



Board of Pharmacy Public Meeting

Pharmacy Board

Apr 19, 2023 at 9:00 AM EDT to Apr 19, 2023 at 1:00 PM EDT

OPLC, 7 Eagle Square, Concord NH 03301

Board Members Present: John Genovese, David Rochefort, Karl Peicker, Lindsey Laliberte and Eric Lessard

Board Members Not Present: Nicole Harrington

Minutes

I. Call to Order-Commissioner Genovese called the meeting to order at 9:05 a.m.

II. Review and Approval of Agenda

III. OPLC and/or Board Administration Updates

A. Workgroup Initiatives

- 1. Commissioner Genovese**- the June Board meeting will be held at the MA College of Pharmacy in Manchester.
- 2. Commissioner Rochefort**- requested Board members review the sterile compounding documents that have been added to OnBoard for discussion at the May meeting. Bill to remove the PIC position from statute has passed the house and is expected to pass in the senate with no issues. Refill limits on testosterone limits has also passed the house and is expected to pass the senate.
- 3. Commissioner Laliberte**- noted the resolutions. Board usually goes along with NABP recommendations.
- 4. Commissioner Harrington**
- 5. Commissioner Lessard**- Should have table of content for the rules for review at the May meeting. Would like to get feedback from compliance and the public before beginning work on the content. DSCSA becomes effective in November. Reviewing rules/ statutes to make sure we are in compliance with federal guidelines. Working on highlighting necessary changes and should have this for the May meeting.
- 6. Commissioner Peicker**- Working with Kathy Bizzarro-Thunberg on reviewing the rules to come up with proposal for the Board with all PIC references removed. Hope to have information on audits for next month.

IV. Consent Agenda Items

- A. Approval of the Public Minutes from the March 29, 2023 Meeting**- Commissioner Rochefort made a motion to approve the minutes from the March 29, 2023 meeting. Commissioner Laliberte seconded, Commissioner Peicker abstains, and motion passes 4-0-1
- B. PIC Changes**- Commissioner Rochefort made a motion to approve all PIC changes except #10. Commissioner Laliberte seconded, and motion passes 5-0-0.
 - 1. CVS, Manchester, Lic #0168**
 - 2. CVS, Nashua, Lic# 0235**

3. **CVS, Nashua, Lic # 0405**
4. **Genoa Healthcare, Keene, Lic #04564**
5. **Genoa Healthcare, Rochester, Lic #0809**
6. **Hannaford Pharmacy, Manchester, Lic #0366**
7. **Rite Aid, Kingston, Lic # 0166**
8. **Rite Aid, Raymond, Lic #0373**
9. **Rite Aid, Manchester, Lic # 0522**
10. **Rite Aid, Derry, Lic #0695-** After clarification on the hours of pharmacy operation, Commissioner Lessard made a motion to approve. Commissioner Peicker seconded, and motion passes 5-0-0.
11. **Rite Aid, Concord, Lic # 0713**
12. **Rite Aid, Plaistow, Lic # 0729**
13. **Walgreens, Concord, Lic # 0750**
14. **Walmart, Concord, Lic # 0406**
15. **Rite Aid, Pelham, Lic # 0545**

C. Collaborative Practice - Commissioner Rochefort made a motion to approve this application. Commissioner Laliberte seconded, and motion passes 5-0-0

1. **Dharmangini Gunjan Majmundar, Lic # 3284-**

D. PIC Waiver Extensions-

1. **Northeast Rehabilitation Hospital Network, Salem, Lic # 0491 and Nashua, Lic # 0779-** Commissioner Lessard made a motion to approve the waiver, although Board is wondering how time will be split. Commissioner Laliberte seconded, and motion passes 5-0-0.

E. NABP- Commissioner Rochefort made a motion to approve the NABP communications. Commissioner Laliberte seconded, and motion passes 5-0-0.

1. **Fall 2022 NABP Task Force and Work Group Reports**
2. **New, One-Time Training Requirement for DEA-Registered Practitioners on the Treatment and Management of Patients with Opioid or Other Substance Use Disorders**
3. **Board of Pharmacy E-Prescribing Concerns Regarding Resolution No. 118-2-22**
4. **Well-Being Index for Pharmacy Personnel**
5. **New Digital Network to Simplify Process of Achieving DSCSA Compliance**
6. **Auro Pharmacies, Inc.**
7. **Deadline Approaching – Submissions for 2023-2024 Committees and Task Forces**

F. Automated System Registration- Commissioner Rochefort made a motion to approve these applications. Commissioner Laliberte seconded, and motion passes 5-0-0.

