

Adopt Ph 2600 to read as follows:

CHAPTER Ph 2600. PHARMACIST INITIATION AND DISPENSING OF NICOTINE CESSATION THERAPY

PART Ph 2601 PURPOSE, SCOPE, AND COOPERATION

Ph 2601.01 Purpose. The purpose of this section is to promulgate procedures regarding the dispensing of nicotine cessation therapy, via a standing order, pursuant to RSA 318:47-m.

Ph 2601.02 Scope. The rules shall regulate pharmacists licensed by the New Hampshire board of pharmacy in the prescribing and dispensing of nicotine cessation therapy without a prior prescription.

Ph 2601.03 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 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) “Medication assisted treatment” is the use of medications, in combination with counseling and behavioral therapies, to provide a “whole-patient” approach to the treatment of substance use disorders. Medications used in MAT are approved by the Food and Drug Administration and MAT programs are clinically driven and tailored to meet each patient’s needs.

(c) "Standing order" means 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.

(d) “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.”

(e) “Board” means the New Hampshire board of pharmacy created by RSA 318.

PART Ph 2603 PHARMACIST REQUIREMENTS FOR CERTIFICATION

Ph 2603.01 Pharmacist Requirements. In order to dispense nicotine cessation therapy, a pharmacist shall:

(a) Hold a current license to practice as a pharmacist or be registered as a pharmacy intern under RSA 318:15 in New Hampshire;

- (b) Possess at least \$1,000,000 of professional liability insurance coverage;
- (c) Complete an Accreditation Council for Pharmacy Education (ACPE) accredited educational training program related to nicotine cessation;
- (d) Provide notice to the primary care provider, when designated by the patient, of the administration of nicotine cessation therapy;
- (e) Have a current standing order authored and signed by a physician, physician assistant, or advanced practice registered nurse (APRN) that is renewed and signed every 2 years;
- (f) Construct, maintain, and follow written policies and procedures that establish a protocol that includes patient evaluation, treatment, dispensing, and follow up.
- (g) Recommendation the patient seeks additional assistance for behavior change, including but not limited to the NH Smoke Free helpline (1-800-quit-now) and web-based programs such as “Quit Now” located at <http://quitnownh.org>.

PART Ph 2604 PHARMACIST RECORD KEEPING PROCEDURES

Ph 2604.01 Recordkeeping Procedures. A pharmacist engaging in the initiation and dispensing of nicotine cessation therapy the pharmacist shall maintain records for a minimum of 4 years that include at least the following:

- (a) A copy of the “NH Tobacco Cessation Self-Screening Patient Intake Form” completed by the patient;
- (b) A copy of the prescription if medication was dispensed and shall, at a minimum, include:
 - (1) The patient’s blood pressure reading; and
 - (2) All notes the pharmacist made related to the assessment and treatment plan.

PART Ph 2605 STANDARDS OF PRACTICE

Ph 2605.01 Pharmacist Standards of Practice.

- (a) Pharmacists under this section shall comply by using the most current “N.H. Tobacco Cessation Self-Screening Patient Intake form” and “N.H. Tobacco Cessation Assessment and Treatment Care Pathway”.
- (b) Pharmacists shall maintain a current copy of the standing order and make it readily available upon inspection or request by the board. This standing order shall be reviewed and be updated at least every 2 years;
- (c) Pharmacists under this section shall properly screen patients for appropriate therapies or referral and work with their medical partners and the New Hampshire department of health and human services to provide support for patients to improve outcomes; and
- (d) The pharmacist shall maintain their verification of completion of a ACPE board- approved

training and biennial continuing education requirements and make it readily available upon inspection or request by the board.

Ph 2605.02 Prohibited Practices and Restrictions. A pharmacist who engages in the dispensing of nicotine cessation therapy shall not:

(a) Contract with a practitioner to gain financial compensation, or seek financial benefit through incentive-based programs or any other inducements;

(b) Initiate or dispense nicotine cessation therapy in instances where the “N.H. Tobacco Cessation Assessment and Treatment Care Pathway” requires a referral to a practitioner.

PART Ph 2606 IMMUNITY

Ph 26067.01 Immunity. The board shall not penalize pharmacists under this chapter for following standing orders that contains a defect if the requirements in Ph 2600 and RSA 318:47-m are satisfied.

APPENDIX

| Rule | Specific State Statute the Rule Implements |
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| Ph 2600 | RSA 318:5-a, XVII; RSA 318:47 |