

STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF HEALTH PROFESSIONS

OPLC

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Board of Pharmacy

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April 25, 2017

BOARD NOTICE

At the Board of Pharmacy meeting on April 19th, 2017 a discussion was held concerning the use of various rules involving the changing of a pharmacist-in-charge. Due to many issues that have been brought to the Board by the Compliance Division, the Board has issued this notice on the applicability of the following rule:

Ph306.05 Special Permit Provisions for Sudden Termination of Pharmacist-In-Charge (PIC). Existing pharmacy permit holders who have a sudden loss of the pharmacist-in-charge (PIC), shall be issued a special pharmacy permit valid for 60 days while a new PIC is identified and appears before the board according to Ph 305.01.

The issue of “sudden loss” refers to a pharmacist-in-charge who leaves a pharmacy due termination, diversion, an extreme personal emergency, or death. Any other issue involving replacing or moving a pharmacist-in-charge from one pharmacy to another is considered standard business practice and must follow current rule Ph 306.02.

All of the following applicable rules must be followed when applying for a change in the pharmacist-in-charge including:

Ph 304.01 Obtaining and Filing a Permit Application.

- (a) Application Ph B-1 revised September 2015 for a permit to operate a pharmacy in New Hampshire may be obtained from the board or board website, and shall be filed at the board office, identified in Ph 103.03;
- (b) Form Ph B-1 shall be used for:
 - (4) Changing the pharmacist-in-charge of a currently licensed New Hampshire pharmacy.

Ph 304.02 Application Contents.

- (a) The applicant for a permit to operate a pharmacy in New Hampshire, shall complete form Ph B-1
- (b) The applicant shall also submit scale drawings of the pharmacy, detailing usage of all space.

- (c) *The applicant shall supplement the application with any certificates, affidavits, plans, documents, or other information sufficient to show full compliance with all of the requirements of Ph 304.*
- (d) *The applicant shall submit a certificate from the secretary of state attesting to the documents creating the corporate person and any amendment(s) thereof to the certificate of incorporation, or authorizing it to do business in the state of New Hampshire under the corporate name.*
- (e) *The application shall be filed with the prescribed fee of \$250.*

Ph 305.01 Pharmacy Permit Conference.

- (a) *In addition to all requirements set forth in the statutes and elsewhere in this chapter, each applicant applying for a permit to operate a pharmacy in New Hampshire shall appear before the board for an informal conference to review the responsibilities of the pharmacist-in-charge and permit holder.*
- (b) *If the owner is not the pharmacist-in-charge, then the owner or an officer of the corporation, or the district manager, as well as the anticipated pharmacist-in-charge shall appear before the board.*

Ph 306.02 Reporting Changes. *The person to whom a permit to operate a pharmacy in New Hampshire has been issued shall, **within 15 days** of that person's discovery of a change in any of the data contained in the application for an original or renewal permit, report that change to the board in writing. An original new permit application, form Ph B-1 revised September 2015 shall be completed and filed in addition to the written notice when the name, location, ownership, licensed area or pharmacist in charge of the pharmacy are changed.*

Ph 704.11 Pharmacist-in-Charge/Corporate Entity Requirements/Duties.

- (a) *Pharmacists looking to serve as a Pharmacist-in-Charge (PIC) shall:*
 - (1) *Have worked as a pharmacist for a minimum of 2 years post-graduation;*
 - (2) *Complete and pass with a minimum of 80% an exam designed by the board to assess the knowledge of the candidate in regard to their responsibilities as PIC; and*
 - (3) *Work a minimum of 20 hours per week at the location where he/she serves as PIC except when absent due to scheduled vacation or other authorized leave.*
- (b) *Pharmacist in charge duties shall include:*
 - (1) *Responsibility for the control of all drugs issued or dispensed in the pharmacy where he/she practices;*
 - (2) *Ensuring written policies and procedures for the procurement, storage, compounding and dispensing of drugs are in place;*

(3) Ensuring that all staff pharmacists are familiar with and in compliance with the established policies and procedures;

(4) Establishing and supervising the recordkeeping system for the purchase, sale, possession, storage, and repackaging of drugs;

(5) Maintaining the security of the prescription department and its contents;

(6) Determining who will have keys and access to the pharmacy with the exception of security personnel;

(7) Establishing quality assurance guidelines to ensure the medication dispensed is in conformance with the prescription received;

(8) Prohibiting the presence of adulterated or misbranded drugs in the pharmacy;

(9) Ensuring compliance with the provisions of RSA 318 and RSA 318-B and any other state or federal pharmacy-related laws or rules;

(10) Supervising personnel in the prescription department; and

(11) Ensuring all personnel involved in the preparation and dispensing of prescriptions are properly licensed or registered with the board.

(c) Pharmacists may serve as a pharmacist-in-charge for a maximum of 2 pharmacies, providing that one of these pharmacies shall be in an institution requiring the services of a pharmacist only on a part-time basis.

(d) The corporate entity or permit holder shall be responsible for the following:

(1) Written policies and procedures for the procurement, storage, compounding and dispensing of drugs;

(2) Ensuring that all staff pharmacists are familiar with and in compliance with the established policies and procedures;

(3) Determining which security personnel will have keys and access to the pharmacy and inform the pharmacist in charge;

(4) Establishing procedures and policies to ensure the security of the pharmacy department when a pharmacist is working alone and needs to leave the licensed area for counseling, immunizations, lunch or rest room breaks;

(5) Providing online access to the New Hampshire law book, medical reference material and other state and local sites for reference by their pharmacists;

(6) Assuming all the responsibilities of the pharmacist in charge in an interim period when the pharmacist in charge has been vacated unexpectedly; and

(7) *Supplying adequate staffing to assist the board of pharmacy during scheduled routine inspections to assist with the retrieval of records when hard copy records are not maintained.*

Ph 704.12 Termination of Pharmacist-in-Charge Notice. *Whenever a pharmacist-in-charge shall cease performing that function, that pharmacist-in-charge shall notify the board in writing of the date upon which the cessation of that function is effective. That pharmacist-in-charge shall remain responsible for compliance, in the pharmacy in which he or she was the pharmacist-in-charge, with all pharmacy related statutes and rules until the effective date of termination.*

Ph 704.13 Termination of Pharmacist-in-Charge - Inventory. *Whenever a pharmacist-in-charge shall cease performing that function in a pharmacy, the new pharmacist-in-charge shall, **within 3 days**, cause to be completed a written inventory of all controlled substances located in that pharmacy. The record of that inventory shall be retained in the pharmacy for a minimum of 2 years.*

Note that a change in pharmacist-in-charge is treated as a new application to operate a pharmacy and all applicable rules regarding an application for pharmacy permit apply. Applications that do not contain the above information or follow the stated rules will be rejected and subject to fines or discipline.

By Order of the Board,



Michael D. Bullek, BSP, R.Ph.
Administrator / Chief of Compliance