

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
UNAPPROVED MINUTES
Meeting of July 23, 2008

1. The meeting was called to order at 9:06 AM.

Members present: Earl W. Pease, Pharm.D., Chair; Steven M. Vincent, R.Ph., Vice-Chair; Emma J. Pudvah, Secretary; Julie A. Eaton, R.Ph.; Larry Labor, R.Ph. and Ann Overton. Absent: Jeffrey P. Firlik, R.Ph.

OPR Personnel: Larry S. Novins, Board Counsel; Carla Preston, Unit Administrator; Daniel Vincent, Inspector; Edward G. Adrian, State Prosecuting Attorney; Betsy Ann Wrask, Esq. and Kristi Kemp, Staff Secretary.

Others present: James (Jay) Queenan (Hanna Ford's); Douglas Franzoni, Jr.; Anthony Otis, Esq.; Hunt Blair; Marc Comtois; Kevin Kelley; and Madeleine Mongan.

2. The Chair called for approval of the Minutes of the June 25th meeting. Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve the Minutes of the June 25, 2008 meeting as submitted. Motion passed unanimously.

3. **Guests:**

Hunt Blair, Director, VT Network Service Project Coordinator, with the Bi-State Primary Care Association (BSPCA), Marc Comtois with Maxor, and Kevin Kelley with Community Pharmacy LLC attended the meeting to discuss their telepharmacy pilot project.

Marc Comtois, now with Maxor, said they have submitted a pharmacy application, Pharmacy Network LLC d/b/a/ **Community Health Pharmacy** which will be the pharmacy from which mail order (central fill) would occur. It will be located on Brentwood Avenue in Colchester, Vermont. They would like this pharmacy inspected soon to obtain a DEA registration number so that they may order drugs. They indicated that they plan to begin operation of the mail order pharmacy as soon as it is licensed. He said Carl Birdsong had submitted a request to the Board's inspector concerning the proposed counter space.

Hunt Blair said once the pharmacy is operating, they would resubmit information and applications regarding their request for three remote locations as a pilot project. He explained that the purpose of the remote locations is to serve uninsured or underinsured persons who otherwise would not be able to afford prescription medications. He said they must be a patient of a federally qualified health center (FQHC) to receive this service and noted that all patients are given the choice of where to have their prescription filled. The pharmacy is owned by the health center but patients may go to other pharmacies if they prefer. Access to prescription medications are greatly improved to the uninsured.

In response to the Board's concerns about their proposed mail order business and the possibility of putting community pharmacies out of business, Kevin Kelley said the thrust of the 340B program is to expand access for uninsured patients, not to compete with local pharmacies. The majority of patients served at the FQHC's are uninsured who would not typically fill medications at a local pharmacy. Persons with insurance are likely to continue with their local pharmacy.

Mr. Blair reported that out of five FQHC's at least 9,000 persons served are uninsured. He said some of those patients may be eligible but have not enrolled. He said the health centers have extensive requirements with regard to Medicaid and Medicare. He said currently FQHC's are restricted to contract with only one pharmacy but efforts are being made to eliminate that restriction. The pharmacy is proposing the centralized pharmacy in Colchester since the federal restriction is in effect. He said the financial benefit to the health centers from the 340B program is a vehicle to help cover the cost to provide additional health care such as dental and behavioral health.

3. **Guests** - continued

The Board reminded the applicants of the intent of the statute concerning pilot projects. The Board reviewed the request for approval of the counter area at the centralized pharmacy in Colchester. Based on the floor plans and description provided, the Board found that the proposal was satisfactory in that the belt could be considered. The Board found that the proposed counterspace in this situation. Daniel Vincent, Inspector, will be advised.

