

NEW HAMPSHIRE BOARD OF PHARMACY

121 South Fruit Street, Ste 401

Concord, New Hampshire 03301-2412

603-271-2350



PUBLIC MEETING MINUTES December 11, 2017

The Board of Pharmacy meeting convened at 8:30 a.m. with the following Commissioners present; Commissioner Merchant, Commissioner Pervanas, Commissioner Fanaras, Commissioner Genovese, Commissioner Bouchard, Commissioner Rochefort.

Commissioner Laliberti –Absent

**At the end of the Public Agenda, the Board will go into a Non-Public meeting under 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.*

Agenda Review:

Items to move off the agenda:

- C-Walgreens #09613 Amanda Hopper, R.Ph PIC change move to the public meeting for discussion C will Become Item 10 on the public agenda.
- E-ExpressMed-Salem and Manchester, Notice of Violation, E will become Item 11 on the public agenda.

Items to Add to the Agenda:

- Compliance Report add to become Item 12
- Rite Aid #4144 PIC Change to become Item 13
- FYI – Financial Interest Forms everyone needs to complete and return to Traci.

2 Items to Move to Non-Public

- *Rough Draft of letter from Attorney Broderick regarding CVS, this will become item W
- *Letter from Richard Meiking – move to non-public, this will become item X
- Item F Walgreens #10410 in Littleton PIC Change, needs to be pulled out of the Consent Agenda, it is not complete.

- 1 Consent Agenda: Motion to approve the remaining items on the Consent agenda from Commissioner Genovese and a second from Commissioner Fanaras
- 2 Initial Application – Genoa Healthcare Plymouth, new location, same model as other Genoa Pharmacies in New Hampshire, closed pharmacy. On Motion from Commissioner Rochefort to approve this application with a second from Commissioner Bouchard with a vote of 6-0-0.

- 3 CVS request for rulemaking – There are two sections to this issue; one is the expansion of pharmacy technicians and the other is remote tele-pharmacy. Statute 318:38 talks about the pharmacist being present to complete counseling. Tele-pharmacy model does have some benefits to the people in the North Country. Commissioner Rochefort, looking at the people in the remote parts of the state, this could actually be a benefit for those folks, so I don't want to see this die on the vine so to speak, this could be a benefit for those folks in the remote areas of the state. Chief of Compliance Bullek states we do have multiple companies doing teleprocessing already in this state at this time, so it is not something new, and they are only doing one portion of the prescription at a time; and we license them as Non-Resident pharmacies. What we do not have, is Rules in place on how the Board wants it to run. This request starts the process on how the Board wants to develop these rules. Joe Lavigno, CVS Health-direct supervision is not defined anywhere in your laws. Secondly 'presence' is not defined in our administrative rules anywhere in your statute. These are open to interpretation and now pharmacy practice has changed and is changing. So having someone in front of me on a screen they are present because they are 'virtually present'. Interpretation is going to play in. The Virtual patient is there. Until we can separate pharmacist from product, that is why we need a pharmacist present. The process for this rule writings is the Board is required to notify CVS within 30 days of the Boards decision and then the rule writing must commence within 120 days. Commissioner Merchant – I see this in two parts; one is the expansion of duties the pharmacy technician and the other is Tele-Pharmacy.
- On Motion from Commissioner Rochefort to move forward on the expansion of pharmacy technician duties with a second from Commissioner Bouchard with a vote of 6-0-0.
- On motion from Commissioner Merchant to deny the rule writing for tele-pharmacy based on RSA 318:42 and a second from Commissioner Bouchard with a vote of 4-2-0. Commissioner Rochefort and Commissioner Pervanas opposed. There was a third regarding automated filling machines; on motion from Commissioner Pervanas and a second from Commissioner Genovese to move it forward for rule writing with a vote of 6-0-0. Commissioner Fanaras and Commissioner Genovese agreed to work on the task force to create these rules.
- 4 Voluntary Surrender of Julia Munroe – On motion to accept the Voluntary Surrender from Commissioner Fanaras and a second from Commissioner Genovese with a vote of 6-0-0.
- 5 Requests from State Police Narcotics Unit –
- a. ID request for all to show ID upon drop off or pick up. It is already being done with best practice.
 - b. Controlled Drugs are already moving to electronic scripts.
 - c. I-Stop program – the Board's office will forward this to the Advisory Council to be discussed.
- 6 Settlement Agreement for McKesson Drug Company – Reciprocal Action. Motion to accept the Settlement Agreement from Commissioner Fanaras with a second from Commissioner Pervanas and a vote of 6-0-0.
- 7 Approval for PCCA Sterile and Non-Sterile program. Motion from Commissioner Fanaras to accept this program with a second from Commissioner Genovese. Commissioner Rochefort would like to finesse the rules to read the program approved by ACPE approved program. We do not have the ACPE as a blanket in our rules and the PTCB is coming out with a sterile side. Eastern States Compounding was approved last month for a Non-Sterile Compounding. Most of the focus has been on the sterile side not the Non-Sterile side; with a vote of 6-0-0 to accept this program.
- 8 Collaborative Practice – On motion from Commissioner Genovese and a second from Commissioner Pervanas to approve the rules with a vote of 6-0-0. These are effective now that they are signed.
- 9 PDMP – we need to table as we are waiting on a form, it is the final approval. All changes are in effect.
- 10 PIC change request for Nashua – the application is incomplete and is tabled until the next meeting.
- 11 PIC Change for CVS – the application is not complete and will be tabled until the next meeting. The PIC Amanda is not even listed as working at the store. And she is not included as actually having access to the pharmacy.