1. **Concept Pharmacy, Nashua**
2. **Concept Pharmacy, Bedford**

G. Additional Consent Items- Commissioner Rochefort made a motion to approve the declaratory ruling. Commissioner Laliberte seconded, and motion passes 5-0-0.

1. Declaratory Ruling for Disposal of Controlled Drugs

V. Public Appearances

A. Cheshire Medical Center-this was the first of the quarterly check-ins. April audit will be sent this week. Audits have looked good. Board had questions about the PIC duties- if the PIC is responsible for the personal who are doing the director of pharmacy type duties. The next quarterly check in will be at the July meeting. Board will need to have a discussion about the expectations of the pharmacy PIC role when the PIC position is eliminated in the statute/rules.

VI. Rules Review and Other Legislative Topics

A. Public Hearing on Ph 601.10 at 9:30 a.m. Commissioner Genovese opened the public hearing at 9:30 a.m. there were no comments. Commissioner Genovese closed the meeting at 9:49 a.m.

B. Ph 200- initial Proposal- Practice and Procedure- discussed the plc 200s, the addition of the waiver of an administrative rule. Its purpose is for a substantive rule only. Other states have this. Commissioner Rochefort made a motion to begin the rule making process. Commissioner Peicker seconded, and motion passes 5-0-0.

C. Ph 1700- CQI Requirements- noted for review at a later meeting.

VII. Licensure Approval (if applicable)

A. New Permit-Central Admixture Pharmacy Services, Inc- need to confirm there is no discipline. If none this will be approved.

B. New Pharmacy- Parkland Medical Center, Plaistow- Board asked about the hours of operation. Very limited but hours may increase in the future. Commissioner Lessard made a motion to approve this application. Commissioner Peicker seconded, and motion passes 5-0-0.

C. Initial Sterile Application- Bioscrip Infusion Services- Commissioner Lessard made a motion to approve this application. Commissioner Rochefort seconded and motion passes 5-0-0.

VIII. New Business

A. HHS Guidance question from Shelley Tustison- Staff will advise them to review the rules as well as RSA 318:16-F. Advise them they can submit a request for a declaratory ruling if they would like.

B. Ph 2400 Pharmacist Initiation and Dispensing of Hormonal Contraceptives- staff will refer her to Ph 2403.01(a)

C. COVID-19 Public Health Emergency Transition Roadmap- noted

D. Request for BOP's USP 797/800 testing requirements and inspection checklist- discussed above

E. Internship Hours- staff will advise him to review Ph 301.02 (f)(1)(2)

F. Proposed Amendments to the NABP Constitution and Bylaws NABP 119th Annual Meeting, May 10-12, 2023- noted

G. NABP- Request for information- Board has no rules regarding this.

H. Refill limits on Testosterone- discussed above

I. Proposed Resolutions, NABP 119th Annual Meeting, May 10-12, 2023, Nashville, TN- Board will review.

J. When Should a Control Inventory be Done? After discussion, the Board would like to review what other states have done. Commissioner Lessard will have a report for the May meeting. Kathy Bizzarro-Thunberg requested the Board keep the federal language. Other comments were hospital inventories are much different than retail inventories.

K. How Does the Board Make NABP Aware of Rules Changes- Staff will send adopted rules to NABP. Rules changes effect the exam so they will need to be kept up to date.

L. USP 797/800 -Compounding Discussion- discussion will be at the May meeting. Board members will review the documents.

M. Possible Problem with RSA 318-B-George Bailey spoke with the Board about possible errors with the statute. He has done research and it appears that the language of dispensing has been removed from a portion of the law in 1983. After discussion the Board will work on rewording the statute. Commissioner Rochefort will work with other Board members.

IX. Public Comments-none

X. Non-Public Session

*XI. 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*

Commissioner Rochefort made a motion to go into non-public session at 10:43 a.m. Commissioner Laliberte seconded, and motion passes 5-0-0.

Upon return to public session at 12:47 p.m. Commissioner Laliberte made a motion to seal the minutes from the non-public session. Commissioner Rochefort seconded and motion passes 5-0-0.

XII. Adjournment- Commissioner Rochefort made a motion to adjourn at 12:48 p.m. Commissioner Laliberte seconded and motion passes 5-0-0.