

**VERMONT BOARD OF PHARMACY –Approved Minutes**  
Secretary of State, Office of Professional Regulation  
89 Main Street, 3<sup>rd</sup> Floor, Montpelier, VT 05620-3402  
**November 6, 2013 at 9:00 AM.**

1. The meeting was called to order at 9:00 AM.

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

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, Senthil Natesan, Jim Godfrey, Heather Shouldice, Ji Chen, Mike Duteau and Theo Kennedy.

2. The Chair called for approval of the Minutes of the October 2, 2013 meeting as presented. Mr. Labor made a motion to approve the minutes with a change to page two, second paragraph from the top, to include the statement "The Executive Director was directed by the Board to contact the Corporations Division through the Secretary of State's Office to inform them that businesses may not imply they are a pharmacy in the title of their business name" and other minor corrections. The motion was seconded by Mr. Vincent. Motion passed.

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

9:15 AM – Default Hearing – Elizabeth Abbott – Docket #2010-220. Mr. Firlik made a motion to find Ms. Abbott in default. Mr. Arisman seconded the motion. Mr. Vincent did not participate in the vote as he was the Investigative Team member. Motion passed.

Edward Adrian, prosecuting attorney, requested the Board indefinitely suspend Ms. Abbott's pharmacy technician registration. Mr. Firlik made a motion to indefinitely suspend Ms. Abbott's pharmacy technician registration. Mr. Arisman seconded the motion. Mr. Vincent did not participate in the vote as he was the Investigative Team member. Motion passed.

9:15 AM – Stipulation & Consent Order – Kelley Pharmacy, Inc. and Scott Brown – Docket #'s 2012-656 and 2012-657. Mr. Arisman made a motion to accept the stipulation and consent order as presented. Ms. Eaton seconded the motion. Mr. Labor did not participate as he was the Investigative Team member. Motion passed.

4. **Report of Concluded Investigation:**

Reports of concluded investigation were presented to the Board regarding docket #'s 2012-92, 2012-93, 2012-98 and 2012-99. Mr. Klein informed the Board that additional information was needed and they would not be voted on by the Board at today's meeting.

Report of Concluded Investigation docket # 2013-78. Mr. Arisman made a motion to accept the report as presented. Motion was seconded by Ms. Eaton. Mr. Labor did not participate in the vote as he was the Investigative Team member. Motion passed.

**5. Guests:**

10:00 AM – Senthil Kumar Natesan. Mr. Natesan requested the Board accept his schooling as having met Vermont's internship hour requirements. Ms. Eaton made a motion to accept Mr. Natesan's education pending National Association of Boards of Pharmacy (NABP) approval and to require 500 additional experiential internship hours. Motion was seconded by Mr. Vincent. Motion passed. The Board recommended Mr. Natesan apply as an intern through Vermont to begin obtaining these hours. Ms. Morrison will assist Mr. Natesan with the application process.

10:30 AM – Jim Godfrey. Mr. Godfrey spoke to the Board regarding the September e-mail that was sent to everyone stating the requirements for patient records and counseling will be going into effect in January 2014. Mr. Godfrey, representing the Vermont Pharmacists Association (VPA) membership, stated that it would make it easier, especially for retail pharmacies if there was a specific rule written to implement this "change". The Board informed Mr. Godfrey that this was already in the Rules, specifically Part 9 (9.25 and 9.29) and Part 11 (11.1(f)), and with Inspector Vincent see that this hasn't been followed the Board implemented a deadline. Mr. Vincent made a motion to change the compliance date for computer systems and patient records updates to January 1, 2015. Mr. Firlik seconded the motion. Motion passed. The Office will send out notification to all pharmacies with the updated deadline date. Mr. Godfrey also informed the Board that the VPA has concerns with hospital discharge records and has initiated legislation to change this.

11:00 AM – Ji Chen – Ms. Chen addressed the Board regarding Rutland Regional Medical Center (RRMC) remodeling their pharmacy to support a Home Infusion services section. Ms. Chen is requesting approval from the Board for dual use of their current clean room for the Home Infusion section. The Board discussed this and did not have an issue with Ms. Chen's request or with RRMC moving forward with the application for Home Infusion licensure.

11:30 AM – Philip O'Neill – Mr. O'Neill wanted to address the Board regarding the current remote pharmacies that are registered under the pilot project and the proposed administrative rules for remote pharmacies. Mr. O'Neill expresses that he does not feel that the current pharmacies (pilots) which are registered meet the guidelines the Board is imposing on all future remote pharmacies and questioned the evaluation process the Board has for allowing a remote pharmacy. The Board spoke with Mr. O'Neill via telephone and Mr. O'Neill's attorney, Theo Kennedy, who attended the Board meeting. The Board will take Mr. O'Neill's and Mr. Kennedy's comments under advisement.

1:00 PM – Chris Winters – Mr. Winters presented the Board with their annual budget. There are no fee increases or reductions needed at this time.

Ms. Eaton left the meeting at 1:00 PM

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

Mr. Klein reported to the Board on the number of cases they currently have. There are 30 cases, three (3) ready for Investigative Team meeting, one (5) is pending a closing report, seven (7) are in the intake process, three (3) have had charges filed, four (4) are set for hearing, seven (7) are under investigation, and one (1) is pending charges.

**7. Legislation/Rulemaking:**

The Board reviewed the current draft of the Administrative Rules. Mr. Vincent made a motion to accept the draft rules as amended November 6, 2013. Mr. Arisman seconded the motion. Motion passed.

Mr. Klein provided the Board with information regarding Reverse Drug Distributors and Oxygen regulation for 2015 legislation.

Mr. Klein reported to the Board that he met with the Department of Health and other individuals to discuss regulation of Clinical Pharmacist Practitioners.

The Board discussed the recommendations and proposed amendments for Act 75 and Act 39 they would like to send to Legislature for their consideration. Mr. Novins will work on this with Ms. Eaton.

**8. Review Applications for licensure:**

Mr. Vincent made a motion to approve the following applications for licensure. The motion was seconded by Mr. Labor. Motion passed.

- Mallinckrodt LLC – Hobart, NY – Wholesale Distributor
- Ann Colandro - Telepharmacist

**9. Executive Officer Report:**

Mr. Klein reported to the Board on where he is at with practitioner prescribing and scheduling a meeting with the Medical 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 would like Mr. Klein to poll other states about their requirement for non-resident pharmacist in charge (pharmacist manager) licensure.


Ms. Eaton will address the article provided for the Board regarding task force of licensing of pharmacy benefit managers at the December meeting.


The Board discussed several newsletter topics. Ms. Eaton requested all articles be previewed by the Board members before being sent to NABP to be included in the newsletter.

12. The next meeting is scheduled for **Wednesday, December 4, 2013**, at 9:00 AM.

13. Mr. Arisman made a motion, seconded by Mr. Vincent, to adjourn at 2:21 PM. Motion Passed.

Respectfully Submitted:

  
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Judith Wernecke, Secretary  
Vermont Board of Pharmacy

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