

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Ph 1400

<p>1. Agency Name & Address:</p> <p>N.H. Pharmacy Board c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 318-42; RSA 318:56; RSA 318:58; and RSA 318-59</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal <u>X</u></p> <p>Readoption <u>X</u></p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Unused Prescription Drug and Medical Devices Program**

6. (a) Summary of what the rule says and of any proposed amendments:

Chapter Ph 1400, Part Ph 1401 describes the purpose of the rules and is being readopted with amendment to change the chapter heading by inserting “and medical devices” between drug and program and amend the descriptions to simplify and provide clarity.

Part Ph 1402 provides definitions for words used in this chapter and is being readopted with amendment to add medical devices to the definitions that include prescription drugs as part of that definition and add the definition for “medical supplies”.

Part Ph 1403 describes the eligibility to donate prescription drugs and medical devices and is being readopted with amendment as follows:

- **Change the part heading from “Eligibility to Donate Prescription Drugs and Medical Devices” to “Eligibility to Donate, Accept, and Redispense Prescription Drugs and Medical Devices”;**
- **Ph 1403.01 is being added to describe who the donor may donate to and who the prescription drugs and medical devices are the property of and Ph 1403.02 that currently describes unused prescription property is being removed;**
- **Add RSA’s to the text for the portions of the rules that are specifically addressed in the law;**
- **NH Hospital, Glenclyff Home, NH Veterans’ Home are being added to the entities eligible to donate and accept prescription drugs and medical devices;**
- **Ph 1403.03 is being added to describes unused prescription drug and medical device transfer and the existing Ph 1403.03 that described conditions required for unused prescription drugs is being removed; and**

RULEMAKING NOTICE FORM - Page 2

- **Ph 1403.04 is being added to describe eligible redispensing entities.**

Part Ph 1404 describes the eligibility to accept donations and is being readopted with amendment to remove the existing Ph 1401 that describes eligibility for accepting entities and is being replaced with responsibilities for charitable providers which provides the rules that pharmacist and practitioners licensed by this state, who dispense drugs, and who choose to participate in an unused prescription drug and medical device program must follow.

Part Ph 1405 describes eligibility to redispense and is being readopted with amendment to change the current part heading from “Eligibility to Redispense” to “Dispensing Requirements”, remove the current Ph 1405.01 eligible redispensing entities and to add rules that describe the dispensing requirements for unused prescription drugs and medical devices.

Part Ph 1406 describes the program pharmacist’s responsibilities and is being repealed.

Part Ph 1407 describes the eligible prescription drug formulary and is being repealed.

Part Ph 1408 describes the requirements for pharmacies dispensing unused prescription drugs and is being repealed.

Part Ph 1409 describes the responsibilities of charitable providers and is being repealed.

Part Ph 1410 describes forms and is being readopted with amendment and renumbered as Part Ph 1406. The heading is being changed from “Forms” to “Forms and Record Keeping Requirements” and is being amended to remove the requirement that the Board provide a sample manifest and allow the participant to create their own form as long as the form contains the information listed in this part of the rules.

Part Ph 1411 describes participant immunity and is being readopted and renumbered as Ph 1407.

Part Ph 1412 describes violations of the unused prescription drug program and is being readopted and renumbered at Ph 1408.

6. (b) Brief description of the groups affected:

These rules affect those pharmacists or practitioners licensed by the state to dispense drugs and who wish to participate in the unused prescription drug and medical device program. In addition, these rules affect those entities who choose to accept prescription drugs under this program which includes pharmacy’s, licensed practitioners, hospice, hospital, or outpatient clinics, NH Hospital, Glencliff Home, NH Veterans Home, licensed manufacturers, wholesaler, or distributor, and State or County correctional facilities.

RULEMAKING NOTICE FORM - Page 3

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute the Rule Implements
Ph 1400	RSA 318-42; RSA 318:56; RSA 318:58; and RSA 318-59

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina M. Kelley** Title: **Program Specialist IV**
 Address: **Office of Professional Licensure and Certification** Phone #: **(603) 271-5247**
7 Eagle Square Fax#: **(603) 271-0597**
Concord, NH 03301 E-mail: **OPLC-Rules@oplc.nh.gov**
 TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Wed., February 16, 2022 at 4 pm.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, February 16, 2022 at 9:30 a.m.**
Office of Professional Licensure and Certification
 Place: **7 Eagle Square**
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 21:145, dated 12-22-2021

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
 There is no difference in cost when comparing the proposed rules to the existing rules.
2. **Cite the Federal mandate. Identify the impact on state funds:**
 No federal mandate, no impact on state funds.
3. **Cost and benefits of the proposed rule(s):**
 - A. **To State general or State special funds:**
 None

RULEMAKING NOTICE FORM - Page 4

B. To State citizens and political subdivisions:
None

C. To independently owned businesses:
None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

This rule does not violate Part I, Article 28-a of the New Hampshire Constitution. This rule does not mandate or assign this program to any political subdivision in any way.