

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY
57 Regional Drive
Concord, NH 03301

MINUTES
April 18, 2012

The regularly scheduled meeting of the New Hampshire Board of Pharmacy was held on **April 18, 2012** at the Board of Pharmacy office, Concord, New Hampshire. The meeting was called to order at 8:06 A.M. with President Vahrij Manoukian presiding.

Immediately after the meeting opened the Board moved to a Non-public session.

*Motion to move to a Non-public session (Bullek/Keans) per RSA 91-A:3, I & II. On roll call (present were Commissioners, Bullek, Merchant, Manoukian, Fanaras, Keans, and Pervanas) **Voted** 6-0 Commissioner Bowersox entered the meeting immediately after this motion.*

*The Board **approved** returned to the Public session (Bowersox/Fanaras) Voted 7-0 The minutes of this non-public (confidential) session were, on motion (Bullek/Bowersox) 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 at 9:00 AM. On roll call (present were Commissioners, Bullek, Merchant, Fanaras, Manoukian, Keans, Bowersox and Pervanas).*

The meeting resumed and was opened to the public at 9:00 AM sharp.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

MEMBERS PRESENT

Vahrij Manoukian, President
Charles Fanaras, Vice-President
Gary Merchant, Treasurer
Sandra Keans, Secretary
George Bowersox, Member
Michael Bullek, Member
Helen Pervanas, Member

STAFF PRESENT

Margaret Clifford, R.Ph
Chief Compliance Investigator
James M. Queenan,
Executive Secretary /Director

GUESTS

Susan Aldrich, Intern MCPHS

II. ANNOUNCEMENTS / AGENDA ADDITIONS

- Quarterly Report of the PharmAssist Foundation
- Jemy Yacoub License Application

III. REVIEW OF AGENDA ITEMS

1. Minutes of March 21, 2012, Public Board Meeting

- I. Approval of the Minutes of March 21, 2012 regular meeting of the Board was **approved** as is (Fanaras/Merchant). **Voted** – passed 7-0.

2. Executive Secretary's Report of April 17, 2012

- I. The Board **approved** the Executive Secretary's report as submitted. (Fanaras/Pervanas). **Voted** 7-0.
- II. Joe Kilcullen presented a quarterly report of the PharmAssist Foundation.
 - 6 pharmacists are enrolled
 - 3 Pharmacists have recently graduated (last 3 months)
 - 1 Pharmacist is pending
 - 1 Pharmacy Tech is under contract
 - 2 Pharmacists out of state are being monitored

No action required No action taken

3. Compliance Report

- I. The Board **approved** the Compliance Report as submitted. (Keans/Bullek) **Voted** 7-0.
- II. The Board **approved** Jemy Yacoub to reapply to become licensed in New Hampshire and pass the MPJE and NAPLEX. No prior scores are acceptable. (Keans/Bullek) **Voted** 7-0.
- III. The board **approved** a new **waiver of Ph 301.04** Scheduling of Examination allowing a candidate for licensure 6 months to become registered replacing the waiver of 10/21/09. (Fanaras/Merchant) **Voted** 7-0.

4. Hearing for Sharon Nesbitt, PT

A public hearing regarding Sharon Nesbitt, PT was recorded during the meeting with Vice President Charles Fanaras presiding.

Attorney Jason Reimers from the Administrative Prosecution Unit represented the prosecution. Sharon Nesbitt represented herself as the defense.

Exhibits:

- DEA 106 Form 2/28/11
- Concord Police Incident Report #11-8128-OF
- Document titled "Hydrocodone/APAP 5/500 counts"
- Two Target security videos

Witnesses:

- Meaghan Byrnes R.Ph.
- Margaret Clifford R.Ph
- Sharon M. Nesbitt PT

Upon conclusion of the hearing the Board took the proceeding under advisement.

5. Public Hearing Jeffrey Waite R.Ph.

At the request of the defendant a continuance was granted and the hearing will be rescheduled at a later date per Board President Vahrij Manoukian.

6. CEAC Nomination for Vacancy

*The Board of Pharmacy **approved** the nomination of Molly Mortimer R. Ph for a three (3) year appointment to the CEAC committee (Pervanas/Keans) **Voted** 7-0.*

7. Ph 103.01 Agency Organization (Composition)

*The Board **adopted** Ph 103.01, consistent with the language of the Final Proposal (Bowersox/Manoukian) **Voted** 7-0.*

8. Ph 1300 Pharmacist administration of vaccines

*The Board **approved** the following changes to Ph 1300 (Fanaras/Bowersox) **voted** 7-0.*

- *Ph 1301.02*
Scope. The rules shall regulate pharmacists administration of ~~influenza~~ vaccines ~~only in following institutions~~ {locations} where the practice of pharmacy is permitted {such as but not limited to:}
- *Ph 1301.02 (e)*
~~A board approved setting not included in the above named locations~~
- *Ph 1304e*
Provide the patient with documentation of the vaccination and when ~~appropriate~~ {required} report it to the immunization section of the New Hampshire department of health and human services to be added to the Vaccination Registry

Ph 1304.01 (a)

~~Administration pursuant to a standing order from a practitioner practicing within their scope of their practice.~~

Various grammatical changes that is not substantive in content.

8-A Nomination of a pharmacist to fill the vacancy of Health Information Organization

The Board **approved** the nomination of Robert J. Stout R.Ph. to the Health Information Organization (Pervanas/Keans) **voted** 7-0.

9. JUS 1600

- I. The board **approved** the adoption of JUS 1600 (Final Rules Annotated) as presented (Bowersox/Bullek) **voted** 6-1.

10. Counsel Advice on Registration of Interns

The Board directed Commissioner Mike Bullek to work with Executive Secretary Queenan on the registration of Interns.

11. Rite-Aid Spare Key Policy

Deborah Hurley from Government Affairs of Rite-Aid presented a letter to the Board of Pharmacy requesting approval of new policy regarding pharmacy security. The Rite-aid company was represented by Lesley McLaughlin R.Ph. The Board took the information under advisement. The request was **tabled** by the chair.

12. Waiver request by Fresenius Medical Care Los Lunas N.M. for Non-Resident Mail Order Pharmacy. (NRMO)

The waiver request was **tabled** by the chair.

13. Non-Resident Mail Order Pharmacy (NRMO) license for PharMerica Corporation Clinical Hub in Arlington Texas.

- I. The Board approved the NRMO license of PharMerica in Arlington, Texas under the following conditions
 - Pharmacists are not to practice from home
 - PharMerica Clinical Hub Pharmacy will not ship prescription product into the State of New Hampshire.
 - PharMerica Clinical Hub Pharmacy will not maintain prescription drug or device inventory

- *PharMerica Clinical Hub pharmacy must notify the Board of Pharmacy if they choose to change their business model.*

14. Waiver request fro Frank Case Ph 403.08

- I. *The Board **approved** a waiver of Ph 403.08 Continuing Education requirements for 2011(Fanaras/Bowersox) **Voted** 7-0*

15. Review of June Renewal Forms (Limited Retail Drug Distributor and Manufacturers/Wholesalers/Distributors/Brokers/Reverse Distributors)

*The Board **approved** the change of location of the address of the contact person to a different part of the form in order to minimize confusion. (Bowersox/Keans) **Voted** 7-0*

15-A June 2012 Board of Pharmacy meeting

The June Board of Pharmacy meeting will be held at MCPHS in Manchester.

15-B July 2012 Board of Pharmacy meeting

The Board voted to cancel the July 2012 meeting since they would not be able to reach a quorum.

*Motion to adjourn **approved** (Bullek/Bowersox) **Voted** 7-0.*