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

- a. A hearing was held at approximately 10:00 AM in the matter of Palm Beach Pharmaceuticals, Inc., Docket Number APP-RX82-0607, based on its preliminary denial for licensure as a non-resident pharmacy. The Respondent (corporate officers) did not attend nor was it represented by Counsel. Attorney Larry Novins presided for the Board. Edward Adrian, Esq. was present for the State. The State's Exhibits concerning the felony convictions of the corporation's officers were readmitted. The Board voted to go into deliberative session at 10:48 AM and out at approximately 11:00 AM. A written decision will be prepared and sent to the Respondent.
- b. At approximately 11:05 AM a hearing in the matter of Shonda L. LaPan, Docket Number APP-RX70-0608 was held based on her preliminary denial of registration as a pharmacy technician. Ms. LaPan was present. Attorney Larry Novins presided for the Board. Edward Adrian, Esq. was present for the State. Ms. LaPan's registration was preliminarily denied for failing to disclose disciplinary taken against her by the Board of Nursing. The Board voted to go into deliberative session at 11:17 AM and out at approximately 11:56 AM. A written decision will be prepared and sent to the Respondent.

5. **Follow-Up Cases :**

The Board reviewed recent submittals from the Respondents listed below concerning compliance with their Board Orders. Based on the information provided, the Board found them to be in compliance with the conditions imposed on their licenses.

RX11-0806 and RX16-0906–William Aimi/Corner Drug Co., Inc.–in compliance with conditions
RX34-0306–Gary Illingworth–in compliance with conditions with regard to employer reporting

6. **Reports:**

Julie Eaton agreed to assist Inspector Vincent with statutory or rule (including federal) requirements to support answers she provides to pharmacists. He will be provided with a list of approved online references that are not specifically listed in the Board's rules. He asked for feedback on the revised inspection form. No one expressed any additional comments about the forms.

7. **Legislation/Rulemaking:**

The Board reviewed the proposed changes suggested from its work session on July 14th. They addressed the issue of telepharmacy for out-of-state practitioners (pharmacists) who are not affiliated with a non-resident pharmacy but who provides services (such as medication therapy management) to hospitals and clinics. The proposed regulations would require registration versus licensure.

7. **Legislation/Rulemaking** - continued

The Board also discussed additional requirements for wholesalers. A copy of their most recent inspection results is required for initial application and for renewal. If the wholesaler is located in a state that does not inspect wholesalers, Verified-Accredited Wholesale Distributors (VAWD) certification through the National Association of Boards of Pharmacy would be required. A copy of the most recent draft will be provided to members. In addition, the proposed draft will be posted on the Website and shared with others (including but not limited to Medical Practice Board, Board of Nursing, Dentist, Osteopathic Physicians, BISCHA, and soon).

Madeleine Mongan agreed to work with Larry Novins to draft a paragraph to be included in newsletters concerning the changes in Schedule II prescriptions which was just passed by the Legislature. In addition, prescribers will be reminded that it is not legal to fax prescriptions for schedule II medications (C.F.R. 1306 of the federal regulations).

8. **COMPLAINTS :**

RX33-0306--Report of Concluded Investigation. The Report was clarified further. The Board voted to accept the Investigative Team's recommendation and conclude the case without charges. Motion passed unanimously.

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

Mr. Vincent made a motion, seconded by Mr. Labor, to approve the following applicants for licensure as pharmacists. The question was called and the motion passed unanimously.

Cara Alexaitis (Examination)
Jayde L. Bednarik (Score Transfer)
Kristin R. Debellis (Endorsement)
Melanie A. Foster (Endorsement)
Jonathan A. Reynolds (Endorsement)

Craig L. Barr (Examination)
Phong T. Dang (Examination)
Brent Delabruere (Examination)
Bradley J. Pastore (Examination)
Kelli Rothenberger (Examination)

10. **Drug Outlets:**

a. **Kinney Drugs Inc. #29**, (038-0002470) located at 308 Shelburne Road, Burlington, VT (formerly located at 789 Pine Street, Burlington), submitted a new application to reflect the change in location. An initial inspection was conducted on or about July 1, 2008 and the pharmacy was issued a Temporary license. A second inspection once the pharmacy is open is required.

b. Pharmacy Network LLC d/b/a/ **Community Health Pharmacy**, 150 Brentwood Avenue, Colchester, VT submitted a new application for mail order. An initial inspection will be conducted when determined ready for it.

11. **Change in Pharmacist Manager:**

Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the changes in pharmacist managers as indicated below. Motion passed unanimously.

