "Hazardous drugs" means any drug on the current National Institute for Occupational Safety and Health's (NIOSH) List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings, Table 1 or other drugs determined to be hazardous by the facility or designated person by at least one of the following criteria:

(1) Carinogenicity, teratogenicity, or developmental toxicity;

(2) Reproductive toxicity in humans;

(3) Organ toxicity at low dose in humans or animals; or

(4) Genotoxicity or new drugs that mimic existing HDs in structure or toxicity.

(ah) "Infusion center" means a place, usually outpatient, where patients can receive intravenous infusions and therapeutic injections in a safe, professional, and comfortable environment;

(ai) "Inspector" means a pharmacist or certified pharmacy technician employed by the pharmacy board to inspect facilities, to ensure that they comply with federal and state law and the rules established by the board;

(aj) "Institution" means a health care facility which provides inpatient care and includes:

(1) Hospitals;

(2) Nursing homes;

(3) Extended care facilities;

(4) Residential care facilities;

(5) Infirmaries;

(6) Hospice house;

(7) Correctional facilities; and

(8) Clinics.

(ak) "Institutional pharmacy" means an area in an institution where drugs are stored, manufactured, compounded, dispensed, or issued to other areas or departments of the institution.

(al) "Investigator" means a pharmacist employed by the pharmacy board to investigate consumer complaints of pharmacy law or rule violations by a person licensed at the time the alleged violation occurred;

(am) "ISO class" means an air-quality classification from the International Organization for Standards.

(an) "Label" means a display of written, printed, or graphic matter on the immediate container of an article.

(ao) "Labeling" means all labels and other written, printed, or graphic matter that are:

(1) On any article or any of its containers or wrappers; or

(2) Accompanying such an article.

(ap) "Laminar airflow system (LAFS)" means a LAFS that provides an ISO Class 5 or better environment for sterile compounding. The LAFS provides a unidirectional HEPA-filtered airflow that is designed to prevent contamination of a sterile compounding environment. If used to prepare only Category 1 CSPs, the ISO Class 5 PEC may be located in an unclassified SCA. If used to prepare Category 2 CSPs, the LAFS must be located within a cleanroom suite with an ISO Class 7 or better buffer room and ISO Class 8 or better ante-room.

(aq) "Laminar airflow workbench (LFW or LAFS)" means a Primary Engineering Control (PEC) that is a type of laminar airflow system that provided an ISO Class 5 or better environment for sterile compounding. The device provides a unidirectional HEPA-fileted airflow. An LAFW shall not be used for the manipulation of hazardous drugs (HD's).

[~~(d)~~]**(ar)** "Licensed" means a person or place lawfully authorized to engage in the practice of pharmacy under RSA 318:18 and RSA 318:37 and includes "registered" when used to refer to pharmacists or pharmacies.

(as) "Licensed advanced pharmacy technician" means a person licensed by the board who:

(1) May perform all functions allowed by federal or state law and approved by the board, under the supervision of a licensed pharmacist who is physically on premises and holds an unrestricted license issued by the board;

(2) May conduct product verification, process refills, verify repackaging of drugs, and perform other pharmacist tasks not required to be completed by a licensed pharmacist;

(3) May perform duties allowed by either certified or registered pharmacy technicians;

(4) Shall not interpret or evaluate a prescription or drug order, verify a compounded drug, or counsel or advise individuals related to the clinical use of a medication.

(at) "Licensed pharmacist" or "pharmacist" means "licensed pharmacist" or "pharmacist" as defined in RSA 318:1, VII, namely, "when not otherwise limited, means a person holding a license under RSA 318:18 and who is, therefore legally authorized to practice the profession of pharmacy in this state."

(au) "Licensee" means any person or entity which is licensed, certified, registered, or regulated by the pharmacy board or a board listed in RSA 318:8-a and RSA 318:9-a;

(av) "Limited retail drug distributor" means a distributor of prescription devices or medical gases delivered directly to the consumer pursuant to a practitioner's prescription order, or federally funded clinics operated under contract with the department of health and human services and drug abuse treatment centers, where legend and controlled drugs are held, stored, or dispensed to patients pursuant to the order of an authorized practitioner;

(aw) "Manifest" means an itemized invoice of EPD donated, accepted or destroyed.

(ax) "Manufacturing" means the production, preparation, propagation, conversion or processing of a drug or device, either directly or indirectly, by large volume extraction from substances of natural origin, or independently by means of chemical or biological synthesis, and includes any packaging or repackaging of a substance or labeling or relabeling of its container, and the promotion and marketing of such drugs and devices for resale.

(ay) "Medication order" means a verbal, telephonic, written, facsimile, or electronically transmitted order provided by a prescribing practitioner for a specific drug to be administered to an individual.

(az) "Methadone clinic" is a clinic which has been established for the dispensing of methadone and other medications to treat opioid addiction. In the United States, by law, patients must receive methadone under the supervision of a physician, and dispensed through an opioid treatment program certified by Substance Abuse and Mental Health Services Administration and registered with the Drug Enforcement Agency;

(aw) "Misbranded drug" means a drug:

(1) Whose label misrepresents the contents or is misleading;

(2) Dispensed by prescription with a label that does not comply with the provisions of RSA 318 or RSA 318-B; and

(3) Which can be defined as a misbranded drug under the provisions of RSA 146 or federal law.

(ax) "Nurse practitioner" means a registered nurse currently licensed by the board under RSA 326-B:18. The term includes "advanced practice registered nurse (APRN).;

[~~(e)~~]**(ay)** "Order" means the whole or any part of the final decision, whether affirmative, negative or declaratory in form, of the board in any matter other than rulemaking, but including licensing. An order has particularized effect on each party to the proceeding.

(az) "Patient" means "patient" as defined in RSA 318-B:31, V, namely, "the person or animal who is the ultimate user of a controlled substance for whom a lawful prescription is issued and for whom a controlled substance or other such drug is lawfully dispensed."

(ba) "Perimeter" means a visible demarcation that defines the boundaries of the such as a visible line or wall.

