



## Board of Pharmacy Public Meeting

Pharmacy Board

Oct 19, 2022 at 9:00 AM EDT to Oct 19, 2022 at 1:00 PM EDT

OPLC, 7 Eagle Square, Concord NH 03301

Members Present:

John Genovese, David Rochefort, Lindsey Laliberte, Nichole Harrington, and Karl Peicker

Not Present: Eric Lessard

### Public Minutes

**I. Call To Order-** Commissioner Genovese called the meeting to order at 9:00 a.m.

#### **II. Review and Approval of Agenda**

**A. Items Off-** none

**B. Items On-** public member discussion, CEs coming due.

#### **III. OPLC and/or Board Administration Updates**

##### **A. Workgroup Initiatives**

###### **1. Commissioner Genovese**

**2. Commissioner Rochefort-Rules Subcommittee, Legislative Committee-** updated the Board on the committee. 15 people attended first meeting, no opposition to removing PIC. A few states have removed PIC already- Maryland, Idaho, and Vermont. Spoke with Idaho- no bearing on violations, response from permit holders is much quicker to correct violations. PIC role became part of law in 1979. Commissioner Rochefort made a motion to seek legislation to remove the PIC designation and to concurrently work on drafting rules with appropriate changes. Commissioner Peicker seconded, and motion passes 5-0-0.

With the elections will come an opportunity to introduce new legislation. Commissioner Rochefort will seek a sponsor. Commissioner Peicker will work on the rules. Potentially could be spring before it can come into law.

###### **3. Commissioner Laliberte- Pharmacy Quotas**

###### **4. Commissioner Lessard- Drug Chain Security Act**

**5. Commissioner Harrington- Pharmacy Quotas, PDMP Advisory Committee-** reminder that 30 CEs are coming due. 20 written, 10 live.

###### **6. Commissioner Peicker- Canadian Imports, Importer and Exporter Possibilities, CEAC**

**IV. Consent Agenda Items-** Commissioner Rochefort made a motion to approve consent agenda items B 1-16, C 1-3, E 1-6. Commissioner Laliberte seconded, and motion passes 5-0-0.

**A. Approval of Public Minutes-** Commissioner Laliberte made a motion to approve the minutes from the September 21, 2022, meeting. Commissioner Peicker seconded, Commissioner Harrington abstains, and motion passes 4-0-1.

## **B. PIC Changes-**

- 1. Cheshire Medical Center, Keene, #0069**
- 2. CVS Pharmacy, Claremont, #0780**
- 3. CVS Pharmacy, Concord, #0787**
- 4. CVS Pharmacy, Salem, #0134**
- 5. CVS Pharmacy, Hanover, #0660- scan is very poor, paper copy will be available to review at meeting**
- 6. CVS Pharmacy, West Lebanon, #0151**
- 7. CVS Pharmacy, Peterborough, #0753**
- 8. Osco Pharmacy, Windham, #0677**
- 9. Rite Aid, Laconia, # 0711**
- 10. Rite Aid, Concord, # 0713**
- 11. Rite Aid, Lee, #0725**
- 12. Walgreens, Concord, #0750**
- 13. Walgreens, Plaistow, #0797**
- 14. Walgreens, Lancaster, #009022**
- 15. Wal-Mart, Epping, #0651**
- 16. Hannaford Pharmacy, Bedford, #0345**

## **C. Collaborative Practice**

- 1. Themio J.V.C. Papadopoulos, Phcy-01338**
- 2. Samantha Ann Hoffberg, Phcy-01377- Anticoagulation**
- 3. Samantha Ann Hoffberg, Phcy-01377-Diabetes**

**D. PIC Waiver Extensions-** Commissioner Laliberte is concerned about how pharmacies view the pic waiver extension. Wanted clarification of the process. Would like a way to shorten the application process. Commissioner Rochefort will add this to the rules committee items. Commissioner Laliberte made a motion to approve the waivers. Commissioner Rochefort seconded and motion passes 5-0-0.

- 1. Rite Aid, Pelham, #4961**
- 2. Rite Aid, Portsmouth, #4165**

## **E. NABP**

- 1. Implementation of New NAPLEX and MPJE Passing Standard, PCOA Updates**
- 2. FDA Letter Regarding Desiccated Thyroid Extract Preparations**
- 3. Pharmacy Verified Websites Program Changes and Rebrand**
- 4. NABP Launches Rebranded Healthcare Merchant Accreditation**
- 5. State Compounding Quality Training**
- 6. NABP Enters Final Development Phase of DSCSA Interoperability Network**

## **V. Public Appearances**

**A. Cheshire Medical Center-** Introduced the new PIC, Matthew Borden. Viewed the report from the new third part auditor. No questions from the Board.

## **VI. Rules and Other Legislative Topics**

**A. Public Hearing on Ph 2600 at 9:30 a.m.-** Compliance mentioned they do not check CEs when they are on inspections. They will be submitting written comments. Also mention were treatment pathway forms by compliance and Mike Johnston.

**B. Ph 401.06- Final Proposal Draft-** Commissioner Rochefort made a motion to approve the final draft. Commissioner Laliberte seconded, and motion passes 5-0-0.

**C. Ph 700s Adopted Text-** a few questions about items that were deleted from the section. E-Kits- has moved to the Ph 2500's, verbal, written prescriptions but the chart order was removed for facilities- this has moved to the Ph 2300's.

Also discussed if it is legal to get information from driver's licenses. Need to check DEA requirements and to clarify with the Dept. of Safety. Need a legal interpretation to make sure not violating the laws.

**D. Ph 1300 Administration of Vaccines-** changes were incorporated. Commissioner Rochefort made a motion to approve the initial proposal. Commissioner Peicker seconded, and motion passes 5-0-0.

**E. Ph 2500 Adopted Text-** Commissioner Rochefort made a motion to adopt. Commissioner Laliberte seconded, and motion passes 5-0-0.

Prior to adopting, Tina Kelley made note of OPLCs request to have all rules take effect 60 days after adopting.

## **VII. Licensure Approval (if Applicable)**

**A. Amgen, Inc-** Commissioner Rochefort made a motion to approve this application. Commissioner Laliberte seconded and motion passes 5-0-0.

## **VIII. New Business**

**A. Memorandum of Understanding between NABP and NH Board of Pharmacy-** Commissioner Rochefort made a motion to approve the MOU. Commissioner Harrington seconded and motion passes 5-0-0.

**B. NH Workload Survey-** Posted on the website for public viewing. Board discussed having a confidential way for pharmacists to let the Board know of unsafe work conditions. Would not want this to bog down compliance. Commissioner Harrington will reach out to Lindsey Courtney on this.

Also discussed how many who responded to survey don't seem to know the rules. It is not the Board's role to tell you. It's the licensee's responsibility to know the rules.

Discussed a newsletter. Need to run items by Lindsey Courtney first before anything is sent out. Board used to do a newsletter and has an agreement with NABP for contributing to the newsletter they do.

Suggestions will be given to Commissioner Rochefort for the rules committee.

**C. Pharmacy Closure-** FYI to the Board. Board does not need to see these. More for staff to be aware of.

**D. Richard Crowe- CPE Statement to Comply with Settlement Agreement-** noted

**E. Question on HCPs Shipping Prescription Drugs Samples to Patients-** Documents from FDA appear to be laws and this causes confusion. Board doesn't enforce FDA guidance. Attorney Phillips will write a response to this inquiry. Are there specific laws and rules they are asking about? May need a declaratory ruling.

**F. Declaratory Ruling Request from Enforcement Inspectors-** After discussion with compliance to clarify what they are asking for; this may be a statute change. Attorney Phillips will do a response for the request.

**G. Counterfeit Discovery Reporting-** Staff will send this to Commissioner Lessard to review for next meeting.

**H. Question about MTM Services-** They will need to submit for a declaratory ruling.

**I. RxE2-** They will need to submit for a declaratory ruling.

**J. Destruction of an Expired or Unwanted Controlled Substance by a Practitioner-** Will need to use a reverse distributor compliance also does this for facilities.

**K. Update on FDA Center for Veterinary Medicine's GFI #256 Regarding Animal Compounding-** Commissioner Rochefort made a motion to approve this update. Commissioner Laliberte seconded and motion passes 5-0-0.

**IX. Disciplinary Hearing 1:00 Caitlin Taylor, Pht 125458-** moved to non-public.

**X. Public Comments-** Commissioner Harrington spoke about the need for a public member on the Board. the importance of this perspective. Also spoke about techs being a part of the Board make-up. This would require a Statute change. Suggested to look at other states to see what their Board make-up consists of.

**XI. Non-Public Session-** Commissioner Rochefort made a motion to go into non-public at 10:57 a. 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 11:36 a.m. Commissioner Rochefort made a motion to seal the minutes of the non-public session. Commissioner Peicker seconded, and motion passes 5-0-0.

**XII. Adjournment-** Commissioner Rochefort made a motion adjourn at 11:37 a.m. Commissioner Laliberte seconded and motion passes 5-0-0.