



Board of Pharmacy, Public Meeting

Pharmacy Board

Feb 15, 2023 at 9:00 AM EST to Feb 15, 2023 at 1:00 PM EST

OPLC, 7 Eagle Square, Concord NH 03301

Board Members Present: John Genovese, David Rochefort, Karl Peicker, Nicole Harrington, Eric Lessard and Lindsey Laliberte via Zoom.

Minutes

I. Call to Order – Commissioner Genovese called the meeting to order at 9:04 a.m.

II. Review and Approval of Agenda

III. OPLC and/ or Board Administration Updates

A. Workgroup Initiatives

- 1. Commissioner Genovese-** no updates
- 2. Commissioner Rochefort-** no updates
- 3. Commissioner Laliberte-** no updates
- 4. Commissioner Lessard-** no updates
- 5. Commissioner Harrington-** discussed the NABP newsletter articles that the Board members will be submitting. An article reminding everyone on rest breaks, making sure to remind all about the data waiver removal. Compliance will also have an article to submit.

an idea for the next newsletter would be regulatory changes.

- 6. Commissioner Peicker-** no updates

IV. Consent Agenda Items- Commissioner Harrington made a motion to approve the consent agenda (all items from A to F) Commissioner Peicker seconded and motion passes 6-0-0.

A. Approval of Public Minutes from January 18, 2023

B. Approval of Public Minutes from February 3, 2023 emergency meeting

C. PIC Changes

- 1. CVS Pharmacy, Nashua, Lic # 0133**
- 2. Genoa Healthcare, LLC, Keene, Lic # 04564**
- 3. The Prescription Center, Concord, Lic # 0300**
- 4. Walgreens, Concord, Lic # 0750**
- 5. Rite Aid, Lee, Lic # 725**
- 6. Mass General Brigham Amsurg, Inc, Salem, Lic # 01002**
- 7. Walgreens, Littleton, Lic # 0689**

D. Collaborative Practice

- 1. Nicholas Nadeau, Lic# R3155**
- 2. Sarah Labbe, Lic #PHCY-04443**

E. PIC Waiver Extensions

- 1. Hannaford, Meredith**

F. NABP

- 1. DSCSA Implementation**
- 2. Live Continuing Education Webinar on Color Additives in Drug Products Hosted by FDA's Division of Drug Information for Health Care Professionals and Students**

- 3. FDA Issues Guidance for Industry Regarding Compounding Certain Ibuprofen Oral Suspension Products Under Section 503B of the FD&C Act**
- 4. Mainstreaming Addiction Treatment (MAT) Act**
- 5. Military Spouse Licensing Relief Act**
- 6. NABP Multistate Inspection Blueprint Program Update- Newly Published USP Chapters 795 and 797**
- 7. National Standardized Pharmacy Jurisprudence Examination Steering Committee**
- 8. PCOA Sunset and Pre-NAPLEX Enhancements**
- 9. Proposed Amendments to NABP's Constitution and Bylaws**
- 10. Recognition Resolution**
- 11. DEA Issues Notice Related to Elimination of DATA-Waiver Program**

V. Public Appearances

Commissioner Rochefort returns at 10:49 a.m.

Commissioner Harrington made a motion to enter non-public session at 10:09 a.m.

Commissioner Lessard seconded and motion passes 5-0-0.

Upon the return to public session at 10:52 a.m. Commissioner Harrington made a motion to seal the minutes from the non-public session. Commissioner Peicker seconded and motion passes 5-0-0.

A. Show Cause Hearing-11:00 a.m.- Jennifer Hoerrner- She discussed the facts of the case. Her license history with California, Virginia and Massachusetts. Wants to come back to NH. She works for CVS in VA. Commissioner made sure there was no conflict.

Commissioner Harrington made a motion to give Ms. Hoerrner her license back.

Commissioner Rochefort seconded and motion passes 6-0-0.

B. Show Cause Hearing- 11:30 a.m.-Montanna Paulhus- 2 witnesses spoke on her behalf, Shannon Emerson and Ramona Dube. Both spoke highly of Ms. Paulhus. She then gave her testimony.

She is willing to enter into an agreement with the NH PHP. She doesn't want to go back to working in a retail setting. She also knows she will need to complete CEUs.

Commissioner Harrington made a motion to enter non-public session at 12:06 p.m.

Commissioner Lessard seconded and motion passes 5-0-0.

Upon the return to public session at 12:34 p.m. Commissioner Rochefort made a motion to seal the minutes from the non-public session. Commissioner Harrington seconded and motion passes 5-0-0.

Commissioner Rochefort made a motion to deny her application at this point. Order will follow with details on being able to reinstate. Commissioner Harrington seconded and motion passes 5-0-0.

VI. Rules and Other Legislative Topics

A. Public Hearing at 9:30 a.m. on Ph 1100- Collaborative Practice Agreements- the Hearing was opened at 9:33 a.m.

Jeanu Phillips will submit comments in writing.

