

**Board of Pharmacy**  
Secretary of State, Office of Professional Regulation  
National Life Building, North, Floor 2, Montpelier, VT 05620-3402  
**Approved Minutes**  
**Meeting of June 23, 2010**

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

Members present: Steven M. Vincent, R.Ph., Chairman; Julie A. Eaton, R.Ph., Vice-Chair; Earl W. Pease, Pharm.D.; Larry Labor, R.Ph.; and Emma J. Pudvah. Jeffrey P. Firlik, R.Ph., participated via phone.

OPR Personnel present: Larry S. Novins, Board Counsel; Gregg Meyer, State Prosecuting Attorney, Inspector Daniel Vincent, and Carla Preston, Unit Administrator.

Others present: Anthony Otis, Esq., representing the Vermont Community Retail Pharmacy Coalition; Robert F. O'Neill, Esq., Audrey McGregor-Reardon and Michele Kartschoke with McGregor's Medicine On Time Pharmacy; Kevin Mee with KFM Medical Supplies and Equipment; Dwayne Calek with Owens & Minor Distribution, Inc.; Kerri Ryan with CVS Pharmacies; John Marchelewicz with Harry's Discount Pharmacy and Judi Wernecke (observing).

2. The Chair called for approval of the Minutes of the April 28<sup>th</sup> meeting. On page 9, item c, the last sentence was amended to read: Pharmacies must take responsibility for their own expired, misbranded or adulterated drugs and perform reverse distribution through an approved reverse distributor. Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the Minutes of the April 28, 2010 meeting as corrected. Motion passed unanimously.

3. **Guests:**

- A. Inspector Daniel Vincent asked for clarification of a few provisions including patient counseling, backup and auxiliary systems, daily printouts, and the requirement for a physical address on Schedule II prescriptions. He also presented a revised inspection form with updated information regarding statute or rule references and added requirements when applicable. He said that the rules regarding patient counseling had changed over the last three rule revisions. He said questions have also been raised pertaining to documentation of the patient's refusal for counseling on refill prescriptions.

The Board indicated that the offer to counsel has to be made but it does not have to be made by the pharmacist. The offer to counsel applies to both new and refill prescriptions. The Board stated that documentation of a patient's refusal for counseling applies to both new and refill prescriptions.

The Board noted that it was likely that the provision for an auxiliary system due to power outages or an inoperable computer system is outdated (Rule 11.1 (d)). Currently, dispensing cannot occur without power or the use of computers. The Board indicated that it would consider eliminating that provision during the next rule re-write. The Board also indicated that it would revisit the requirement for a daily printout during the next revision. The Board noted that some systems do not allow the printout until the end of the day which may involve more than one pharmacist during the day. In that situation, the last pharmacist of the day should print and sign off on the daily log.

The Board will prepare samples of the signage requirements for the newsletter and posting on its web page. Although there is some controversy, the Board reported that the Drug Enforcement Administration requires the patient's physical address on the front of the prescription.

The Board discussed a few other issues concerning regulations under Title 18 with the Department of Health.

- B. Kevin F. Mee attended the meeting to discuss his application for an in-state wholesale distributor license. He explained that he has worked with out-of-state wholesalers regarding durable medical equipment and other supplies for over 15 years and wants to have a wholesale distributor's license in Vermont. He said he buys products directly from wholesalers and then resells them to physicians and other prescribers. The wholesalers have assured the manufacturers that any products sold are sold to a legitimate customer. He explained that he needs a license to broker between the wholesalers (i.e., McKesson) and the physicians. He will not warehouse or possess any prescription drug products but will invoice the physicians' practices for those products which are shipped directly to the physicians from the wholesalers. He does not deal with any controlled drugs but does sell vaccines.

The Board reviewed the definition of wholesale distributor. "Wholesale Distributor" means any person engaged in wholesale distribution of drugs, including but not limited to manufacturers, repackagers, own-label distributors, private-label distributors, jobbers, brokers, warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses, independent wholesale drug traders, and retail pharmacies that conduct wholesale distributions.

The Board acknowledged that in this scenario he would be part of the chain of custody, thus licensure is required. The wholesalers require him to be licensed since they are not billing for the product.

Attorney Novins indicated that the Rules contemplate brokers. He said the inspection requirement applies to where drugs are being stored.