(bc) "Permit holder" means a person or entity to whom a license or permit has been issued under the provisions of RSA 318 and RSA 318-B for the purpose of operating a pharmacy.

(bd) "Person" means "person" as defined in RSA 318-B:1, XXI, namely, "any corporation, association or partnership, or one or more individuals."

(be) "Pharmacy" means "pharmacy" as defined by RSA 318:1 XI.

(bf) "Pharmacy intern" means "pharmacy intern" as defined in RSA 318:1, XI-aa, namely, "a person who is registered by the board pursuant to RSA 318:15-b" and:

(a) Is enrolled in a professional degree program of a school or college of pharmacy accredited by the Accreditation Council of Pharmacy Education and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist starting no earlier than 4 months prior to the third year of study;

(b) Is a graduate of an approved professional degree program of a school or college of pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certificate, who is currently licensed by the board of pharmacy for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist;

(c) Is a qualified applicant awaiting examination for licensure or meeting board requirements for re-licensure; or

(d) Is participating in a residency or fellowship program.

(bg) "Practitioner" or "licensed practitioner" means "practitioner" or "licensed practitioner" as defined in RSA 318:1, XV, namely, "means any person who is lawfully entitled to prescribe, administer, dispense, or distribute legend drugs to patients.

(bh) "Preparation" means a compounded drug dosage form or dietary supplement or a device to which a compounder has introduced a drug.

(bi) "Prescribe" means "prescribe" as defined in RSA 318-B:31, VII, namely, "to issue a direction or authorization, by prescription, permitting a patient to lawfully obtain controlled substances."

(bj) "Prescriber" means a practitioner, duly authorized by statute, who issues a drug order or prescription.

(bk) "Prescription" means a verbal, telephonic, written, or electronically transmitted order for drugs, medicines, and devices by a practitioner licensed in the United States, to be compounded and dispensed by licensed pharmacists in a duly registered pharmacy.

(bl) Preservative" means a substance added to inhibit microbial growth.

(bm) "Principal" means an officer, director, or primary stockholder of a business entity or corporation.

(bn) "Product" means a commercially manufactured sterile drug or nutrient that has been evaluated for safety and efficacy by the FDA.

(bo) "Product verification" means the physical act of validating the correct drug, strength, and form of the drug product being dispensed.

(bp) "Program" means "program" as defined in RSA 318-B:31, IX, namely, "the controlled drug prescription health and safety program that electronically facilitates the confidential sharing of information relating to the prescribing and dispensing of controlled substances listed in schedules II-IV, established by the board pursuant to RSA 318-B:32."

(bq) "Public health clinics", are private, nonprofit organizations that directly or indirectly, through contracts and cooperative agreements, provide primary health services and related services to residents of a defined geographic area that is medically underserved. The term includes "community health centers (CHCs);

(br) "Purified water" means the minimal quality of source water for the production of "purified water" is drinking water whose attributes are prescribed by the US Environmental Protection Agency (EPA), the EU, Japan, or the World Health Organization (WHO). This source water may be purified using unit operations that include deionization, distillation, ion exchange, reverse osmosis, filtration, or other suitable purification procedures.

(bs) "Quality related event (QRE)" means the incorrect dispensing of a prescribed medication that is received by a patient, including a variation from the prescriber's prescription order, or failure to identify and manage errors identified during a drug utilization review;

(bt) "Radiopharmaceutical" means any drug which exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons. The term includes any nonradioactive reagent kit or nuclide generator which is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts which contain trace quantities of naturally occurring radionuclides. The term also includes any biological product which is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

(bu) "Registered pharmacy technician" means a person who is registered with the board, employed by a pharmacy, and who can assist in performing, under the supervision of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy and other such duties, subject to such restrictions as the board has specified; and

(bv) "Regulatory board" means the New Hampshire board of dentistry, board of medicine, board of nursing, board of registration in optometry, board of podiatry, board of veterinary medicine, and pharmacy board.

(bw) "Signature" means:

(1) The handwritten name of an individual affixed by the hand of that individual to a document;

(2) An electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign a document or record; or

(3) An electronic signature.

(bx) "Specification" means the tests, analytical methods, and acceptance criteria to which an API or other components, CNSP, container-closure system, equipment, or other material used in compounding CNSPs must conform to be considered acceptable for its intended use.

(ca) "Spill kit" means a container of supplies, warning signage, and related materials used to contain the spill a drug.

(cb) "Sterilization by Filtration" means passage of a gas or liquid through a sterilizing-grade membrane to yield filtrates that are sterile.

(cc) "Sterility" means the absence of viable microorganisms.

(cd) "Uninsured" means a person who does not presently have an active insurance policy that reimburses fully or partially for prescription drugs or devices.

(ce) "Unit-dose" means a single-unit container that is designed to hold a quantity of drug product intended for administration as a single dose and labeled with the identity, quantity, and strength, name of the manufacturer, lot number, and expiration date of the drug product.

(cf) "United States Pharmacopia (USP)" means a legally recognized compendium of standards for drugs.

(cg) "Unsatisfactory" means the identification of a violation, indicating non-compliance with established standards and regulations, set forth by the state or federal authorities.

(ch) "Verify" means to confirm that a method, process, system, or equipment will perform as expected under the conditions of actual use.

(ci) "Wholesale drug distribution" means distribution of prescription drugs other than to the patient, including, but not limited to distribution by manufacturers, repackers, own label distributors, jobbers, and wholesale drug distributors.

Readopt with amendment Ph 403.01, effective 4/18/15 (Document #10812), to read as follows:

Ph 403.01 Definitions.

[~~(a) "Accredited programs/courses" means continuing education sponsored by providers which are approved by the American Council on Pharmaceutical Education (ACPE) or the Canadian Council on Continuing Education in Pharmacy (CCCEP).~~]

[~~(b)~~]**(a)** "AMA category I programs" means all programs accepted by the American Medical Association in category I.

[~~(c)~~]**(b)** "Board approved programs/courses" means continuing education which has been reviewed and recommended by the continuing education advisory council and approved by the board of pharmacy or continuing education programs approved by a Canadian provincial or territorial pharmacy licensing authority.

