

NEW HAMPSHIRE BOARD OF PHARMACY

7 Eagle Square
Concord, NH 03301

PUBLIC MINUTES

July 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 **July 20, 2022** at 9:00 a.m. Board members present; Commissioner Laliberte, Commissioner Lessard, Commissioner Rochefort, Commissioner Genovese, Commissioner Harrington, Commissioner Peicker. Roll Call verifies a quorum of 6-0-0.

Prior to starting the regular agenda, the Board went into Non-meeting with Board council Attorney Sheri Philips at 9:05 a.m. Commissioner Genovese is recused.

Commissioner Peicker made a motion to go into non-public meeting at 9:23 am. Commissioner Lessard seconded and motion passes 6-0-0

Upon return to public session at 9:46 a.m. commissioner Harrington made a motion to seal the minutes from the non-public session. Commissioner Peicker seconded and motion passes 5-0-1

Workgroup/Initiatives

Commissioner Lessard – Unused Prescription Drugs, Drug Supply Chain Security Act (DSCSA)-meeting with Representative Merchant and will have comments for the Board next month. Ph1400 will be discussed later in meeting.

Commissioner Genovese – Ph1800 will be discussed later in meeting.

Vacant-Legislative Review for anything that would affect the Board of Pharmacy

Commissioner Rochefort – Sterile and Non-Sterile Compounding Rules Ph 400- after discussion about taking a closer look at all the pharmacy rules with Gretchen Hamel and wanting to set up a sub-committee. Commissioner Laliberte made a motion to start a sub-committee to do a global review of the pharmacy rules by statute and what’s not by statute.

Commissioner Lessard seconded and motion passes 6-0-0. Commissioners Laliberte and Lessard have volunteered to be on the committee.

Commissioner Harrington – Pharmacy Quotas, workflow and vaccine sites, PDMP Advisory Committee- discussed aspects of the PDMP report. Mentioned that her term on the PDMP advisory Committee is up in October 2023. Will have workload survey results for the Board next month.

Commissioner Laliberte – Pharmacy Quotas, workflow and vaccine sites, Pharmacy Technicians-setting up a meeting on the Ph600s to discuss consulting Pharmacists. Will be meeting on August 24 with stakeholders.

Commissioner Peicker – Canadian Importation, Importer and Exporter possibilities, CEAC- no updates at this time.

1. Board Agenda Review

- a. Items Off:
- b. Items On:

2. Consent Agenda

- a. Draft Meeting Minutes – June 15, 2022 Commissioner Rochefort made a motion to approve the minutes from the June 15, 2022 meeting. Commissioner Harrington seconded, Commissioner Genovese and Commissioner Peicker abstain, and motion passes 4-0-2
Commissioner Lessard made a motion to approve the consent agenda items 2b-2y.
Commissioner Rochefort seconded and motion passes 6-0-0
- b. PIC Change- CVS, Keene- 0681- Christine Lee, R3140
- c. PIC Change- CVS, Somersworth-0688- Nathan Young- 4039
- d. PIC Change- Walgreens, Hooksett-0691- Mackenzie Kreger-4280
- e. PIC Change- Walgreens, Plaistow-0797- Christopher Hughes- 4077
- f. PIC Change- Rite Aid, Rochester 0730- Colleen Clark 00921
- g. PIC Change- Rite Aid, Claremont- 0719-Deborah Webb-3497
- h. PIC Change- St. Joseph Hospital- 0099-Ryan Morgan

- i. PIC Change- DHMC- Medical Infusion, ASC-01137- Lori Deleo-3051
- j. PIC Change- Rite Aid, Peterborough-0716-Christopher Czech-3979
- k. PIC Change- Walgreens, Raymond-0751-Meghan Stanton-4183
- l. PIC Change- CVS, West Lebanon-00996- Michelle Massey-PHCY-01264
- m. PIC Change- CVS, West Lebanon-0151- Michael Doisen- 3188
- n. PIC Change- CVS, North Conway 0177- Paige Kane-Phcy-04424
- o. PIC Change- Rite Aid, Derry 0695- Jerry Krahn Phcy-01213
- p. Collaborative Practice App- Amy Wehrly, PHCY-01342
- q. NABP- District 8 Nominations
- r. NABP- DEA Guidance Document
- s. NABP- HDA PCSC Fraud Alert
- t. NABP- NAPLEX Standard Setting
- u. NABP-Report-District 1- June 2022
- v. NABP-Report-District 1-July 2022
- w. NABP-Supply Chain Inspection Program, June 2022
- x. NABP-DDA Ineligibility Matrix, June 2022
- y. FYI-Closing Pharmacy

3. Rules Review-

- a. Ph 401.06- Reinstatement- review initial proposal draft- Commissioner Rochefort made a motion to approve the initial proposal. Commissioner Harrington seconded and motion passes 6-0-0.
- b. Ph 1400- Vote on Conditional Approval Response- Commissioner Rochefort made a motion to approve the conditional approval response. Commissioner Harrington seconded and motion passes 6-0-0.
- c. Ph 1800- Licensed and Advanced Techs-amended conditional approval request-added the PIC exam. Will move towards the exam offered by NABP. An LAPT specific exam. This is the same exam pharmacists take with a heavier focus on state specific laws. The timeline to have this in place would be January 2023.
- d. Ph 2301.07- Conditional approval Request submitted- Commissioner Rochefort made a motion to approve the edits. Commissioner Harrington seconded and motion passes 6-0-0.
- e. Ph 2500- Final Proposal Submitted-noted
- f. Ph 2600- Smoking Cessation- review initial proposal draft-Commissioner Rochefort made a motion to open rulemaking on this section. Commissioner Lessard seconded and motion passes 6-0-0. This section was opened but the timeline has passed so rulemaking needs to start again.
- g. Ph 1300-Hearing Scheduled for 8/17/2022- noted
- h. Rules Working Spreadsheet- noted.