The Board asked Mr. Mee to complete its revised wholesaler application which will include the option to check as a broker. Mr. Mee must write a statement that there would be no storage of prescription drugs at his registered location. If he were to take possession of prescription drugs, he must meet storage requirements and contact the Board for an initial inspection. Ms. Eaton made a motion, seconded by Chairman Vincent, to approve, *in concept*, Mr. Mee's wholesale broker application as described. Once the revised application is received and determined complete, it will be forwarded to the Board for review and final approval.

- C. Dwayne Calek with Owens & Minor Distribution, Inc. d/b/a Owens & Minor Healthcare Logistics, Louisville, Kentucky, attended the meeting to discuss his wholesaler application. He explained that the reported disciplinary actions pertain to its parent company, not directly to the applicant. He said the company has been in business for 125 years and has 56 distribution centers. They are a third party logistics company that ships devices and drugs including Schedule III through V controlled substances. He said they are currently in good standing in all states where licensed. Mr. Calek said that Owens & Minor has applied for Verified Accreditation Wholesale Distributor (VAWD) through the National Association of Boards of Pharmacy and will receive accreditation soon. He said the State of Kentucky did inspect the facility.

The Board approved this wholesale distributor for licensure and asked Mr. Calek to provide a copy of the VAWD certification once received. Mr. Calek agreed.

- D. Attorney Robert F. O'Neill, Audrey McGregor-Reardon and Michele Kartschoke attended the meeting to discuss the questions mentioned in Attorney Byrne's May 19, 2010 letter to the Board. Their questions pertained to issues involving returns, data that is electronically stored, packaging of controlled and non-controlled drugs, closed loop prescribing system, application of rules to patients supervised by a State of Vermont entity, uniform rules, and changes to licensing regulations. They also asked for clarification on pharmacy licensure based on the types of services they provide.

The Board stated that a prescription drug product may be returned if it never left the pharmacy. In addition, if delivered and refused but still in the control of the pharmacy, the product may be returned to the pharmacy. Medications cannot be taken back from any group that has left the control of the pharmacy, or a licensed health professional when a patient resides in a licensed health facility. The Board acknowledged that people may be getting varying opinions from other agencies because the Board is not always consulted on these issues.

As the specific questions were asked, Attorney Novins stated that the Board does not have the authority to issue advisory opinions. He said the Board has the authority to advise applicants about applications but does not have the authority to advise practitioners regarding how to run their business. He said the answers to any questions provided were not written in stone and subject to change.

Attorney O'Neill et al asked for clarification about the structure of a pharmacy providing services to patients, which would fall under the definitions of institutional and retail. He said according to the April 28<sup>th</sup> Minutes, separate pharmacies, managers, etc. would be required.

The Board indicated that its requirements and interpretation thereof pertains to all applicants. They are not set forth to accommodate one specific applicant and the activities or services it offers. The rules state that a pharmacist manager may not serve as manager of more than one pharmacy at a time, unless specifically permitted by the Board.

The issues were discussed further. Some of their questions pertained to state, federal or DEA regulations, not Board of Pharmacy regulations thus must be clarified through the applicable regulatory group. In the end, the Board determined that it could not respond to some of the questions raised without the benefit of an application(s) on which to consider.

Attorney O'Neill et al agreed to submit an application or applications for Board review and consideration.

4. **Hearings/Stipulations *et al.***

- a. A Default hearing was held in the matter of **Robyn L. Dunham**, Docket Number 2009-142. The Respondent was not present. Larry S. Novins presided for the Board. Prosecuting Attorney Gregg Meyer was present for the State. Attorney Novins reported on the notices to the Respondent. Chairman Vincent made a motion, seconded by Ms. Eaton, to find the Respondent in default. Attorney Meyer said the State is seeking revocation. Ms. Eaton made a motion, seconded by Ms. Pudvah, to revoke Ms. Dunham's Pharmacy Technician Registration. The Board voted to go into deliberative session at 9:33 AM and out at 9:37 AM. The question was called and the motion passed. Mr. Labor, Investigating Member, did not participate in the votes.
- b. M2010-40 – The Board considered the request for removal of the conditions on the pharmacy license. John Marchelecwicz was present for the Respondent. Inspector Dan Vincent reported that he conducted an inspection of this pharmacy on May 13, 2010 and found only one minor discrepancy. Attorney Meyer reported that the State/Investigative Team had no objections to removing the conditions. Based on the information presented, Chairman Vincent made a motion, seconded by Ms. Pudvah, to grant reinstatement and remove the Conditions on the license of Harry's Discount Pharmacy. The question was called and the motion passed unanimously.

