

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
December 7, 2011 at 9:00 A.M.

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

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

OPR Personnel Present: Larry S. Novins, Board Counsel; Peter Comart, Licensing Administrator; Carla Preston, Case Manager; Dan Vincent, Inspector and Kristy Pirie, Licensing Board Specialist.

Others Present: Glenn Myer, Joshua L. Simonds, Esq.

2. The Chair called for approval of the Minutes of the October 26th meeting. Mr. Labor made a motion, seconded by Mr. Pease, to approve the minutes of the October 26, 2011 meeting as written. Motion passed unanimously.

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

- a. The Board considered a Stipulation and Consent Order in the matter of Aetna Specialty Pharmacy LLC, Docket Number 2011-598. Larry S. Novins presided for the Board. Edward G. Adrian, Prosecuting Attorney, was present for the Respondent. The Respondent was not present. Mr. Firlik made a motion, seconded by the Mr. Labor, to accept the Stipulation and Consent Order. The Board went into deliberative at 9:33 A.M. and out at 9:36 A.M. The motion passed. Mr. Vincent, Investigating Member, did not participate in the vote.
- b. An appeal hearing was held in the matter of Glenn Myer, Docket Number M2011-54. Larry S. Novins presided for the Board. Edward G. Adrian, Prosecuting Attorney, was present for the Respondent. The Respondent and his Attorney, Joshua L. Simonds, were present. The Board decided to handle this matter in a deliberative session. It will issue a written decision. Mr. Firlik, Investigating Member, did not participate in the vote.
- c. A default hearing was held in the matter of Eric aL. Lemire, Docket Number 2011-443. Larry S. Novins presided for the Board. Edward G. Adrian, Prosecuting Attorney, was present for the Respondent. The Respondent was not present. Attorney Novins reported on the notice to the Respondent. The Chair made a motion, seconded by Mr. Firlik, to find the Respondent in default. Attorney Adrian presented the State's recommendation of revoking the Respondent's license. The Chair made a motion, seconded by Mr. Firlik, to revoke the Respondent's license. The question was called and the motion passed. Mr. Vincent, Investigating Member, did not participate in the votes.

4. **Guests:** (None)

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

Carla Preston, Case Manager, reported on current and follow-up cases.

There are currently 72 cases. 28 are ready for closing, 5 pending investigative team meetings, 16 are currently under investigation, charges have been filed or a hearing has been scheduled for 13 of the cases and 10 are pending charges to be filed.

The Board considered a request for reinstatement from Rite Aid Pharmacy #10325, Docket Number M2011-133. Based on the information provided, Mr. Vincent made a motion, seconded by Mr. Labor, to grant the request for reinstatement. Motion passed unanimously. The Chair, Investigating Member, did not participate in the vote.

The Board considered a request for reinstatement from Robert A. Crystal, Docket Number M2010-36. Based on the information provided, Mr. Firlik made a motion, seconded by Mr. Pease, to grant the request for reinstatement. Motion passed unanimously. The Chair, Investigating Member, did not participate in the vote.

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

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

- a. 2010-473 and 2010-474-The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Mr. Firlik, 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.
- b. 2010-643 and 2010-644-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. Firlik, Investigating Member, did not participate in the vote.
- c. 2011-40-The Board reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by the Chair, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Vincent was the Investigating Member.
- d. 2011-335 and 2011-336-The Board reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Mr. Vincent, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Emma Pudvah was the Investigative Team Member.
- e. 2011-340-The Board reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Mr. Vincent, to reject the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Emma Pudvah was the Investigative Team Member.
- f. 2011-365 and 2011-366-The Board reviewed the Report of Concluded Investigation. Mr. Labor made a motion, seconded by Mr. Firlik, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Emma Pudvah was the Investigative Team Member.

conclude the case without formal prosecution. Motion passed. Mr. Pease, Investigating Member, did not participate in the vote.

