

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Approved Minutes
April 25, 2012 at 9:00 A.M.

1. The meeting was called to order at 9:07 a.m.

Members Present: Julie A. Eaton, R.Ph., Chair; Judith Wernecke; Larry Labor, R.Ph.; Steven M. Vincent, R.Ph. and Earl W. Pease, Pharm.D..

Absent: Jeffrey P. Firlik, R.Ph., Vice-Chair and Conrad Boucher.

OPR Personnel Present: Larry S. Novins, Board Counsel; Gabriel Gilman, Prosecuting Attorney; Carla Preston, Case Manager; Daniel Vincent, Inspector; Peter Comart, Licensing Administrator; Kristy Pirie, Licensing Board Specialist and Aprille Morrison, Licensing Board Specialist.

Others Present: Michael Duteau with Kinney Drugs, Inc.

2. The Chair called for approval of the Minutes of the March 28th meeting. The Board noted the following corrections:

Under Item 4(a.) Guests, the third sentence of the first paragraph was amended to read:
Is that allowable under HIPAA?

Mr. Labor made a motion, seconded by Ms. Wernecke to approve the minutes of the March 28, 2012 meeting as amended. Motion passed unanimously.

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

- a. 9:15 A.M. The Board considered a Stipulation and Consent Order in the matter of Wilcox LTC Pharmacy, Docket Number 2011-339. Larry S. Novins presided for the Board. Prosecuting Attorney, Gabriel Gilman, was present for the State. The Respondent was not present. The Board went into deliberative session at 9:32 A.M. and out at 9:49 A.M. The Board voted to reject the Stipulation and Consent Order as presented. Mr. Labor, Investigative Team Member, did not participate in the vote.
- b. 9:56 A.M. The Board considered a Stipulation and Consent Order in the matter of M. Fletcher Allen Health Care, Docket Number 2011-492. Larry S. Novins presided for the Board. Prosecuting Attorney, Gabriel Gilman, was present for the State. The Respondent was not present. The Board went into deliberative session from 10:07 A.M. and out at 10:20 A.M. The Board voted to reject the Stipulation and Consent Order as presented. Ms. Wernecke, Investigating Member, did not participate in the vote.

4. **Guests:**

- a. Daniel Vincent, Inspector, attended to obtain clarification on various Board requirements. Mr. Vincent asked about the registration requirements for drivers handling the delivery of drugs. The Board clarified that the drivers must be registered if they have access to the

pharmacy area. If the driver never enters the pharmacy department, they do not need to be registered.

- b. Michael Duteau attended to discuss a proposed new remote pharmacy site with the Board. The Board explained that the three pilot sites as allowed by legislature are currently full and operating. The Board further explained that it is currently drafting rules for remote pharmacies and that once they are adopted; the limitation on the number of sites the Board can license will no longer apply and the Board will consider new proposals.

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

Carla Preston, Case Manager, reported on current and follow-up cases. There are currently 71 cases. 9 are ready for closing, 11 are ready for Investigative Team meetings, 39 and under investigation, 11 are pending charges and 1 is pending an inspection.

- a. The Board considered a request for removal of conditions in the matter of Petnet Solutions, Inc., Docket Number M2009-118. Based on the information provided, Mr. Vincent made a motion, seconded by Mr. Pease, to grant the request for removal of conditions. Motion passed unanimously.

6. **COMPLAINTS, review of Reports of Concluded Investigation:**

The Board reviewed the following Reports of Concluded Investigations and took action as indicated.

- a. 2011-490 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. The Chair, Investigating Member, did not participate in the vote.
- b. 2009-456 and 2010-133 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Mr. Labor, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. The Chair, Investigating Member, did not participate in the vote.
- c. 2011-419 and 2011-538 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by the Mr. Labor, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. The Chair, Investigating Member, did not participate in the vote.
- d. 2010-630 and 2010-631 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by the Chair, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Pease, Investigating Member, did not participate in the vote.

7. **Reports:**

The Chair reported on issues regarding prescriptions for prisoners recently released from incarceration. The issues include individuals without prescriptive authority signing off on the prescriptions. An article regarding these issues will be added to the June Newsletter.

8. **Legislation/Rulemaking:**

- a. A few of the Board Members have been working with Board Counsel to draft Administrative Rules for Remote Pharmacies. The Members will continue to work on the draft and will share it with the full Board once it is completed. The hope is to have the draft done by June.

9. **Review Applications for licensure as a Pharmacist:**

Mr. Vincent made a motion, seconded by the Chair, to approve the following applicant for licensure as a pharmacist. Motion passed unanimously.

