

**Board of Pharmacy**  
Secretary of State, Office of Professional Regulation  
National Life Building, North, Floor 2, Montpelier, VT 05620-3402  
**Unapproved Minutes**  
**Meeting of March 3, 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; Jeffrey P. Firlík, R.Ph.; Larry Labor, R.Ph.; and Emma J. Pudvah. Absent: Earl W. Pease, Pharm.D.

OPR Personnel present: Larry S. Novins, Board Counsel; Gregg Meyer, State Prosecuting Attorney, Inspector Daniel Vincent, and Kristy Kemp, Administrative Assistant. Carla Preston, Unit Administrator, participated via phone.

Others present: Crystal Bousquet from Anthony Otis' Office, representing the Vermont Community Retail Pharmacy Coalition; Kerri L. Ryan, R.Ph. with CVS Pharmacies, Rachel L. Thomas, R.Ph.; Joshua L. Simonds, Esq., Glenn A. Myer, R.Ph.; Thomas Somers, Esq.; and Robert Frenier. Diane Darvey and James Marmar, R.Ph. participated via phone.

2. The Chair called for approval of the Minutes of the January 27<sup>th</sup> meeting. The matter regarding Sheri Buckley was amended to show that Board member Jeffrey Firlík had also recused himself from this matter. On page two, the discussion with Douglas Poulter was further clarified to show that the college tracks the registration of its pharmacist preceptors but would not necessarily track the registration of all preceptors students may be supervised under. The deliberative session time regarding Barton Pharmacy was corrected to show out at 9:48 AM. Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve the Minutes of the January 27, 2010 meeting as corrected. Motion passed unanimously.

3. **Guests:**

- A. 10:00 A.M. – Robert Frenier with Chelsea Health Center attended the meeting to provide an update on the mail box delivery system which was approved by the Board in 2009. He was also exploring the possibility of using an automatic dispensing unit (ADU) similar to the one used by the Plainfield Health Center. Mr. Frenier said they built their building on time and were in hopes of implementing their proposed mailbox delivery system. He said they learned that their insurance company does not cover the liability of giving patients a key to the box, thus it would not work out as planned. He said they are now exploring other options and visited the Plainfield Health Center to observe their system. He said he was inspired by the setup with the automated dispensing unit for that Federally Qualified Health Care center. Mr. Frenier said he witnessed the process for the video conferencing. He said they are not a FQHC center and asked if they would be eligible for a pilot project. Mr. Frenier mentioned his concern for patients who have to drive 45 minutes and many miles to get their prescriptions filled.

The Board explained that the Legislature approved the FQHC (340B) health centers separately from the Board's pilot project, therefore they could apply. The Board agreed that this location is more remote than others. Members mentioned similar operations in other states and how they function. The pharmacist is in one location (pharmacy) and releases the medications from the ADU which is then dispensed by the pharmacy technician at the remote site.

The Board noted its concerns about the existing location regarding counseling or having the opportunity for it not taking place as often as it should since the prescriptions dispensed from that automated dispensing unit are acute (initial fill) medications. The Board noted that if the pilot project scenario becomes permanent it will mandate counseling. The Board needs to enter the rulemaking process within two years.

Mr. Frenier said they might have about 30 prescriptions or so a day. He was concerned about having to hire another person. He said they talking with the ambulance personnel since they have some training and experience.

The Board noted that the person located at the site of the ADU must have some training and recommended national certification through the Pharmacy Technician Certification Board (PTCB). The pharmacy technician must be an employee of the pharmacy not of the health center. The Board acknowledged that current law does not require training for technicians, but explained that since this is a pilot project the Board can be more specific about requirements to ensure public safety. The Board recommended work experience and national certification for a person operating the remote dispensing unit. The pharmacy technician would need training regarding The Health Insurance Portability and Accountability Act (HIPAA) of 1996. The Board noted that it might be possible to hire someone part-time and limit the hours in which prescriptions could be picked up. Another option is that the pharmacy agreeing to operate the remote site could provide the staff. Because this would be an offsite location, they will want someone with good experience and qualifications. Inspector Vincent added that they would be dealing with patients and would want someone with experience to collect that information. The Board noted later that in lieu of certification, a technician with several years of experience who has learned the boundary limits from actual work experience may be acceptable for this type of position.

