

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402

Approved Minutes
July 25, 2012 at 9:00 A.M.

1. The meeting was called to order at 9:01 a.m.

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

Member(s) Absent: Jeffrey P. Firlik, R.Ph

OPR Personnel Present: Larry S. Novins, Board Counsel; Edward Adrian, Prosecuting Attorney; Carla Preston, Case Manager; Dan Vincent, Inspector, and Diane Lafaille, Licensing Board Specialist.

Others Present: Dane Gray, Christina Killory and Anthony Otis

2. The Chair called for approval of the Minutes of the June 27th meeting. Mr. Vincent made a motion, seconded by Ms. Wernecke to approve the minutes of the June 27, 2012 meeting with the following amendment: Page 3 #11 – the word "Term" should be in between Long Care Pharmacy to read Long Term Care Pharmacy. Motion passed unanimously.

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

The Board conducted the following hearings:

- a. In Re: David L. Armstrong, Docket Number 2009-457, Stipulation and Consent Order. Larry S. Novins presided for the Board. Prosecuting Attorney, Edward Adrian, was present for the State. The Board voted to accept the Stipulation and Consent Order as presented. The Chair, Investigative Team Member, did not participate in the vote.
- b. In Re: Janet R. Fisher, Docket Number 2011-854, Stipulation and Consent Order. Larry S. Novins presided for the Board. Prosecuting Attorney, Edward Adrian, was present for the State. The Board voted to accept the Stipulation and Consent Order as presented. Mr. Firlik, Investigative Team Member, was not present at the meeting.
- c. In Re: Harbor Drug Co., Inc., Docket Number 2012-277, Stipulation and Consent Order. Larry S. Novins presided for the Board. Prosecuting Attorney, Edward Adrian, was present for the State. The Board voted to accept the Stipulation and Consent Order as presented. Mr. Firlik, Investigative Team Member, was not present at the meeting.
- d. In Re: Jeff Cohen, Docket Number 2011-516, Surrender of License 3 V.S.A. § 129(a)(7). Larry S. Novins presided for the Board. Mr. Boucher moved to accept the surrender of license pending final disposition of the case. The motion was seconded by the Chair. The Board voted to accept. Mr. Vincent, Investigative Team Member did not participate in the vote.

4. **Guests:** None

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

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

There are currently 65 pending cases. 18 are ready for Investigative Team meetings. 5 the Investigative Team has recommended charging. 7 have been recommended for closing reports which were presented today. 25 are under investigation (The investigative Unit is down 3 investigators.) 7 are pending charges. 3 charges have been filed.

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

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

- a. 2012-46 - The Board reviewed the Report of Concluded Investigation. Mr. Labor made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Vincent, Investigative Team Member, did not participate in the vote.
- b. 2012-48 - The Board reviewed the Report of Concluded Investigation. Mr. Labor made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Vincent, Investigative Team Member, did not participate in the vote.
- c. 2012-50 - The Board reviewed the Report of Concluded Investigation. Mr. Labor made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Vincent, Investigative Team Member, did not participate in the vote.
- d. 2012-51 - The Board reviewed the Report of Concluded Investigation. Mr. Labor made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Vincent, Investigative Team Member, did not participate in the vote.
- e. 2012-272 - The Board reviewed the Report of Concluded Investigation. Mr. Boucher made a motion, seconded by Ms. Wernecke, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Vincent, Investigative Team Member, did not participate in the vote.
- f. 2011-316 and 2011-319 - The Board reviewed the Report of Concluded Investigation. Ms. Wernecke made a motion, seconded by Mr. Boucher, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Vincent and Mr. Pease, Investigative Team Members, did not participate in the vote.

7. **Reports:** None

8. Legislation/Rulemaking:

- a. A few of the Board Members have been working with Board Counsel to draft Administrative Rules for Remote Pharmacies. The Board looked at and discussed a draft presented by Larry Novins. The Chair reminded the Board to keep in mind that there are quite a few scenarios to consider. The Board will continue review of remote pharmacy rules at it's August meeting.
- b. The Board reviewed the Department of Health's proposal to add to the Regulated Drugs Rule. Mr. Novins received an updated list on 7/24/12 from the Department of Health which the Board reviewed. The Board made changes to depressant and stimulant drugs on the list. The document submitted by the Department of Health state "this list is not approved for use by the FDA", however they have prescription drugs listed. The Board found an issue with this and requested that Mr. Novins draft a response to send to the Department of Health.