Heather Godin, PharmD (Endorsement)
Juan-Marie Steynberg, R.Ph. (Endorsement)
Addie S. Wright, R.Ph. (Endorsement)

Jay M. Simmons – The Board reviewed the reinstatement application for Mr. Simmons. Based upon the information provided, Mr. Vincent made a motion, seconded by the Chair, to approve Mr. Simmons reinstatement application pending passage of the MPJE for Vermont. Motion passed.

10. **Review Applications for licensure as an Out of State Registered Telepharmacist: (None)**

11. **In-State Drug Outlets (pharmacies, wholesalers, manufacturers, etc.):**

- a. Kinney Drugs, Inc., **D/b/a Kinney Drugs, Inc. #107**, located at 47 Executive Drive, Shelburne, Vermont, submitted an application for a new retail pharmacy. An initial inspection and further documentation is required.

12. **Change in Pharmacist Manager:**

The Chair made a motion, seconded by Mr. Labor, to approve the following changes in pharmacist managers. Motion passed unanimously.

- a. **Rite Aid Pharmacy #10320**, (038-3364), located at 1 Prince Lane, Bristol, Vermont, submitted an application for change in pharmacist manager from Heying Lilly Qian to Cynthia J. Koch.

13. **Non-Resident Pharmacies:**

The Board reviewed the non-resident pharmacy applications with no record of prior disciplinary action that were approved since the last meeting based on their completed applications. The Board found no issues.

The Board reviewed the following applications for licensure as a non-resident drug outlet. Based on the information provided, Mr. Wernecke made a motion, seconded by Mr. Pease, to approve the following applications for licensure. Motion passed unanimously.

- a. **CVS Rx Services, Inc., D/b/a Retail Customer Care Center** – 9501 E. Shea Blvd., Scottsdale, AZ.

14. **Non-Resident Wholesaler/Manufacturer Drug Outlets:**

The Board reviewed the non-resident wholesaler/manufacturer applications with no record of prior disciplinary action that were approved since the last meeting based on their completed applications. The Board found no issues.

15. **Drug Outlet remodeling, closures, changes in Officers/Directors, hours of operation, etc.:**

(None)

16. **Continuing Pharmacy Education Requests:**

The Chair made a motion, seconded by Mr. Labor, to approve the following continuing pharmacy education requests. Motion passed unanimously.

- a. **“Anatomy of an Epidemic – Rethinking Mental Illness and the Long Term Effects of Psychiatric Drugs”** submitted by Robert Swartz with Northeastern Vermont Area Health Education Center (AHEC), requesting approval for three and one half (3.5) live (didactic) continuing pharmacy education credits. The conference will be held on May 8, 2012. The Board issued approval number CPE028(L)-0425.
- b. **“Clinical Pearls: Collage”** submitted by Erica Counter with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on April 5, 2012. The Board issued approval number CPE029(L)-0425.
- c. **“Clinical Pearls: Collage”** submitted by Erica Counter with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture will be held on May 3, 2012. The Board issued approval number CPE030(L)-0425.

17. **Intern/Preceptor application(s):** (None)

18. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 293** (1,206 Resident, 87 Non-Resident).

19. **Newsletter Topics!**

The Board will be sending out a June Newsletter. Some of the topics that will be include are: Notice regarding staffing change, NABP CPE Monitoring program, prescription issues, fraudulent prescriptions and notice regarding revisions to the Rules.

20. **Miscellaneous Correspondence:**

- a. The Board reviewed the April 11, 2012 email from Carla Sapenter regarding registration requirements for Federal Government facilities. The Board clarified that these facilities do not need to be registered with the Vermont Board of Pharmacy.
- b. The Board reviewed the April 16, 2012 email from George Perkins regarding prescription validity for non-controlled substances. The Board stated that prescriptions for non-controlled substances are valid for one year from the date the prescription was written.

21. **National Association of Boards of Pharmacy (NABP) Correspondence:**

- a. The Board reviewed various documents from the NABP.

22. **Public Comment:** (None)

23. **Other Business Introduced:**

Kristy Pirie is leaving the Office of Professional Regulation. Aprille Morrison will be taking over Ms. Pirie's professions. Ms. Morrison can be contacted by phone at (802) 828-2373, by fax at (802) 828-2465 or via email at amorris@sec.state.vt.us.

24. The next meeting is scheduled for **Wednesday, May 30, 2012** at 9:00 A.M.

The meeting dates for 2012 are as follows: June 27th, July 25th, August 22nd, September 26th, October 24th and December 5th.

25. There being no further business, the meeting was adjourned at 1:34 P.M.

Respectfully submitted,



Judith Wernecke, Secretary
Vermont Board of Pharmacy