

NEW HAMPSHIRE BOARD OF PHARMACY

121 South Fruit Street, Ste 401

Concord, New Hampshire 03301-2412

603-271-2350



PUBLIC MEETING MINUTES March 27, 2019

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

Absent: Commissioner Laliberte,

Roll Call verifies a quorum.

Agenda Review:

Move Off:

Add on: 15 - Elliot Hospital request for a satellite office
16 - SB 120 oversight of PDMP and OPLC
CC - Non-Public
DD - Non-Public
Agenda item #2 will be moved to after #5

FYI - Projects with each Board Member:

Commissioner Bouchard – I have a handout that is the same bills we talked about last month. The yellow highlights are caution and the red shows the item was a hard stop, the bill was killed either in committee or the house floor. HB 369 warning labels on prescription drugs, there is an amendment on it. HB284, HB359, HB463, HB615, HB627, HB656, HB658, HB659, HB670, HB671, HB694, HB703, HB717, SB179 regarding vaccines and the federal laws, SB120, SB222, SB226, SB32, HB560, HB111, HB366, HB638.

Commissioner Harrington – Next meeting April 15th will be talking about SB120 at that time.

Commissioner Rochefort – No report at this time, next meeting is April 10th 9-12 a.m.

Commissioner Pervanas – The CEAC committee will meet on April 18th 9a.m. - 11 a.m.

Commissioner Genovese – No report at this time

Commissioner Laliberte – Absent

Commissioner Merchant – CQI rules those are being heard today by the Board for final approval. Licensed Pharmacist Assistant is being heard by the Senate next Wednesday 4/3/19. The housekeeping changes; HB 615 and is being heard by the Senate.

1. Consent Agenda - On motion from Commissioner Bouchard to approve with a second from Commissioner Genovese and a Roll Call Vote all in agreement and a Board Vote of 6-0-0.
 - a. Public Meeting Minutes – February 20, 2019
 - b. Public Meeting Minutes – January 16, 2019
 - c. PIC Change – CVS Epping – Justin Couture, RPh
 - d. PIC Change – CVS Concord – Sarah Gallagher, RPh
 - e. PIC Change – Hannaford Rochester – Emilie Martin, RPh
 - f. PIC Change – Imperial Rx Londonderry – Roger Scandura, RPh
 - g. PIC Change – Osco Pharmacy Nashua – Emily Jones, RPh
 - h. PIC Change – Walgreens Littleton – Sameyeen Dewan, RPh
 - i. PIC Change – Walgreens West Lebanon – David Ambrose, RPh
 - j. PIC Change – Walmart Hinsdale – Jodi Wood, RPh
2. 9:33 a.m. and closed at 9:34 a.m. Public Hearing - Proposed changes to Ph 807.02 & Ph 812.02
3. NABP Proposed resolutions - NABP has resolutions within their district level and then it goes to the National level for discussion by the body to either approve or not approve the resolution.

Resolution #1 On motion from Commissioner Genovese to support with a second from Commissioner Pervanas and a roll call vote of 6-0-0.

Resolution#2 On motion from Commissioner Rochefort to support with a second from Commissioner Pervanas and a roll call vote of 6-0-0.

Resolution#3 On motion from Commissioner Rochefort to support with a second from Commissioner Pervanas and a roll call vote of 6-0-0.

Resolution#4 On motion from Commissioner Rochefort to oppose with a second from Commissioner Genovese and a roll call vote of 6-0-0.

Resolution#5 On motion from Commissioner Rochefort to oppose with a second from Commissioner Genovese and a roll call vote of 5-1-0. Commissioner Merchant does not opposed.

Dis 5 Res #1 On motion from Commissioner Genovese to support with a second from Commissioner Pervanas and a roll call vote of 6-0-0.

Dis 6 Res # 1 On motion from Commissioner Rochefort to support with a second from Commissioner Pervanas and a roll call vote of 6-0-0.

Dis 7 Res #1 On motion from Commissioner Rochefort to support with a second from Commissioner Pervanas and a roll call vote of 6-0-0.

Dis 7 Res #2 On motion from Commissioner Rochefort to support with a second from Commissioner Pervanas and a roll call vote of 6-0-0.

Dis 8 Res #1 On motion from Commissioner Rochefort to support with a second from Commissioner Genovese and a roll call vote of 6-0-0.
4. Emergency rules request - Fusion Health Services - MAT management medication - this is a rules change request so we have 90 days to answer this request. These rules have not been updated for many years. Not pharmacy related medications, it is provider specific. Who actually owns the drug? How is this being paid for? Who is reimbursing for this drug? These are not compounding drugs. Ask the clinic who pays for it? Would they be able to come in and talk to us about it? Can you ask

Dr. Hsu to come in and talk with the Board about it? Administrator Bullek will ask Board Council to review it at the same time. Tabled.