- a. **Kinney Drugs #29**, (038-0002470), located at 789 Pine Street, Burlington, Vermont, changed pharmacist managers from Leah R. Rosenthal to Larry A. Renaud.
- b. **Kinney Drugs, Inc. #69**, (038-0003336), located at 600 Blair Park Road, Suite 195, Williston, Vermont, changed pharmacist managers from Kenneth S. Cudney to Leah R. Rosenthal.

11. **Change in Pharmacist Manager** - continued

- c. **Kinney Drugs, Inc. #93**, (038-0003356), located at 957 Memorial Drive, St. Johnsbury, Vermont, changed pharmacist managers from Margaret E. Morrissette to Laura W. Flaherty.
- d. **Hannaford Food & Drug #129** (038-0003339), located at 456 South Barre Road, Barre, Vermont, changed pharmacist managers from Philip Hoeppner to Cheryl Hackett. The new pharmacist manager must resubmit a signed copy of the inventory.

12. **Non-Resident Drug Outlets:**

Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the following non-resident drug outlets. Motion passed unanimously.

- a. Aetna RX Home Delivery LLC, Kansas City, MO
- b. G&T Pharmaceuticals Inc., Brookhaven, MS
- c. Independent Home Pharmacy, II, Murray, KY

13. **Wholesale Drug Outlets:**

Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the following (non-resident) wholesale drug outlets. Motion passed unanimously.

- a. Coram Alternate Site Services, Inc., Malvern, PA

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

15. **Continuing Education Requests:**

- a. ***“PRISTIQ: A New SNRI for the Treatment of Major Depressive Disorder,”*** submitted by Dr. Michael McNamara, was approved for one hour of didactic continuing education credit. The approval number issued is CE310(L)-0708.
- b. ***“6th Annual Northern New England Critical Care Conference,”*** submitted by the University of Vermont, Continuing Medical Education, was approved for a total of 11.25 hours, of which 1.5 hours are didactic. The approval numbers issued are CE311(L)-0708 for 1.5 hours and CE312-0708 for 8.75 hours.
- c. ***“Drug Treatment of Neuropsychiatric Symptoms of Dementia,”*** submitted by Fletcher Allen Health Care, Pharmacy Department, was approved for one hour of didactic continuing education credit. The approval number issued is CE313(L)-0708.

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

Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the following Applications as indicated. Motion passed unanimously.

- a. Tierney A. Clark – Application for Registration of Intern – approved.
- b. Carrie J. Fox – Application for Registration of Intern – approved.
- c. Diana J. Rawding – Application for Registration of Intern – approved.

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

- d. Omini Surapaneni–Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours was approved for the 607 hours she earned during the period of March 16, 2008 through July 01, 2008 while working at Rite Aid Pharmacy in Windsor, Vermont.
- e. Patricia A. Coons–Application as a Preceptor– approved.
- f. Sara L. Little–Application as a Preceptor– approved.
- g. Robert Orleck–Application as a Preceptor– approved.

17. **Pharmacy Technicians:** There are a total of 1,309 Active Registered Technicians as of July 23, 2008.

18. **Newsletter Topics!**

Topics for the newsletter will include an notice regarding the latest proposed rule changes, prohibitions regarding faxing schedule II prescriptions, additional information regarding requirements for Schedule II drugs, etc.

19. **Miscellaneous Correspondence**

- a. The Board reviewed the July 9, 2008 Email from Rich Meader concerning licensure requirements for distributing a prescription device that deliver’s insulin to patients. Licensure is not required for equipment.
- b. The Board reviewed the July 9, 2008 Email from Elliott Sogol, Ph.D. concerning licensure requirement for ZyCare, a Medical Device Distributor out of North Carolina. Licensure is not required for durable medical equipment (DME) distributors.

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

21. **Public Comment**

22. **Other Business Introduced**

23. The next meeting is scheduled for **Wednesday, August 27, 2008** at 9:00 AM. Future meetings for 2008 are scheduled as follows: September 24th; October 22nd; and December 3rd.

24. There being no further business, the meeting was adjourned at 2:55 PM.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation