

NEW HAMPSHIRE BOARD OF PHARMACY

121 South Fruit Street, Ste 401

Concord, New Hampshire 03301-2412

603-271-2350



PUBLIC MEETING MINUTES October 17, 2018

Board of Pharmacy Meeting convened at 8:50 a.m. with the following Commissioners present; Commissioner Merchant, Commissioner Rochefort, Commissioner Genovese, Commissioner Laliberte, Commissioner Pervanas, Commissioner Bouchard, Commissioner Harrington.

Absent:

Roll Call verifies a quorum.

1. Consent Agenda Review:

Move Off: 1-B Minutes of 10/2/18 Strategic Planning Meeting - moved to be included with #6
1-J Meeting on Drug Compounding - CI Queenan - moved to #16
1-K Draft MOU between state and FDA - move to be included with #16 and 1-J
1-N PDMP - move to be included with item #6

Add On to the Public Agenda:

1. Presentation on Sublocaid by Gizele Gepigon
2. Additional written comments on Ph1700

On motion from Commissioner Genovese with a second from Commissioner Pervanas to approve the remaining items on the Consent Agenda, with a Board Vote of 7-0-0.

Remaining Items:

- 1-a Public Minutes of 9-12-18
- 1-c Pic Change Rite Aid, Franklin #0190 - Katelyn Denoncourt, R.Ph
- 1-d Pic Change Rite Aid, Meredith #10281 - Dennis Tito, R.Ph
- 1-E Pic Change CVS, Plymouth #02229 - Nicholas Leazer, R.Ph
- 1-F Pic Change CVS, Peterborough #03063 - Bruce Wilson, R.Ph
- 1-G Pic Change, NH State Prison, #0333 - Benjamin Carbone, R.Ph
- 1-H Pharmacy Name Change - Rite Aid to Walgreens (Berlin) #19075
- 1-I Pharmacy Name Change - Rite Aid to Walgreens (Colebrook) #19398
- 1-L Renewal of CE Provider Status - Elliot Hospital
- 1-M Pic Change Rite Aid, Nashua #10270 - Margaret Deleo, R.Ph

2. Presentation from Intern Gizele Gepigon on Sublocade.

3. Surprise visit from the Executive Director Peter Danles to discuss SB 531 and the process of setting fees under this bill in collaboration with OPLC and the Boards.

