

NEW HAMPSHIRE BOARD OF PHARMACY

7 Eagle Square

Concord, NH 03301

PUBLIC MINUTES

May 25, 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 Vice-President Dave Rochefort on **May 25, 2022** at 9:00 a.m. Board members present; Commissioner Laliberte, Commissioner Lessard, Commissioner Rochefort, Commissioner Peicker and Commissioner Harrington. Roll Call verifies a quorum of 5-0-0.

Not present was Commissioner Genovese.

Workgroup/Initiatives

Commissioner Lessard – Unused Prescription Drugs- Board will be reviewing late on agenda today.

Commissioner Genovese – no report

Vacant-Legislative Review for anything that would affect the Board of Pharmacy-no report

Commissioner Rochefort – Sterile and Non-Sterile Compounding Rules Ph 400-working with Tina Kelly for input and where the rules fit.

Commissioner Harrington – Pharmacy Quotas, workflow and vaccine sites, PDMP Advisory Committee-no report

Commissioner Laliberte – Pharmacy Quotas, workflow and vaccine sites, Pharmacy Technicians-will work with staff to send out a notice to all pharmacists.

Commissioner Peicker – Canadian Importation, Importer and Exporter possibilities, CEAC -working on CEU approvals

1. Board Agenda Review

- a. Items Off: moved item 9 to non-public
- b. Items On: moved item E3 from non-public to public agenda

2. Consent Agenda- Commissioner Laliberte made a motion to approve the consent agenda.

Commissioner Peicker seconded and motion passes 5-0-0

- a. Draft Meeting Minutes – April 20, 2022
- b. PIC Change- CMC, Manchester 0045- Kathryn Davis
- c. PIC Change- Rite Aid, Laconia 0711- Vu Dinh 3935
- d. PIC Change- Walgreens, Raymond 0751- Christopher Hughes 4077
- e. PIC Change- Walgreens, W. Lebanon 0675- Ryan Nguyen 04349
- f. PIC Change- Health Direct Inst. Services, Concord 0792- Stephanie Bleau 3654
- g. Collaborative Practice- Stephanie M. Brady
- h. NABP-Member Site Expanded and Improved
- i. NABP-2022 Program Review and Training Reminder
- j. NABP- National Licensure Standards-Talking-Points
- k. NABP- HDA Warning

3. Rules

- a. Ph 401.06 Reinstatement- Tina Kelley has the intent of the Board in suggested rules changes. There is an exam that will need to be reviewed by the Board. This will be reviewed again for clarity on time of lapsed license.
- b. Ph 700- Standards of Practice-Conditional Approval Request Filed on 5/11/2022-Commissioner Laliberte made a motion to approve this section. Commissioner Peicker seconded and motion passes 5-0-0
- c. Ph 807.0 and Ph 808.01- Vote to adopt- Commissioner Rochefort made a motion to adopt. Commissioner Lessard seconded and motion passes 5-0-0
- d. Ph 903.01- Vote to Adopt- Commissioner Lessard made a motion to adopt. Commissioner Peicker seconded and motion passes 5-0-0

