

Adopt Ph 2400 to read as follows:

CHAPTER Ph 2400 PHARMACIST INITIATION AND DISPENSING OF HORMONAL CONTRACEPTIVES

PART Ph 2401 PURPOSE, SCOPE, AND COOPERATION

Ph 2401.01 Purpose. The purpose of this chapter is to promulgate procedures regarding the dispensing of oral contraceptives, via a standing order, pursuant to RSA 318:47-1.

Ph 2401.02 Scope. The rules shall regulate pharmacists licensed by the New Hampshire board of pharmacy in the prescribing and dispensing of hormonal contraceptives without a prior prescription.

Ph 2401.03 Cooperation. In order to clarify, improve, and support appropriate pharmacist prescribing, the board shall periodically review prescribing standards and practices and seek recommendations in consultation with designated representatives from the New Hampshire board of medicine, New Hampshire board of nursing, and the department of health and human services.

PART Ph 2402 DEFINITIONS

Ph 2402.01 Definitions.

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

(b) "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) "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) "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) “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) "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) “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.

PART Ph 2403 PHARMACIST REQUIREMENTS FOR CERTIFICATION

Ph 2403.01 Pharmacist Requirements. In order to dispense hormonal contraceptives, a pharmacist shall:

(a) Complete an Accreditation Council for Pharmacy Education approved training program for hormonal contraceptives;

(b) Have a private area designed to maintain privacy and confidentiality of the patient and is not susceptible to distractions of the pharmacist; and

(c) Construct, maintain, and follow written policies and procedures that establish a course of action which the pharmacist shall follow, that includes, but is not limited to, information regarding:

(1) Adverse reactions;

(2) Compliance with the U.S. MEC, U.S. SPR and the “Standard Procedures Algorithm for

New Hampshire RPH Prescribing of Contraceptives”, dated November 17, 2021, available on the boards web site, <https://www.oplc.nh.gov/board-pharmacy-forms-and-documents>;

- (3) Patient confidentiality;
- (4) How to appropriately screen patients and determine when to refer to a healthcare provider; and
- (5) The process to dispense the hormonal contraceptive.

PART Ph 2404 PROCEDURES FOR PRACTICE

Ph 2404.01 Initiation and Dispensing Procedure. A pharmacist who engages in hormonal contraceptive initiation and dispensing shall:

(a) Provide each patient who seeks hormonal contraceptives with a board-supplied standardized information sheet, written in plain language, regarding the hormonal contraceptive being dispensed, which includes, but is not limited to:

- (1) An indication for the use of the hormonal contraceptive;
- (2) The importance of follow up care; and
- (3) Health care referral information;

(b) Have the patient complete an initial screening using the “Hormonal Contraceptive Self-Screening Questionnaire” dated November 17, 2021, available on the boards web site, <https://www.oplc.nh.gov/board-pharmacy-forms-and-documents>;

(c) Have the patient complete any renewal screening identified through the use of the “Hormonal Contraceptive Self-Screening Questionnaire” dated November 17, 2021, available on the boards web site, <https://www.oplc.nh.gov/board-pharmacy-forms-and-documents>;

(d) Ensure each patient is an appropriate candidate for receiving hormonal contraceptives, as dictated by the U.S. MEC, U.S. SPR revised July 29, 2016, available as specified in Appendix B and the “Standard Procedures Algorithm for New Hampshire RPH Prescribing of Contraceptives”, dated November 17, 2021 available on the boards web site, <https://www.oplc.nh.gov/board-pharmacy-forms-and-documents>, and refer to a health care practitioner, if appropriate;

(e) Identify the medication being dispensed to the patient and counsel the patient regarding, but not limited to, adverse effects, follow up appointments, and the instructions for use;

(f) Provide each patient with an "After Visit" summary sheet;

(g) Based upon a patient's request, provide electronically, in writing, or fax within 24 hours to the patient's primary care practitioner, or a pharmacist-referred practitioner if the patient does not have a primary care practitioner, a copy of the NH Self-Screening Questionnaire, the hormonal contraceptive that has been prescribed and dispensed to the patient, and any other relevant notes; and

(h) Based upon a patient's request, provide the patient who does not have a primary care practitioner and does not wish to be referred to a primary care practitioner a written copy of his or her record, which shall include, but not be limited to, the NH Self-Screening Questionnaire.

Ph 2404.02 Recordkeeping Procedures.

(a) A pharmacist engaging in the initiation and dispensing of hormonal contraceptives shall maintain patient records for a minimum of 7 years.

(b) Maintained patient records shall, at a minimum, include:

(1) The name and date of birth of the patient;

(2) A copy of the "Hormonal Contraceptive Self-Screening Questionnaire" dated November 17, 2021, completed by the patient;

(3) Evidence that the patient was screened;

(4) Counseling information relayed to patient;

(5) Based upon patient request, evidence that the practitioner was provided with the self-screening questionnaire and notified of the drug dispensed;

(6) Name, dose, strength, quantity, and directions of the hormonal contraceptive dispensed; and

(7) Signature of the patient.

PART Ph 2405 STANDARDS OF PRACTICE

Ph 2405.01 Patient Age Requirements. Pharmacists shall only dispense hormonal contraceptives to a person who is:

(a) At least 18 years of age, regardless of whether the person has evidence of a previous prescription from a primary care practitioner or a women's health care practitioner for a hormonal contraceptive; or

(b) Under 18 years of age, only if the person has evidence of a previous prescription from a primary care practitioner or women’s health care practitioner for a hormonal contraceptive.

Ph 2405.02 Pharmacist Standards of Practice.

(a) Licensed pharmacists who dispense hormonal contraceptives shall comply with the board’s rules, U.S. MEC, U.S. SPR, and the “Standard Procedures Algorithm for New Hampshire RPH Prescribing of Contraceptives”, dated November 17, 2021 available on the boards web site, <https://www.oplc.nh.gov/board-pharmacy-forms-and-documents>.

(b) The board’s rules, U.S. MEC, U.S. SPR, “Standard Procedures Algorithm for New Hampshire RPH Prescribing of Contraceptives”, dated November 17, 2021 available on the boards web site, <https://www.oplc.nh.gov/board-pharmacy-forms-and-documents>, and any other ACPE shall be kept on the pharmacy premises and be available electronically for board review upon request.

PART Ph 2406 IMMUNITY

Ph 2406.01 Immunity. The board shall not penalize licensed pharmacists under this chapter for following standing orders that contains a defect as long as the requirements in Ph 2400 and RSA 318:47-1 are satisfied.

Appendix

Rule	Specific State Statute the Rule Implements
Ph 2400	RSA 318:5-a, I, V, and IX; RSA 318:47-I

Appendix II

Incorporation by Reference Information

Rule	Title	Obtain at:
Ph 2402.01(i)(1)	U.S. Medical Eligibility Criteria (MEC) for Contraceptive Use (Revised July 29, 2016)	Center for Disease Control and Prevention Online: https://www.cdc.gov/mmwr/volumes/65/rr/rr6503a1.htm?s_cid=rr6503a1_w Cost: None Any questions or information requests can be directed to the New Hampshire Board of Pharmacy by calling 603-271-2152
Ph 2402.01(i)(2)	U.S. Selected Practice Recommendations (SPR) for Contraceptive Use (Revised July 29, 2016)	Center for Disease Control and Prevention Online: https://www.cdc.gov/mmwr/volumes/65/rr/rr6504a1.htm Cost: None Any questions or information requests can be directed to the Office of Licensed Allied Health Professionals by calling 603-271-2152