



**STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY**

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Board Members

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 Robert J. Stout, R.Ph. – Vice President
 Michael D. Bullek, R.Ph. - Treasurer
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Chief Compliance Investigator

Robert D. Elder, R.Ph.
Compliance Investigator

James. M. Queenan, R.Ph.
Compliance Investigator

Brenda J. Langis
Licensing Assistant

Jason R. Richard
Business Administrator

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February 19, 2014 – Board Meeting Minutes

Public Session – Called to Order - 9:13 A.M.

ROLL CALL TAKEN

MEMBERS PRESENT

Charles Fanaras, President
Robert Stout, Vice-President
Michael Bullek, Treasurer
Helen Pervanas Secretary
John Genovese, Member
Heather Shambarger, Public Member

STAFF ALSO PRESENT

Jason Richard, Business Administrator /
Interim Executive Secretary
Margaret Clifford, Chief of Compliance

MEMBERS ABSENT

Gary Merchant, Member

1. Minutes – Public Session – January 15, 2014

Motion (Bullek/Genovese) to approve the minutes as submitted. Voted - Passed (6-0).

2A. Business Administrator’s Monthly Report to the Board

Motion (Bullek/Stout) to approve the report as submitted. Voted - Passed (6-0).

2B. Chief of Compliance - Monthly Report to the Board

Motion (Pervanas/Bullek) to approve the report as submitted. Voted - Passed (6-0).

3. Ph 1500 (PMP Rules) – Vote on Final Proposal / Adoption

PMP Program Coordinator, Michael Viggiano, updated the Board on the PMP Program and on the Final Proposal of the PMP Rules (Ph 1500). Motion (Bullek/Stout) to adopt the Ph 1500 rules. Voted - Passed (6-0).

4. Ph 404 & 405 Rules – Public Comments Hearing (9:00 – 12:00 Noon) As Needed

A representative from Omnicare, William Irvin, offered oral comments on the proposed compounding rules. Written comments were received by Stuart Trachy, representing the NH Coalition of Chain Drug Stores. The Board took the comments under advisement and will continue to work through the rule-making process.

5. Aaron Dransfield, Pharmacy Technician (PT8100) – Disciplinary Hearing

The hearing ran from 10:05 A.M. to 10:40 A.M. After taking the matter under advisement, the Board voted to suspend Mr. Dransfield’s pharmacy technician registration (No. PT8100) for 3 years retroactively to the date of his initial Emergency Suspension date of September 28, 2012. Voted - Passed (5-0-1 – Commissioner Bullek recused).

<p>6. United Pharmacy, Non-Resident Pharmacy (NR0895) – Show Cause Hearing The hearing ran from 10:50 A.M. to 11:14 A.M. After taking the matter under advisement, the Board voted to table the item pending the receipt of an updated inspection report from the Florida Board of Pharmacy. Once received, the Board will reconsider the item at the next monthly Board meeting. Voted - Passed (6-0).</p>
<p>7. Michelle Provencher, Pharmacy Technician - Hearing Hearing cancelled – Ms. Provencher voluntarily surrendered her registration.</p>
<p>8. CE Audit - 10% Random Selection by Computer Audit was performed using a random number generator and database assigned sequence numbers for pharmacist licenses. The 229 pharmacists selected will be notified by mail and a list of those selected posted to the Board's website. The Board's Continuing Education Advisory Council (CEAC) will meet on April 3rd to review the CE documents submitted and report findings back to Board.</p>
<p>9. Michael Saracino - Collaborative Practice Application Motion (Bullek/Pervanas) to approve the Collaborative Pharmacy Practice Application of Mr. Saracino. Voted - Passed (6-0).</p>
<p>10. Christopher Lopez - Collaborative Practice Application Motion (Bullek/Stout) to table the Collaborative Pharmacy Practice Application of Mr. Lopez as no CE certificates were included with the application. Voted - Passed (6-0).</p>
<p>11. Peter Supry - Pharmacist Reinstatement Application Motion (Bullek/Genovese) to require Mr. Supry to earn 2,000 hours of internship prior to being allowed to sit for the NH MPJE exam and granted reinstatement. Voted - Passed (6-0).</p>
<p>12. Hannaford Pharmacy - Exeter - New Pharmacy Application Motion (Pervanas/Genovese) to approve the new Hannaford Pharmacy in Exeter for a pharmacy permit based on the successful completion of both a primary and secondary inspection. Voted - Passed (5-0-1 – Commissioner Stout recused).</p>
<p>13. Ph 800 - Pharmacy Technician Proposed Rules (Bullek) Commissioner Bullek discussed the proposed changes to the rules regarding the registration of pharmacy technicians (Ph 800). Motion (Bullek/Stout) to approve the preliminary language as proposed and to move forward with the rule-making process, including seeking a FIS (Fiscal Impact Statement) and preparing an Initial Proposal for submittal to JLCAR (Joint Legislative Committee on Administrative Rules). Voted - Passed (6-0).</p>
<p>14. Review of HB 1219 – Board Position The Board discussed HB 1219 regarding lunch breaks for pharmacists. Motion (Stout/Bullek) to communicate to the bill sponsor that the Board supports the Bill, in concept, but would like the Bill amended to add “as further defined by the Board's rules”. Voted - Passed (6-0).</p>
<p>15. Review of Ph 1600 Rules Commissioner Pervanas discussed the proposed rules regarding the registration of pharmacy interns (Ph 1600). Motion (Bullek/Stout) to approve the preliminary language as proposed and to move forward with the rule-making process, including seeking a FIS (Fiscal Impact Statement) and preparing an Initial Proposal for submittal to JLCAR (Joint Legislative Committee on Administrative Rules). Voted - Passed (6-0).</p>
<p>16. Huggins Hospital (Lee Carver, R.Ph., PIC) - Request for Waiver of Ph 709.029(c) After discussion, the item was tabled.</p>
<p>17. RFP for New Vendor - Impaired Pharmacist Program</p>

Commissioner Stout discussed the progress made on working on a Request For Proposal for a new vendor to run the impaired pharmacist program. The Board will seek a legislative change to amend the amount of each pharmacist license renewal going to support the program from its current \$3 to \$15 and to add a provision to allow a portion of pharmacy technician registration fees to go to support the program and to allow techs to participate in the program. Item still in progress – no action required at this time. Will be discussed again at the Board's March meeting.

18. NABP Annual Meeting Recognition - Frank Case

Motion (Bullek/Genovese) to formerly recognize the contributions to the practice of pharmacy by former Board Member and State Representative, Frank Case, during the NABP Annual Meeting in May 2014. Voted - Passed (6-0).

19. Appointment to JPFCC - Kristine Willett

Motion (Bullek/Genovese) to appoint Ms. Willett to the JPFCC (Joint Pharmaceutical Formulary and Credentialing Committee). Voted - Passed (6-0).

20. Delegate & Alternate Delegate for NABP National Meeting

Motion (Stout/Bullek) to appoint Commissioner Fanaras as the Board's voting delegate and Commissioner Genovese as the Board's alternate voting delegate for the NABP Annual Meeting in May 2014. Voted - Passed (6-0).

21. Review of Ph 900's - Public Comments

Commissioner Stout discussed the progress of the proposed rules on non-resident pharmacies (Ph 900). FYI only – still in progress.

22. HB 1615 – Board Position

The Board discussed HB 1219 and what constitutes the 'immediate needs of the patient', as well as prior authorizations (PA's) from PBM's. Motion (Stout/Genovese) to communicate to the bill sponsor that the Board supports the Bill, in concept, and that 3 days (72-hours) reasonably constitutes the 'immediate needs of the patient or an emergency supply' (allowing adequate time to get the patient through the weekend while awaiting prior authorization from the PBM [Pharmacy Benefits Manager]). Voted - Passed (5-1 – Commissioner Pervanas opposed).

23. HB 1344 – Board Position

The Board discussed HB 1344 relative to the disposal of sharps waste by retail establishments. Motion (Bullek/Stout) to communicate to the bill sponsor (Rep. White) that the Board opposes the Bill as proposed. Voted - Passed (6-0).

Motion (Bullek/Genovese) to adjourn the public session at 11:40 A.M. and go into a Non-Public Session to deliberate on hearings/other matters heard during the public session and according to the provisions of RSA 91-A:3. On roll call - voted - Passed (6-0).

The public session of the meeting reconvened at 12:35 P.M. to announce public actions pursuant to the deliberations and to perform the CE Audit (noted in item #8). **The public session of the meeting finally concluded at 12:55 P.M. and the Board adjourned.**

Respectfully Submitted,

****DRAFT – PENDING RATIFICATION AT MARCH 2014 MEETING****

Helen Pervanas, PharmD, R.Ph.
Secretary
FOR THE BOARD