

NEW HAMPSHIRE BOARD OF PHARMACY
7 Eagle Square
Concord, NH 03301
PUBLIC MINUTES
April 20, 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 President John Genovese on **April 20, 2022** at 9:09 a.m. Board members present; Commissioner Genovese, Commissioner Laliberte, Commissioner Peicker, Commissioner Lessard, Commissioner Bouchard, Commissioner Rochefort and Commissioner Harrington. Roll Call verifies a quorum of 7-0-0.

Commissioner Genovese thanked Commissioner Bouchard for her work with the Board. He also introduced the new Board member Daniel Gross.

Prior to the meeting beginning Board spoke with council in non-meeting regarding the hearing proceedings. Commissioner Genovese and new Board member Daniel Gross both were recused for the discussion.

Workgroup/Initiatives

Commissioner Lessard – Unused Prescription Drugs- written comments were reviewed and will be discussed in Ph 1400 below.

Commissioner Genovese – rules discussion in agenda below.

Commissioner Gross– Legislative Review for anything that would affect the Board of Pharmacy

Commissioner Rochefort – Sterile and Non-Sterile Compounding Rules Ph 400- nothing to be reported

Commissioner Harrington – Pharmacy Quotas, workflow and vaccine sites, PDMP Advisory Committee- discussed workload survey and putting the results together for a comprehensive view for the public as well as the Board members.

Also discussed the electronic prescription waivers. Some pharmacists have been refusing to fill the prescriptions.

Commissioner Harrington will draft a letter and Commissioner Genovese will review. Staff will send this to all licensees.

Commissioner Laliberte – Pharmacy Quotas, workflow and vaccine sites, Pharmacy Technicians- nothing to be reported

Commissioner Peicker – Canadian Importation, Importer and Exporter possibilities, CEAC – new CEAC members are now in place.

1. Board Agenda Review
 - a. Items Off: 7,8,9,10 to consent for approval, 11 & 18 to consent as an FYI. Items 13,15 and 17 tabled until next meeting
 - b. Items On:

2. Consent Agenda- Commissioner Harrington made a motion to approve the consent agenda along with agenda items 7,8,9 and 10. Commissioner Bouchard seconded and motion passes 7-0-0
 - a. Draft Meeting Minutes – March 16, 2022
 - b. Draft Meeting Minutes -March 30, 2022
 - c. PIC Change- Hannaford, Manchester-Kimberly Wallace
 - d. PIC Change-Genoa Healthcare, LLC-Jenna Davis
 - e. PIC Change- Walgreens, Berlin- Duane Carr
 - f. PIC Change- Genoa Healthcare, LLC, Claremont-Erich Mussnug
 - g. PIC Change- Hannaford, Dover- Katherine Lombard
 - h. PIC Change- CVS, Bedford- Meghan Armstrong
 - i. NABP- Exam Eligibility for AZ and NC
 - j. NABP- Seeking Volunteers for Committees and Task Forces
 - k. NABP- Digital Issue of Innovations
 - l. NABP- FDA Webinar, April 26, 2022
 - m. NABP- Drug Distributor Accreditation Disqualification
 - n. NABP- Launches NABP Verify
 - o. SB 229-FYI to Board

3. Public Hearings scheduled for April 20, 2022 at 9:00 a.m. Rules hearing opened at 9:21 a.m.
Ph 2301.07 Drug Control in Ambulatory Patient Treatment Areas
Kathy Bizzarro-Thunberg spoke in favor of the rules.
Janet Carroll spoke in favor of the rules.

Rules Hearing closed at 9:42 a.m.

Prior to the following Hearing beginning Commissioner Genovese recused himself from all hearing proceedings.