Starting next month, the rules section of the agenda will be included on line with the agenda.

3. Rule Discussion-

- i. Ph 2402.01(a)- Hormonal Standardized Information Sheet- Don't have and one needs to be posted on the Boards Web site- rulemaking will be opened up to remove "Board supplied" the Board had resources posted for professional to create the form that works best for them. Board will review next month.
- j. Ph 300- Various 700 citations need correction or Ph 300 rule visions- This will be the first group of rules the subcommittee will review. Tina will be involved as they are working through rules. Commissioner Rochefort made a motion to send the Ph300s to the subcommittee. Commissioner Lessard seconded and motion passes 6-0-0.
- k. RSA 318.5-a XI- Pharmacy Interns- where are the requirements, need to be together. This will also be reviewed by the subcommittee.

l. Review Robert Stouts e-mails regarding rules- there was plenty of time for people to make comments/express concerns. We need to allow professionals to be that. There is a paradigm shift and Board needs to continue to look forward and streamline, ensuring patient safety. The rules subcommittee will be reviewing all rules to streamline and there will be a time for stakeholder comments. Inspectors will be meeting with commissioner Laliberte to go over expectations with the new rules.

m. Adoption of Protocols and Procedures for Temporary Absence of Pharmacist while on Duty- Board has been requested to make more robust requirements.

n. DEA Policy on Automated Dispensing Systems- Mark Johnston spoke to the Board. DEA numbers are not required for automated dispensing systems and DEA registration is not required in any other state. The rules reference registration in a few areas, Ph 2504.01(k), and Ph 2501.01(p). Board will discuss this further at the next meeting.

o. PIC Change Waiver Discussion- Commissioner Harrington made a motion to send any request to Commissioner Genovese for approval and in his absence to Commissioner Rochefort. These will be ratified at the next Board meeting. Commissioner Lessard seconded and motion passes 6-0-0. More discussion at the next meeting. OPLC legal team has an option. Board will also be having a general discussion the PIC role.

4. PIC Change- Cheshire Medical Center-0069, Staci Hermann-3399-Commissioner Genovese recused himself from this discussion. After discussion and clarification of her duties in the PIC role, Commissioner Harrington made a motion to approve this PIC change. Commissioner Lessard seconded, Commissioner Genovese abstains, and motion passes 5-0-1
5. Initial Application-Mass General Brigham Amsurg, Inc, Salem-Commissioner Laliberte made a motion to approve this application. Commissioner Rochefort seconded and motion passes 6-0-0
6. 60 Day-Permit - Mass General Brigham Amsurg, Inc, Salem- see motion above.
7. Initial Application- Cardinal Health- Commissioner Harrington made a motion to deny this application. Commissioner Rochefort seconded and motion passes 6-0-0 Board would like a show cause hearing for this applicant to get clarification on the type of pharmacy business.
8. ECHO Program- Program to Improve Pediatric Vaccines-Commissioner Harrington made a motion to deny this request. Commissioner Peicker seconded, and motion passes 6-0-0
9. Oral Contraceptive Prescribing-Training Program-Commissioner Rochefort made a motion to approve program. Commissioner Laliberte seconded and motion passes 6-0-0
10. PDMP Annual Report- Board reviewed the report and discussed various topics.
11. NABPF-State Board Newsletter Program Letter of Agreement- Commissioner Rochefort made a motion to accept the agreement. Commissioner Lessard seconded and motion passes 6-0-0
12. Communications to Pharmacists- FDA Revised Emergency use Authorization for Paxlovid-noted
13. Communications to Pharmacists- ADHD 90 Day Supply- With items 12 and 13 Board discussed getting information out to pharmacists on a regular basis.
14. Remote Processing Training- moved to next month's agenda
15. NABP/ AACP District 1 & 2 Meeting Invite- received by Board members.
16. DHHS Pharmacy Survey- confirming letter to be emailed to all- this will be sent out to all.
17. Onboard discussion- Staff gave Board a brief overview of the new OnBoard set up for Board meeting. will try next month to have it ready for the Board meeting.
18. Public Comments- Kathy Bizarro-Thunberg mentioned to the Board that SB 335 on Collaborative Practice. She will have information for the Board at next month's meeting. Michael Cronin spoke to the Board about C2 id's for patients, would be helpful to have current PDF's of rules online and when any changes to inspections would take place. Board told him this wouldn't be an immediate change. Gary Merchant let the Board know if they had any statute changes an opportunity for that would be in September. Commissioner Rochefort spoke about the committee that has been formed and that it was to soon for them to be looking at statute changes.

Commissioner Rochefort made a motion to go into non-public session at 12:33p.m. Commissioner Peicker seconded and motion passes 6-0-0.

Upon return to public session at 1:52 p.m. Commissioner Rochefort made a motion to seal the minutes form the non-public session. Commissioner Lessard seconded and motion passes 6-0-0.

Commissioner Rochefort made a motion to adjourn at 1:53 p.m. Commissioner Laliberte 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*