Mr. Frenier said the health center would rather not be tied to the pharmacy portion. He said they would like to be able to dispense acute medications on site. He said refills are handled elsewhere and they are pleased with that process. He said they approached Maxor National Pharmacy Services Corporation in Texas and they were not in favor of it since they dealt with the 340B aspect.

The Board noted that the remote site or automated dispensing unit would have to be located at the health center. Mr. Firlik indicated that there is no legal reason for them to not contract with Maxor at the Colchester site even though they are not under the 340B rules. He explained that under 340B rules, they cannot dispense at that cost, but they could have more than one inventory. He said they could accomplish it through split billing software and provided more detail about the process.

In response to the Board's questions, Mr. Frenier indicated that the machine would need to be stocked with some controlled drugs.

The Board agreed. The machine must be located in a secure location. A private counseling area must be provided for but it does not need to be a separate room.

Mr. Frenier said they are exploring options. He said they will check with the pharmacies where most patients go, which is in the Barre direction. He said he wanted to be involved in the rulemaking for the pilot project.

The Board invited Mr. Frenier to return with other options. He was advised to check the Board's web site for rulemaking information.

- B. Joshua Simonds, Esq. and Glenn A. Myer, R.Ph. attended the meeting to discuss Mr. Myer's pending pharmacy application for Johnson's Harvest Pharmacy LLC. Attorney Simonds indicated that his client's pharmacy application has been pending for months and they want it to move forward to the initial inspection phase. They understand that there are some outstanding concerns pertaining to security and would like the Board's Inspector to manage that issue. They said there is no bay window in the proposed pharmacy space, which earlier sketches appeared to show. All windows will be censored. They referred to the architectural drawings provided by the security company which provided more detail about the area. They reported that the doors are locked and monitored. The steps/stairs shown on the plans go upward to Mr. Myer's residence. Mr. Myer clarified that a food business (healthy cooking) would be separate from the pharmacy area. He said the entire space is

secure. Attorney Simonds reported that the requested letter from Mr. Marmar regarding the supervision has been submitted to the Board. Mr. Myer verified that he is the sole owner of the pharmacy and that he filed an Annual Report for his limited liability company to reflect that change. He had faxed in a revised application to show himself as the sole owner as well.

The Board noted that the pharmacy application was submitted in October of 2009. Questions then arose regarding ownership. The Board clarified the process for new pharmacy applications and inspections, noting that it has not changed but is clearer in the new rules. Since there were deficiencies regarding the application it had not yet moved to the inspection phase. The Board indicated that the updated application showing the ownership change must be submitted with an original signature. The Board asked about Mr. Myer's response to the question on the application concerning unemployment compensation. Mr. Myer responded, "This does not apply to me, because I am not now, nor have I ever been, an employer." The Board noted that he operated a pharmacy and restaurant business in Stowe.

Mr. Myer said he did not have employees at his pharmacy in Stowe, he provided people with 1099s for their income statements. He said the restaurant business did have employees. He said no unemployment compensation is owed. The matter was discussed further. In the end, the Board allowed Mr. Myer to amend his answer to the question, initial and date it.

In response to the Board's questions, Mr. Myer said he would be the pharmacist manager of his pharmacy with James Marmar as his supervisor pursuant to the Board's October 21, 2008 Order. Mr. Myer indicated that Mr. Marmar would prefer to be physically present in Johnson once a month versus every other week.