4. Pursuant to RSA 318:30-a and Rule 204.06 (“Rules”), the Board has scheduled an emergency license suspension hearing for: Melissa Siciliano at 10:00 a.m. Hearing began at 10:10. Commissioner Rochefort addressed 2022 Pharm-002 to deny the Attorney Fradette’s motions to the Board Attorney Frye will be the hearings officer. Board votes to deny revoking the suspension 1-5-0 with Commissioner Rochefort voting in favor. Board votes to deny reinstating the license 1-5-0 with Commissioner Rochefort voting in favor. Board votes to deny Ex-Parte evidence being sealed and not part of hearing. Motion passes 6-0-0 After hearing evidence and discussion from both sides, the Board closed the hearing at 4:46 p.m.

Board returned to public session at 5:58 having made the following motion:

Commissioner Rochefort made a motion to reinstate Melissa Sicilian’s license. Commissioner Peicker seconded, Commissioners Bouchard and Lessard vote no. and motion passes 3-2-0

Commissioner Laliberte leaves the meeting at 2:30 p.m.

Pursuant to RSA 318:30-a and Rule 204.06 (“Rules”), the Board scheduled an emergency license suspension hearing for: - Richard Crowe at 11:00 a.m. Board returned to public session at 5:58 having made the following motion:

Commissioner Bouchard made a motion to accept the Preliminary Agreement not to Practice from Richard Crowe. Commissioner Harrington seconded and motion passes 5-0-0

Commissioner Genovese returned to the meeting at 4:46 p.m.

6. Rules

- a. Ph 401.06 Reinstatement-tabled until next meeting
- b. Ph 700- Standards of Practice-Conditional Approval Request- tabled until next meeting
- c. Ph 1300- Fiscal Impact Request Submitted
- d. Ph 1400- Unused Prescription Drug and Devices-Final Proposal- tabled until next meeting
- e. Ph 1800- Licensed Advanced Pharmacy Technicians-Final Proposal Draft- Commissioner Rochefort made a motion to add a change to the Ph1800 draft. Commissioner Lessard seconded and motion passes 6-0-0. Staff will give the change to Tina Kelley to add to the draft.
- f. Ph 807.0 and Ph 808.01- Vote to adopt- tabled until next meeting
- g. Ph 2500- Automated Pharmacy Systems-Review Final Proposal- tabled until next meeting
- h. Ph 903.01- Adopted Text- tabled until next meeting
- i. Ph 903.01- Conditional Approval Request- Commissioner Rochefort made a motion to approve the conditional approval request after confirming the application matches the rules. Commissioner Bouchard seconded and motion passes 7-0-0
- j. Ph 2109- Initial Draft Proposal- tabled until next meeting
- k. Rules Status Spreadsheet- tabled until next meeting

7. Change in Location-Dartmouth Hitchcock Pharmacy-moved to consent for approval

8. Change in Location- The Clinic Pharmacy, Lic #2749- moved to consent for approval

9. DEA- National Drug Take Back Day- moved to consent for approval

10. Genoa Healthcare Hospital Program Request- moved to consent for approval
11. National Licensing Standards- moved to consent as an FYI
12. Pharmacy Licensure Timeline Inquiry- Board spoke with Jevon Oliver and suggested he review the Ph 2500 rules. His request may fit into that rules section. If they do Mr. Oliver will send in written comments.
13. Process for Applying for Pharmacy CE Credits- tabled until next meeting
14. NH Pharmacy Immunization- question for Board- after discussion Board would like to wait on Attorney Philips review of the Statute for clarity.
15. Covid Testing by Pharmacists and Technicians-question for the Board- tabled until next meeting
16. DHHS Survey of Pharmacists- tabled until next meeting
17. Memo from Investigator Kaitlyn Simoneau- Controlled Substance Biennial Inventory- tabled until next meeting
18. NABP Report -March 2022 and April 2022- moved to consent as an FYI
19. Open forum for public comments-no open forum for this meeting

Commissioner Harrington made a motion to go into non-public at 4:53 p.m. Commissioner Bouchard seconded and motion passes 6-0-0

** 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*

Upon return to public session at 5:58 p.m. Commissioner Bouchard made a motion to seal the minutes from the non-public session. Commissioner Lessard seconded and motion passes 5-0-0

Commissioner Harrington made a motion to adjourn at 6:05 p.m. Commissioner Peicker seconded and motion passes 5-0-0