- e. Ph 1300- Fiscal Impact Request Submitted- noted
 - f. Ph 1400- Unused Prescription Drug and Devices-Final Proposal- this proposal looks good with the minor changes the Board discussed. Commissioner Laliberte made a motion to approve with changes. Commissioner Peicker seconded and motion passes 5-0-0
 - g. Ph 1800- Licensed Advanced Pharmacy Technicians-Final Proposal Draft-TRC has a national exam and state exam. Exam will need to be referenced in the rules. Commissioner Rochefort made a motion to approve. Commissioner Laliberte seconded and motion passes 5-0-0
 - h. Ph 2109- Initial Draft Proposal- this is on hold
 - i. Ph 2301.07-Drug Control in Ambulatory Patient Treatment Areas-Final Proposal- Commissioner Laliberte made a motion to adopt the final proposal. Commissioner Peicker seconded and motion passes 5-0-0
 - j. Ph 2500- Automated Pharmacy Systems-Review Final Proposal. Commissioner Lessard made a motion to accept the final proposal. Commissioner Laliberte seconded and motion passes 5-0-0. Tina Kelley will need the application from staff.
 - k. Time Sensitive Request to the Board-relative to Global Shortage of Contrast Media for CT Imaging- allowing for flexibility for hospitals. Following the current recommendation from manufacturer, covering multi and single dose vials. Currently the recommendation is 10 days. Commissioner Lessard made a motion to approve the emergency rules proposal. Commissioner Laliberte seconded and motion passes 5-0-0
 - l. Rules Status Spreadsheet- noted and thank you for the information.
 - m. Drug Supply Chain Act- Gary Merchant would like to work with the Board on legislation to mirror federal law. We need to be sure the Board an continue to license wholesalers. Commissioner Lessard will work with Gary Merchant.
4. Process for Applying for Pharmacy CE Credits-If anyone has CEUs to be approved they need to send to Commissioner Peicker. Staff will add his email to website.
 5. NH Pharmacy Immunization- Attorney Philips review of the Statute for clarity-Pharmacist can order the vaccine and a certified tech can give the vaccine. There is no standing order for RSA 381:16-b. Gary Merchant is working on legislation for next year to further clarify.
 6. Covid Testing by Pharmacists and Technicians-question for the Board-SB clarifies the emergency order form the governor. Once the Bill is enacted, then Board would address.
 7. DHHS Survey of Pharmacists- Board would like to review the questions and discuss them with representative from DHHS at the next meeting. There are questions on why some questions are being asked.
 8. Memo from Investigator Kaitlyn Simoneau- Controlled Substance Biennial Inventory- updating RSA318:b-12 to say every odd year will cover the federal law.
 9. Anna Fariole-request to reinstate her license- moved to non-public.
 10. New Pharmacy App- Genoa, Exeter, NH- Commissioner Laliberte made a motion to approve this application. Commissioner Lessard seconded and motion passes 5-0-0
 11. JUS 1600- Drug Disposal Program -for discussion and input from the Board-Board has no concerns with the proposed changes.
 12. NABP- Report- May 2022-FYI-noted
 13. NABP- Newsletter- FYI-noted
 14. Clarification on Letter from the Board dated January 29, 2021- standpoint of the Board is to make sure the patient is taken care of. Insurance is not the Boards area.
 15. A Question about compliance from a Telemedicine MD Office-this is a billing issue that the Board has no authority over.
 16. Waiver Requests and PDMP Introduction- waiver requests need to be made through the Board of Medicine.
 17. Request for a Variance Permitting Medical Team at Correctional Facilities to Destroy Narcotics on Site-follow up with more detailed information than first submitted in March. Board does not have the authority to grant waivers of the rules. Ph 705 may cover this request

18. Question for Board about Possible Barriers for Pharmacies Vaccinating the Younger Population-need to wait on CDC guidelines. There is no legislation at this time.
19. Petition for Rulemaking-OTP- Board would like clarification on what changes are requested. Board requested they come to next months meeting with suggested changes for the Board to review.
20. Messer- Initial Application-moved to public. Commissioner Lessard made a motion to approve. Commissioner Laliberte seconded and motion passes 5-0-0
21. Open forum for public comments- none

Board went into Non-Public twice at this meeting.

Commissioner Laliberte made a motion to go into non-public session at 9:55 a.m. Commissioner Lessard seconded and motion passes 5-0-0-

Upon return to public session at 10:59 a.m. Commissioner Lessard made a motion to seal the minutes from the non-public session. Commissioner Peicker seconded and motion passes 5-0-0

Commissioner Peicker made a motion to go into non-public session at 12:32 p.m. Commissioner Lessard seconded and motion passes 5-0-0

Upon return to public session at 1:56 p.m. Commissioner Rochefort made a motion to seal the minutes from the non-public session. Commissioner Laliberte seconded and motion passes 5-0-0

Commissioner Genovese made a motion to adjourn at 1:56 p.m. Commissioner Peicker seconded and motion passes 5-0-0

** 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***
