CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Emergency Order #47 Pursuant to Executive Order 2020-04 as Extended by Executive Orders 2020-05, 2020-08 and 2020-09

Expanding access to COVID-19 testing via licensed pharmacists

WHEREAS, on Friday, March 13, 2020, the President of the United States declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on Friday, March 13, 2020, the Governor issued Executive Order 2020-04, an order declaring a state of emergency due to the Novel Coronavirus (COVID-19); and

WHEREAS, the Department of Health and Human Services, Division of Public Health has found that community-based transmission of COVID-19 continues to increase in the State and has been identified in the majority of counties; and

WHEREAS, the CDC reports that COVID-19 is spread mainly from person to person, that the virus causing COVID-19 currently spreads easily and sustainability between people, and that the best way to prevent illness is to avoid being exposed to COVID-19;

WHEREAS, increasing access to community testing may help identify individuals with COVID-19 and reduce the spread of the virus;

WHEREAS, a majority of Americans live close to a retail or independent community based pharmacy; and

WHEREAS, permitting pharmacists to administer COVID-19 will increase the availability of COVID-19 testing in New Hampshire.

Now therefore, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08 and 2020-09, it is hereby ordered, effective immediately, that:

1. During the State of Emergency, the "practice of pharmacy" as defined in RSA Chapter 318 shall include the initiating, ordering, administering, and analyzing of FDA approved

Emergency Use Authorization SARS-CoV-2 (COVID-19) point-of-care diagnostic kits (COVID-19 tests or test kits) to detect SARS-CoV-2 or its antibodies.

2. Pharmacists, licensed pursuant to RSA Chapter 318 and the administrative rules promulgated thereunder, may initiate, order, administer, and analyze the COVID-19 test kits under the following conditions:

   a. The pharmacist has received the adequate education and training to initiate, order, administer, and analyze COVID-19 test kits;
   b. The COVID-19 tests are administered at a pharmacy that holds the appropriate clinical laboratory improvement amendments (CLIA) certificate and a New Hampshire laboratory license issued by the Health Facilities Administration of the New Hampshire Department of Health and Human Services (DHHS). Alternatively, tests may be administered at a pharmacy with a DHHS waiver, pursuant to DHHS's authority to waive licensure requirements when it deems appropriate health and safety standards are met; and
   c. The pharmacy creates and implements policies and procedures to address the collection, storage, transport, and analysis of samples collected as a result of administering and analyzing COVID-19 test kits. Such policies and procedures shall be in line with the manufacturer's instructions and supplemented as needed.

3. This Order shall remain in effect until the State of Emergency is terminated, or this Order is rescinded, whichever happens first.

Given under my hand and seal at the Executive Chambers in Concord, this 21st day of May, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

GOVERNOR OF NEW HAMPSHIRE

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