



NEW HAMPSHIRE BOARD OF PHARMACY

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Concord, New Hampshire 03301-2412
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PUBLIC MEETING MINUTES - May 20, 2020

The Board convened Board convened electronically via Zoom at 9:01 a.m. with the following Commissioners in Attendance; Commissioner Pervanas, Commissioner Genovese, Commissioner Rochefort, Commissioner Bouchard, Commissioner Laliberte, Commissioner Pecker, Commissioner Harrington. Multiple public attendees by phone/Zoom as well. Board Roll Call verifies a quorum of 7-0-0.

Agenda Review:

Move off consent agenda: Item 6 CE Exemption. The new Executive Order #29 overrides this topic.

Add on:

1. Consent Agenda – On motion from Commissioner Genovese with a second from Commissioner Bouchard to approve the consent agenda. Roll call vote 7-0-0.
 - a. Public Meeting Minutes for April 15, 2020
 - b. Public Meeting Minutes for April 28, 2020
 - c. Public Meeting Minutes for May 4, 2020
 - d. PIC Change – Genoa Healthcare, Derry – Angela Folsom, RPh
 - e. PIC Change – CVS, Laconia – Jessica Payne, RPh
 - f. PIC Change – FMH Healthcare (prev. Frisbie Memorial Hospital) – Jonathan Napoli, RPh
 - g. PIC Change – Osco, Nashua – Kaitlin Simoneau, RPh
 - h. Tele-Pharmacy Information - FYI
 - i. PIC Change – Walmart Gorham – Susan Klementovich, RPh
2. Alex Koutroubas on behalf of NH ARCH (Association of Residential Care Homes)-E-Kits in Long term care facilities. On motion from Commissioner Harrington with a second from Commissioner Rochefort to support the DHHS rule change and also support better access to non-controlled E-kits for patients in long term care facilities. Roll Call Vote 7-0-0.
3. Attorney Broderick update on rules status:

Executive Order #29 allows the Board to begin renewing Manufacturers/Wholesalers at the new fee. Executive Order #29 waives certain continuing education requirements for licensed professionals who are scheduled to renew between March 13, 2020 and December 31, 2020. However, missing from that emergency order is the recommendation of Therapeutic Interchange. Attorney Broderick did submit it, but it did not make it to the Governor's desk. Attorney Broderick suggests that maybe a Board member could help craft the language and add an explanation to be resubmitted to the Governor's office, maybe providing more clarity and list out the medications, seems like you might have more success. Commissioner Laliberte will work on this and send it to Attorney Broderick within the next 5 days or so to submit it with other OPLC recommendations to the Governor's office.

 - a. **Biennial Licensure Rules** (Ph 400, Ph 1000, Ph 600, Ph 2000) – These are the regular rules and will have a Public Hearing on June 17, 2020. The rules will be posted to our website once available.

1. Pharmacies will have to be a separate rule change on their own.(Ph 1900-in state)
- b. **Therapeutic Interchange** – spoke about under the Executive Order #29
- c. **Ph 104** - Public Information – The fiscal impact statement was filed and it was received back in mid-March right before the pandemic. Attorney Broderick will take the next step and the Board could have a public hearing in July.
- d. **Ph 300** – Licensing of Pharmacists – Approved by the Board 1-15-20. Attorney Broderick does not have it on his list. Board Staff will send Attorney Broderick the approved copy.
- e. **Ph 400** – Standards for Compounding and Dispensing Sterile and Non-Sterile Pharmaceuticals. First review by board on 9/19/19, tabled until October. November 20, 2019 Board voted to approve – Submitting only the renumbering to JLCAR. Attorney Broderick will check on this. Board staff will send Attorney Broderick a copy from the January meeting.
- f. **Ph 700** –Standards of Practice – Approved by the Board to move to JLCAR 1/15/20 (with changes). The Board wants a public hearing in July.
- g. **Ph 807.02 & Ph 812.02** Certified Technicians (Approved & waiting for camera ready copy). The last step is they need to be proofread and certified. Attorney Broderick will check with Office of Legislative Services and see if they can mail it to him.
- h. **Ph 900** – Mail Order Pharmacies – Board Originally approved 3/28/19, Updated as of 1/15/20 of the following – Interpretation of 903.01(f)(4) Change to read “A copy of an inspection report created within the last 12 months”. Board voted to approve at 3/18/20 Board meeting. Fiscal Impact has been filed. Attorney Broderick received the fiscal impact statement right when the pandemic hit and can likely do the next step to have a public hearing at the June 17, 2020 meeting.
- i. **Ph 1000** – Manufacturer Rules – Approved by the Board 9/18/19 and move to JLCAR for fiscal impact statement. Attorney Broderick does not have it on his list, so he will double check with this one as well.
- j. **Ph 1002** – Interim Rules – this is the emergency order, this rule is completed.
- k. **Ph 1900** – In-State Pharmacy Licensing and Operation – Approved by Board to move to JLCAR 1/15/20 (with changes). Attorney Broderick does not have this on his list and will check on this.
- l. **Ph 2100** – Inspections – Board approved JLCAR’s revision response 3/18/20. The Board adopted in March they are effective as of April 11, 2020. The next step is proofreading and certification.
- m. **Ph 2200** – Investigation Rules – Approved 2/19/20 the Board adopted in March and they are effective as of March 3, 2020. The next step is proofreading and certification.
- n. **Ph 2300** – Institutional Rules approved 2/19/20 and forward to JLCAR for fiscal Impact Statement. Attorney Broderick does not have this on his list and will work with Traci.
- o. **Ph 2400** – Contraceptive Rules – Approved to request a fiscal impact statement from JLCAR on 12/18/19. Attorney Broderick thought the Board had pulled them back, but he can get them moving again, if that is what the Board wishes.
- p. **Ph 2500** – Drug/Device Distribution Agents. Approved by the Board 3/28/19 to move to JLCAR for fiscal impact statement on 9/18/19. Attorney Broderick filed the fiscal impact statement, but he has not received anything back yet. Attorney Broderick will check in on this.