[~~(d) "Certificate of accredited/approved CEU's" means a document, issued to a particular pharmacist by an accredited or approved provider certifying that the pharmacist has satisfactorily completed a specified number of CEU's. Such certificates include a unique program identification number issued by the accrediting/approving provider.~~

~~(e) "Continuing education" means accredited or approved post-licensure pharmacy education designed to maintain professional competence in the practice of pharmacy, improve professional skills, and preserve pharmaceutical standards for the purpose of protecting the health and welfare of the citizens in the state of New Hampshire. Continuing education includes study in one or more of the general areas of the properties and actions of drugs and dosage forms, etiology, characteristics and therapeutics of the disease state, socio-economic and legal aspects of health care.~~

~~(f) "Continuing education advisory council (CEAC)" means a group of individuals appointed by the board of pharmacy to serve in an advisory capacity on continuing education.~~

~~(g) "Continuing education unit (CEU)" means 10 contact hours of participation in accredited or board approved continuing education courses/programs.~~]

[~~(h)~~]**(c)** "In-state approved provider" means an individual, institution, organization, association, corporation or agency located in the state of New Hampshire in no manner affiliated with any manufacturer or distributor of supplies or services used in the practice of pharmacy, who is approved by the board of pharmacy to provide continuing pharmacy education according to Ph 403.12.

Readopt with amendment Ph 405.02, effective 4/18/15 (Document #10812), to read as follows:

Ph 405.02 Definitions.

(a) "Authentication of product history" means identifying the purchasing source, the ultimate fate, and any intermediate handling of any component of a radiopharmaceutical or other drug.

(b) "Nuclear pharmacy" means a pharmacy which provides radiopharmaceutical services.

(c) "Practice of nuclear pharmacy" means a patient-oriented service that embodies the scientific knowledge and professional judgment required to improve and promote health through the assurance of the safe and efficacious use of radiopharmaceuticals and other drugs.

(d) "Quality assurance procedures" means all activities necessary to guarantee the integrity of the process used to provide radiopharmaceutical services, including authentication of product history and maintenance of all records as required by the department of health and human services, bureau of radiological health.

(e) "Quality control testing" means the performance of chemical, biological and physical tests on compounded radiopharmaceuticals and the interpretation of the resulting data to determine their suitability for use in humans and animals.

[~~(f) "Radiopharmaceutical" means any drug which exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons. The term includes any nonradioactive reagent kit or nuclide generator which is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts which contain trace quantities of naturally occurring radionuclides. The term also includes any biological product which is labeled with a radionuclide or intended solely to be labeled with a radionuclide.~~]

(g) "Radiopharmaceutical service" means the procurement, storage, handling, compounding, preparation, labeling, quality control testing, dispensing, distribution, transfer, record keeping and disposal of radiochemicals, radiopharmaceuticals and ancillary drugs.

Readopt with amendment Ph 701.02, effective 6/22/22 (Document #13398), to read as follows:

Ph 701.02 Definitions. Except where the context makes another meaning manifest, the following words mean:

[~~(a) "Adulterated drug" means any drug:~~

~~(1) That is contaminated, decomposed, deteriorated, sub-potent, super-potent, or otherwise unsafe for administration to humans or other animals;~~

~~(2) Which has been manufactured, composed, prepared, stored, or dispensed in such a manner which may cause it to be contaminated, decomposed, deteriorated, sub-potent, super-potent, or otherwise unsafe for administration to humans or other animals; and~~

~~(3) Which can be defined as an adulterated drug under the provisions of RSA 146:4 or federal law.~~

~~(b) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including any component part or accessory, which is required under federal law to bear the label, "Caution: Federal or State law requires dispensing by or on the order of a physician" or "Rx only".~~

~~(c) "Distributor" means a person or persons who supplies or facilitates the supply of prescription drugs or devices to someone other than the patient, including, but not limited to, manufacturers, repackagers, brokers and wholesale drug distributors.~~]

[~~(d)~~]**(a)** "Fit place to practice" means that an employee can safely complete professional and clinical duties and tasks in compliance with the board's rules and statutes because the facility's permit holder has established processes, policies, and procedures necessary to ensure safety.

[~~(e) "Institution" means a health care facility which provides inpatient care and includes:~~

~~(1) Hospitals;~~

~~(2) Nursing homes;~~

~~(3) Extended care facilities;~~

~~(4) Residential care facilities;~~

~~(5) Infirmaries;~~

~~(6) Hospice house;~~

~~(7) Correctional facilities; and~~

~~(8) Clinics.~~

~~(f) "Institutional pharmacy" means an area in an institution where drugs are stored, manufactured, compounded, dispensed, or issued to other areas or departments of the institution.~~

~~(g) "Misbranded drug" means a drug:~~

~~(1) Whose label misrepresents the contents or is misleading;~~

~~(2) Dispensed by prescription with a label that does not comply with the provisions of RSA 318 or RSA 318-B; and~~

~~(3) Which can be defined as a misbranded drug under the provisions of RSA 146 or federal law.~~

~~(h) "Permit holder" means a person or entity to whom a license or permit has been issued under the provisions of RSA 318 and RSA 318-B for the purpose of operating a pharmacy.~~

~~(i) "Prescriber" means a practitioner, duly authorized by statute, who issues a drug order or prescription.~~

~~(j) "Prescription" means a verbal, telephonic, written, or electronically transmitted order for drugs, medicines, and devices by a practitioner licensed in the United States, to be compounded and dispensed by licensed pharmacists in a duly registered pharmacy.~~

~~(k) "Principal" means an officer, director, or primary stockholder of a business entity or corporation.~~]

[~~(l)~~]**(b)** "Professional corporation" as used in these rules means a corporation organized under RSA 294-A for the purpose of providing professional services in the field of medicine, dentistry, veterinary, podiatry, pharmacy, or any other profession in which individual practitioners can lawfully possess, dispense, or distribute prescription drugs.

