



NH BOARD OF PHARMACY

PH 2109.07 & PH 2109.08

ADMINISTRATIVE RULES PUBLIC HEARING

March 17, 2021

Good morning. My name is Kathy Bizarro-Thunberg, Executive Vice President with the New Hampshire Hospital Association (NHHA), representing all 26 of the state's community hospitals as well as all specialty hospitals. NHHA would like to present testimony on the draft administrative rules Ph2109.07 and Ph2109.08.

In reviewing this draft, it appears that these sections were adopted approximately one year ago in April 2020. Due to the attention we all were expending for our State's and hospitals' response to the COVID-19 pandemic, we were not aware of their passage at that time. These comments would have been relevant then as they are today.

We have several overarching questions relative to these two sections that will have a major impact in our understanding of these rules:

- Who is the "licensee"? Is it the pharmacist, pharmacist-in-charge, or the permit holder?
- Who is ultimately accountable for paying the fine? Is it the pharmacist, pharmacist-in-charge, or the permit holder?
- Whose record will be tagged with a violation? Is it the pharmacist, pharmacist-in-charge, or the permit holder?
- How are the terms "improper", "insufficient", "inadequate" or "unfit" defined?

There are several specific items listed in both the minor and major violations sections that are unclear. Many of the items listed would appear to be solely based on the inspector's interpretation such as "work area not orderly", "improper security", "nametags", "area for non-sterile compounding inadequate", "improper procedures", etc.

As highly trained healthcare professionals, pharmacists believe that these specific items outlined for violations are an affront to the work that they do every day in pursuit of patient safety and workplace safety. We request that the minor violations section (Ph2109.07) be removed entirely from administrative rules in favor of supporting education and compliance. We also believe that the major violations section (Ph2109.08) should be evaluated carefully with a focus on patient safety and workplace safety issues, not administrative overhead.

NHHA and its member hospitals stand ready to work with the Board of Pharmacy to fully review these sections to ensure the proper emphasis on egregious violations.

Thank you for the opportunity to present our testimony. I'd be happy to answer any questions.