

STATE OF NEW HAMPSHIRE  
BOARD OF PHARMACY

**June 20, 2012**

The regular meeting of the New Hampshire Board of Pharmacy was held on **June 20, 2012** at the Massachusetts College of Pharmacy and Health Sciences 1260 Elm Street Manchester, New Hampshire 03101. The meeting was **called to order at 8:00 a.m.** with President Vahrij Manoukian presiding. The Board immediately went into a non-public session according to the provisions of RSA 91-A:3, I & II to discuss ongoing investigations. The regular meeting was called to order at 9:00 A.M.

**I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS**

**PRESENT**

Vahrij Manoukian, President  
Charles Fanaras, Vice-President  
Gary Merchant, Treasurer  
Heather Shambarger Member  
George Bowersox, Member  
Michael Bullek, Member  
Helen Pervanas, Member

**ALSO PRESENT**

James Queenan,  
Executive Secretary  
Margaret Clifford,  
Chief Compliance Investigator

**II. Agenda Review / Announcements**

- a. CVS Pharmacy New Pharmacy application was assigned Agenda Item 25-A
- b. Review recommended changes to JUS 1600 was assigned Agenda Item 25-B
- c. There will be no Board of Pharmacy meeting in July, next meeting is August 15, 2012

**III. Public Rulemaking Hearing**

The Board continued the public rulemaking comment session initiated May 16, 2012 on Ph 704.03, 709. The public comments for Ph 704.03 & Ph 709 concluded at 1:21 PM on June 20, at the meeting( see Item 17 and 18). The Board received no written comments and no verbal testimony.

**IV. Agenda Items**

1. Minutes of the **May 11, 2012 EMERGENCY TELEPHONE meeting** of the Board were **accepted as submitted. (Bowersox / Pervanas ) Voted 3-0 (4 abstain)**

2. Minutes of the **May 16, 2012 regular meeting** of the Board were **accepted as submitted. (Bowersox / Fanaras) Voted 6-0 (1 abstain)**
3. Minutes of the **May 23, 2012 EMERGENCY TELEPHONE meeting** of the Board were **accepted as submitted. (Bowersox / Pervanas ) Voted 4-0 (3 abstain)**
4. Executive Secretary's Report – On motion (Fanaras/Merchant) the Board unanimously **approved** the report as submitted.
5. Compliance Report – On motion (Bowersox/Merchant) the Board unanimously **approved** the report as submitted. The Board approved Vahrij Manoukian to represent the Board at the Community Outreach Program planned at the Nashua Library.
6. Joint Pharmaceutical Formulary Appointee: On motion (Fanaras/Merchant) to a appoint Margaret Hayes R.Ph. to another term **approved. Voted 7-0.**  
On motion to reverse the approval on Margaret Hayes to the Joint Pharmaceutical Formulary Committee based on RSA 327:6 (b) which does not allow for reappointments after five (5) years **approved Voted 7-0**  
Tabled by the chair
7. Renewal applications and of Manufacturers/Wholesalers/Distributors/Brokers and Reverse Distributors with public discipline in the last year

On motion (Bowersox/Bullek) **approved** the following renewal applications  
**Voted 7-0**

- *Mystro Research License # 4044*
- *Airgas Merchant Gases LLC License # 5242*
- *X-Gen Pharmaceuticals INC. License # 5037*
- *Xttrium Laboratories ,INC. License # 5201*
- *McKesson Drug Co. License # 3990*
- *Henry Schein, INC. License #'s 4190;2624;2495;3938;3929*
- *Spectrum Laboratory Products License # 3925*
- *Wal-Mart Pharmacy Warehouse License #'s 2725; 4193*
- *Teva Animal Health Inc. License # 5325*
- *Methapharm License # 4166*

On Motion (Bowersox/Bullek) **tabled** the following renewal applications and one new application **Voted 7-0.**

- *Keysource Medical License # 4991*
  - *Superior Medical Supply License #'s 5263;4564;*
  - *Bayan International Corporation License # 3876*
  - *Butler Schein Animal Health Supply, License # 4460;4455;4453;4454*
  - *Butler Schein Animal Health (New Application)*
  - *Cardinal Health 200, INC License #'s 2811;4552;4794;5192;2812;8040*
  - *Suneva Medical, INC License # 4581*
8. Application for registration of Pharmacy technician with an affirmative to answer to question # 3 on application regarding conviction of state or federal law. Joseph B. Nichols.  
On motion (Merchant/Bullek) **approved** the application **Voted 7-0.**