Kathy Bizarro-Thunberg spoke in support of and submitted her comments in writing.

Marilyn Hill spoke in support of and submitted her comments in writing.

Compliance Investigator Jay Queenan spoke to the Board about the recommendations to compliance for inspecting collaborative practice.

Commissioner Rochefort leaves the meeting at 9:45 a.m.

Public Hearing was closed at 9:56 a.m.

B. Ph 1300 -Administration of Vaccines- Adopted Text- Commissioner Lessard made a motion to approve the adopted text. Commissioner Peicker seconded, and motion passes 5-0-0.

C. Ph 2600 Pharmacist Initiation and Dispensing of Nicotine Cessation Therapy- Adopted Text- Commissioner Harrington made a motion to approve the adopted text. Commissioner Peicker seconded, and motion passes 5-0-0.

A reminder that adopted rules take effect in 60 days.

VII. Licensure Approval

A. Chartwell Pennsylvania, LP- Commissioner Rochefort made a motion to approve this application. Commissioner Lessard seconded and motion passes 6-0-0.

B. Option Care Health, Bedford NH- Commissioner Rochefort made a motion to approve. Commissioner Harrington seconded and motion passes 6-0-0.

C. NORTH COUNTRY, LANCASTER, NH LIC #01438- Commissioner Rochefort made a motion to approve this application. Commissioner Lessard seconded and motion passes 6-0-0.

D. Red Rock Pharmacy, Lic# NR1968- Commissioner Rochefort made a motion to approve this application. Commissioner Harrington seconded and motion passes 6-0-0.

E. OmniCare Automated Pharmacy Systems- Commissioner Rochefort made a motion to approve this application. Commissioner Lessard seconded, and motion passes 6-0-0. Board did not discuss the follow up questions.

VIII. New Business

A. Cheshire Medical Center

1. Cheshire Controlled Substance Audit Report-1/25/23- no issues

2. Cheshire response to letter from the Board- noted

Board would like confirmation on the dates of Audit 3 (11/14 audit) and when it was submitted to the Board. There is the date of the audit, an internal draft, and the date of the audit. Board wants confirmation of the date we received the audit.

B. Pharmacy Appointment to the Naturopathic Board- Commissioner Peicker made a motion to appoint Michael Fanaras, Lic# PHCY-00880 to the Naturopathic Board. Commissioner Rochefort seconded and motion passes 6-0-0.

Board would like him to notify the Board when the Naturopathic Board meets and to update the Board on what they are approving. He would be welcome to join or send a note to the Board.

C. Request for BOP's USP 797/800 Testing Requirements and Inspection Checklist- table for next month

D. Annual Meeting Travel Grant Program for NABP's 119th Annual Meeting, May 10-12, 2023, Nashville, TN- Commissioner Laliberte, Commissioner Harrington and Commissioner Lessard are going to the annual meeting. Commissioner Lessard will be the alternate.

E. District 1 Well Being Index-noted

F. Opioid Distribution Rules for Doctors-there are rules on early fills, can refer her back to the pharmacy she uses, or she can come to the next meeting to answer some questions from the Board.

G. RE: PDMP Rules, ASAP, and IDs- Legislature wanted the ID requirement. ASAP Standards does not have a pharmacy override. A warning comes up and it can cause a

rejection error. Can the fields be made as not required? Commissioner Laliberte will look at the wording with those who have voiced concerns. The ID requirement was meant to be for safety and wasn't meant to add more work.

Commissioner Harrington made a motion to support the ID requirement as not required but accepted and not mandatory while the Board is reviewing the requirements. Commissioner Peicker seconded and motion passes 5-0-0.

H. Question regarding NH Data X-Waiver Requirements- will need to follow DEA rules for federal guideline. NH doesn't have laws/ rules on this. Prescribers will be required to take a 1-day training in June on this.

I. FDA Issues Guidance for Compounding Ibuprofen Oral Suspension Products Under FD&C Act- noted

J. E-Prescribing- Suggestion to all to go back and familiarize your self with the rules and its exceptions, for Pharmacists its very clear. The Board can't interpret the laws/ rules for you.

K. DSCSA has a 1-hour training session and Commissioner Lessard is signed up for it.

IX. Public Comments- none

X. Non-Public Session-

Commissioner Rochefort made a motion to enter non-public session at 12:45 p.m.

Commissioner Peicker seconded and motion passes 5-0-0.

Upon the return to public session at 1:19 p.m. Commissioner Rochefort made a motion to seal the minutes from the non-public session. Commissioner Harrington seconded and motion passes 5-0-0.

*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*

XI. Adjournment- Commissioner Rochefort made a motion to adjourn at 1:21 p.m.

Commissioner Harrington seconded, and motion passes 5-0-0.