5. **Reports:**

- a. The Board reviewed the June 8, 2010 letter from Jennifer Browe, PharmD with Community Health Pharmacy regarding the pilot project utilizing the Automated Dispensing Unit. This letter

was in response to the Board's June 2<sup>nd</sup> letter which raised concerns about the low percentage of patients being counseled.

Ms. Browe reported that they have implemented new procedures to address the Board's concerns, which include a patient's direct communication with the pharmacist via video phone prior to check out. The Board is pleased that the pharmacist will counsel the patient or document the refusal for consultation on the ADU prescription log.

- b. Julie Eaton reported on her attendance at the National Association of Boards of Pharmacy's 106<sup>th</sup> Annual Meeting held in Anaheim, California on May 22-25, 2010. She noted that as of March 1, 2010 the National Practitioner Database includes all health professions. She asked Ms. Preston to verify compliance with regard to reporting of disciplinary actions.

Ms. Eaton reported that the State of North Dakota has implemented a return program (North Dakota Repository Program) that patients may return unused medications versus destroying them on their own. She asked that James Heal with Grace Cottage Hospital be referred to that state for more information about their program. She highlighted other topics discussed at the meeting.

6. **Follow-up Cases**

Review of follow-up cases was tabled.

7. **Legislation/Rulemaking:**

8. **Complaints/Reports of Concluded Investigations**

9. **Applications for Licensure as a Pharmacist:**

Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve the following applicants for licensure as pharmacists. Motion passed unanimously.

Frederick C. Anselmo, R.Ph., (Endorsement)  
Christopher Cella, R.Ph., (Endorsement)  
Clayton D. English, Pharm.D., (Endorsement)  
Lisa A. Noone, R.Ph., (Endorsement)  
Andrea N. Lafasciano, R.Ph., (Endorsement) (pending passage of MPJE)

**Applications for Registration of Out of State Telepharmacy Pharmacists:**

Mr. Labor made a motion, seconded by Mr. Pease, to approve the following applicants for registration as Registered Telepharmacy Pharmacists. Motion passed unanimously.

Dawn M. Delaney-Swain	Jo Ellen Hoffman
Katrina Johnson	Scott A. Mazza
Patricia Nagy	Arthur M. Pascale
Thomas F. Phelan	Katherine A. Sheasley
Jeffrey M. Young	

10. **In-State Drug Outlets:**

The Board reviewed the following applications for in-state pharmacies and took action as indicated.

- a. Community Health Centers of the Rutland Region, Inc. d/b/a **Brandon Community Pharmacy**, located at 420 Grove Street, Brandon, Vermont, submitted an Application for License to Conduct

an In-State Pharmacy (Retail Drug Outlet). A Temporary license was issued and is set to expire on June 28, 2010.

Inspector Vincent reported that a final inspection was conducted on June 7, 2010. Based on the favorable inspection, Ms. Eaton made a motion, seconded by Chairman Vincent, to approve this pharmacy for full licensure. Motion passed unanimously.

