

State of New Hampshire

**NEW HAMPSHIRE**  
**Prescription Drug Affordability Board**  
Department of Health & Human Services  
129 Pleasant Street ♦ Concord, NH 03301  
Phone (603) 271-9000

December 13, 2021

Dear Sir/Madame:

As a manufacturer of prescription drugs that are distributed in New Hampshire, the New Hampshire Prescription Drug Affordability Board ("Board") sends this letter as a courtesy to notify your company of its' responsibilities pursuant to RSA 126-BB.

Specifically, RSA 126-BB:9, V requires your company to register annually with the Board. Because no prior mechanism was in place to collect this information, a completed registration form, when received by the Board on or before January 31, 2022, will meet your company's requirement to register with the Board for 2021 and 2022. The form to register with the board can be found on the Board's website on or after December 15, 2021.

In addition, RSA 126-BB:9, I provide:

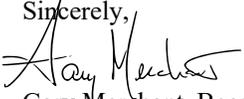
No later than January 30, 2021, and annually thereafter, a manufacturer shall notify the board when the manufacturer has during the prior calendar year:

- (a) Increased the wholesale acquisition cost of a brand-name drug by more than 20 percent per pricing unit.
- (b) Increased the wholesale acquisition cost of a generic drug that costs at least \$10 per pricing unit by more than 20 percent per pricing unit; or
- (c) Introduced a new drug for distribution in this state when the wholesale acquisition cost is greater than the amount that would cause the drug to be considered a specialty drug under the Medicare Part D program. For the purposes of this section, "Medicare Part D" means prescription drug benefit in accordance with the requirements of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003.

The Board acknowledges that it was not set up to collect the data in time to meet the January 30, 2021, deadline contemplated in RSA 126-BB:9, I, and is, therefore, requesting that your company provide the foregoing information for calendar year 2020, on or before January 30, 2022. This information will be collected but not subject to the enforcement provisions of RSA 126-BB. Additionally, and also pursuant to RSA 126-BB:9, I, the Board is reminding your company of its responsibility to provide the requisite information for calendar year 2021, on or before January 30, 2022. This data may be subject to the enforcement provisions of RSA 126-BB if necessary. Forms are available on the Board's website at <https://www.dhhs.nh.gov/ombp/medicaid/nhpdab/index.htm>

All information should be submitted using the electronic forms located at the Board's website.

Thank you in advance for your cooperation. Please don't hesitate to contact the Board if you require further guidance.

Sincerely,  
  
Gary Merchant, Board Chair  
State Rep. Sullivan, District #4

MEMBERS: REP. GARY MERCHANT (CHAIR), ATORNEY TODD FAHEY (CLERK), SEN SHARON CARSON, PHARMACIT STACI HERMANN,  
REP WILLIAM MARSH, REP JAMES MURPHY, SEN CINDY ROSENWALD, SEN TOM SHERMAN  
SUPPORT: NANCY PLOURDE – (603)-271-9449 – [NANCY.T.PLOURDE@DHHS.NH.GOV](mailto:NANCY.T.PLOURDE@DHHS.NH.GOV)  
<https://www.dhhs.nh.gov/ombp/medicaid/nhpdab/index.htm>