



Board of Pharmacy Public Meeting

Pharmacy Board

May 17, 2023 at 9:00 AM EDT to May 17, 2023 at 1:00 PM EDT

OPLC, 7 Eagle Square, Concord NH 03301

Board Members Present: John Genovese, Eric Lessard, Nicole Harrington, Lindsey Laliberte and Karl Peicker

Board Member not Present: David Rochefort

Minutes

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

II. Prior to beginning the regular agenda, Commissioner Lessard made a motion to enter non-public session at 9:07 a.m. Commissioner Laliberte 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

Upon the return to public session at 10:41 a.m. Commissioner Harrington made a motion to seal the minutes from the non-public session. Commissioner Laliberte seconded and motion passes 5-0-0.

III. Review and Approval of the Agenda

IV. OPLC and/or Board Administration Updates

A. Workgroup Initiatives

1. Commissioner Genovese

2. Commissioner Rochefort

3. Commissioner Laliberte

4. Commissioner Harrington

5. Commissioner Lessard- discussed the table of contents for the rules and will now be looking for feedback. Commissioner Lessard also discussed the 50-state analysis on the biennial inventory. Only 12 states have specific timeframes. Board would like to align their statute with the federal wording. Commissioner Laliberte made a motion to align the Boards statute with the federal wording. Commissioner Lessard seconded, and motion passes 5-0-0. Commissioner Lessard will share the suggested language with Gary Merchant to submit the first week of September for legislative submission. Commissioner Lessard shared a draft of the Ph 1000 with Tina Kelley and the Board will review next month. This chapter was reviewed to make sure the Board will be in alignment with the DSCSA. The Board will be reviewing for updating and removing old information.

6. Commissioner Peicker-the Audit letter was reviewed, and staff will be working with licensing to have an audit run. The rules review to remove the PIC will be reviewed by Commissioner Rochefort. The law to remove the PIC has passed.

V. Consent Agenda Items

A. Approval of the Minutes

1. April 19, 2023 Minutes- Commissioner Peicker made a motion to accept the minutes from the April 19, 2023 meeting. Commissioner Lessard seconded, and motion passes 5-0-0.

2. May 1, 2023 Emergency Meeting Minutes- Commissioner Harrington made a motion to accept the minutes from the May 1, 2023 emergency meeting. Commissioner Lessard seconded, Commissioner Laliberte abstains, and motion passes 4-0-1

B. PIC Changes- Commissioner Peicker made a motion to approve the PIC changes except 4, 10 and 13. Commissioner Lessard seconded, and motion passes 5-0-0.

1. CVS, Milford, Lic #0810

2. CVS, Claremont, Lic #0780

3. CVS, Nashua, Lic #0133

4. OSCO, Concord, Lic #0605- Commissioner Lessard made a motion to approve this PIC change. Commissioner Peicker seconded and motion passes 5-0-0.

5. OSCO, Center Conway, Lic #0582

6. Rite Aid, Allenstown, Lic #0530

7. Rite Aid, Woodsville, Lic #0540

8. Alice Peck Day Memorial Hospital, Lebanon, Lic #0064

9. Hannaford Pharmacy, North Conway, Lic #0362

10. Hollis Pharmacy, Hollis, Lic #0035- Commissioner Lessard made a motion to approve this PIC change. Commissioner Peicker seconded and motion passes 5-0-0.

11. Northeast Rehabilitation Hospital, Nashua, Lic #0779

12. Northeast Rehabilitation Hospital, Salem, Lic #0491

13. Omnicare, Londonderry, Lic #0514- Commissioner Lessard made a motion to approve this PIC change. Commissioner Peicker seconded and motion passes 5-0-0.

14. Walgreens, Nashua, Lic #0327

15. Walmart Pharmacy, Rochester, Lic #0511

C. Collaborative Practice

1. Jacqueline Nguyen- Commissioner Laliberte made a motion to deny this application because it is incomplete at this time. Commissioner Lessard seconded and motion passes 5-0-0.

2. 6 applications included in this packet- Commissioner Peicker made a motion to approve these applications. Commissioner Lessard seconded, and motion passes 5-0-0.

a. Melissa Jacob, Lic # Phcy-01184

b. Joshua Becher, Lic # Phcy-01283

c. Suzie Phan, Lic #R1922

d. Mackenzie Kreger, Lic #4280

e. Lindsey Grant, Lic #3747

f. Jason Lancaster, Lic #3481

D. PIC Waiver Extensions- none

E. Automated System Registration- Commissioner Peicker made a motion to approve the Automated Pharmacy Registration Applications. Commissioner Lessard seconded, and motion passes 5-0-0.

1. Concept Pharmacy Services NE, LLC

2. Pharmerica, Lic # 0659- 13 locations

F. Additional Consent Items-

1. Cheshire Controlled Substances Audit- Commissioner Peicker made a motion to approve this report. Commissioner Lessard seconded, and motion passes 5-0-0.

