

**NOTICE OF AGENCY RULEMAKING
ADOPTION**

of

**BOARD RULE CHAPTER 44
PHARMACIST AUTHORIZATION TO MAKE CERTAIN
CONTRACEPTION ACCESSIBLE (NEW)**

Summary

Board Rule Chapter 44 implements requirements to increase access to birth control by making certain contraception accessible from a pharmacist in accordance with Public Law 2023 Chapter 115. This rule sets training for pharmacists to prescribe, dispense and administer contraceptives that reflect evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients.

**EFFECTIVE DATE:
January 1, 2025**

Please allow time for the Maine Secretary of State's (SOS) to update the Board's rules. You're welcome to periodically check the SOS website for updates from the Board of Pharmacy website –

<https://www.maine.gov/pfr/professionallicensing/professions/board-pharmacy/home/laws-rules>

In the interim, the following is provided for your convenience.

Lastly, work is underway to implement these rules, including the development of an application and fee, which is required for a pharmacist to apply for and to obtain a certificate to prescribe, dispense and administer contraceptives. Please watch our website for updates as it becomes available.

**Chapter 44: PHARMACIST AUTHORIZATION TO MAKE CERTAIN
CONTRACEPTION ACCESSIBLE**

Summary: Pursuant to recently enacted 32 M.R.S. Section 13826, the Legislature authorized licensed pharmacists to expand their scope of practice to include the prescribing, dispensing and administering of statutorily defined injectable hormonal contraceptives or self-administered hormonal contraceptives, beyond the existing scope of practice allowing for dispensing of these contraceptives when prescribed by a patient's healthcare provider. This chapter sets forth the authorization requirements to engage in this expanded scope of practice for prescribing, dispensing and administering of the identified contraceptives.

1. Authorization Required.

1. No pharmacist shall prescribe, dispense and administer, including according to a standing order or a collaborative drug therapy management agreement, a self-administered hormonal contraceptive or an injectable hormonal contraceptive before having been issued authorization as described in this chapter by the board.
2. A pharmacist who fails to follow the requirements of this chapter or the requirements of 32 M.R.S. § 13826 in prescribing, dispensing or administering permitted contraceptives engages in unprofessional conduct pursuant to 32 M.R.S. § 13742-A by violating the standards of professional behavior set forth in this chapter for the practice of pharmacy. Pursuant to 10 M.R.S. § 8003(5-A), the board may revoke, refuse to renew, or may impose discipline for such violations.

2. Contraceptive Authorization.**1. Application**

The pharmacist shall complete the application supplied by the board and provide such other information as the board may require, along with the fee required by Chapter 10 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled "Establishment of License Fees." Applications will not be considered for approval until they are complete. Applications that remain incomplete for more than 60 days will be voided.

2. Qualification

The applicant shall have an active Maine pharmacy license and shall supply verification of the required training as set forth in Section 3.

3. Training

- A. A pharmacist is eligible for authorization if they have completed appropriate training, consisting of either:
- a) Within three (3) years immediately preceding application for contraceptive authorization, completion of an Accreditation Council for Pharmacy Education approved training program for hormonal contraceptives; or
 - b) Receipt of a Doctor of Pharmacy degree from a college of pharmacy accredited by the American Council on Pharmaceutical Education, or its successor organization, within the three (3) years immediately preceding application for contraceptive authorization that includes completion of training in the area of contraception.
- B. On their application for authorization under this chapter, a pharmacist must attest to the board that they have completed the training required by this chapter. In addition, pharmacists authorized under this chapter must maintain documentation proving that they have completed the required training and must provide that documentation to the board upon request.
- C. After a pharmacist obtains authorization under this Chapter, they shall remain current with best practices for the prescribing, dispensing and administering of hormonal contraceptive or injectable hormonal contraceptive. A pharmacist shall attest at the time of annual license renewal that they have complied with this provision.

3. Term of Authorization

The authorization expires annually at the same time as the pharmacist's license and is subject to renewal in the same manner.

4. Self-Screening Risk Assessment Tool

1. A pharmacist shall have the patient complete a self-screening risk assessment tool, in either hard copy or electronic form, based on evidence-based medical eligibility guidelines for contraceptive use. A self-screening risk assessment tool that substantially aligns with the most current United States Medical Eligibility Criteria for Contraceptive Use published by the federal Centers for Disease Control and Prevention satisfies the requirements of this subsection.
Results of the self-screening risk assessment and patient assessment are records that must be maintained for a minimum of two (2) years and readily available to the board upon request.
5. A pharmacist shall review the self-screening risk assessment, and using evidence-based medical eligibility guidelines and best counseling practices shall, if medically appropriate, counsel the patient and issue an appropriate prescription for a permitted contraceptive as defined by 32 M.R.S. § 13862(1)(A)-(B).

6. Grounds for Discipline

A pharmacist who falsely attests that they have met any of the requirements of this chapter has engaged in the practice of fraud, deceit or misrepresentation pursuant to 10 M.R.S. § 8003(5-A)(A)(1), and on that basis the board may deny the pharmacist's license, refuse to renew that license, or impose disciplinary sanctions as authorized by 10 M.R.S. § 8003(5-A).

7. A pharmacist prescribing, dispensing or administering contraceptives pursuant to this chapter shall comply with the additional requirements of 32 M.R.S. § 13826(3)(D)-(F).

STATUTORY AUTHORITY: 32 M.R.S.A. § 13826(5)

EFFECTIVE DATE: