

STATE OF NEW HAMPSHIRE  
BOARD OF PHARMACY

**February 20, 2013**

The regular meeting of the New Hampshire Board of Pharmacy was held on **February 20, 2013** at the Board of Pharmacy Office located at 57 Regional Drive Concord NH 03301. The meeting was **called to order at 7:58 am** with President Vahrij Manoukian presiding. Motion to go into a non-public session according to the provisions of RSA 91-A: 3, I & II to discuss ongoing investigations, reputation and personal issues **approved** (Bullek/Shambarger)\*.

The minutes of this non-public (confidential) session were, on motion (Pervanas/Stout) ordered sealed as they involved the discussion of ongoing investigations by the Board's Compliance Unit and/or the Attorney General's Office, of which if released to the public before a final decision in the matter is rendered, might adversely affect ongoing investigation of the matter or the reputation of those involved **Voted 7-0** Roll call vote taken (Manoukian/Fanaras/Merchant/Shambarger/Stout/Bullek/Pervanas) all present.

The regular meeting was called to order at 9:12 am.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Vahrij Manoukian, President  
Charles Fanaras, Vice-President  
Gary Merchant, Treasurer  
Heather Shambarger Member  
Robert Stout, Member  
Michael Bullek, Member  
Helen Pervanas Secretary

ALSO PRESENT

James Queenan,  
Executive Secretary  
Margaret Clifford,  
Chief Compliance Investigator

GUESTS

II. Agenda Review / Announcements

III. Agenda Items

1. Minutes of the January 16, 2013 regular meeting of the Board were **accepted as submitted**. (Fanaras/Bullek) **Voted 7-0**
2. Minutes of the January 31, 2013 emergency meeting of the Board were **accepted as submitted**. (Fanaras/Shambarger) **Voted 4-0 (3 abstain-Pervanas/Bullek/Manoukian)**

MINUTES

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3. Executive Secretary's Report –  
On motion (Fanaras / Stout) the Board unanimously **approved** the report as submitted. **Voted 7-0**
4. Compliance Report – On motion (Bullek/Stout) the Board **unanimously approved** the report as submitted.
5. **Senator Peggy Gilmour** spoke with the Board of Pharmacy regarding the board's business and budgets. No action required. No action taken.
  - a. **PH 704.01; PH 704.03; PH 704.04; PH 704.11; PH 501** Two letters were submitted by Rite Aid and NABP after the public comment deadline. The Board did not accept these letters as part of public comment.
6. **Parkland Hospital New Pharmacy** – Application for new pharmacy located at **31 Stiles Road, Salem, NH 03079**. Board reviewed application. **Tabled by chair**
7. Motion granting a temporary permit to **Kinney Drug #114 located at 40 Terrill Park Drive, Concord NH 03301**, based upon successful completion of primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to PH 305.02 and PH 603.03. (Pervanas/Bullek) **Voted 7-0**
8. Motion to approve the relocation of the **Elliot at River's Edge to 175 Queen City Avenue, Suite 1, Manchester NH 03101** and to grant licensure effective upon the successful completion of a site inspection by the Compliance Unit. **Standard motion to approve** (Pervanas/Bullek) **Voted 7-0**
9. Wells Pharmacy Network-  
**Motion to deny approval** (Bullek/Merchant) **Motion failed** **Voted 1-3-2**  
(1 in favor, 3 opposed, 2 abstained Shambarger/Merchant)  
Motion to request a current inspection report and a copy of the pharmacy's policies and procedures (Pervanas/Bullek) **Approved** **Voted 6-0**
10. John Reilly, #1979– Motion to continue the reinstatement process for John Reilly. Approved to continue reinstatement process (Stout/Bullek) **Voted 6-0**
11. Kevin Gill, #R1298  
Motion to continue the reinstatement pharmacy licensure for Kevin Gill (Fanaras/Stout/ Manoukian) **Approved** **Voted 7-0**
12. Michael Smith, #2206  
Motion to deny reinstatement of pharmacy licensure of application for Michael Smith (Fanaras/Merchant) **Approved** **Voted 6-1**
13. Pharmacist reciprocity application- Jason Troyer  
(Stout/Fanaras) **Approved** **Voted 7-0**

