

NEW HAMPSHIRE BOARD OF PHARMACY

7 Eagle Square
Concord, NH 03301

PUBLIC MINUTES

March 16, 2022 – 9:00 a.m.

The NH Board of Pharmacy meeting was held in person and via zoom, which was called to order by Board President John Genovese on **March 16, 2022** at 9:00 a.m. Board members present; Commissioner Genovese, Commissioner Laliberte, Commissioner Peicker, Commissioner Lessard, Commissioner Bouchard, Commissioner Rochefort and Commissioner Harrington. Roll Call verifies a quorum of 7-0-0.

Workgroup/Initiatives

Commissioner Lessard – Unused Prescription Drugs-comments discussed later in agenda

Commissioner Genovese – PH 1800 is currently being worked on.

Commissioner Bouchard – Legislative Review for anything that would affect the Board of Pharmacy

Commissioner Rochefort – Sterile and Non-Sterile Compounding Rules Ph 400-discussed below with regular agenda

Commissioner Harrington – Pharmacy Quotas, workflow and vaccine sites, PDMP Advisory Committee-survey will be reviewed in non-public

Commissioner Laliberte – Pharmacy Quotas, workflow and vaccine sites, Pharmacy Technicians

Commissioner Peicker – Canadian Importation, Importer and Exporter possibilities, CEAC will be discussed later in agenda

1. Board Agenda Review
 - a. Items Off: - move item 2b and 2p off the consent agenda
 - b. Items On:

2. Consent Agenda- Commissioner Harrington made a motion to accept the consent agenda. C. Bouchard seconded, D. Rochefort abstains, and motion passes 6-0-1
 - a. Draft Meeting Minutes – February 16, 2022
 - b. Collaborative Practice- Nicholas Nadeau
 - c. Collaborative Practice- Sean Casavant
 - d. PIC Change- CVS, Londonderry- Lauren Hauck
 - e. PIC Change- CVS, Nashua- Kemar Hunter
 - f. PIC Change- CVS, Gilford-Stacey Nault-Bastian
 - g. PIC Change—Dartmouth Hitchcock Pharmacy, Lebanon- Matthew Simpson
 - h. PIC Change- Hannaford, Nashua- Adina Srey
 - i. PIC Change- PharMerica, Concord- Nicole Levasseur
 - j. PIC Change- CVS, Hampton- Ryan Garrell
 - k. PIC Change- Rite Aid, Plaistow- Maryellen Dascoll
 - l. PIC Change- Rite Aid, Concord- James He
 - m. PIC Change- Walgreens, W. Lebanon- John Odumah
 - n. PIC Change- Walmart, Concord- Holly Parent
 - o. NABP-APhA Institute Grant
 - p. NABP- Drug Importation Talking Points
 - q. NABP- Fall 2021 Task Force Talking Points
 - r. NABP CDC Draft Clinical Practice Guidelines
 - s. NABP- FDA Inter-Governmental Working Group Meeting Summary
 - t. NABP- FDA-MOU Update
 - u. NABP-Report district 1 -Feb 2022
 - v. NABP-Reminder- interest in working group during annual meeting.

2b New Pharmacy- The Apothecary, Peterborough-Gloria Shkolnik- the pharmacy is a retail setting with non-sterile compounding. She will be the only person until her business grows and then she will hire technicians. In her plans there was no section for compounding. Board asked her to work with compliance to set a compounding space. Commissioner Laliberte made a motion to approve the temporary permit for this pharmacy. Commissioner Lessard seconded, and motion passes 7-0-0

2c PIC Change- Hannaford, Meredith- Matthew Morin- after discussion on M. Morin passing the PIC exam on

Monday, March 14, 2022, Commissioner Lessard made a motion to approve the PIC change. Commissioner Harrington seconded and motion passes 7-0-0.

