

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number _____

Ph 2500

1. Agency Name & Address:
**N.H. Pharmacy Board
 c/o Office of Professional
 Licensure & Certification
 7 Eagle Square
 Concord, NH 03301**

2. RSA Authority: **RSA 318:5-a, XII; RSA
 318:42, XV; RSA 541-A:16,
 I(b)**

3. Federal Authority: **n/a**

4. Type of Action:
 Adoption **X**
 Repeal _____
 Readoption _____
 Readoption w/amendment _____

5. Short Title: **Automated Pharmacy Systems**

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

Chapter Ph 2500 is being adopted to describe the registration and procedures for the use, documentation, security, maintenance, and monitoring of automated pharmacy systems for the dispensing of controlled and non-controlled prescription drugs. These rules include the placement of the automated pharmacy system in community long-term care facilities, hospices, state of county correctional institutions, hospitals, and emergency drug kits.

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

The groups affected by these rules are community pharmacies and provider pharmacies including those in community long-term care facilities, hospices, state of county correctional institutions, and hospitals.

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

Rule	Statute Implemented
Ph 2500	RSA 318:1, XXII; RSA 318:5-a, XII; RSA 318:42, XV; RSA 541-A:16, I(b)

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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: **Mon., March 28, 2022 at 4:00 p.m.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wed., March 16, 2022 at 9:30 a.m.**

Place: **Office of Professional Licensure and Certification**
7 Eagle Square, Concord NH 03301

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

FIS # 21:138, dated 12-15-2021

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

Not applicable as these are new 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):**

These proposed rules establish automated pharmacy systems in community, long-term care facilities, hospices, state or county correctional institutions, hospitals, and emergency drug kits. There is no cost to the State for the proposed rules. However, to the extent long-term care facilities, hospices, state or county correctional institutions, and hospitals do not have the requirements already set in place for the automated pharmacy systems there may be incidental and indeterminable cost to comply with the rules.

A. **To State general or State special funds:**

The State will only incur costs to the extent they have to make changes to comply with the placement or security of the automated pharmacy systems. There is no impact on State special funds.

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B. To State citizens and political subdivisions:

Political Subdivisions will only incur costs to the extent they have to make changes to comply with the placement or security of the automated pharmacy systems. There is no impact on State citizens.

C. To independently owned businesses:

Independently owned businesses will only incur costs to the extent they have to make changes to comply with the placement or security of the automated pharmacy systems.

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

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program or responsibility to any political subdivision in any way.