



Board of Pharmacy Public Session Minutes

Pharmacy Board

Nov 15, 2023 at 9:00 AM EST

Attendance

Absent:

Members: David Rochefort – Chair(DR) , Lindsey Laliberte(LL), Eric Lessard(EL), Karl Peicker(KP), Jeanne Webber(JW), Robert Theriault(RT), Purvi Patel(PP)

Staff: Michael Gainunzio - Board Administrator, Shane Goulet, Esq. – Board Counsel

- I. Call To Order 9:11AM by Commissioner Rochefort – roll call vote taken By Comissioner Peicker
- II. Pledge of Allegiance – skipped as we do not have the American Flag
- III. New Board Member Introductions:
 - A. Purvi Patel
 - B. Robert Theriault
- IV. Consent Agenda:

Motion:

Upon a motion by EL with a second by KP, the Board voted to approve the consent agenda, motion passed; PP, BT abstained.

- A. Review of Public Minutes
- B. Licensing
 1. Diversified Pharmacy, Inc, DBA University Compounding Pharmacy
 2. Medical Center Pharmacy
 3. Beaker Pharmacy
 4. Women's International Pharmacy
 5. Schrafts 2.0
- C. Upcoming Label Change to to FluMist - Acceptable in NH?

V. Public Appearances

A. Hearings

1. Boston Analytical - 9:34 AM

Motion:

Upon a motion by EL with a second by PP, the Board voted to deny the application for licensure, motion passed, LL absent.

Upon a motion by EL with a second by KP, the Board voted to initiate a disciplinary adjudicatory hearing to review violations of 318:51F IVb, motion passed, LL absent.

1. Chelsea McGill - 10:30 AM – DR recused

Motion:

Upon a motion by EL with a second by KP, the Board voted to revoke the license if the Presiding Officer concludes there was professional misconduct, motion passed, LL absent, DR abstained.

B. Rules

1. Bob Stout

- a. Petitioning the Board to consider changes to the PH1100. Mr. Stout provided written documentation to the Board for consideration.
- b. LAPT – outlining the steps and the process and maybe get OPLC to update the application as it may be misleading to licensees.
- c. Impaired pharmacist program. Now the techs started to pay the \$28 in addition to the license. Techs are registered, this is not a license, should they have to contribute to this program if they cannot benefit? Where is the information on the website for techs? They might not be aware of the program.

2. Ph 100 - Review Initial Proposal

- Definition of Unsatisfactory: Identification of a violation indicating non compliance with established standards and regulations set forth by the State and Federal authorities.
 - Definition of Discrepancy: unnecessary
3. Ph 200 - Review Final Proposal and Public Comment

Motion:

Upon a motion by EL with a second by LL, the Board voted to approve the final proposal; the motion passed; PP absent, RT abstained.

4. Ph 404 - Review Initial Proposal
- Reviewed definitions and wording including but not limited to:
- Assessment of risk
- segregated compounding – can remove
- Containment ventilated enclosure
- Decontamination
- Externally Vented
- Filter Integrity Test
- Low lint wiper
- Multiple Dose Container
- ** DR to review all definitions and bring these back to see if they should be removed and come up with wording that needs to be re-worked. We will have another work session to get them moving.
5. Ph 1500 - Dave Drafting
6. Ph 2100 - Self Inspections
- a. We are currently in the rule making process however there has been discussion around removing this section.
 - b. Tabled to next meeting
7. Ph 1000 - Still working on Initial Proposal
8. Ph Various Sections Removing PIC
- a. Under certified pharm tech, update to “Active National Certification Status”

II. OPLC and/or Board Administration Updates

- A. OPLC FY 23 Annual Report
- B. OPLC Petition for Declaratory Ruling
 - 1. Board Counsel to review and collaborate with OPLC
- C. Declaratory Ruling Request - Freezor
 - 1. Under advice of Board Counsel the Board is refusing to take up the Declaratory Ruling and directed to PLC 210

Motion:

Upon a motion by EL with a second by LL, the Board voted to decline the petition for declaratory ruling; unanimous.

- D. Declaratory Ruling Request - Convenient MD

Motion

Upon a motion by PP with a second by EL, the Board voted to deny or reject the declaratory ruling pending Board Counsel's determination on which is the most appropriate legally; motion passed, LL absent

Motion

Upon a motion by EL with a second by PP, the Board voted to authorize the President to make the determination outside of the meeting which legal decision is appropriate; motion passed, LL absent.

- E. Rulemaking Deadlines - Informational
- F. 2024 Meeting Dates - Informational
- G. NABP Updates – Informational
- H. Hannaford Request for Declaratory Ruling

Motion

Upon a motion by DR with a second by EL, the Board voted to request this be submitted in proper format, reference PLC 210. Ask how they are interpreting the law might be affecting their ability to deliver care, what is the factual basis for this ruling? Why are you seeking this?

III. Old Business

IV. New Business

- A. Question for the Board

1. Handled for the declaratory ruling
- B. Hormonal Contraception Education Question
 1. Refer back to the rules that discuss this.

V. Administrative Rules & Legislative Topics

A. PLC 313 Feedback Request

1. MPJE does have value. The Board would want evidence that the MPJE IS not a requirement.

Motion:

Upon a motion by KP with a second by RT, the Board voted to ask that the MPJE not be required for reciprocity; motion passed, LL absent

Requesting feedback by 11/20/23

VI. Non-Public Session

Motion

Upon a motion by Kp with a second by PP the Board voted to move into non-public session at 12:40pm; unanimous.

Non-Public session conducted for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

VII. Resume Public Session at 3:15pm

Upon a motion by EL with a second by KP, the Board voted to move into public session; motion passed LL absent

VIII. Adjournment

Motion

Upon a motion KP with a second by PP the Board voted to adjourn at 3:15pm