- b. Fletcher Allen Health Care d/b/a **Fletcher Allen Home Infusion Pharmacy**, located at 1 South Prospect Street, Suite 1413, Burlington, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). The hospital is separating out the home infusion section. A Temporary license was issued and is set to expire on July 10, 2010. Inspector Vincent reported that a final inspection was conducted on June 16, 2010. Based on the favorable inspection, Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve this pharmacy for full licensure. Motion passed unanimously.
- c. **Johnson's Harvest Pharmacy LLC**, located at 18 Clark Avenue, Johnson, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). Initial inspection is required.
- d. Kinney Drugs, Inc. d/b/a **Kinney Drugs, Inc. #102**, located at 151 Vermont Route 12 South, Randolph, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). A Temporary license was issued and is set to expire on July 3, 2010. Inspector Vincent reported that a final inspection was conducted on June 9, 2010. Based on the favorable inspection, Ms. Eaton made a motion, seconded by Mr. Labor, to approve this pharmacy for full licensure pending receipt of additional documentation. Motion passed unanimously.
- e. Wilcox Medical, Inc., d/b/a **Wilcox Home Infusion**, located at 250 Stratton Road, Rutland, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet) to reflect a change in ownership. The Board was advised that the change in ownership was done at a high level in the hierarchy. The site, pharmacy structure, manager and operation have not changed. Inspector Vincent reported that an inspection was conducted on May 19, 2010. Based on the favorable inspection, Ms. Eaton made a motion, seconded by Mr. Pease, to approve this pharmacy for full licensure. Motion passed unanimously.
- f. Montpelier Pharmacy, Inc., d/b/a **Brattleboro Pharmacy**, 413 Canal Street, Brattleboro, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). Further documentation and initial Inspection is required.
- g. Montpelier Pharmacy, Inc. d/b/a **Montpelier Pharmacy**, located at 69 Main Street, Montpelier, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet) to reflect a change in ownership. An inspection is required.
- h. Montpelier Pharmacy, Inc. d/b/a **Waterbury Pharmacy**, located at 149 South Main Street, Waterbury, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). Additional documentation is needed and an initial inspection is required.
- i. Kevin F. Mee d/b/a **KFM Medical Supplies and Equipment**, located at 13 Sonia Drive, Rutland, Vermont, submitted an Application for an in-state Wholesale Distributor (broker). Mr. Mee will submit the revised wholesaler application. The Board approved this application in concept and will reconsider it when it is complete.

11. **Change in Pharmacist Manager:**

Mr. Labor made a motion, seconded by Mr. Pease, to approve the change in pharmacist managers as indicated below. The question was called and the motion passed unanimously.

- a. Hannaford Food & Drug #162, (038-3331), located at 80 Fairgrounds Plaza, Morrisville, Vermont, changed pharmacist managers from John E. Joy to Steven Collins.
- b. Kinney Drugs, Inc. #102, (038-66144-TEMP), located at 151 Vermont Route 12 S, Randolph, Vermont, changed pharmacist managers from Marvin H. Johnson to Jeremiah Vincent.
- c. Kinney Drugs, Inc. #101, (038-63144), located at 80 South Main Street, Waterbury, Vermont, changed pharmacist managers from John W. Vincent to Susan Quinn.
- d. Springfield Pharmacy Inc., (038-3324), located at 262 River Street, Springfield, Vermont, changed pharmacist managers from Jane Kirkpatrick to Jill E. Talbot.
- e. Walgreens Pharmacy #01756, (038-3345), located at 10 Woodstock Avenue, Rutland, Vermont, changed pharmacist managers from Laura L. McAllister to Heather M. Delucia.
- f. Walgreens Pharmacy #07270, (038-3340), located at 467 Canal Street, Brattleboro, Vermont, changed pharmacist managers from Heather M. Delucia to Susan DeLeo. (pending original)
- g. Kinney Drugs, Inc. #98, (038-45350), located at Route 30, Bomoseen, VT, changed pharmacist managers from Richard W. Abel to Laura L. McAllister.

**12. Non-Resident Pharmacies:**

Several non-resident pharmacy applications with no record of prior disciplinary actions were approved for licensure since the last meeting based on their completed applications. The Board reviewed the applications listed below with prior disciplinary actions. Based on the information provided, Ms. Eaton made a motion, seconded by Mr. Pease, to approve the following non-resident pharmacies for licensure. Motion passed unanimously.

- a. BCP Veterinary Pharmacy, 1614 Webster Street, Houston, TX.
- b. ESI Mai Pharmacy Service, Inc., dba Express Scripts, 4415 Lewis Road, Harrisburg, PA.
- c. Mini Pharmacy Enterprises, Inc., 2425 Porter Street, Los Angeles, CA.

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

Several non-resident wholesale distributor applications with no record of prior disciplinary actions were approved since the last meeting based on their completed applications. The Board reviewed the applications listed below with prior disciplinary actions. Based on the information provided, Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve the following applicants for licensure. Motion passed unanimously.