3. Public Hearings scheduled for March 16, 2022 at 9:30 a.m. Hearing opened at 9:40 a.m.
Ph 2500 Automated Pharmacy Systems- all comments will be sent in writing to the Board. Kathy Bizarro-Thunberg, Mark Johnston and Phil Maguire all gave comments to the Board for review and discussion at the next meeting. Compliance will be submitting comments for next meeting. A few comments made: redundant information requested, positive comment from Linda Sawyer that this will help in retail settings when staffing is short.
Public Hearing closed at 10:02 a.m.
4. Rules
 - a. Ph 401.06 Reinstatement- Commissioner Rochefort made a motion to open up rulemaking on this section. Commissioner Harrington seconded and motion passes 7-0-0. Commissioner Rochefort will have a proposal for the Board next month.
Would like to make changes to the reason to re-take the MPJE.
Having a grace period before you need to reinstate.
Having a tiered approach to the reinstatement application. early vs a length of time lapsed/ expired.to include fees, CE's and the MPJE.
 - b. Ph 700-Draft Final Proposal- Board reviewed Commissioner Laliberte' s changes. Commissioner Harrington made a motion to move the rulemaking for this section forward. Commissioner Rochefort seconded and motion passes 7-0-0.
 - c. Ph 2301.07- Hearing Scheduled for April 20, 2022 at 9:30 a.m.-noted
 - d. Ph 1300-Board to review and begin rulemaking process. Board will review the application at next meeting. Pharmacist will be removed from the title of this section and in throughout the rules section where necessary. Commissioner Harrington made a motion to start the rulemaking process as amended. Commissioner Rochefort seconded and motion passes 7-0-0.
 - e. Ph 2109.07 and Ph 2109.08- Tina Kelley recommends withdrawing so that all sections can be fixed that reference these 2 sections. After discussion with Tina Kelley, Commissioner Harrington made a motion to withdraw the section. Commissioner Bouchard seconded and motion passes 7-0-0.
 - f. Ph 302.04 Initial proposal on rules change relating to the MPJE from Commissioner Rochefort- discussed above in 4a.
 - g. Ph 1400- Final Proposal Draft- reviewed compliance comments, added the RSA's to the sections as necessary, removing section Ph 1404.01(e)(1-3), reviewed the comments from Sirum. Commissioner Lessard with submit his changes to Tina Kelley for next month. Commissioner Rochefort made a motion to approve as amended. Commissioner Harrington seconded and motion passes 7-0-0.
 - h. Ph 1800- Final Proposal Draft- Reviewed the comments from compliance, need to be sure taking the law exam is a requirement. Board reviewed the draft with Tina Kelley. Board will review the changes at the next meeting. Will need the applications for initial, renewal and reinstatement for the next meeting.
 - i. Rules Status Spreadsheet – noted, thank you again for the monthly update.
5. Liberty Health Services, Eric Eklund- Petition the Board to increasing controlled substances at one of their detox facilities. The public hearing is on the Ph 2500 so the Board suggested he submit comments in writing for changes / comments to this section. Board is not permitted to waive rules and suggested he submit exactly what he is requesting in a declaratory ruling. Ph 206 lists what will need to be submitted to the Board. the Board will then review further to see if there is anything they can do to help.
6. Danielle Parker-Question for Board whether she needs to be licensed. Board suggests she review the rules in Ph 902.01 and Ph 903.01. she does need to be licensed. If she feels the answers are not in Ph 902.01 and Ph 903.01 she can submit for a declaratory ruling. Ph 206 lists what will need to be submitted to the Board.
7. Shubhro Pal- Petition the Board for destruction of controls in a correctional facility- Does the laws/ rules fall under long term facilities like corrections? Does compliance have the authority to approve? Board suggested he complete a declaratory ruling for clarification on the rules. Ph 206 lists what will need to be submitted to the Board.
8. Standing Order on Failed or Returned Licensee Fee Payments- Commissioner Rochefort made a motion to approve the standing order. Commissioner Peicker seconded, and motion passes 7-0-0.

9. Update on workload survey-email and Staff will share screen for Board- moved to non-public for Board to discuss. This will be on the public agenda as soon as the Board has a chance to review.
10. Opioid Treatment Program- requirement to have a consultant pharmacist-Susan Paschell and Susan Latham both spoke to this. For the OTP delivery service, it is closely watched by auditors. A pharmacist comes in once a month and reviews the audits. They feel this oversight is redundant. They would like to address this in a rule or legislation change.
Board suggested they file a request for a declaratory ruling for clarification on the rules. Ph 206 lists what will need to be submitted to the Board.
11. NABP-Proposed resolutions as received to date- noted that there will be more next month.
12. Funding for NABP- Commissioner Rochefort sent information to be submitted with a request to help fund those members who are going to the meeting.
13. Open forum for public comments- Board discussed adding this to the agenda. Did not take comments at this meeting due to the size of the current agenda.
14. May meeting date will be May 25, 2022 at 9:00 a.m.

Commissioner Harrington leaves the meeting at 12:11 p.m.

Commissioner Rochefort made a motion to go into non-public session at 12:40 p.m. Commissioner Lessard seconded, and motion passes 6-0-0.

** Motion (in public session) to move into Non-Public session per:*

RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, ***other than a member of this board***, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

** Roll Call Vote*

Upon return to public session at 2:39 p.m. Commissioner Bouchard made a motion to seal the minutes from the non-public session. Commissioner Lessard seconded, and motion passes 5-0-0

Commissioner Rochefort made a motion to adjourn at 2:50 p.m. Commissioner Lessard seconded, and motion passes 5-0-0
