

VERMONT BOARD OF PHARMACY –Approved Minutes
Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402
December 4, 2013 at 9:00 AM.

1. The meeting was called to order at 9:00 AM, by Vice Chair Larry Labor.

Members Present: Mr. Larry Labor, RPh, Vice Chair; Ms. Judith Wernecke, Public Member, Secretary; Ms. Julie A. Eaton, RPh; Mr. Steven M. Vincent, RPh; Mr. James Arisman, Esq., Public Member; Mr. King Milne, RPh.

Member(s) Absent: Mr. Jeffrey Firlik, RPh, Chair

Mr. Klein acknowledged and welcomed Ms. Stephanie Ibey, RPh and Mr. Robert Carpenter, RPh, who were in attendance at the meeting. Ms. Ibey and Mr. Carpenter have been appointed by Governor Shumlin as new members of the board. They will take office on January 1, 2014, and will replace Ms. Eaton and Mr. Vincent as members of the Board of Pharmacy.

OPR Personnel Present: Mr. Larry S. Novins, Board Counsel; Mr. Ronald Klein RPh, Executive Officer; and Ms. Aprille Morrison, Licensing Board Specialist.

Others Present: Anthony Otis, Heather Shouldice, Ann Rule, Richard Widup, Craig Miskovich and Lucie Gavard

2. The Chair called for approval of the Minutes of the November 6, 2013 meeting as presented. Mr. Vincent made a motion to approve the minutes as written. Ms. Eaton seconded the motion. Motion passed.

3. **Hearings/Stipulations *et al*:**

9:15 AM – Stipulation and Consent Order – Richard Martin – Docket # 2012-543. Mr. Arisman made a motion to request a properly signed and corrected order. Motion was seconded by Ms. Eaton. The Board held a deliberative session. Motion defeated. Mr. Arisman made a motion to dismiss the charges presented in this matter. Mr. Vincent seconded the motion. Motion passed.

9:15 AM – Review of preliminary denial decision – Minnesota Independent Cooperative, Inc. The Board reviewed the application for licensure as a wholesale drug distributor and additional documentation submitted by the applicant. The board held a deliberative session. The board approved the application for licensure.

Mr. Ed Adrian, prosecuting attorney, informed the Board this would be his last meeting as he is leaving the Office of Professional Regulation.

4. **Report of Concluded Investigation: None**

5. **Guests:**

11:00 AM – Ann Rule and Richard Widup from Purdue Pharma LP. Ms. Rule and Mr. Widup had a discussion with the Board regarding pharmacy security measures.

6. **Case Manager's Report:**

Mr. Klein reported to the Board on the number of cases they currently have. There are 27 cases, four (4) ready for Investigative Team meeting, four (4) are pending a closing report, one (1) is in the intake process, two (2) have had charges filed, two (2) are set for hearing, thirteen (13) are under investigation, and one (1) is pending charges.

7. **Legislation/Rulemaking:**

Mr. Novins reviewed with the Board proposed statute amendments which will be presented to the legislature for their consideration when the legislature convenes in January, 2014. These proposed changes will be presented as part of the Office of Professional Regulation housekeeping bill. The Board approved of the proposed amendments.

Mr. Novins also informed the Board that the statute requiring a letter from the Board regarding remote pharmacies was repealed and therefore the Board does not have to send an additional letter.

8. **Review Applications for licensure:** None

9. **Executive Officer Report:**

Mr. Klein reported to the Board about the Pain Management committee meeting he attended at the Department of Health. This committee was called for in Act 75, passed by the 2013 Legislature. The committee will propose several rules to implement portions of Act 75 regarding the Vermont Prescription Monitoring System (VPMS) and use of it by prescribers and dispensers.

Mr. Klein reported to the board that as part of the aforementioned meeting, the National Association of Boards of Pharmacy (NABP) interconnect plan, which will allow the VPMS to access data in prescription monitoring programs housed in other states, appears to be the direction the Dept. of Health is taking. There had previously been discussion of a New England only data sharing plan.

Mr. Klein reported to the Board he attended a meeting of Executive Officers of Boards of Pharmacy for New England states in Worcester, MA in November. The major topic of discussion at this meeting was USP 797, its implementation and pharmacy inspection of applicable facilities. The Massachusetts Board of Pharmacy presented a draft of an extensive checklist they plan to use in the inspection of pharmacies which compound sterile pharmaceuticals.

Mr. Klein reported on a teleconference he took part in sponsored by the Federal Food and Drug Administration (FDA). The purpose of this conference was to explain federal legislation recently adopted regarding compounding pharmacies and their production of both non-sterile and sterile pharmaceuticals. Guidelines for the implementation of the legislation have been released by the FDA. The FDA stated it wishes to work with the states on the inspection and regulation process for these facilities.

Mr. Klein discussed with board members the proposed meeting dates in 2014. Mr. Klein asked for volunteers to assist him at the Multistate Pharmacy Jurisprudence item writing and item review meetings scheduled for March and September, 2014 respectively. Further discussion of these matters will take place at the January, 2014 regularly scheduled meeting of the board.

Mr. Klein discussed with board members the National Association of Boards of Pharmacy (NABP) annual meeting in May, 2014 in Phoenix, AZ. Mr. Klein requested the board to select a delegate and alternate delegate for this meeting at the January, 2014 regularly scheduled meeting of the board.

10. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,255** (1,175 Resident, 80 Non-Resident).

11. **Discussion Items:**

PIC requirement (WV newsletter info) – The board reviewed a recent article in the West Virginia Board of Pharmacy newsletter concerning registration of out of state mail service pharmacies.

The board discussed the possibility of future rule changes which would require that all non-resident pharmacies that dispense medications to a Vermont address would be required to have a currently licensed Vermont pharmacist employed who is in charge of dispensing to Vermont. All such pharmacists who dispense to Vermont would be required to be currently licensed in Vermont. The board also discussed elimination of the Registration for Telepharmacy Across State Lines category of pharmacist licensure and requiring all such individuals providing pharmaceutical care into the State of Vermont be currently licensed Vermont Pharmacists.


Ms. Eaton addressed the article provided for the Board regarding the NABP task force on licensing of pharmacy benefit managers. At this time this is more of an FYI for the Board as the task force continues its work. The task force will be meeting again and it is expected that its report will be made public at the NABP annual meeting.

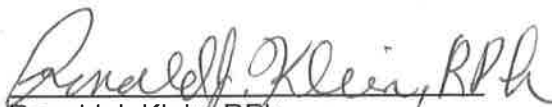
Pharmacist Provider Status – The Board is interested in adopting Rules for this topic. Additional research is needed.

12. The next meeting is scheduled for **Wednesday, January 22, 2014**, at 9:00 AM.

13. Ms. Eaton made a motion, seconded by Mr. Vincent, to adjourn at 11:55 am. Motion Passed.

Respectfully Submitted:


Judith Wernecke, Secretary
Vermont Board of Pharmacy


Ronald J. Klein, RPh
Executive Officer
Vermont Board of Pharmacy