- a. Baxter Healthcare Corporation, 8640 Nail Road, Olive Branch, MS.
- b. Mylan Pharmaceuticals Inc., 781 Chestnut Ridge Road, Morgantown, WV.
- c. Owens & Minor Distribution, Inc., dba Owens & Minor Healthcare Logistics, 6201 Global Distribution Way, Louisville, KY. Dwayne Calek was present to discuss this application.
- d. Tri-anim Health Services, Inc., 201A Avenue B, Youngwood, PA.
- e. Wyeth Pharmaceuticals, Division of Wyeth LLC, 98 Excellence Way, Vonore, TN.
- f. Wyeth Pharmaceuticals, Division of Wyeth LLC, 1802 Brierley Way, Sparks, NV.
- g. Edwards Lifesciences Technology SARL, State Road 402 North, Anasco, Puerto Rico (approved pending receipt of additional documentation)

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

The Board reviewed and noted the following:

- a. Greater Falls Pharmacy, (038-3341), submitted a notification of change in hours of operations.
- b. Pharmacare Direct #1638, (036-12), located at 620 Epsilon Drive, Pittsburgh, PA, submitted a request to cancel their Vermont non-resident pharmacy license as they will no longer be shipping/dispensing prescription medications.
- c. Cephalon, Inc., (039-525), located at 15 Ingram Boulevard, La Vergne, TN, submitted a request to cancel their Vermont wholesaler license as they will be utilizing a third party logistics provider to handle the distribution of their products into Vermont.

15. **Continuing Pharmacy Education Requests:**

Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve the following continuing pharmacy education requests as indicated. The question was called and the motion passed unanimously.

- a. **“The Intensive Care Unit: A Pharmacist’s Approach”** submitted by Shawn Barito with Fletcher Allen Health Care, was approved for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on January 19, 2010. The Board issued approval number CPE-017 (L) – 0610.
- b. **“Fungal Infections in the Critically Ill”** submitted by Shawn Barito with Fletcher Allen Health Care, was approved for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on February 16, 2010. The Board issued approval number CPE-018 (L) – 0610.
- c. **“Management of Post Operative Delirium”** submitted by Shawna Barito with Fletcher Allen Health Care, was approved for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on March 16, 2010. The Board issued approval number CPE-019 (L) – 0610.
- d. **“Advances in Cystic Fibrosis Pulmonary Disease”** submitted by Shawn Barito with Fletcher Allen Health Care, was approved for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on May 18, 2010. The Board issued approval number CPE-020 (L) – 0610.
- e. **“Strategies for Excellence in Stroke Care”** submitted by Michele Kartschoke, was approved for six (6) live (didactic) continuing pharmacy education credits. The seminar will be held on August 9, 2010. The Board issued approval number CPE-021 (L) – 0610.
- f. **“8<sup>th</sup> Annual Northern New England Critical Care Conference”** submitted by Natalie E. Remillard with the University of Vermont, was approved for thirteen and one half (13.5) live (didactic) continuing pharmacy education credits. The conference will be held on September 30<sup>th</sup> through October 2<sup>nd</sup> of 2010. The Board issued approval number CPE-022 (L) – 0610.

16. **Intern/Preceptor application(s)**

**Tarek El-Assar** – The Board reviewed Mr. El-Assar’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 1,430 hours he earned from October 20, 2009 to June 18, 2010 while working at Rite Aid Pharmacy #10332 with Julie M. Baker as his preceptor. The Board noted that he had also requested advance approval of the 70+ additional hours he expected to earn by July 3<sup>rd</sup> for the 1500 hours required. Chairman Vincent made a motion, seconded by Mr. Pease, to approve the 1430 internship hours Mr. El-Assar has earned. The Board would not approve hours in advance but agreed to review the documents upon receipt so he would not have to wait to the next Board meeting. Motion passed unanimously.

Chairman Vincent made a motion, seconded by Mr. Pease, to approve **John C. Ruggles'** Preceptor Application. Motion passed unanimously.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 352** (1250 Resident, 102 Non-Resident).

18. **Newsletter Topics!**

Topics to be covered in the September 2010 issue of the Newsletter will include clarification of electronic prescribing of Schedule II drugs (only permitted computer to computer) and information regarding signage requirements.