9. Application for reciprocity with discipline history of pharmacy license from original state: **Courtney Bell, R.Ph.**  
On Motion (Pervanas/Bowersox) to **grant licensure** upon completion of reciprocity process **Voted** 7-0.
10. Application for reciprocity with discipline history of pharmacy license from original state: **Jason McCraig R.Ph.**  
On Motion (Bullek/Fanaras) to **grant licensure** upon completion of reciprocity process **Voted** 7-0.
11. On motion (Fanaras/Bowersox) **approved** issuing **Gold Certificate** according to Ph 401.07 to **Paul Auger** License # 1660 and **Paul Boisseau** License # 1656 Voted 7-0.  
On motion (Pervanas/ Fanaras) **approved** issuing **Gold Certificate** according to Ph 401.07 to **Charles Monahan, Jr.** License # 3501 Voted 7-0
12. Question posed to Board regarding sampling of Compounded products.  
Question withdrawn no decision required
13. Letter from SUPERVALU regarding e-prescribing of controls  
No action required, No action taken, issue resolved.
14. Ph 800 Final proposal
  - a. Several comments from the public regarding a grandfather clause for certification (see Ph 807.01 e (4) of draft rules)  
Tabled by the chair. Authorization to request extension if required.
15. Ph 1300 Final Proposal  
On motion (Merchant/Bowersox) to Modify Ph 1301.02 to read:  
  
Ph 1301.02 Scope. These rules shall regulate pharmacist's administration of ~~influenza~~ vaccines ~~only in the following institutions~~ where the practice of pharmacy is permitted:  
  - ~~(a) Hospitals~~
  - ~~(b) Long term care facilities~~
  - ~~(c) Ambulatory care facilities~~
  - ~~(d) Retail pharmacies; or~~
  - ~~(e) A board approved setting not included in the above named locations.~~
16. Immunizations on Location ...Application request Robert J. Stout R.Ph.  
Application withdrawn based on recommended language changes in Ph 1301.02  
Scope
- 16-A Board Secretary Election: Commissioner Helen Pervanas  
On motion (Merchant/Bowersox) to **elect** Commissioner Helen Pervanas to replace former Commissioner Sandra Keans (completed term limitations) effective immediately **passed Vote** 6-0 - 1 abstain
17. Closed public comment session on Ph 704.03 at 1:20 PM
18. Closed public comment session on Ph 709 at 1:21 PM
19. The Board **approved** issuing a clarification statement regarding Pharmacist in charge responsibilities under PH 709.09 Purchase of Drugs. **Vote** 7-0
20. Letter addressed to the Board by P. Grasso  
At the request of the chair it was moved to Non-public session.
21. At the request Board staff the Board, upon consultation with NABP, has

- approved** a waiver on Ph 302.4 (f) to allow employment history of only five (5) years on reciprocity candidates with non past history of disciplinary action. The Board reserves the authority to request a complete employment history from NABP for those reciprocities candidates that have a disciplinary history. Vote 7-0
22. Report on Work Load sub-committee by Commissioner Bowersox  
Tabled by chair until August
23. Volunteers for the Governor "Call to Action" committee to combat Prescription Drug Abuse were announced to the Board.
- a. Kaitlyn Simoneau (Chain)
  - b. Frank Case ( Independent )
  - c. Denis Fortier (Hospital)
24. SB 286 passed house and senate and was signed by the Governor. Tricia Lucas announce the legislative change to the Board and offered congratulations to Board Chair and all involved.
25. FYI... No action required
- 25-A. New Pharmacy Application  
On motion (Pervanas/ Bullek) **granting** a temporary permit to CVS Manchester NH,LLC D/B/A **CVS /pharmacy** # 7122 located at **157 Loudon Road, Concord** New Hampshire, 03301, based upon the successful completion of the primary inspection, and issuance if the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. **Voted** 7-0
- 25-B JUS 1600 Conditional Approval Request  
On motion (Pervanas/Fanaras) **approved** the "Conditional Approval of Final Proposal 2011-176" **Voted** 7-0

*Motion to move to a Non-public session (Bullek/Pervanas) per RSA 91-A:3, I & II. On roll call (present were Commissioners, Bowersox, Bullek, Merchant, Manoukian, Fanaras, Shambarger, and Pervanas) **Voted** 7-0.*

*Motion (Bullek/Merchant) to close the non-public session and return to public meeting passed Voted 6-0. (Commissioner Manoukian recused)*

ADJOURNED 3:30 P.M.

Respectfully submitted,

Commissioner Helen Pervanas  
Secretary New Hampshire Board of Pharmacy  
FOR THE BOARD