G. NABP- Commissioner Peicker made a motion to approve the NABP updates to the Board. Commissioner Lessard seconded, and motion passes 5-0-0.

1. NAPLEX Passing Standards and MPJE Blueprint – October 2023 Implementation

2. Drug Enforcement Administration (DEA) Submitted Final Rule to the Office of Management and Budget (OMB) regarding the Temporary Extension of COVID-19 Telemedicine Flexibilities for the Prescribing of Controlled Substances

3. FDA Correspondence to NABP Regarding Compounding of Semaglutide

4. NSCP Pharmacy Staffing Levels Initiative – Regulators Presentation

5. July 2023 state newsletter copy reminder - Due June 1

VI. Public Appearances

A. Show Cause Hearing 10:00am- Conrad Pszczola- Hearing began at 10: 53 a.m. Mr. Pszczola requested the Board reduce his fine to \$350. for the first violation and \$500. for the second violation. He is aware of the laws and rules but the prescriptions slipped past him. He asked the Board for leniency because this is the first time he has had a violation. The Board asked a few questions for clarity. Hearing closed at 11:25 a.m.

B. Hearing 10:00 am- Rite Aid Pharmacy- Commissioner Harrington made a motion to accept the settlement agreement for Rite Aid Pharmacy. Commissioner Laliberte seconded and motion passes 5-0-0.

VII. Rules Review and Other Legislative Topics

A. Ph 601.10- Commissioner Lessard made a motion to accept the Ph 601.10 final proposal. Commissioner Picker seconded and motion passes 5-0-0.

B. Ph 2000- Review Draft Initial Proposal and Self Inspection Reports- a few changes will need to be made with the draft, the forms will also need a few corrections. Tina Kelley will add these changes for the Board to review at an upcoming meeting.

C. Ph 1100- Final Proposal Submitted to Administrative Rules on 4/4/2023- noted

D. Ph 200- Working on Fiscal Impact Statement- noted

E. Ph 1500- discussion next month

VIII. Licensure Approval (if applicable)

A. Sterile Review for Kings Specialty Pharmacy- Commissioner Lessard made a motion to approve this application. Commissioner Laliberte seconded and motion passes 5-0-0.

B. Sterile Review for Pyramids Infusion Center- Commissioner Lessard made a motion to approve this application. Commissioner Harrington seconded and motion passes 5-0-0.

IX. New Business

A. Petition for a Declaratory Ruling from NH Oncology-Hematology, PA- Attorney Varley discussed with the Board the declaratory ruling request, a few others also spoke. Board will review the request and respond within 90 days.

B. PHP reporting -Heather Kelley spoke to the Board about a monthly report the Board will now be receiving. The Board requested a few additions to the report and Heather will try to get them added. The fees are determined by how many are reporting and if that number goes down then there should be a discount. The reports that will be supplied will show an accurate number for all the Boards who use the program.

C. Introduction of PIO-Donna Long- next meeting

D. Request for Rule Changes from Janet Kelley O'Grady- this is a statute change to RSA 318:29-a VI(b). It does not differentiate between active and retired. She would need to reach out to her senator to request this change.

E. NHSHP Technician CE program in September- The Board requested they come up with a training program and submit it to CEAC for approval.

F. How Many CEUS are required for Immunizations with the new rules- the Board will defer her to the continuing education rules.

G. Commissioner Harrington spoke with the Board about sending a letter to DHHS regarding changing Xylazine to schedule 2 drug, subject to the control substance requirement. Commissioner Laliberte made a motion to send a letter that she will help draft. Commissioner Peicker seconded and motion passes 5-0-0.

H. Commissioner Laliberte asked the status of the MOU with NABP to administer the advanced pharmacy tech exam. Staff will follow up on this.

I. A reminder to the Board that the Newsletter copy is due June 1st for the July newsletter. Staff will follow up with compliance to see if they have an article for this meeting. Staff will also see if NABP has articles that NH can add to their section.

J. Board asked Attorney Goulet the status of reducing the size of the Board to 5 and how will that happen. No specifics are given at this time.

X. Public Comments

XI. Non-Public session- Commissioner Lessard made a motion to go into non-public session at 12:25 p.m. 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

Upon return to public session at 2:10 p.m. Commissioner Harrington made a motion to seal the minutes from the non-public session. Commissioner Peicker seconded and motion passes 5-0-0.

XII. Adjournment

Reminder to the Board that the June meeting will be held in Manchester at the Mass College of Pharmacy and Health Science Campus, 1260 Elm Street, Manchester, New Hampshire.

Commissioner Harrington made a motion to adjourn at 2:15 p.m. Commissioner Peicker seconded and motion passes 5-0-0.