9. Review Applications for licensure as a Pharmacist:

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

Maira Zegarra-Erickson – Endorsement
Laurie Pedlar – Endorsement
Myra L. Smith – Examination
Stacie Dermady – Examination
Jeffrey Stone – Examination
Matthew Flo - Examination

Igor Rumyantsev – Endorsement
Anita Sokal-Davidson – Examination
Jamie Harris – Examination
Jeffrey Endicott – Examination
Kelly VanValkenburgh – Examination

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

11. In-State Drug Outlets:

- a. Marble Works Pharmacy – Bristol, VT. Mr. Vincent made a motion, seconded by Mr. Labor, to approve this application. Motion passed unanimously.
- b. River Street Pharmacy – Springfield, VT. Mr. Labor made a motion, seconded by Mr. Vincent, to approve this application. Motion passed unanimously.

12. Change in Pharmacist Manager:

The Chair made a motion, seconded by Mr. Vincent, to approve the following change in pharmacist manger applications. Motion passed unanimously.

- a. **CVS/Pharmacy #337**, located at 8 Kocher Dr, Bennington, Vermont, submitted an application for change in pharmacist manager from Constance Taylor-Rosa to Stephanie Clayton.
- b. **Rite Aid Pharmacy #10335**, located at 502 Railroad Street, St. Johnsbury, Vermont, submitted an application for change in pharmacist manager from Jack Ruggles to Bryan Dellaria.

- c. **Rite Aid Pharmacy #10317**, located at 158 Cherry St, Burlington, Vermont, submitted an application for change in pharmacist manager from Grant Nolan to Brian VanEpps.
- d. **Rite Aid Pharmacy #4272**, located at 1024 North Avenue, Burlington, Vermont, submitted an application for change in pharmacist manager from Michael Windish to Charles Cook.
- e. **Shaw's Osco Pharmacy 7518/414**, located at 71 Boxwood St, Williston, Vermont, submitted an application for change in pharmacist manager from Maureen Shannon to Pierre Malki.

13. **Non-Resident Pharmacies:**

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

- a) Southern Tier Home Infusion d/b/a Pharmacy Innovations – Erie, PA
- b) Springville Pharmacy Infusion Therapy, Inc. – Orchard Park, NY
- c) Sorkins Rx, LTD d/b/a CareMed Pharmaceutical Services – Lake Success, NY
- d) Truax Patient Services – Bemidji, MN
- e) AcariaHealth Pharmacy #12, Inc. – Forest Hills, NY
- f) Coram alternate Site Services, Inc. d/b/a Coram Specialty Infusion Services, an Apria Healthcare Company – Yarmouth, ME
- g) Direct Success Pharmacy Dept. – Farmingdale, NJ
- h) Pharmahealth Specialty/Long Term Care, Inc. – Fairhaven, MA
- i) New England Life Care – Woburn, MA
- j) Lato Drug Co., Inc. – Hollywood, FL
- k) Women's International Pharmacy, Inc. d/b/a Pet Health Pharmacy, Div. – Youngtown, AZ
- l) Pharmacy Holding Company of Wisconsin, LLC d/b/a Americas Best Pet Pharmacy/Universal Compounding – Arbor Vitae, WI
- m) Physician Preferred Pharmacy, Inc. – Margate, FL

Tabled Applications: Additional Information Requested

- n) My Weight Doctor Pharmacy, LLC – Rockville, MD: This application was tabled. The Board requested additional information as to what their practice is.
- o) Prime Therapeutics Specialty Pharmacy LLC – Orlando, FL: The affirmation from Peter Wickersham was missing.

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

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

- a) Midwest Veterinary Supply, Inc. – Fort Wayne, IN
- b) Bio Products Laboratory Limited d/b/a Bio Products Laboratory – Elstree, Hertfordshire, UK
- c) Luitpold Pharmaceuticals, Inc. – Shirley, NY
- d) Bound Tree Medical, LLC – Clifton Park, NY

- e) Kuehne + Nagel Inc. – Rialto, CA
- f) Genesis Pharmaceutical, Inc. – Henderson, NV
- g) Mycone Dental Supply co., Inc. d/b/a Keystone Industries – Myerstown & Lincoln Dental – Myerstown, PA
- h) Kuehne + Nagel Inc. – Durham, NC
- i) ECI Pharmaceuticals LLC – Ft. Lauderdale, FL

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

McGregory's Medicine on Time Pharmacy, located at 321 Main Street, Winooski, Vermont, notified the Board in a change of hours of operation.

McGregor's South Hero Pharmacy, located on Route 2, South Hero, Vermont, notified the Board in a change of hours of operation.

