

# NEW HAMPSHIRE BOARD OF PHARMACY

121 South Fruit Street, Ste 401

Concord, New Hampshire 03301-2412

603-271-2350



## PUBLIC MEETING MINUTES December 16, 2018

Board of Pharmacy Meeting convened at 9:00 a.m. with the following Commissioners present; Commissioner Merchant, Commissioner Rochefort, Commissioner Genovese, Commissioner Laliberte, Commissioner Pervanas, Commissioner Bouchard, Commissioner Harrington.

Absent:

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Roll Call verifies a quorum.

1. Consent Agenda Review:

Move Off: Public Minutes from November will be moved to 1-a.

Add On:

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.

Consent Agenda Items Approved:

- 1-a Public Meeting Minutes of November 14, 2018 moved off of the consent agenda.
- 1-b PDMP Public report revised November 14, 2018 meeting minutes.
- 1-c Name Change Application - Encompass Health Rehab Hospital of Concord, Inc.  
Michael Binis, RPh
- 1-d PIC Change – Osco Pharmacy #0113 Nashua, Melissa Murphy, RPh
- 1-e PIC Change – Martins Point Pharmacy Portsmouth, Teri Kennamer, RPh
- 1-f PIC Change – Rite Aid Pharmacy #01295 Newport, Jason Fay, RPh
- 1-g PIC Change – Walgreen Pharmacy dba Rite Aid #01327 Ossipee, Paige Houlihan, RPh
- 1-h PIC Change – CVS Manchester NH, LLC dba CVS Pharmacy #5938 Hanover,  
Kristin Arruda, RPh
- 1-i FYI – NHPHP Program, Dr. Sally Garhart
- 1-j FYI – FDA Letter on Compounded Medications

1-A Public Meeting Minutes of November 14, 2018 – need lots of revisions and corrections - Tabled

Agenda Review

Add Item #13 – Discussion on Central Fill Processing and Interpretations with Schedule II.

Add Item part #10 – add in the Assistant Pharmacist LSR for discussion.

Add Item Part #14 – Statement of Financial Interest Forms needed to be completed by Board Members today and submitted to Traci Weber before the end of today's meeting.

Item #5 – Hearing today was cancelled, the Board needs to Vote on the Settlement Agreement.

## License Update

Meetings to talk about – Discussion on Chronic Pain Therapy and Treatment. Representative Masamilla contacted Chief of Compliance/Administrator Bullek to discuss her concerns about this topic. There will be a meeting on January 10, 2019 from 1-3 p.m.

- 2 PDMP report – The data analyst is still working through a lot of the data and analyzing it all. Commissioner Harrington states that page 7 is not consistent with what she is seeing across the Industry and it is concerning to her. She would like to ask the analyst to verify, or clarify and Commissioner Harrington would like to see page 7 charts, days' supply vs prescription separated.

Commissioner Merchant is encouraged that there is data coming out of the database, but he would like to know if we can get the reports that the Board was asking for back in May? Chief of Compliance Administrator Bullek will go back to May and find out what the Board was looking for at that time and see if he can get those reports to the January Board meeting. Administrator Bullek says that he might not be able to get the reports until March. Clinical Alerts, Multiple Pharmacies, Multiple Providers.

Commissioner Rochefort states that exactly what we are looking for is in the previous minutes. We approved the thresholds in June, and I am anxious to see those reports. Like the MME report.

On Motion from Commissioner Harrington with a Second from Commissioner Rochefort to approve the PDMP report, with a Board Vote of 7-0-0.

**Commissioner Bouchard** – I have printed out a list of 17 different LSR's that relate to the Board of Pharmacy. Because they are only LSR's we do not have the language or the sponsors of the bill. I searched by the titles; Pharmacy, Opioid, Drugs so I have provided a list to you all, and I will keep tracking these in case they become bills. Then at the January meeting we can take a vote if we want to take a position on the particular bill, so whoever goes to the state house, then they will know if the Board is in support of or wishes not to support.

**Commissioner Harrington** – The PDMP advisory council was not able to meet in November or December so I do not have any updates there. However I do want to share this 3 year Strategic Plan that is a rough draft. I would love to have feedback from other Board members regarding this and I can provide an electronic version if anyone would like one.

**Commissioner Rochefort** – USP 800 has a group ready to meet February 7<sup>th</sup> 2019 from 9-11 a.m. here at the Philbrook Building. I have been reviewing what other states have been working on to come up with guidelines and standards and how to incorporate USP standards into our rules.