The Board and its Counsel indicated that to amend the October 2008 Order would require a petition to modify the conditions of the Order. The Order stated that the supervising pharmacist must be "physically present at the Johnson pharmacy for no less than one day (no fewer than 6 hours) per week for the first six months beginning with the opening of the pharmacy." (See item 10 (b))

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

- a. Rachel L. Thomas, R.Ph. attended the meeting to Petition Removal of the Conditions on her pharmacist license. In January of 2007 her license was reinstated with several conditions for a period of three years. She said she had requested modifications of the conditions in June and in December of 2008 regarding her supervision and the number of hours per week she could work which were approved by the Board. She said she has met all of the conditions and would like to have them removed from her license. Ms. Thomas indicated that she was not currently employed but would be working at a Walmart Pharmacy soon. The State and Investigative Team originally assigned to her case stated no objections to the removal of her conditions. Based on the information presented, Mr. Firlik, made a motion, seconded by Ms. Eaton, to grant Ms. Thomas' request and remove the conditions imposed on her pharmacist license. Attorney Novins will prepare an Order for the record. The question was called and the motion passed. Chairman Vincent, Investigating member, did not participate in the vote.
- b. The Board considered Sheri L. Buckley's (formerly Tofani) Petition for Reinstatement regarding, Docket Number M2010-4 (2004-355/RX01-0704), which was continued from the January 27<sup>th</sup> meeting. It was noted that if a formal vote was again needed, that there would not be a quorum of the Board. Attorney Meyer explained that the Chairman expressed a concern about the condition requiring the Respondent's employer to perform monthly inventory on all narcotics and asked that it be brought back to the Board. Attorney Meyer said the Respondent signed the Order as discussed at the last meeting. He said he was unable to reach the Respondent about proposing a change to the conditions. Attorney Novins said the Board had previously approved the Reinstatement with the conditions set forth at the last meeting.

The Chairman signed the Order as it was originally drafted. Ms. Eaton, Investigating Member, and Mr. Firlik, did not participate in the discussion.

- c. The Board considered a Stipulation and Consent Order in the matter of Southwood Pharmaceuticals, Inc., Docket Number 2007-285 (RX14-0807). Mr. Firlik made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order as presented. The question was called and the motion passed. Chairman Vincent, Investigating Member, did not participate in the vote.
- d. At 11:30 A.M. – The Board considered a Stipulation and Consent Order in the matter of Penro Specialty Compounding and Neal E. Pease, Docket Numbers 2007-167 and 2007-166. There were no objections from any of the parties or the Board members about considering the Stipulation and Consent Order due to the relationship of the Respondent to a Board member. Thomas Somers, Esq. was present and represented the Respondents. Attorney Novins presided for the Board. Attorney Meyer was present for the State and presented the case to the Board. Attorney Somers added that there was significant confusion between the practice and statutes (Controlled Substance Act) governing the compounding community as referenced in the Order. The Respondent(s) changed practices with the physician in question as soon as they were advised of the problem. Chairman Vincent made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order as presented. The Board voted to go into deliberative session at 11:43 A.M. and out at 11:57 A.M. The Board voted to reject the Stipulation and Consent Order as presented due to the sanctions being imposed (warning versus reprimand). The matter was discussed further by the attorneys. The Board went back on the record at 12:05 PM to respond further to questions raised from members of the Board. Attorney Meyer said the issues pertained to 32 prescriptions over the period of a year and a half. Attorney Somers added further explanation about the matter including case law and legal interpretation of applicable laws. The Board went back into deliberative session at 12:21 PM and out at 12:23 PM. The Board voted to accept the Stipulation and Consent Order as presented. The question was called and the motion passed unanimously. An ad hoc Pharmacist was the Investigating Member on these cases.

5. **Reports:**

The Board discussed developing a policy regarding Pharmacy Interns to distinguish between interns while on their school rotations, and interns looking to accrue their 500 non-classroom hours during the summer and school breaks. The differences relate to the naming of their preceptor and reporting the internship hours earned. Ms. Preston and Attorney Novins will draft a policy for Board consideration at its next meeting.