- g. 2011-491-The Board reviewed the Report of Conc motion, seconded by Mr. Labor, to reject the Invest the case without formal prosecution. Motion passed. not participate in the vote. luded Investigation. The Chair made a igative Team's recommendation to conclude Ms. Wernecke, Investigating Member, did
- h. 2011-596-The Board reviewed the Report of Conc motion, seconded by Mr. Pease, to accept the Invest conclude the case without formal prosecution. Motion did not participate in the vote. luded Investigation. Mr. Vincent made a igative Team's recommendation and npassed. Mr. Firlik, Investigating Member,
- i. 2011-597-The Board reviewed the Report of Conc motion, seconded by Mr. Firlik, to accept the Inves conclude the case without formal prosecution. Motion Member, did not participate in the vote. luded Investigation. The Chair made a tigative Team's recommendation and npassed. Mr. Vincent, Investigating
- j. 2011-600-The Board reviewed the Report of Conc motion, seconded by Mr. Pease, to accept the Invest conclude the case without formal prosecution. Motion Member, did not participate in the vote. luded Investigation. Mr. Firlik made a igative Team's recommendation and npassed. Mr. Vincent, Investigating
- k. 2011-601, 2011-602 and 2011-603-The Board revi Mr. Vincent made a motion, seconded by the Chair, t recommendation and conclude the case without formal Investigating Member, did not participate in the vo te. ewed the Report of Concluded Investigation. o accept the Investigative Team's prosecution. Motion passed. Mr. Firlik,

7. Reports:

Inspector Daniel Vincent reported on the NABP Inte held December 1st through December 2nd. Topics that were discussed included but were not limited to, drug shortages, pill mills, electronic inspection forms, wholesalers and state inspections. Inspector Vincent found the forum to be very informative.

8. Legislation/Rulemaking:

The Board drafted an annual report to Legislature regarding remote pharmacies.

9. Review Applications for licensure as a Pharmacist:

Mr. Firlik made a motion, seconded by Mr. Pease, to approve the following applicants for licensure as a pharmacist. Motion passed unanimously.

Jennifer A. Anderson, PharmD (Endorsement)
Katherine V. Arlington, PharmD (Examination)
Chelsea M. Bull, PharmD (Examination)
Cheryl L. Mraz, R.Ph. (Endorsement)
Christopher A. Piehler, PharmD (Examination)
Peter Youssef, PharmD (Examination)

10. **Review Applications for licensure as an Out of State Registered Telepharmacist:**

Mr. Laborn made a motion, seconded by the Chair, to approve the following applicant for licensure as an out of state telepharmacist. Motion passed unanimously.

Diane B. Scott—Employed by Luna Rx

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

The following In-State Drug Outlet was discussed. Board action is not required at this time.

- a. **Pharmacy Network, LLC, d/b/a Community Health Pharmacy**, 4 Slapp Hill, Hardwick, VT, submitted an application for a new remote pharmacy pilot project. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on January 31, 2012. A second inspection was performed on June 14, 2011. Affidavit of adequate drug supply and proof of DEA registration is required. The pharmacy submitted a plan to relocate the consultation area which was approved by the Board on October 25, 2011. Further documentation and a final inspection is required.

12. **Change in Pharmacist Manager:**

Mr. Vincent made a motion, seconded by Mr. Firlik, to approve the following changes in pharmacist managers. Motion passed unanimously.

- a. **Kinney Drugs, Inc. #55**, (038-3310), located at 1653 Williston Road, South Burlington, Vermont, submitted an application for change in pharmacist manager from Thomas P. French to M. Jacklynn Estes.
- b. **Price Chopper Pharmacy #165**, (038-2951), located at 595 Shelburne Road, Burlington, Vermont, submitted an application for change in pharmacist manager from Jacie L. Scott to Raja S. Idupulapati.
- c. **Rite Aid Pharmacy #10318**, (038-3383), located at 39 Hinesburg Road, South Burlington, Vermont, submitted an application for change in pharmacist manager from Kate L. Maxfield to Melissa A. Lawrence.
- d. **Rite Aid Pharmacy #10329**, (038-3358), located at 355 North Main Street, Barre, Vermont, submitted an application for change in pharmacist manager from Waldemar Z. Wierzbicki to Kate L. Maxfield.

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. Firlik made a motion, seconded by Mr. Vincent, to approve the following applications for licensure. Motion passed unanimously.