- q. **Ph 2700** – Wholesaler Distribution (moved from Ph 1000). Final review approved by the Board 9/18/19 and moved to JLCAR for fiscal impact statement. But has not heard anything back yet.

JLCAR has not met since March 6, 2020 because of the Covid-19. The attorneys who review are not as backed up. The rules that we are waiting for a camera ready copy, they are in effect and we can put them up on our website for everyone to view. This would be Ph 2100, Ph 2200, Ph 807.12 & Ph 812.02.

4. Hearing with Montanna Paulhus, RPh – The hearing opened at 11:31 and adjourned at 2:21 p.m. The Board has taken all the evidence under advisement.
5. Attorney Porter – Amendment to Ph 704.15 (c) – On motion from Commissioner Genovese with a second from Commissioner Bouchard to approve the amendment. Roll Call Vote of 7-0-0.
6. CE Exemption – Removed as Executive Order #29 overrides it.
7. Pearson Vue – They are open and they are working to open up more sites while all along staying in compliance with the Covid-19 guidelines. The Board will not waive the test score requirements. Board staff will put the table of open test sites up on our website.
8. Jaclynne Gowen, RPh – Collaborative Practice application with Wentworth Douglas Hospital. On motion from Commissioner Genovese with a second from Commissioner Laliberte to approve the application. Roll Call Vote of 7-0-0.
9. FYI – Updated FDA Policy on PPE for Compounding During Covid-19 Crisis – Commissioner Rochefort and Inspector Queenan will work together to come up with a document for review at the next Board meeting.
10. Discussion regarding the Covid-19 testing – Commissioner Laliberte
11. LAPT – Commissioner Genovese the committee has wrapped up the discussions and we hope to have the rules available for June 17, 2020 meeting. For the Board to review.
12. June Board of Pharmacy meeting is usually held at the MCPHS campus so students can attend. However right now the campus is closed because of the Covid-19 so the meeting will be at the Board office in Concord at the June meeting, or zoom if necessary.

Roll Call on motion from Commissioner Rochefort with a second from Commissioner Genovese to move into Non-Public session at 10:24 a.m. Roll call vote of 7-0-0.

Public Session reconvened at 11:30 a.m. Board roll call vote verified a quorum of 7-0-0.

On motion from Commissioner Genovese with a second from Commissioner Rochefort to Seal the Minutes. Roll call Vote of 7-0-0.

On motion from Commissioner Genovese with a second from Commissioner Harrington to return to Non-Public session at 2:40 p.m. Roll call vote of 7-0-0.

Public Session reconvened at 3:47 p.m.

On motion from Commissioner Genovese with a second from Commissioner Bouchard to Seal the minutes. Roll Call Vote of 7-0-0.

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 of waiver of a fee, fine or other levy, if based on inability to pay or poverty of the application. c

On motion from Commissioner Rochefort with a second from Commissioner Genovese to adjourn the meeting. Roll call vote of 7-0-0.

Chair Signature _____ Date _____