The Board also reviewed the revised Pharmacy Intern Application. The Board suggested eliminating the check boxes on the first page of the application because it implied that a second intern application might be needed. The Board discussed not requiring the name of the preceptor on the intern application, just pointing out the requirement that interns must be supervised by a registered preceptor. In the end, the Board agreed to require the name of the preceptor with the explanation given in the instructions as it was more consistent with the requirements set forth in Part 4 of the Rules. Interns (students) who are working in pharmacies as part of their school experiential rotations, may list their school preceptor/instructor, and do not need to specify at which pharmacy they will be working. Interns who have established third year standing and will begin earning hours outside of the school curriculum toward the 500 non-classroom hours, must indicate the name of the Board-Approved preceptor and the pharmacy in which those internship hours will be earned. Interns will be reminded that they must ensure that their preceptor is registered with the Board for the internship hours to be accepted. The Board asked that the forms on which to report the non-classroom hours be updated soon.

The Board noted that Rule 4.3 (a) under Pharmacy Intern Qualifications would need to be amended since students (interns) are beginning to earn school hours in pharmacies as part of their experiential rotations, prior to achieving least third year standing. They must be registered as interns to be in the pharmacy.

6. **Follow-up Cases**

Review of follow-up cases was tabled to the next meeting.

7. **Legislation/Rulemaking:**

James Marmar, R.Ph. with the Vermont Pharmacists' Association and Diane Darvey, with the National Association of Chain Drug Stores (NACDS) participated via phone regarding this discussion. Crystal Bousquet with Anthony Otis' office was present. They indicated that they were concerned about the statutory change in H.562 pertaining to generic substitution (Title 18 V.S.A. § 4606). They believed that the new language to Section 4606 read as though it was the pharmacist making the determination for substitution which would be a liability issue.

The Board indicated that it recommended changes to the existing law of Section 4606 to eliminate the "S," eliminate the need for a paragraph from the prescriber for not substituting, enabling the pharmacist to take a prescription not to be substituted with a generic drug over the phone, and to remove signage requirements. The Board elaborated further on those specific requirements. The two sentences required by the prescriber stating the reasons not to substitute were removed with the understanding that the prescribers indication of "no substitution," "dispense as written, DAW," or "brand necessary" meant the same thing as the full statement. It did not change the intent of the statute and was intended to resolve problems with prescribers, electronic prescriptions, etc.

Ms. Darvey explained that many people have read the language and are concerned that it could be interpreted that the pharmacist was making the decision. The language must be clear that the prescriber makes the determination to not substitute. She said it opens the door for lack of clarity regarding liability. She said it could negatively impact substitution if it is unclear. She said they want to flip the language so that it reads if the prescriber has no objection to substitution, then the pharmacist shall substitute.

Attorney Novins said he does not feel that there is any question that the prescriber makes the decision. He said the bill has been approved by the House and is now in the Senate. He said he would not recommend making any changes to the language at this point. He noted that if the language were amended on the Senate side it would go to conference committee with uncertain results. He said to his knowledge the previous language was not misunderstood. He said if the Board felt strongly about it, he would recommend that it be taken up again next year.

Ms. Darvey said they would work with their in-state lobbyist on this issue this year or next. She said she would let Anthony Otis know the results and will work together on the issue. She said it helps to hear the Board's interpretation. Mr. Marmar added that he is in favor of any way to simplify the statutes and requirements. They will send their version of the change in electronic format to Attorney Novins.

Ms. Eaton followed up later concerning other rule/legislative changes. She said the Health Care Committee wants a requirement to notify the patient when the manufacturer of a generic drug changes so that the patient is aware that it is the same drug but may appear differently with regard to size, color or shape. As a standard of practice, many pharmacists provide that information to patients, but there is no rule that requires it.

8. **Complaints/Reports of Concluded Investigations** - None.

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.

Glenn M. Fortin, R.Ph. (Endorsement)  
John M. Marraffa, Jr., R.Ph. (Endorsement)

No applications for Registration of Out-of-State Telepharmacy Pharmacists were submitted.