- * Chief of Compliance states the Board will start seeing bigger lists of the pharmacist that will be floating through, because they have multiple floaters.
 - * Chief of Compliance asks that we put the 300 rules to be reviewed to finish them up in February to fix the PIC change issues we are having. People do not understand the form and we need to come up with something new in order to process PIC changes. We have to keep sending these applications back; we have sent back 6 applications this month not including these 3.
 - * We need to look at who has access to a pharmacy in the 300's. It is part of the new inspection process. So what happens to a person who does not have access to the pharmacy, but has access during an emergency. We will need to review this process. We do not have any strong rules for this process. Security might have access with a key, badge, but they might not necessarily have a code. But it is not in rules.
- 12 Compliance report – FYI. Part of compliance is ‘drug destructions’ and at the DEA presentation a few weeks ago, the DEA would like all drug destructions be done in an incinerator. So we are it appears everyone will need to have a reverse distributor. In the Long term care setting, when inspector Queenan asked about the long term care, the DEA did not have an answer. The Board currently grants consultant pharmacist to destroy medications to assist nursing homes, etc. so the DEA regulations has to do with destruction from a licensee, stuff that is in the Doctor’s offices, Veterinarians, etc. We originally received our permission from the DEA and so maybe they can approve our rules/process. Commissioner Rochefort if using an incinerator is what the DEA recommends, I hesitate to open our rules; because it is something they announced on a stage at a conference and is just a guidance, or suggestion, etc. It is requested that Chief of Compliance/Administrator Bullek will outline our policy for drug destruction and send it to the DEA and wait for their response.
- 13 Rite Aid #0414 PIC Change – On motion from Commissioner Fanaras and a second from Commissioner Genovese to approve this PIC change with a vote of 6-0-0.
- 14 Renewal issues - The primary source verification for pharmacies, the search function does not work for pharmacies. They cannot print the verification of pharmacies from the verification site. When you do control P it cuts off and only prints a weird page. We need the ‘print functionality’ on our license verification page like the nursing board.

The New Hampshire Board of Pharmacy adjourned its Public meeting at 9:55 a.m.

Motion from Commissioner Rochefort and seconded by Commissioner Pervanas to move in to Non-Public meeting pursuant to 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 application.* **Roll Call:** Commissioner Merchant, Commissioner Genovese, Commissioner Pervanas, Commissioner Fanaras, Commissioner Bouchard, Commissioner Rochefort all in attendance. Commissioner Laliberti absent.

The Public meeting reconvened at 1:35 p.m. doors opened.

Roll Call: Commissioner Merchant, Commissioner Fanaras, Commissioner Bouchard, Commissioner Rochefort, Commissioner Genovese all in attendance. Commissioner Pervanas left the meeting at 12:00 p.m. and Commissioner Laliberti absent all day.

Motion to adjourn the public session from Commissioner Bouchard and seconded by Commissioner Genovese at 2:00 p.m.