

## Diane O'Neil

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**From:** Cheryl Walsh  
**Sent:** Wednesday, July 6, 2022 9:08 AM  
**To:** Kim Reeve  
**Subject:** FW: sorry 1 more request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**From:** Rjstouttrph <rjstouttrph@comcast.net>  
**Sent:** Tuesday, July 5, 2022 11:14 AM  
**To:** Cheryl Walsh <cheryl.walsh@leg.state.nh.us>  
**Subject:** Re: sorry 1 more request

Thanks Cheryl

Bob

Sent from my iPhone

On Jul 5, 2022, at 10:46 AM, Cheryl Walsh <[cheryl.walsh@leg.state.nh.us](mailto:cheryl.walsh@leg.state.nh.us)> wrote:

Hi Robert,

Christina is out of the office this week, but I have copied her on your email for when she returns next week.

Have a great day.

Cheryl

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**From:** ROBERT STOUT <[rjstouttrph@comcast.net](mailto:rjstouttrph@comcast.net)>  
**Sent:** Monday, July 4, 2022 1:00 PM  
**To:** Cheryl Walsh <[cheryl.walsh@leg.state.nh.us](mailto:cheryl.walsh@leg.state.nh.us)>  
**Subject:** sorry 1 more request

Good Morning Cheryl,

I am sorry to ask one more question and promise it will be the last for a while but I am hoping you can forward this request to Christine for clarification. I see this rule was approved so it must be OK but I am doing a law/rule review for the New Hampshire Pharmacists Association September 7th so I am putting the presentation together and want to make sure I convey the correct info to our licensees.

My question is related to Ph 703.01-Presence of Pharmacists; This used to be 704.01 for reference

The requirement that a pharmacist take a rest break if working more than 8 hours has remained. The old rules had 15 criteria (the Board established policy and procedures) that a permit holder would need to follow for this to take place. The 15 criteria have been completely eliminated in the new rules and replaced with 1 bullet, " the permit holder shall develop a written break policy and procedure that shall be available upon inspection or board request."

In reviewing this change I question whether it is actually permissible under this change for a pharmacist to take a break as the Rule making authority in RSA 318 states the Board shall develop policies and procedures.

**XIV. The adoption of protocols and procedures for the temporary absence of a pharmacist from a pharmacy while on duty.**

If there are no longer Board approved policies and procedures is the rule still valid?

Companies could develop their own standards that suite their needs and not think of protection of the public and standardized procedures. For example, previously a new Rx could not be sold during the pharmacists break to make sure he/she was available for counseling and questions. This new change could allow for this to happen, and this is just one example. If Christine could shed some light on the opinion to approve I would be grateful and will review this with licensees at the conference. Thanks again as always.

Bob Stout, RPh

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**Diane O'Neil**

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**From:** Christina Muniz  
**Sent:** Wednesday, June 29, 2022 1:10 PM  
**To:** John Reagan; Carol McGuire  
**Cc:** Michael Morrell; Kim Reeve  
**Subject:** FW: Pharmacy Ph 700s

Dear Senator Regan and Representative McGuire,

The email below was sent to us regarding Ph 700 which was recently approved by JLCAR. The Committee conditionally approved these rules and made a recommendation that OPLC and Committee staff work together to reevaluate these rules and look for any conflicts. Kim is currently working with OPLC to accomplish this. However, we thought you would want to be aware of this public comment, even though it is coming after the meeting. We do not know why Mr. Stout had trouble accessing the rule text before the meeting, and our modernization project will help to eliminate this type of issue in the future.

Let me know if you have any questions.

Christina

**Christina R. Muñiz**

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**From:** ROBERT STOUT <[rjstoutrph@comcast.net](mailto:rjstoutrph@comcast.net)>  
**Sent:** Monday, June 27, 2022 2:51 PM  
**To:** Cheryl Walsh <[cheryl.walsh@leg.state.nh.us](mailto:cheryl.walsh@leg.state.nh.us)>  
**Subject:** Pharmacy Ph 700s

Hi Cheryl,

Again thank you for sending me the copy of the 700 rules. I reviewed the changes made to these this weekend. Honestly I am shocked that so much of this section was revoked and that JLCAR allowed that to happen. The rules on the security of pharmacies, responsibilities of the pharmacist in charge and permit holder, mandatory counselling, break policy rules where the policies were deleted (even though required by statute), keys and access to the pharmacy department, requirements needed for the permit holder to have a fit place to practice, and many more all removed. There are now no guidelines and everything left up to the permit holders and pharmacists to decide individually. All these changes, in my opinion, make life easier for permit holders and pharmacist alike. That, however, is not the purpose of the Board. When you click on the NH Board of pharmacy homepage, the first thing you see is their mission statement:

**The Mission of Board of Pharmacy is to promote, preserve, and protect the health, safety, and welfare of the citizens of New Hampshire by fostering quality pharmaceutical care. The Board monitors the practice of pharmacy through the ongoing inspections, investigations, licensure and regulation, to ensure the citizens continue to receive the safe, quality pharmaceutical care they have come to expect.**

The changes made to this chapter, the most important chapter in our rule book, do not in any way live up to their own mission statement. Just wanted to voice my opinion to the committee. Unfortunately although I attended the public hearing it was extremely difficult to try and see the FP prior to the JLCAR meeting. Just disappointing to see this happen. This will make life challenging for the Inspectors as the tools they had to hold people to a standard have been eliminated. Thanks for all you do.

Bob Stout, RPh

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