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

- a. **Kinney Drugs, Inc. #101**, 80 South Main Street, Waterbury, VT, submitted a new application to reflect a transfer of ownership from Vincent's Rexall Drugs. A Temporary license has been issued and is set to expire on April 15, 2010. Inspector Vincent indicated that he plans to perform a follow-up inspection in the middle of April. Based on that schedule, Ms. Eaton made a motion, seconded by Mr. Labor, to extend the temporary license to May 31, 2010. Motion passed unanimously.
- b. **Johnson's Harvest Pharmacy LLC**, 18 Clark Avenue, Johnson, VT, submitted an Application for License to Conduct an In-State Pharmacy (Drug Outlet). Glenn Myer and his Attorney, Joshua Simonds, were present to discuss the status of the application (See 3 (B) above). Based on the discussion above, the Board will ask its Inspector to perform an initial inspection of this pharmacy. Inspector Vincent will report his findings to the Board.

11. **Change in Pharmacist Manager:**

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

- a. **Rite Aid Pharmacy #10338**, (038-3377), located at 59 Waterfront Plaza, Newport, Vermont, changed pharmacist managers from Stephen G. Grant to Elaine M. Nicol-Cashin.
- b. **Kinney Drugs Inc. #29**, (038-2470), located at 308 Shelburne Road, Burlington, Vermont, changed pharmacist managers from Margaret E. Morris to Craig Barr, which was approved pending receipt of a copy of the inventory.

12. **Non-Resident Pharmacies:**

Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the following non-resident pharmacies for licensure. The question was called and the motion passed unanimously.

- a. ESRX, Inc., d/b/a Bell Plaza Pharmacy, 6399 So. Atlantic Avenue, Bell, CA.
- b. New York Rx, Inc., 875 3<sup>rd</sup> Avenue, New York, NY.
- c. Trillium International Inc., d/b/a Veterinary Pharmacies of America Inc., 2854 Antoine Drive. Houston, TX.
- d. Option Care Enterprises, Inc., d/b/a Walgreens Specialty Infusion Pharmacy, 2050 S. Finley Road, Lombard, IL.
- e. Healthstar Pharmacy, d/b/a Lenox Village Pharmacy, 5 Walker Street, Lenox, MA.
- f. Walgreens Specialty Pharmacy, LLC, d/b/a Walgreens Specialty Pharmacy #13622, 260-D Fordham Road, Wilmington, MA.

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

Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the following non-resident wholesale distributors and/or manufacturers for licensure based on their completed applications. Motion passed unanimously.

- a. CorePharma, LLC, 236 Lackland Drive, Middlesex, NJ.
- b. Medicis Aesthetics, Inc., 7720 North Dobson Road, Scottsdale, AZ.
- c. Medicis, The Dermatology Company, 7720 North Dobson Road, Scottsdale, AZ.
- d. Ucylyd Pharma, Inc., 7720 North Dobson Road, Scottsdale, AZ.
- e. PSS World Medical, Inc., DbA Physician Sales & Service, One Southern Ct., West Columbia, SC.
- f. ALK-Abello, Inc., 35 Channel Drive, Port Washington, NY.
- g. ALK-Abello, Inc., 1700 Royston Lane, Round Rock, TX.
- h. DPT Laboratories, Ltd, 3300 Research Plaza, San Antonio, TX.
- i. Drogueria De La Villa, Inc., Avenida Jose De Diego #17, Arecibo, Puerto Rico.
- j. Grifols Biologicals Inc., 13111 Temple Avenue, City of Industry, CA.
- k. Sanofi-aventis U.S. LLC, 6239 Lemay Ferry Road, St. Louis, MO.
- l. Versapharm Incorporated, 1775 S. Oak Parkway, Marietta, GA.

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

The Board reviewed and noted the information below. No further action is necessary at this time.