ESI Mail Pharmacy Services, Inc. d/b/a ESI Distribution Services, located at 4600 North Hanley Road, Suite B, St. Louis, Missouri, notified the Board in a change of hours of operation.

16. Continuing Pharmacy Education Requests:

a) **"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 was held on July 13, 2012. The Board issued approval number CPE034(L)-0725.

b) **"Update on Sedation Practices in the ICU"** 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 July 17, 2012. The Board issued approval number CPE035(L)-0725.

17. Intern/Preceptor application(s):

The Board reviewed the preceptor application of Chrystal Badeau. Mr. Vincent made a motion, seconded by Mr. Labor to approve the application. Unanimously approved.

18. Pharmacy Technicians:

Total number of Active Registered Technicians is **1,372** (1276 Resident, 96 Non-Resident).

19. Newsletter Topics! None, the Board will not be submitting anything to NABP for the September newsletter.

20. Miscellaneous Correspondence:

a. American Veterinary Medical Association – non-veterinary pharmacy medication dispensing. Chair Eaton wrote a response to this letter. The Board approved the response at the meeting and the letter will be sent.

b. Dane Rank E-mail: Med Destruction. Wasted meds are discussed in Board Rule 11.14. At this time there is no known specific state law on this point. The Board notes that standard of

practice is to have two (2) licensed professionals witness destruction of drugs. Outdated or unused medications are discussed in Board Rule 11.20. Aprille will respond.

c. Hiva Paurarsolan E-Mail: Early Refill of Controlled Medications. Early refills of controlled medications are controlled by Federal Law under the controlled substances act. Vermont law incorporates Federal law on this point. Aprille will respond.

d. Stephen Hosonitz E-mail: FDA Registered Manufacturer Question. The answer to Mr. Hosonitz's e-mail is no, Vermont does not require "contract" manufacturers to be licensed in this state if the manufacturers do not own the product or sell the product here. Aprille will respond.

e. Celeste Belardo E-mail: Medical Gas Distributor Permit. The Board of Pharmacy does not regulate medical gasses. Ms. Belardo will need to check with the Department of Health for any possible permits that may be required. Aprille will respond.

f. Jim Godfrey E-mail: Pharmacist Immunizations off-site. Where and under what circumstances immunizations may be given should be controlled by a collaborative practice agreement. Aprille will respond.

g. Ann Lorentzen E-mail: Diagnostic Testing Labs Rx Drugs Follow up. Only licensed pharmacies can order or receive drugs. Laboratories can not. A patient may bring his or her prescription to be filled at a pharmacy from which the patient can then take the drug to the lab. Aprille will respond.

h. Renee Licwinko E-mail: Pharmacist licensure. Vermont requires that the pharmacy be licensed. See the Board's Administrative Rules for details. Aprille will respond.

i. Francesco De Rubeis E-mail: Wholesale Drug Distribution Licensing. The facility does not need to be actively distributing to be registered. If the New York drug distribution is moved to the Colorado facility a new application will need to be completed. Aprille will respond.

j. Nita Garg E-mail: Physician Notification of Pharmacist Vaccination Administration. The physician's phone number may be found through the National Provider Identification registry. The pharmacist should use his or her best professional judgment. Aprille will respond.

k. Hana Ma E-mail: reciprocity of Pharmacist license. You may be eligible for licensure by endorsement, see 26 V.S.A. § 2042(b) and Board Rule 2.7 for details. Aprille will respond.

l. Colleen Hershon E-mail: Non-Resident Wholesale Drug Outlet Registration-VAWD. The Board granted American Regent, Inc. a three month extension to obtain VAWD certification. Aprille will respond.

m. Boehringer Ingelheim – John Tuttle: FDA Statement on Compounding of Pergolide products for Animal Use. This was an FYI for the Board members.

n. Jennifer Valentine E-Mail: Request for Pharmacy Regulatory Guidance. The Rule for prescriptions written by retired or deceased prescribers is 9.3 as well as referral for controlled substances to the Federal Controlled substance act. Aprille will respond.

21. **National Association of Boards of Pharmacy (NABP) Correspondence:** None

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

23. **Other Business Introduced:**

Mr. Vincent made a motion, seconded by Mr. Pease to request that OPR create and maintain FAQ's (frequently asked questions) on their website.

24. The next meeting is scheduled for **Wednesday, August 22, 2012** at 9:00 A.M.

The subsequent meeting dates for 2012 are as follows: September 26th, October 24th and December 5th.

25. There being no further business a motion was made and seconded to adjourn at 3:00 P.M.
Motion passed unanimously.

Respectfully submitted,



Judith Wernecke, Secretary
Vermont Board of Pharmacy