- a. **HT Three LLC, D/b/a Health Trans Pharmacy** – 8300 E Maplewood Ave, Greenwood Village, CO.
- b. **MAH Pharmacy, LLC, D/b/a Medsat Home** – 255 Phillipi Road, Suite #300, Columbus, OH.
- c. **Medco Health Solutions of Las Vegas, LLC** – 6225 Annie Oakley Drive, Las Vegas, NV.
- d. **Save Direct Rx, Inc.** – 4590 Lockhill Selma, San Antonio, TX.
- e. **Wellpartner, Inc.** – 7216 SW Durham Road, Portland, OR.

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.

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

- a. **Allergan USA, Inc.** – 324 Half Acre Road, Cranbury, NJ.
- b. **Fisher Clinical Services Inc.** – 700 A Nestleway, Breinigsville, PA.
- c. **MDrug LLC, D/b/a Miller Drug Westgate** – 915 Union Street, Bangor, ME.
- d. **MedImmune Biologics, Inc.** – 355 Omnicron Court, Shepherdsville, KY.

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

The Board noted McGregor's South Hero Pharmacy's expansion proposal.

16. **Continuing Pharmacy Education Requests:**

Mr. Firlik made a motion, seconded by Mr. Vincent, to approve the following continuing pharmacy education requests. Motion passed unanimously.

- a. **"Pharmacotherapy of Bipolar Depression: A Review of Pharmacological Options for Acute and Maintenance Treatment"** 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 October 18, 2011. The Board issued approval number CPE-014(L)-1211.
- 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 December 1, 2011. The Board issued approval number CPE-015(L)-1211.

- c. **“What Paddle Do You Have When You’re Up a Creek? Reversal Strategies for New Anticoagulants.”** 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 December 12, 2011. The Board issued approval number CPE-016(L)-1211.
- d. **“Pharmacy and Therapeutics Committee Meeting”** submitted by Erica Counter with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture and discussion will be held on January 13, 2012. The Board issued approval number CPE-017(L)-1211.
- e. **“DVHADUR Board Meeting—July 19, 2011”** submitted by Andrew Miller, requesting approval for two and one half (2.5) live (didactic) continuing pharmacy education credit. The meeting was held on July 19, 2011. The Board issued approval number CPE-018(L)-1211.
- f. **“DVHADUR Board Meeting—September 13, 2011”** submitted by Andrew Miller, requesting approval for two and one half (2.5) live (didactic) continuing pharmacy education credit. The meeting was held on September 13, 2011. The Board issued approval number CPE-019(L)-1211.
- g. **“DVHADUR Board Meeting—October 25, 2011”** submitted by Andrew Miller, requesting approval for two and one half (2.5) live (didactic) continuing pharmacy education credit. The meeting was held on October 25, 2011. The Board issued approval number CPE-020(L)-1211.

17. **Intern/Preceptor application(s):**

Priya Patel—The Board reviewed Ms. Patel’s Intern Preceptor’s Affidavit of Internship Hours regarding the 533 hours she earned from July 21, 2011 through October 29, 2011, while working at Rite Aid Pharmacy #10325, located in Saint Albans, Vermont, with David S. Knightes as her Preceptor. Based on the information provided, Mr. Firlik made a motion, seconded by Mr. Vincent, to approve the 533 internship hours Ms. Patel submitted. Motion passed unanimously.

18. **Pharmacy Technicians:** Total Number of Active Registered Technicians is **1,220** (1,141 Resident, 79 Non-Resident).

19. **Newsletter Topics!**

The Board will work on articles for the March 2012 Newsletter.

20. **Miscellaneous Correspondence:**

- a. The Board reviewed the email from Keith Johnson regarding registration requirements in order to obtain a DE certificate for a drug dog handler. The Board does not have a license which would apply to his situation.

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**

- a. The Board reviewed the CE Audit Responses.

24. The next meeting is scheduled for **Wednesday, January 25, 2011** at 9:00 A.M.

The meeting dates for 2012 are as follows: February 22nd, March 28th, April 25th, May 23rd, June 27th, July 25th, August 22nd, September 26th, October 24th and December 5th.

25. There being no further business, the meeting was adjourned at 3:27 P.M.

Respectfully submitted,

Kristy Pirie, Licensing Board Specialist
Vermont Secretary of State
Office of Professional Regulation