**Commissioner Pervanas** – We completed 56 audits, there were 12 that were deficient. The CEAC members talked about the Collaborative Practice, they felt they did not need to do additional ce's because they hold a Collaborative Practice Agreement. A Pharmacist who is certified to give oral contraceptives they should be required to take additional ce's because it is a certification. The committee suggests 1 additional ce for oral contraceptive each year. Licensing should be able to add this into our database. Assessment of a pharmacist 'Fit to Practice' the committee felt that this did not fall under the rules and responsibilities of the CEAC committee. And lastly, Welcome Mr. George Bowersox to the CEAC Committee.

**Commissioner Genovese** – Institutional Pharmacy rules, tentative date for a meeting is scheduled on January 15<sup>th</sup> still looking for stakeholders who would like to serve on this group.

**Commissioner Laliberte** – Ph 700's we will meet on January 9, 2019 at 9:00 a.m. – 12:00 a.m. here at the Philbrook building. These rules focus on the pharmacy and what it means to have a 'fit or safe place to practice'.

**Commissioner Merchant** – CQI rules, based upon two conversations, I went back and rewrote the rules. My advice to the Board is to approve the revisions and then send them back out to the public for comments. The other item is the LSR for Licensed Pharmacist Assistant, which we will talk more about later in this meeting.

3. Ph 2100 – Chief of Compliance/Administrator Bullek is making changes suggested by Commissioner Pervanas. Commissioner Rochefort states that Aseptic Technique appears to have been removed. Ph2103.01 c it talks about outsourced environmental sterile compounding. Ph 2104.01 A. Commissioner Rochefort would like to change that to be up to 1 month in advanced, it would be helpful to have 1 month to gather all the documents. Discussion Item.
4. Ph 2200 – Commissioner Merchant would like to have consistency and include the definitions included in Ph 2100 and Ph 2200. On motion from Commissioner Rochefort to move Ph 2200 on to the Legislative Services with a second from Commissioner Genovese and a Board Vote of 7-0-0.
5. Hearing for Mr. Tang – Vote to have a Continuance of Hearing. On motion from Commissioner Rochefort with a second from Commissioner Pervanas to Continue the Hearing with a Board Vote of 6-0-0 Commissioner Harrington recused.  
Consent Decree – On Motion from Commissioner Rochefort with a second from Commissioner Pervanas to approve the Consent Decree with a Board Vote of 6-0-0 Commissioner Harrington recused.
6. Ph 1700 – CQI Rules – On motion from Commissioner Bouchard with a second from Commissioner Pervanas and a Board Vote of 7-0-0 to move these rules forward to Legislative Services process.
7. PIC Change – Walgreens, Lee, Shanna Beliveau. On motion from Commissioner Rochefort with a second from Commissioner Pervanas with a Board Vote of 7-0-0.
8. PIC Change – Pharmerica, Concord, Debra Nickerson On motion from Commissioner Rochefort with a second from Commissioner Laliberte and a Board Vote of 7-0-0.
9. New Pharmacy Application – Premier Pharmacy – Maureen Simonds, PIC. They are not compounding at this time. If in the future, they determine they wish to do compounding, then they need to notify the Board's office by letter on company letterhead. On motion from Commissioner Rochefort with a second from Commissioner Pervanas and a Board Vote of 7-0-0 to approve this application.
10. FYI – Proposed LSR for Licensed Pharmacy Assistants, with a designation of 'LPA'
11. Tabled until January – Clear Occupational Licensing Grant.

12. FYI - FDA Letter addressing 'Certain Distributions of Compounded Drug Products between states and FDA.
13. Board Notice regarding Central Fill Processing and Schedule II medications. Chief of Compliance will not send out this notice, instead schedule a meeting with the stakeholders to rewrite rules and separate Central Fill and Central Processing.
14. Financial Interest Forms – All Board Members submitted their forms to Traci Weber, except Commissioner Merchant who fills out one at the State House for his Representative Position. Those were sent to the Secretary of State's office on December 28, 2018.

\*On Motion from Commissioner Rochefort with a second from Commissioner Pervanas to adjourn the public meeting at 12:15 p.m. with a Board Vote of 7-0-0.

\*On Motion from Commissioner Rochefort with a second from Commissioner Genovese to open the public meeting again, with a Board Vote of 7-0-0. Roll Call Vote validated a Full Board was in attendance.

\*On Motion from Commissioner Pervanas with a second from Commissioner Bouchard to move into Non-Public session at 1:15 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 \_\_\_\_\_