14. On motion to grant a Non-Resident pharmacy renewal (Stout/Bullek) **Approved** as long as any new applicant for a compounding pharmacy provides a copy of their inspection report and a copy of their policies and procedures **Voted 7-0**
15. CE Audit – April 4, 2013 CEAC Audit Conducted
16. Review Proposed Rule Changes – Workload **Tabled by chair**
17. **PH 704.00 Pharmacist-in-Charge Requirements**  
Motion to adopt Ph 704.00 Pharmacist-in-Charge Requirements/Duties (a) A pharmacist may serve as a pharmacist-in charge after completing two (2) years post licensure experience in a retail, hospital, or institutional setting. (Bullek/Fanaras). **Approved Voted 5-2**
18. Motion to adopt Ph 800 changes (Michael Bullek) (Bullek/Merchant) **Approved Voted 7-0**
19. Motion to adopt Ph 300 (Charles Fanaras) **Tabled by chair**
20. Motion to adopt Ph 400 (Interim Rules) Sink – insert Chapter 797 and 795. **Tabled by chair**
21. Motion to adopt Ph 600 (Interim Rules) **Tabled by chair**
22. Motion to adopt Ph 700 (Interim Rules) **Tabled by chair**
23. Theresa Hebert Dargie Waiver Request-  
Motion to grant waiver (Pervanas/Bullek) **Failed Voted 3-4**  
Motion to extend requirements in 2013 to 30 credits due to Rule Ph 403.08 (Merchant/Stout) **Waive due to illness Voted 3-4**  
  
Waiver of NH rule PH 403.08 due to medical reasons (Pervanas/Bullek). **Approved** as long as an audit takes place in 2014 for credits obtained in 2013. The total credit should be equal to 20. **Voted 7-0**
24. **PharMerica**  
Motion to accept a pilot program (Fanaras/Bullek). **Approved**. Must obtain report in 3 months (May 2013). **Voted 7-0**
25. **David Merriman/Wentworth Douglas-**  
Asked to withdraw pending tech rule
26. **Non-Resident Pharmacy Renewals Waiver of PH 906.01; 903.03 (b), (c)**  
Motion to extend all Non-Resident licenses in good standing until April 30, 2013 during online renewal transition process (Fanaras/Bullek) **Approved Voted 7-0**

**a. Pharmacy Technician Renewals Waiver of PH 806.03 (c); 806.01**

Motion to extend all pharmacy technician licenses in good standing until April 30, 2013 during online renewal transition process (Fanaras/Bullek)  
**Approved Voted 7-0**

27. NABP Travel to St. Louis –

Vahrij Manoukian (attendee) **Chair official delegate**

28. CQI – **Tabled by board**

29. Letter from America Academy of Ophthalmology

Letter forwarded to the task force on compounding

30. Placeholder – Currently unassigned

31. RSA Proposals- Notification

32. Omnicare Pilot Report – Bill Irwin, Dick Fortier, Steve Wilnus

**Approved** continue pilot program for 1 year and results must be done quarterly (Report due May 2013) **Voted 7-0**

33. Duel licenses – wait for student

34. Denis Goupil Letter to Board

Motion to forward CEAC committee for opinion (Pervanas/Bullek) **Approved Voted 6-0** (Manoukian absent)

35. John Dorvee Letter to Board of Pharmacy

Motion for 6 month extension (Bullek/Stout) **Approved Voted 6-0** (Manoukian absent)

36. Pharmacist Reciprocity Application – **Thomas E. Henry**

Motion to accept reciprocity (Stout/Merchant) **Approved Voted 6-0** (Manoukian absent)

37. LRDD Proposal for Application change-

Recommendation to change application making it consistent with RSA question about protocol. Do not submit protocol of renewal applications. Change in applications to be reviewed by the board.

*Motion to move to a Non-public session (Pervanas/Stout) per RSA 91-A:3, I & II. The minutes of this non-public (confidential) session were, on motion (Pervanas/Stout) ordered sealed as they involved the discussion of ongoing investigations by the Board's Compliance Unit and/or the Attorney General's Office, of which if released to the public before a final decision in the matter is rendered, might adversely affect ongoing investigation of the matter or the reputation of those involved. On roll call (present were Commissioners Bowersox, Bullek, Merchant, Manoukian, Shambarger, and Pervanas) –*

**Voted** 7-0 \*

*The Board returned to the Public session. Motion (Bullek/Stout) **to seal the minutes** of the preceding non-public session from public disclosure pursuant to RSA 91-A: 3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a board member and / or to render the proposed action ineffective and/or is a not subject to public disclosure pursuant RSA 318:30 I, or RSA 318:31. However forty-eight hours after mailing of any order, its respective vote shall automatically become public in accordance with RSA 318:31 V. **Voted** 7-0 AM*

*( Note the Board went into Non-public session on two occasions\*)*

Motion to adjourn (Bullek/Stout) passed 7-0.

Respectfully submitted

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Commissioner Helen Pervanas  
Secretary  
New Hampshire Board of Pharmacy

Date \_\_\_\_\_