19. **Miscellaneous Correspondence**

- a. The Board reviewed the updated Application for Licensure as a Wholesaler, Manufacturer or Re-Packager. Revisions will include the definition and check boxes for the type of wholesale distributor (i.e., broker). The revised application will be forwarded to members for review and final approval.
- b. The Board reviewed the May 21, 2010 email from Dr. Paul Newton with North Country Health Systems regarding regulations for faxed prescriptions for non-controlled substances. Dr. Newton has been advised of the requirements. In addition, further clarification was provided in the Board's June 2010 Newsletter. Dr. Newton had also proposed an exception of their Emergency Department dispensing policy which was shared with the Board. The Board mentioned concerns about family members picking up the medication for this process since these drugs would most likely be injectable CII narcotics. The Board indicated the proposed policy was acceptable minus the family member pick-up for chain of custody and diversion reasons. Mr. Labor will advise them.
- c. The Board reviewed the May 19, 2010 email from Dean A. Allen, Director of Pharmacy at Mt. Ascutney Hospital and Health Center asking if their new collaborative practice was within the guidelines of the rules. The Board indicated that the description he provided would be acceptable.
- d. The Board reviewed the May 12, 2010 letter from Marianna F. Miyazaki with Arent Fox, LLP, which was addressed to the Board of Nursing, regarding requirements for purchasing, distributing and administering vaccines. The Board also reviewed the June 22, 2010 letter from Linda J. Cohen with Dinse, Knap & McAndrew regarding those requirements. The Board concluded that this matter must be addressed by the Vermont Department of Health, not by the Board. Attorney Novins will respond.
- e. The Board reviewed the May 20, 2010 email from Marty Irons regarding dispensing requirements for prescriptions written for less than 90 days but with sufficient refills to dispense 90 days. The Board indicated that if there were sufficient refills, it would be acceptable to dispense for the 90 days.
- f. The Board reviewed the June 15, 2010 email from Attorney Tara L. Danforth with Quarles & Brady LLP, Phoenix, Arizona, regarding their non-resident pharmacy client's green initiative regarding patient counseling requirements. They propose to send written patient counseling information with all new prescriptions but ask that for refills they only provide a toll free number with a statement that a pharmacist is available to handle patient questions or concerns. The Board indicated that as long as a toll free number is provided for refill prescriptions it would be acceptable.
- g. The Board reviewed the June 14, 2010 email from Michael Leake, R.Ph. with Price Chopper seeking clarification on the difference between written and unwritten prescriptions, more specifically electronically generated prescriptions. The Board indicated that a written prescription would include faxing the hard copy prescription. Electronic prescriptions include computer to computer and



computer to fax. The Board will also advise Mr. Leake of the new regulations concerning the allowance of electronic prescribing of controlled substances which is only permitted (prescriber's) computer to (pharmacy's) computer.

- h. The Board reviewed the June 21, 2010 email from Nancy Hogue with OVHA regarding Buprenorphine prescriptions from a provider who is voluntarily surrendering his X-DEA license as of June 30<sup>th</sup>. The Board indicated that prescriptions or remaining refills cannot be filled after June 30<sup>th</sup>. The Board would have no way of knowing whether the pharmacy would know if the prescriber no longer has a valid X-DEA registration.
- i. The Board reviewed the June 16, 2010 email from Cathy Giroux regarding pharmacy technicians participating in a code. The Board indicated that pharmacists are usually present at a code. The pharmacy technician could record the code without the presence of the pharmacist, but could not handle medications without the direct supervision of the pharmacist.
- j. The Board reviewed the June 17, 2010 email from Dr. Martin Walko concerning the requirement for his DEA number on a prescription for a non-controlled drug. The Board indicated that it has no control over what some insurance companies require to process prescriptions.

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

- a. The Board reviewed the May 19, 2010 fax from Larry Mokhiber with the New York Board of Pharmacy concerning the upcoming 2010 NABP/AACP District I and II Meeting to be held in Cooperstown, New York, October 29-31, 2010.
- b. The Board reviewed and noted miscellaneous NABP correspondence.

21. **Public Comment**

Comments from guests were addressed above.

22. **Other Business Introduced**

23. The next meeting of the Board is scheduled for **Wednesday, July 21, 2010**. The Board voted to change the meeting date from July 28<sup>th</sup> to July 21<sup>st</sup> to accommodate vacation schedules. Meeting dates for 2010 are as follows: August 25<sup>th</sup>, September 22<sup>nd</sup>, October 27<sup>th</sup> and December 1<sup>st</sup>.

24. There being no further business, the meeting was adjourned at 2:37 PM.

Respectfully submitted,

Carla Preston, Unit Administrator  
Office of Professional Regulation