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## FISCAL IMPACT REPORT

SPONSOR Swisstack DATE TYPED 1/31/04 HB 108

SHORT TITLE Emergency Prescriptive Dispensing Authority SB \_\_\_\_\_

ANALYST Geisler

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Regulation and Licensing Board of Pharmacy (PB)  
Department of Health (DOH)

### SUMMARY

#### Synopsis of Bill

HB 108 amends Section 61-11-6 NMSA to require the Pharmacy Board (PB) to adopt regulations prescribing the activities and duties of pharmacy owners and pharmacists in the provision of emergency prescription dispensing. This bill also requires the PB to adopt rules for the authorization of emergency prescription dispensing by the executive director of the PB.

#### Significant Issues

In the past few years, New Mexico has experienced public health emergencies due to forest fires causing the displacement of citizens from their homes and unable to contact their regular pharmacies and medical professionals to obtain needed medications. Although there were statutory provisions to address this situation for short terms (72) hours, there was nothing in place for longer terms. Citizens did not do without medications during these periods mentioned previously, but having statutes and regulations in place would provide legal guidance.

HB 108 is an outgrowth of the 2002 Senate Joint Memorial 62 and House Joint Memorial 34 asking the DOH, the Attorney General and the Department of Public Safety to hold public meetings requesting input regarding the changes or additions that need to be made in New Mexico's emergency preparedness laws. HB 108 is the result of a proposal the PB adopted at its October 1, 2002 meeting.

Two different concerns are addressed: (1) that specific medications might be required to treat people for effects of a bio-terrorist event, and (2) that people displaced from their homes might need refills of their ongoing medications.

## **TECHNICAL ISSUES**

Emergency prescription dispensing would need to be defined by Board of Pharmacy regulation.

## **OTHER SUBSTANTIVE ISSUES**

### Scope of Declaration of Emergency

DOH notes that HB 108 allows for emergency prescriptive dispensing by pharmacists during civil or public health emergencies. The Board of Pharmacy must create rules on how this is to occur. According to the definition of "emergency prescription dispensing" as stated in HB 108, this may occur only when the Governor declares a civil or public health emergency or when an adjoining state's Governor makes an emergency declaration. It may also occur as otherwise authorized by state or federal law. This could mean during a presidential disaster declaration, but otherwise this statement is not well defined.

There may be occasions when it would be appropriate for "emergency prescription dispensing" to occur when there are no declarations for either civil or public health emergencies by the Governor, as in the Cerro Grande Fire in May, 2000, prior to the state and federal emergency declarations. Other circumstances could include contained local disease outbreaks, evacuations during naturally occurring local disasters such as utility disruptions, fires, floods, etc. HB 108 could be more enabling by allowing the Board of Pharmacy to clearly define and expand in regulation when emergency prescription dispensing could occur.

## **AMENDMENTS**

The Department of Health suggests that a provision be added to allow the Board of Pharmacy to define other occurrences when emergency prescriptive dispensing may occur such as a local disaster or local emergency condition.

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