- a. **Marble Works Vergennes**, (038-3399), located at 187 Main Street, Vergennes, Vermont, submitted a notice of change in operating hours. Effective March 1<sup>st</sup> the new hours will be Monday through Friday 9:00 A.M. to 6:00 P.M., Saturday 9:00 A.M. to 3:00 P.M and Sundays 9:00 A.M. to 12:00 P.M.
- b. **Wilcox Home Infusion**, (038-3393), located at 400 Cornerstone Drive, Williston, Vermont, submitted a notice of closure. The pharmacy closed on February 15, 2010.
- c. **Wal-Mart Pharmacy #10-2289**, (038-3301), located at 210 Northside Drive, Bennington, Vermont, submitted a notice of an upcoming remodel. The remodel consists of painting, re-laminating the counters and walls and replacing lenses if needed. The project will take place for three nights after the pharmacy is closed for business during the first week of April.

**15. Continuing Pharmacy Education Requests:**

Ms. Eaton made a motion, seconded by Mr. Firlik, to approve the following continuing pharmacy education request as indicated. Motion passed unanimously.

- a. **“OVHA Pharmacy Benefits Management Program DUR Board Meeting”** submitted by Andrew Miller, was approved for two and one half (2.5) hours live (didactic) continuing pharmacy education credits. The meeting was held on January 12, 2010. The approval number issued is CPE011(L)-0310.

**16. Pharmacy Intern and Preceptor application(s)**

The Board delegated review of these applications to staff. Ms. Kemp noted that the applications were complete and that a few applicants answered yes regarding speeding and/or parking tickets.

The Board approved the following applicants as Pharmacy Interns.

Meghan P. Amiri	Meghan E. Barry
Aditi D. Baxi	Sehjan Bhura
Berhanu L. Feyssa	Gonca Gul
Alexandra M. Jones	Gelareh Karimi
Yuri Larsen	Tsedale T. Legesse
Jason A. Long	Melissa A. Long
Tan-Yi Luk	Stephen F. Mabe
Daniel V. Mackey	Alycia R. Matt
Quynhanh T. Mui	Abirami Murugavel
Geoffrey Q. Natividad	Lesley-Ann N. Nelson
Vy T. Nguyen	Madelle A. Olea
Jay Patel	Kunal Patel
Lisa Patel	Patrick L. Plas
Christina V. Ramnauth	Keri M. Raymond
Michael P. Ritucci	Kristen L. Rodriguez
Alma Sahman	Kathleen R. Skillman
Brittany M. Striegel	Ashley K. Tordoff
Nhu-Mai T. Tran	Livernay Vasallo
Alexander P. West	Rachel J. Wu
Ann S. Zakhari	

The following individual(s) submitted an Intern's Evaluation of Internship Period and Preceptor's Affidavit of Internship Hours.

- a. Jaclyn C. Sanborn - The Board approved the 70.5 hours Ms. Sanborn earned at Hannaford Supermarket & Pharmacy #306 in Rutland, Vermont, during the period of November 28, 2009 through December 22, 2009.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 241** (1160 Resident, 81 Non-Resident).

18. **Newsletter Topics!**

Topics to be covered in the June 2010 issue of the Newsletter will include the clarification regarding nurses' authorizing prescriptions and signature requirements as discussed with Nursing Board Director, Mary Botter on October 28, 2009. Also to be included the newly adopted formulary for naturopathic physicians; reminder that interns and technicians must be registered; information for pharmacies that meet the new definition of an institutional pharmacy may reapply; and the Board's policy re pharmacy interns to distinguish students in school rotations and those earning non-classroom internship hours.

19. **Miscellaneous Correspondence**

- a. The Board reviewed and acknowledged the February 2010 letter from Penny Perrone-Gray from Kinney Drugs, Inc. regarding the public Medication Collection they would be holding on Saturday, April 24, 2010. The Board had no objections and noted that they have a commitment from the Burlington Police Department.
- b. The Board reviewed the December 2009 emails from several employees at the Rutland Regional Medical Center regarding Rule 11.7, Daily Printouts. The Board understands the issue, but noted that the requirement is in effect. The Board will be looking at this issue in the next rule re-write.

