

NEW HAMPSHIRE BOARD OF PHARMACY

7 Eagle Square
Concord, NH 03301

PUBLIC MINUTES

JUNE 15, 2022 – 9:00 a.m.

The NH Board of Pharmacy meeting was held in person and via zoom, which was called to order by Board Vice-President Dave Rochefort on **June 15, 2022** at 9:00 a.m. Board members present; Commissioner Laliberte, Commissioner Lessard, Commissioner Rochefort and Commissioner Harrington. Roll Call verifies a quorum of 4-0-0. Not present were Commissioner Genovese and Commissioner Peicker.

Workgroup/Initiatives

Commissioner Lessard – Unused Prescription Drugs, Drug Supply Chain Security Act (DSCSA)

Commissioner Genovese –

Vacant-Legislative Review for anything that would affect the Board of Pharmacy

Commissioner Rochefort – Sterile and Non-Sterile Compounding Rules Ph 400

Commissioner Harrington – Pharmacy Quotas, workflow and vaccine sites, PDMP Advisory Committee

Commissioner Laliberte – Pharmacy Quotas, workflow and vaccine sites, Pharmacy Technicians

Commissioner Peicker – Canadian Importation, Importer and Exporter possibilities, CEAC

1. Board Agenda Review

- a. Items Off: 2g-PIC change, 2i PIC change
- b. Items On:

2. Consent Agenda

- a. Draft Meeting Minutes – May 25, 2022- Commissioner Laliberte made a motion to approve the minutes, Commissioner Lessard seconded, Commissioner Harrington abstains and motion passes 3-0-1

Commissioner Harrington made a motion to approve items 2b-2n, minus 2g and 2i, Commissioner Laliberte seconded and motion passes 4-0-0

- b. PIC Change- CVS, Merrimack, #0209- Randal Snyder, R3147
- c. PIC Change- Dick Halls House Pharmacy, Hanover #0814- Kerry Horan #4235
- d. PIC Change- Seabrook Emergency Room 3 0813-Mallory Sherwood, R2578
- e. PIC Change- Walgreens, Tilton-0752- Dennis Vo, Phcy00950
- f. PIC Change- CVS, Concord #0787- Brian A. Fontaine 4178
- g. PIC Change- Rite Aid, Claremont #0719- Andrew D’Orazio – Tabled until next month
- h. PIC Change- CVS, Claremont #0780- Veronica Hayden Phcy-04536
- i. PIC Change- Walgreens, Berlin #0820- Duane Carr, R2739- this application was approved in March already.
- j. PIC Change- Wentworth Douglass Hospital #0634- Sara Tolliday-#3710
- k. Collaborative Practice- Melissa Drye
- l. NABP-FDA Extension of Comment period for National Standards of Licensure of Wholesale drug Distributors
- m. NABP- Resolutions passed at the 118th NABP Annual Meeting
- n. NABP- Nominations for the Dist. 3 Open Member Position on NABP Executive Committee

3. Rules-

- a. Ph 401.06- Reinstatement- Commissioner Lessard made a motion to approve as amended, Commissioner Harrington seconded and motion passes 4-0-0
- b. Ph 701.02- vote to adopt-Commissioner Lessard made a motion to adopt, Commissioner Harrington seconded and motion passes 4-0-0. Board would like a notice sent to licensees to remind

them of the adopted rules. Commissioner Laliberte will work with the inspectors to make changes on the inspector's forms.

Board also discussed sterile compounding inspections. The rules and the guidelines don't match. Board spoke to the "shoulds" in the guidelines and how you can't make a rule to enforce a "should". Board is working on the sterile compounding rules to address concerns.

c. Ph 1400- Conditional Approval Request submitted- noted

d. Ph 1800- Licensed and Advanced Techs-reviewed JLCAR comments

e. Ph 2301.07- Conditional approval Request submitted- noted

f. Ph 2500- see additional comments- Board reviewed additional comments and JLCARs comments. Each comment was addressed. Board will review next meeting.

g. Ph 1300- Commissioner Rochefort made a motion to approve the application to administer vaccines and the renewal application. Commissioner Lessard seconded and motion passes 4-0-0

h. Rules Working Spreadsheet- Request to add this on the agenda that gets posted online.

Commissioner Rochefort spoke with Gretchen Hamel about doing a global review of the rules to make sure all areas of the rules are relevant and necessary.

4. DHHS Survey of Pharmacists- The survey is the same as the one that was sent out in 2019. At that time, it received 700 responses. DHHS receives a grant from the CDC every 5 years and DHHS wants to have earmarks for when they re-apply for the grant next year. Board will check with Director Courtney to get approval to assist with getting the survey out.

5. JUS 1600- Drug Disposal Program- update for the Board- Attorney Philips updated the Board on changes to JUS 1600. The waiver provision will remain in place and will not be removed. Waivers are for a short term only and for safety reasons the waiver provision will remain.

6. Petition for Rulemaking OTP- would like an emergency rule written to address problems with having a consultant pharmacist present (Ph 601.04). Would be willing to work with Tina Kelley to do rulemaking. After discussion Commissioner made a motion to deny the request for an emergency rulemaking petition on the basis that there is no imminent threat to the public. Commissioner Harrington seconded and motion passes 4-0-0

Commissioner Lessard made a motion to open up rulemaking on Ph 601.04 and 601.10 to make changes. Commissioner Laliberte will work with Susan Paschell to draft rule changes.

7. Primecare- Emergency Stock Medications- Niki Strachan spoke with the Board about the need to increase the allowed medications in the E-Kits. After discussion the Board assured her, the concerns would be addressed in the Ph 2500s.

8. Reinstatement- Greg Michaud- Commissioner Harrington made a motion to approve this applicant to reinstate. Would need to meet requirements of Ph 401.06 and take the MPJE exam. Commissioner Laliberte seconded and motion passes 4-0-0

9. Reinstatement-Donna Michaud- Commissioner Harrington made a motion to approve this applicant to reinstate. Would need to meet requirements of Ph 401.06 and take the MPJE exam. Commissioner Laliberte seconded and motion passes 4-0-0

10. Gessymara Ireland- Foreign Grad Questions- Staff will notify him that requirements for foreign graduates can be located in Ph 301.02 and internship requirements in Ph 1604.01.

11. Discussion on July Meeting- the July meeting will be for rules and PIC changes.

12. Commissioner Rochefort would like to review the issue of "is there a DEA number assigned to automated dispensing machines" the rules require a number but Commissioner Rochefort was told numbers don't get assigned to them. Board needs to clarify this.

12. Open Forum for Public Comments- none at this meeting

Commissioner Laliberte made a motion to enter non-public at 1:15 pm. Commissioner Lessard seconded and motion passes 4-0-0

Upon return to public session at 3:18 pm Commissioner Rochefort made a motion to seal the minutes from the non-public session. Commissioner Lessard seconded and motion passes 4-0-0

Commissioner Harrington made a motion to adjourn at 3:31 pm, Commissioner Rochefort seconded and motion passes 4-0-0

** Motion (in public session) to move into Non-Public session 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 or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

** Roll Call Vote*