5. 9:15 Public Hearing - Dyan Figueroa, CPhT-00028, no attorney representing. Hearing closed at 9:33 a.m.
6. 10:30 Public Hearing - Kristen Daddio, PhT, 05993,
7. Proposed Changes to Ph 900 - Commissioner Rochefort would like to add comment that Ph 903.01 c, I states that "*Pharmacists involved in in-patient telepharmacy, remote patient telepharmacy or any pharmaceutical or clinical services that are provided to New Hampshire residents shall be licensed with the Board*" he thinks it needs a little more robust (*counseling...this line needs to be a little more robust in order to get where you are getting to*). Mr. Lenny Parker agrees with the licensing of the facility and the pharmacist in charge this state. There are about 16/17 states now that currently requires that. The problem becomes is if you say that anyone who talks to a patient has to be licensed in this state. If you do this, and if this trend continued, then I would have to be licensed in all 50 states; to me that's a burden and unreasonable. Commissioner Pervanas agrees. Commissioner Merchant, I hear the burden and what I struggle with is if we model ourselves after what is happening in other professions, medicine, nursing, etc. you can't do tele-medicine unless you are licensed by the state. So it is not just the state in which it originates from, but also the state in which the patient resides; because you are providing clinical services. Commissioner Pervanas states that it is ultimately the responsibility of the pharmacy are licensed by us and the pharmacist in charge, I do not feel it is necessary for all of the pharmacists and pharmacies dealing with our patients to be licensed by us. Commissioner Genovese states we have to be careful, if we word this so that the entity has to be licensed with us, but the individual pharmacist doesn't have to be, then what happens to the pharmacist? Commissioner Harrington wants to clarify, that this is for all Pharmacist, not just pharmacist in charge? Not just the pharmacist who is talking with our patients, if they are not talking with our patients, then they would not have to be. In regards to technicians, it talks about data entry is a clinical service. Administrator Bullek states that technicians cannot do any clinical service. Commissioner Harrington does not feel that data entry is a clinical service. Depending on how we move forward Commissioner Rochefort states that the way Ph 900 is written currently, it validates that the technician data entry is not a clinical service. Inspector Queenan, states right now the way the law reads, a complaint against a mail order pharmacy gets referred to the state where they are domiciled. So if you change the rules, that you also change the law so that if it's an out of state pharmacist that we can go after them and not refer it to another state board. Legislative Services may have a whole different wording change for us as well.
On motion from Commissioner Rochefort to approve and move forward for a fiscal impact statement with a second from Commissioner Genovese and a roll call vote of 4-2-0
Commissioner Pervanas opposed, Commissioner Harrington opposed.
- 8 FYI - Update on Ph 2400 proposed Hormonal Contraceptive rules.
- 9 Ph 100 - proposed changes to outdated rules - On motion from Commissioner Rochefort to approve and move forward for a fiscal impact statement with the amendment keep the title in the rules; "keep the title of Board Administrator" with a second from Commissioner Genovese and a roll call vote of 6-0-0.
- 10 Collaborative Practice Application - Kelly DeMoura, RPh DHMC Nashua. On motion from Commissioner Pervanas to approve with a second from Commissioner Genovese and a roll call vote of 6-0-0.

- 11 Draft proposal of Ph 2500 rules on Drug/Device Distribution Agents - On motion from Commissioner Rochefort to approve and move forward for a fiscal impact statement and a second from Commissioner Pervanas and a roll call vote of 6-0-0.
- 12 FYI - Vermont allows drug importation from Canada.
- 13 Ph 1700 rules regarding CQI - On motion from Commissioner Pervanas to adopt the rules with a second from Commissioner Bouchard and a roll call vote of 6-0-0. The Board's office will be sending a Board Notice to all pharmacist with the rules attached within the next week or so.
- 14 NH Chief of Police - request to approve the drug take back program on April 27, 2019. On motion from Commissioner Pervanas to approve and a second from Commissioner Genovese with a roll call vote of 6-0-0.
- 15 Elliott Hospital request for a satellite without a second license - It will be in the same building but not in the pharmacy. The institutional rules should define this scenario; Commissioner Genovese has this section marked to work on when they meet. Licensing needs to note this in the database on their original license. Are they alarmed? Do they have the same safety precautions in place that the pharmacy does? If no drugs are being stored then no need to be alarmed. Is there compounding being done there? The institutional rules needs to define the procedures for a satellite facility. They do not need to have an approval from the Board. Inspector Queenan is not aware if that space is alarmed without going out to inspect. Commissioner Merchant asks that Administrator Bullek call and ask the person about the alarm. It has to follow all the rules of the pharmacy.
- 16 SB120 - PDMP move to OPLC - On motion from Commissioner Rochefort to continue to support SB120 as amended with a second from Commissioner Pervanas and a roll call vote of 6-0-0.

Board Meeting recessed at 10:55 a.m.

Board Meeting reconvened at 11:24 a.m. On motion from Commissioner Rochefort with a second from Commissioner Genovese to move into Non-Public Session with a Board vote of 5-0-0.

*Roll Call to move into Non-Public validated a quorum and Commissioner Laliberte and Commissioner Harrington were absent.

Motion to Seal the Minutes from Commissioner Rochefort and a second from Commissioner Genovese with a Board Vote of 5-0-0.

**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 _____