19. Miscellaneous Correspondence - continued

- c. The Board reviewed December 2009 email from G. Robert Russell regarding pharmacies that provide medications/services to nursing homes. He will be advised that under the current rules a pharmacy that only provides medications to residents of a nursing home may be considered an institutional pharmacy. The Board agreed that a pharmacy not residing within a nursing home may provide guidance to the nursing home with respect to developing a nursing facility specific medication formulary.
- d. The Board reviewed the December 9, 2009 letter from Mark Polli, R.Ph. with Hannaford Bros. Co., regarding the practice of storing and maintaining retail pharmacy records off site. The Board indicated that storing records off site was acceptable provided they were secure and readily retrievable if needed.
- e. The Board reviewed the December 24, 2009 email from Ji Chen from the Rutland Regional Medical Center, regarding the annual calibration of scales. She asked the Board for information about companies that provide this service. She said the Vermont Department of Agriculture no longer provides that service due to budget cuts. The Board is unaware of any companies providing this service. To meet the requirement they may self calibrate the scales.
- f. The Board reviewed the January 14, 2010 email from Tara Lynn Danforth, an Associate with Quarles and Brady LLP, Phoenix, Arizona, regarding physicians owning a pharmacy and locating it within their practice. The Board noted that there are no provisions that would prevent physicians from owning a pharmacy in Vermont. The established pharmacy must meet the requirements for a pharmacy, i.e., employ a pharmacist as the manager, etc.
- g. The Board reviewed the January 21, 2010 email from Ashley D. Holmes with a software company from Pennsylvania, regarding e-prescribing requirements. The Board indicated that it does not certify software. A hard copy of all Schedule II prescriptions must be provided. Ms. Holmes will be referred to Part 9 of the Rules for more information.
- h. The Board reviewed the March 1, 2010 email from Mike Fish with Hannaford's, regarding registration requirements for software trainers that will be assisting with the transition to a new software program. The Board indicated that the trainers must be registered as pharmacy technicians since they will have access to drugs and will be in the prescription area. Another chain pharmacy organization recently registered its trainers for a similar purpose.
- i. The Board reviewed the February 10, 2010 email exchange between Board staff concerning a pharmacy intern applicant who was attending a non-accredited school of pharmacy. The Board noted that since the school is going through the accreditation process, it is acceptable for Intern registration. The applicant will be reminded that to be eligible for licensure, the applicant must be a graduate of an accredited program by the Accredited Council for Pharmacy Education (ACPE).

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

The Board reviewed and noted miscellaneous NABP correspondence. Ms. Eaton and Mr. Firlik plan to attend the upcoming NABP meeting through its grant.

21. **Public Comment**

Comments from guests were addressed above.

22. **Other Business Introduced**

- A. The Board asked Ms. Preston to send a letter to Community Health Pharmacy, Maxor National Pharmacy Services Corporation, and the Northern Counties Health Care Inc. regarding the status of their pilot project. The report should include the status of the project, the number of prescriptions filled at the Plainfield site, the number of patients counseled, and any other pertinent information in which the Board would be interested. In addition, this group agreed to be of assistance with regard to rulemaking on the topic. The Board plans to begin that process in the near future.
- B. The Board agreed to allow staff to review and issue licenses for non-resident pharmacies and non-resident wholesalers. The applications have been updated with further clarification which ensures that the correct information is submitted as part of the application and expedites the process.

In addition, the Board agreed to allow staff to review and process the intern applications. This will expedite approval dates for interns and allow them to begin earning hours at the date of issuance.

The Board will review all out of the ordinary applications mentioned above. The Board will review Interns' requests for approval of internship hours.

- 23. The next meeting of the Board is scheduled for **Wednesday, April 28, 2010**. Meeting dates for 2010 are as follows: May 26<sup>th</sup>, June 23<sup>rd</sup>, July 28<sup>th</sup>, August 25<sup>th</sup>, September 22<sup>nd</sup>, October 27<sup>th</sup> and December 1, 2010.
- 24. There being no further business, the meeting was adjourned at 2:55 PM.

Respectfully submitted,

Carla Preston, Unit Administrator  
Office of Professional Regulation