[~~(m)~~]**(c)** "Professional judgement" means the application of a combination of professional knowledge and experience to derive a resolution within standards of care, ethics, and objectives.

[~~(n)~~]**(d)** "Scanned prescription" means the digital image of a prescription or medication order scanned into the data processing system.

[~~(o) "Signature" means:~~

~~(1) The handwritten name of an individual affixed by the hand of that individual to a document;~~

~~(2) An electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign a document or record; or~~

~~(3) An electronic signature.~~]

[~~(p)~~]**(e)** "Traditional physician-pharmacist-patient relationship" means a situation whereby the pharmacist knows either the physician, the patient, or both, and can readily and easily check on factors concerning the prescription.

[~~(q) "Unit-dose" means a single-unit container that is designed to hold a quantity of drug product intended for administration as a single dose and labeled with the identity, quantity, and strength, name of the manufacturer, lot number, and expiration date of the drug product.~~]

[~~(r)~~]**(f)** "Unprofessional conduct" means conduct and practices which are hostile to the protection of public health, safety and welfare and includes:

(1) Knowingly engaging in any activity which violates state and federal statutes, regulations and rules governing the practice of pharmacy;

(2) Knowingly dispensing an outdated product;

(3) Knowingly charging for more dosage units than are actually dispensed;

(4) Knowingly altering prescriptions or other records which the law requires the pharmacy or pharmacist to maintain;

(5) Knowingly dispensing medication without proper authorization or prescription;

(6) Defrauding any persons or government agency receiving pharmacy services;

(7) Placing a signature on any affidavit pertaining to any phase of the practice of pharmacy which the pharmacist knows to contain false information***;***

(8) Not adhering to the written policy and procedures of the institution; or

(9) Failure to exercise or implement professional judgement or corresponding responsibility with regard to the practice of pharmacy.

[~~(s) "Wholesale drug distribution" means distribution of prescription drugs other than to the patient, including, but not limited to distribution by manufacturers, repackers, own label distributors, jobbers, and wholesale drug distributors.~~]

Repeal Ph 802, effective 11/17/2023 (Document #12671) and renumber Ph 803 through Ph 812 as Ph 802 through Ph 811, to read as follows:

[~~PART Ph 802 DEFINITIONS~~

~~Ph 802.01 Definitions. Except where the context makes another meaning manifest, the following definitions shall apply:~~

~~(a) "Registered pharmacy technician" means a person who is registered with the board, employed by a pharmacy, and who can assist in performing, under the supervision of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy and other such duties, subject to such restrictions as the board has specified; and~~

~~(b) "Certified pharmacy technician" means a pharmacy technician who has become and who maintains national certification by taking and passing an exam recognized by the board for the purpose of certifying technicians and who has been certified by the board.~~]

Repeal Ph 902, effective 7/30/21 (Document #13244) and renumber Ph 903 through Ph 907 as Ph 901 through Ph 905, as follows:

[~~PART Ph 902 DEFINITIONS~~

~~Ph 902.01 "Telepharmacy services" refers to the practice of pharmacy using telecommunications technology to oversee pharmacy operations and patient care.~~

~~Ph 902.02 "Mail-order pharmacy" means "mail-order pharmacy" as defined in RSA 318:1, VII-b, namely, "a pharmacy that is located in a state of the United States, other than this state, whose primary business is to dispense a prescription drug or device under a prescription drug order and to deliver the drug or device to a patient, including a patient in this state, by the United States mail, a common carrier, or a delivery service. Mail-order pharmacies include, but are not limited to, pharmacies that do business via the Internet or other electronic media."~~]

Repeal Ph 1102.04, effective 1/23/18 (Document #12464), as follows:

[~~Ph 1102.04 "Board" means "board" as defined in RSAA 318:1, III.~~]

Repeal Ph 1202.05, effective 2/24/2023 (Document #12485) and renumber Ph 1202.06 as Ph 1202.05, as follows:

[~~Ph 1202.05 "Dispensing pharmacy" means a licensed pharmacy, in this or any other state, district or commonwealth of the United States, that receives the processed prescription, the filled or refilled prescription, or both, for dispensing to the patient or to the patient's authorized representative and providing patient counseling as required.~~]

Repeal Ph 1302, effective 4/12/2023 (Document #13558) and renumber Ph 1303 and Ph 1304 as Ph 1302 and Ph 1303, as follows:

[~~PART Ph 1302 DEFINITIONS~~

~~Ph 1302.01 "Administer" means "administer" as defined in RSA 318:1, I, namely, "an act whereby a single dose of a drug is instilled into the body of, applied to the body of, or otherwise given to a person or animal for immediate consumption or use."~~

~~Ph 1302.02 "Certified pharmacy technician" means a pharmacy technician who has become and who maintains national certification by taking and passing an exam recognized by the board for the purpose of certifying technicians, as specified in Ph 808.01(a)(3), and who has been certified by the board pursuant to Ph 808.~~

~~Ph 1302.03 "Licensed pharmacist" or "pharmacist" means "licensed pharmacist" or "pharmacist" as defined in RSA 318:1, VII, namely, "when not otherwise limited, means a person holding a license under RSA 318:18 and who is, therefore legally authorized to practice the profession of pharmacy in this state."~~

~~Ph 1302.04 "Pharmacy intern" means "pharmacy intern" as defined in RSA 318:1, XI-aa, namely, "a person who is registered by the board pursuant to RSA 318:15-b" and:~~

~~(a) Is enrolled in a professional degree program of a school or college of pharmacy accredited by the Accreditation Council of Pharmacy Education and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist starting no earlier than 4 months prior to the third year of study;~~

~~(b) Is a graduate of an approved professional degree program of a school or college of pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certificate, who is currently licensed by the board of pharmacy for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist;~~

~~(c) Is a qualified applicant awaiting examination for licensure or meeting board requirements for re-licensure; or~~

~~(d) Is participating in a residency or fellowship program.~~

~~Ph 1302.05 "Practitioner" or "licensed practitioner" means "practitioner" or "licensed practitioner" as defined in RSA 318:1, XV, namely, "means any person who is lawfully entitled to prescribe, administer, dispense, or distribute legend drugs to patients."~~]

Repeal Ph 1402.02, effective 12/28/11 (Document #10064) and renumber Ph 1402.03 through Ph 1402.06 as Ph 1402.02 through Ph 1402.05, as follows:

[~~Ph 1402.02 "Agent" means any person who is legally authorized to make medical decisions for a patient.~~]

Repeal Ph 1402.07 through Ph 1402.09, effective 12/28/11 (Document #10064) and renumber Ph 1402.10 through Ph 1402.12 as Ph 1402.06 through Ph 1402.08, as follows:

[~~Ph 1402.07 "Manifest" means an itemized invoice of EPD donated, accepted or destroyed.~~

~~Ph 1402.08 "Pharmacy" means "pharmacy" as defined by RSA 318:1 XI.~~

~~Ph 1402.09 "Practitioner" or "licensed practitioner" as defined by RSA 318:1 XV.~~]

Repeal Ph 1402.13, effective 12/28/22 (Document #10064), as follows:

[~~Ph 1402.13 "Uninsured" means a person who does not presently have an active insurance policy that reimburses fully or partially for prescription drugs or devices.~~]

Readopt with amendment Ph 1502, effective 1/23/18 (Document #12465), to read as follows:

PART Ph 1502 DEFINITIONS

Ph 1502.01 Definitions.

(a) "Authorized representative" means a parent or guardian of a minor child, or a person who has been authorized in the manner required by law to make health care decisions, or gain access to health care records, on behalf of another.

[~~(b) "Board" means "board" as defined in RSA 318-B:31, I, namely, "the pharmacy board, established in RSA 318:2."~~

~~(c) "Controlled substance" means "controlled substance" as defined in RSA 318-B:31, II, namely, "controlled drugs as defined in RSA 318-B:1, VI."~~]

[~~(d)~~]**(b)** "Credential" means information or a device provided by the program to a registered dispenser or prescriber that allows the dispenser or prescriber to electronically submit or access prescription monitoring information. Credentials include, but are not limited to, a user name and password, or an identification device that generates a user name and password.

[~~(e) "Dispense" means "dispense" as defined in RSA 318-B:31, III, namely, "to deliver a controlled substance by lawful means and includes the packaging, labeling, or compounding necessary to prepare the substance for such delivery."~~

~~(f) "Dispenser" means "dispenser" as defined in RSA 318-B:31, IV, namely, "a person lawfully authorized to deliver a schedule II-IV controlled substance, but does not include:~~

~~(1) A licensed hospital pharmacy that dispenses less than a 48 hour supply of a schedule II-IV controlled substance from a hospital emergency department, or that dispenses for administration in the hospital;~~

~~(2) A practitioner, or other authorized person who administers such a substance;~~

~~(3) A wholesale distributor of a schedule II–IV controlled substance or its analog;~~

~~(4) A prescriber who dispenses less than a 48 hour supply of a schedule II – IV controlled substance from a hospital emergency department to a patient; or~~

~~(5) A veterinarian who dispenses less than a 48 hour supply of a schedule II-IV controlled substance to a patient."~~

~~(g) "Patient" means "patient" as defined in RSA 318-B:31, V, namely, "the person or animal who is the ultimate user of a controlled substance for whom a lawful prescription is issued and for whom a controlled substance or other such drug is lawfully dispensed."~~

~~(h) "Person" means "person" as defined in RSA 318-B:1, XXI, namely, "any corporation, association or partnership, or one or more individuals."~~

~~(i) "Practitioner" means "practitioner" as defined in RSA 318-B:31, VI, namely, "a physician, dentist, podiatrist, veterinarian, pharmacist, APRN, physician assistant, naturopath, or other person licensed or otherwise permitted to prescribe, dispense, or administer a controlled substance in the course of licensed professional practice."~~

~~(j) "Prescribe" means "prescribe" as defined in RSA 318-B:31, VII, namely, "to issue a direction or authorization, by prescription, permitting a patient to lawfully obtain controlled substances."~~

~~(k) "Prescriber" means "prescriber" as defined in RSA 318-B:31, VIII, namely, "a practitioner or other authorized person who prescribes a schedule II, III, and/or IV controlled substance."~~

~~(l) "Program" means "program" as defined in RSA 318-B:31, IX, namely, "the controlled drug prescription health and safety program that electronically facilitates the confidential sharing of information relating to the prescribing and dispensing of controlled substances listed in schedules II-IV, established by the board pursuant to RSA 318-B:32."~~]

[~~(m)~~]**(c)** "Program manager" means the person designated by the board to oversee the implementation and operation of the program by the program vendor.

[~~(n)~~]**(d)** "Program vendor" means a third party with which the board contracts for the implementation and operation of the program.

[~~(o) "Regulatory board" means the New Hampshire board of dentistry, board of medicine, board of nursing, board of registration in optometry, board of podiatry, board of veterinary medicine, and pharmacy board.~~]

Repeal Ph 1602, effective 111/17/18 (Document #12670) and renumber Ph 1603 through Ph 1608 as Ph 1602 through Ph 1607, as follows:

[~~PART Ph 1602 DEFINITIONS~~

~~Ph 1602.01 Definitions. Except where the context makes another meaning manifest, the following definitions shall apply:~~

~~(a) "Registered pharmacy intern" means a person:~~

~~(1) Who is enrolled in a professional degree program of a school or college of pharmacy that has been approved by the board and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist;~~

~~(2) Who is a graduate of an approved professional degree program of a school or college of pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) certificate, who is currently licensed by the board of pharmacy for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist;~~

~~(3) Who is a qualified applicant awaiting examination for licensure or meeting board requirements for re-licensure; or~~

~~(4) Who is participating in a residency or fellowship, except individuals that hold an active license to practice pharmacy in the State of New Hampshire.~~]

Readopt with amendment Ph 1702, effective 4/19/19 (Document #12758), to read as follows:

PART Ph 1702 DEFINITIONS

Ph 1702.01 Definitions. In this section the following definitions apply:

[~~(a) "Continuous quality improvement (CQI)" means a system of standards and procedures to identify and evaluate quality-related events to improve patient care;~~]

[~~(b)~~]**(a)** "Continuous quality improvement (CQI) program" means a planned process to record and assess quality related events that includes a procedure for documenting actions to improve the quality of patient care, and maintenance of a summary of the documented actions;

[~~(c)~~]**(b)** "Quality-related event" means an error, adverse incident, near miss, or unsafe condition that occurs in the review, preparation, dispensing or administration of medications by pharmacy staff; and

[~~(d)~~]**(c)** "Patient Safety Organization" means an entity that has the same meaning as the term used in the Patient Safety and Quality Improvement Act of 2005, 42 U.S.C section 299b-21(7), a private or public entity or component thereof that is listed by the Secretary of Health and Human Services pursuant to 42 U.S.C. section 299b-24(d).

Readopt with amendment Ph 1802, effective 10/18/22 (Document #13463), to read as follows:

PART Ph 1802 DEFINITIONS

Ph 1802.01 Definitions.

[~~(a) "Drug preparation" means to prepare or approve a medication for dispensing when preparation is done according to manufacturer's instructions provided in the current Federal Food and Drug approved package insert.~~

~~(b) "Licensed advanced pharmacy technician" means a person licensed by the board who~~**:**

~~(1) May perform all functions allowed by federal or state law and approved by the board, under the supervision of a licensed pharmacist who is physically on premises and holds an unrestricted license issued by the board;~~

~~(2) May conduct product verification, process refills, verify repackaging of drugs, and perform other pharmacist tasks not required to be completed by a licensed pharmacist;~~

~~(3) May perform duties allowed by either certified or registered pharmacy technicians;~~

~~(4) Shall not interpret or evaluate a prescription or drug order, verify a compounded drug, or counsel or advise individuals related to the clinical use of a medication.~~

~~(c) "Product verification" means the physical act of validating the correct drug, strength, and form of the drug product being dispensed.~~]

[~~(d)~~]**(a)** "Verification error" means the dispensing of a prescribed medication that passes the product verification step with the incorrect drug, strength, or form.

Readopt with amendment Ph 2102, effective 4/11/20 (Document #13028), to read as follows:

Ph 2102.01 Definitions. In addition to the definitions in RSA 318:1, the following definitions shall apply to this chapter:

[~~(a) "Clinics" means an institution, building, or part of a building devoted to the diagnosis and care of outpatient ambulatory patients. The term also includes public health clinics and methadone clinics;~~]

[~~(b)~~]**(a)** "Compounding pharmacy" means a pharmacy licensed to perform the preparation, mixing, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order;

[~~(c) "Facility" means any pharmacy, hospital, medical clinic, practitioner office, methadone clinic, or veterinarian clinic that has prescription drugs on its premises and is inspected by the pharmacy board;~~

~~(d) "High risk compounding" means compounding that requires the use of non-sterile ingredients or non-sterile devices, which usually creates a high-risk condition. Exposing sterile ingredients and devices to air quality below ISO Class 5, an International Organization for Standardization metric for environmental management, will create a high-risk compounding situation, as will the prolonged storage of opened or partially used products that lack antimicrobial preservatives in an environment in less than ISO Class 5 conditions;~~]

[~~(e)~~]**(b)** "In-patient institution" means a facility where a patient is formally admitted or hospitalized for treatment or care and stays for a minimum of one night in the hospital or other institution providing in-patient care;

[~~(f) "Inspector" means a pharmacist or certified pharmacy technician employed by the pharmacy board to inspect facilities, to ensure that they comply with federal and state law and the rules established by the board;~~

~~(g) "Institution" means an "institution" as defined in Ph 701.02(h), namely a health care facility which provides inpatient care and includes:~~

~~(1) Hospitals;~~

~~(2) Nursing homes;~~

~~(3) Extended care facilities;~~

~~(4) Residential care facilities;~~

~~(5) Infirmaries; and~~

~~(6) Correctional facilities.~~

~~(h) "Institutional pharmacy" means an "institutional pharmacy" as defined in Ph 701.02(i), namely "an area in an institution where drugs are stored, manufactured, compounded, dispensed, or issued to other areas or departments of the institution;"~~

~~(i) "Investigator" means a pharmacist employed by the pharmacy board to investigate consumer complaints of pharmacy law or rule violations by a person licensed at the time the alleged violation occurred;~~

~~(j) "Licensee" means any person or entity which is licensed, certified, registered, or regulated by the pharmacy board or a board listed in RSA 318:8-a and RSA 318:9-a;~~

~~(k) "Limited retail drug distributor" means a distributor of prescription devices or medical gases delivered directly to the consumer pursuant to a practitioner's prescription order, or federally funded clinics operated under contract with the department of health and human services and drug abuse treatment centers, where legend and controlled drugs are held, stored, or dispensed to patients pursuant to the order of an authorized practitioner;~~

~~(l) "Limited retail drug distributor" means a distributor of legend devices or medical gases delivered directly to the consumer pursuant to a practitioner's prescription order, or federally funded clinics operated under contract with the department of health and human services and drug abuse treatment centers, where legend and controlled drugs are held, stored, or dispensed to patients pursuant to the order of an authorized practitioner;~~

~~(m) "Methadone clinic" is a clinic which has been established for the dispensing of methadone and other medications to treat opioid addiction. In the United States, by law, patients must receive methadone under the supervision of a physician, and dispensed through an opioid treatment program certified by Substance Abuse and Mental Health Services Administration and registered with the Drug Enforcement Agency;~~

~~(n) "Practitioner" means any person who is lawfully entitled to prescribe, administer, dispense or distribute prescription drugs to patients;~~

~~(o) "Public health clinics", are private, nonprofit organizations that directly or indirectly, through contracts and cooperative agreements, provide primary health services and related services to residents of a defined geographic area that is medically underserved. The term includes "community health centers (CHCs); and~~]

[~~(p)~~]**(c)** "Retail pharmacy" means a pharmacy that dispenses and sells prescription drugs to patients with a valid prescription in an outpatient setting at retail prices.

Readopt with amendment Ph 2201, effective 3/5/20 (Document #12997), to read as follows:

PART Ph 2201 DEFINITIONS

Ph 2201.01 Definitions. In addition to RSA 318:1, the following definitions shall apply to this chapter:

(a) "Board investigator" means a pharmacist employed by the pharmacy board to investigate violations of the pharmacy laws or the rules of the pharmacy board by a person licensed at the time the alleged violation occurred;

[~~(b) "Confidential letter of concern" means a warning letter issued by the pharmacy board to a licensee as a type of outcome to an investigation conducted by the pharmacy board investigators;~~

~~(c) "Drug diversion" means the illegal distribution of prescription controlled drugs, or transfer of any legally prescribed controlled substance from the individual for whom it was prescribed to another person for any illicit use;~~

~~(d) "Facility" means any pharmacy, hospital, clinic, practitioner offices, methadone clinic, or veterinarian clinic that have medication on their premises and are inspected by the pharmacy board;~~

~~(e) "Infusion center" means a place, usually outpatient, where patients can receive intravenous infusions and therapeutic injections in a safe, professional, and comfortable environment;~~

~~(f) "Licensee" means any entity or individual which is licensed, certified, registered, or regulated by the pharmacy board or a board whose licensees are subject to investigation under RSA 318:30;~~]

[~~(g)~~]**(b)** "Medication error" means any preventable event that may cause or lead to inappropriate medication use or patient harm, while the medication is in the control of the healthcare professional or patient. Such events can be related to professional practice, healthcare products, procedures, and systems including prescribing, order communication, product labeling, packaging and nomenclature, compounding, dispensing, distribution, administration, education, monitoring, and use.

[~~(h) "Methadone clinic" means a clinic which has been established for the dispensing of methadone, a~~schedule II ~~drug under the Controlled Substance Act, for the purpose of treating addiction disorder;~~]

[~~(i)~~]**(c)** "Naturopathic medicine" means "naturopathic medicine" as defined in RSA 328-E:2, IX, namely, "a system of primary health care practiced by doctors of naturopathic medicine for the prevention, diagnosis, and treatment of human health conditions, injuries, and disease that uses education, natural medicines, and therapies to support and stimulate the individual's intrinsic self-healing processes;"

[~~(j) "Nurse practitioner" means a registered nurse currently licensed by the board under RSA 326-B:18. The term includes "advanced practice registered nurse (APRN).;~~]

[~~(k)~~]**(d)** "Professional misconduct" means behavior by a professional that implies an intentional compromise of ethical standards, including the acts specified in RSA 318:29, II; **and**

[~~(l) "Quality related event (QRE)" means the incorrect dispensing of a prescribed medication that is received by a patient, including a variation from the prescriber's prescription order, or failure to identify and manage errors identified during a drug utilization review; and~~]

[~~(m)~~]**(e)** "Tele-pharmacy service" means the delivery of pharmaceutical care via telecommunications to patients in locations where they may not have direct contact with a pharmacist.

Readopt with amendment Ph 2301, effective 1/5/22 (Document #13323), to read as follows:

PART Ph 2301 PRACTICES

Ph 2301.01 Definitions.

[~~(a) "Automated dispensing machines" (ADM) means a mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information.~~

~~(b) "Automated medication supply system" means an electronically controlled system that performs operations or activities relative to the storage and distribution of medications for administration and which collects, controls, and maintains all transaction information.~~]

[~~(c)~~]**(a)** "Auto-verification" means when a medication is entered and released, it is automatically verified in the electronic medical record, bypassing the pharmacist verification step.

[~~(d) "Electronic identifier", for purposes of paragraph (a) above, means a unique security code or other identifier which specifically identifies the person entering information into a data processing system.~~

~~(e) "Institution" means a health care facility which provides inpatient care and includes:~~

~~(1) Hospitals;~~

~~(2) Nursing homes;~~

~~(3) Extended care facilities;~~

~~(4) Residential care facilities;~~

~~(5) Infirmaries;~~

~~(6) Hospice house;~~

~~(7) Correctional facilities; and~~

~~(8) Clinics.~~

~~(f) "Institutional Pharmacy" means an area in an institution where drugs are stored, manufactured, compounded, dispensed, or issued to other areas of department of the institution.~~

~~(g) "Medication order" means a verbal, telephonic, written, facsimile, or electronically transmitted order provided by a prescribing practitioner for a specific drug to be administered to an individual.~~

~~(h) "Prescription" means a verbal, telephonic, written, or electronically transmitted order for drugs, medicines, and devices by a practitioner licensed in the United States, to be compounded and dispensed by licensed pharmacists in a duly registered pharmacy.~~]

Readopt with amendment Ph 402.04, effective 2/17/22 (Document #13343), to read as follows:

Ph 2402.01 Definitions.

[~~(a) "Board" means the New Hampshire pharmacy board as established by RSA 318:1, III and RSA 318:2.~~]

[~~(b)~~]**(a)** "Clinical visit" means a consultation with a healthcare practitioner, other than a pharmacist, for women's health, which address contraception and age-appropriate screening.

[~~(c)~~]**(b)** "Hormonal contraceptives" means pills, patches, and rings which the United States Food and Drug Administration (FDA) classifies as available by prescription for the purpose of contraception or emergency contraception. It does not include similar items classified as "over the counter" by the FDA, including intrauterine devices, shots, or intradermal implants.

[~~(d)~~]**(c)** Hormonal Contraceptive Self-Screening Questionnaire" means the screening tool approved by the board on November 17, 2021 and completed by the patient and utilized by a licensed pharmacist to access whether to dispense a hormonal contraceptive via standing order.

[~~(e) "Licensed pharmacist" or "pharmacist" means "licensed pharmacist" or "pharmacist" as defined in RSA 318:1, VII, namely, "when not otherwise limited, means a person holding a license under RSA 318:18 and who is, therefore legally authorized to practice the profession of pharmacy in this state."~~]

[~~(f)~~]**(d)** "Model statewide protocol" means a protocol for dispensing hormonal contraceptives pursuant to RSA 318:47-1 jointly developed by the board of medicine, the board of nursing, and the department of health and human services.

[~~(g)~~]**(e)** "Outpatient contraceptive services" means hormonal contraceptive prescribing and dispensing services provided by the licensed pharmacist as specified in RSA 318:47-1.

[~~(h) "Practitioner" or "licensed practitioner" means "practitioner" or "licensed practitioner" as defined in RSA 318:1, XV, namely, "means any person who is lawfully entitled to prescribe, administer, dispense, or distribute legend drugs to patients."~~]

[~~(i)~~]**(f)** "Standard algorithm" means the "Standard Procedures Algorithm for New Hampshire RPH Prescribing of Contraceptives" dated 11/17/2021 developed based upon the following select procedures and recommendations adopted by the U.S. Centers for Disease Control and Prevention:

(1) U.S. Medical Eligibility Criteria (MEC) for Contraceptive Use, revised July 29, 2016, available as specified in Appendix B; and

(2) U.S. Selected Practice Recommendations (SPR) for Contraceptive Use, revised July 29, 2016, available as specified in Appendix B.

[~~(j) "Standing order" means a written and signed protocol authored by one or more physicians licensed under RSA 329:12 or one or more advanced practice registered nurses licensed under RSA 326-B:18.~~]

Readopt with amendment Ph 2502, effective 12/19/22 (Document #13465), to read as follows:

PART Ph 2502 DEFINITIONS

Ph 2502.01 Definitions. Except where the context makes another meaning manifest, the following definitions shall apply:

[~~(a) "Automated dispensing system" means an automated pharmacy system that is a mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information. These do not include prepackaging or repacking devices;~~]

[~~(b)~~]**(a)** "Provider pharmacy" means a pharmacy, licensed by the NH board of pharmacy, that provides pharmacy services by using an automated pharmacy system at a remote site or at the pharmacy site for use outside of pharmacy hours of operation in licensed pharmacy space;

[~~(c)~~]**(b)** "Remote site" means a NH licensed long-term care facility, hospice facility, hospital, or state or county correctional facility, or other health care facilities that is not located at the same location as the provider pharmacy, at which pharmacy services are provided using an automated pharmacy system.

Readopt with amendment Ph 2602, effective 4/12/2023 (Document #13559), to read as follows:

PART Ph 2602 DEFINITIONS

Ph 2602.01 Definitions.

(a) "Nicotine cessation therapy" means medications, which the United States Food and Drug Administration (FDA) classifies as available by prescription or without a prescription, for the purpose of nicotine cessation.

[~~(b) "Standing order" means "standing order" as defined in RSA 318:47-m, I namely "a written and signed protocol authored by a physician licensed under RSA 329:12, a physician assistant licensed under RSA 328-D:2, or an advanced practice registered nurse licensed under RSA 326-B:18. The agreement shall specify a protocol allowing a licensed pharmacist to provide nicotine cessation therapy under the delegated prescriptive authority of the physician, physician assistant, or APRN, a mechanism to document screening performed and the prescription in the patient's medical record, and include a plan for evaluating and treating adverse events. The prescriptions shall be considered a legitimate medical purpose in the usual course of professional practice."~~

~~(c) "Licensed pharmacist" or "pharmacist" means "licensed pharmacist" or "pharmacist" as defined in RSA 318:1, VII, namely, "when not otherwise limited, means a person holding a license under RSA 318:18 and who is, therefore legally authorized to practice the profession of pharmacy in this state."~~

~~(d) "Board" means the New Hampshire pharmacy board created by RSA 318.~~]

APPENDIX

Rule	Specific State Statute the Rule Implements
Ph 202.02	RSA 318:5-a, VIII; RSA 318:30 – 31; RSA 541-A:16, I (b)(2)
Ph 403.01	RSA 318:29, I, II, IV, V; RSA 318:5-a,VII-a
Ph 405.02	RSA 318:5-a, II, IV-a
Ph 701.02	RSA 318:5-a, IV-a
Ph 801.01 (repealed)	RSA 318:5-a, X (a); RSA 541-A:7
Ph 902.01 (repealed)	RSA 541-A:7; RSA 541-A:8
Ph 902.02 (repealed)	RSA 541-A:7; RSA 541-A:8
Ph 1102.04 (repealed)	RSA 541-A:7; RSA 318:5-a, XVII(b)
Ph 1102.05 (repealed)	RSA 318:1, III; RSA 318:5-a, XVII(b)
Ph 1302.02 (repealed)	RSA 541-A:7; RSA 541-A:8; RSA 541-A:16, I(b); RSA 318:5-a
Ph 1402. 02 (repealed)	RSA 541-A:7; RSA 541-A:8; RSA 318:57
Ph 1402. 07 (repealed)	RSA 541-A:7; RSA 541-A:8; RSA 318:57
Ph 1402. 08 (repealed)	RSA 541-A:7; RSA 541-A:8; RSA 318:57
Ph 1402. 09 (repealed)	RSA 541-A:7; RSA 541-A:8; RSA 318:57
Ph 1502.01	RSA 318-B:31
Ph 1602.01 (repealed)	RSA 318:15-b; RSA 541-A:7
Ph 1702.01	RSA 541-A:7; RSA 318:45-a, VII
Ph 1802.01	RSA 318:1, XXXIII; RSA 318:5-a, IV-a, X, XIV; RSA 318:15-a and c
Ph 2102.01	RSA 318:5-a, IX; RSA 318:8-a; RSA 318:9-a; RSA 318-B:25; RSA 541-A:16, I(b)
Ph 2201.01	RSA 318:30; RSA 318-B:24; RSA 318:8-a; RSA 318:14-a; RSA 318:42
Ph 2402.01	RSA 318:5-a, I, V, and IX; RSA 318:47-I
Ph 2502.01	RSA 318:1, XXII; RSA 318:5-a, XII; RSA 318:42, XV; RSA 541-A:16, I(b)
Ph 2602.01	RSA 318:5-a, XVII