4. Ph 1700 CQI rules - Public Hearing opened at 9:00 a.m. and closed at 9:53 a.m. Testimony was provided by 3 separate individuals who voiced their opposition to certain parts of the rules. The Board has taken each of these categories under advisement.
5. Ph 1800 Advanced Pharmacy Technician Rules - this item was taken off of the agenda to move towards a statutory change for licensure instead of registration. The Board would like to have a licensed professional in between a Technician and a Pharmacist with the title of "Licensed Pharmacy Assistant" which would allow a pharmacist to work with another licensee that has their own scope of practice and license, so if something should happen, and then this person would be held to their own standards. On motion from Commissioner Bouchard with a second from Commissioner Laliberte to remove these rules from the agenda and move toward a statute change and a licensed professional with a Board Vote of 7-0-0.
6. Ph 800 Pharmacy Technicians - Final Approval on motion from Commissioner Genovese with a second from Commissioner Laliberte with a Board vote of 7-0-0.
*Vote to Adopt Ph 800 once received back from the JLCAR - on motion from Commissioner Genovese with a second from Commissioner Laliberte with a Board vote of 7-0-0.
7. Ph 1600 Interns - Final Approval - on motion from Commissioner Pervanas with a second from Commissioner Harrington with a Board vote of 7-0-0.
*Vote to Adopt Ph 1600 once received back from JLCAR - on motion from Commissioner Pervanas with a second from Commissioner Harrington with a Board vote of 7-0-0.
8. PDMP Funding - 2 options. Approve as is or take back and go through the Ways and Means group. On motion from Commissioner Bouchard to withdraw the proposal with a second from Commissioner Laliberte and a Board vote of 7-0-0.
9. Show Cause Hearing - Andy Tu Do, R.Ph 10:00 a.m. The applicant withdrew his application.
10. Show Cause Hearing - Pamela Tambi, R.Ph 10:00 a.m. The hearing was held in absentia.
11. Ursula Cieplik, R.Ph - request for removal of license restrictions.
12. Genoa Pharmacy - New Pharmacy application in Concord, NH with Melanie Potter, R.Ph as the PIC. On motion from Commissioner Rochefort with a second from Commissioner Harrington with a Board vote of 7-0-0.
13. Robert Pitasi, R.Ph - refusal to pay fine. APU recommends to hold the license and not renew it and also recommending to report this discipline to the NABP and the National Practitioner Databank. If Mr. Pitasi wishes to renew his license, then the Board would have to hold a Show Cause Hearing. On motion from Commissioner Genovese with a second from Commissioner Laliberte and a Board Vote 7-0-0.
14. Wells Pharmacy - Settlement Agreement. On motion from Commissioner Harrington and a second from Commissioner Rochefort to accept the Settlement Agreement and a Board vote of 7-0-0.
15. Vaccine Quota Discussion - this has been tabled twice. Currently the Dept of Justice is challenging a "standing order". One audience member suggested that Ph500 would assist in this discussion, or Ph 700 defines "fit place to practice" also RSA 318-B 29, B It is a Board decision if quota's on vaccinations cause an unfit place to practice. This is becoming a bigger issue and some push is coming from non-pharmacy personnel. The Medical Board has stated that they will work with us. Maybe if we can come up with a statewide protocol and take it back to the legislature, then we would have support for this. If you look at the Original Statute & sequence of events, there is a proposed amendment, this was taken out and it did not pass. If you look at the amendment around the statute it was rejected. Some feel the 'standing order' will not work in New Hampshire. This will be tabled and discussed as soon as possible to move this forward. Maybe commissioner Laliberte who is working to update the Ph 700's can add to this discussion.
16. Patient Comments - Opioid Restrictions. Recently there has been an influx of complaints from consumers not able to get their scripts filled because of the restrictions to opioid products. The patients are upset with pharmacists not filling their prescriptions. This issue and discussion should include the prescribers, the dispensers, and the insurance companies over multiple Boards. It is important to have the Dental Board, Medical Board, Nursing Board, and Pharmacy Board all involved in a discussion on

the best practice to handle these types of issues. Director Sherri Walsh with OPLC stated she would talk to all of the Boards at their next administrators meeting and get a date where everyone could get together to discuss this issue.

17. Premier Pharmacy - New Pharmacy Application - this was taken of the agenda for incomplection.
18. MOU (Memorandum of Understanding) from the FDA. This MOU establishes an agreement between the State of New Hampshire and the U.S. Food and Drug Administration regarding the distribution of inordinate amounts of compounded human drug products interstate and the appropriate investigation by the State of New Hampshire of complaints relating to human drug products compounded and distributed outside of the state. Commissioner Rochefort and Pharmacy inspector Queenan will get together and create a response or some questions to submit to FDA in regards to this and bring back for the Board's review.
19. PDMP discussion again - Commissioner Merchant brought up the PDMP discussion again stating that in June they had 5 goals, and it was never intended for law enforcement use the PDMP. The PDMP was a clinical tool. From the beginning law enforcement has always been part of the discussions, so they might not want to give it up at this point. They currently have a seat on the Advisory Council. Commissioner Bouchard states that the Chief of Police on the Advisory Council was not advocating for more access. Ms. Beth Osgood from the Capital Group will talk to the Chiefs of Police and ask if they wish to have expanded access, but to her recollection, they do not want this. Commissioner Merchant asked Commissioner Harrington to talk to the Advisory Council to find out where they stand.

*Roll Call to move into Non-Public validated a full Board was in attendance.

*On Motion from Commissioner Rochefort with a second from Commissioner Pervanas to adjourn the public meeting at 12:06 p.m. with a Board Vote of 7-0-0.

**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.*

Chair Signature of Approval _____ Date _____