

**BOARD OF PHARMACY – Approved Minutes**  
Secretary of State, Office of Professional Regulation  
23 College Street, Schulmaier Hall, Montpelier, VT 05602  
**June 26, 2013 at 9:00 A.M.**

1. The meeting was called to order at 9:04 a.m.

Members Present: Mr. Jeffrey Firlik, RPh, Chair; Ms. Julie A. Eaton, RPh, Vice-Chair; Ms. Judith Wernecke, Public Member, Secretary; Mr. Steven M. Vincent, RPh; and Mr. King Milne, RPh

Members Absent: Mr. James Arisman, Esq., Public Member; and Mr. Larry Labor, RPh

OPR Personnel Present: Mr. Larry S. Novins, Board Counsel; Mr. Ed Adrian, Prosecuting Attorney; Mr. Ronald Klein RPh, Executive Officer; and Ms. Aprille Morrison, Licensing Board Specialist.

Others Present: Ms. Analesa Muir, Mr. Doyle Beach, Mr. Jason May, Ms. Amy Braun, Ms. Heather Shouldice and Mr. Mike Duteau

2. The Chair called for approval of the Minutes of the May 15, 2013 meeting as presented. The board members reviewed the minutes and corrections were made. Ms. Eaton made a motion to accept the minutes with corrections. The motion was seconded by Mr. Vincent. Motion passed.

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

9:15 am – Hearing – Kaylee Perkins 2013-79. Ms. Perkins was not present. Prosecution presented charges for Ms. Perkins license as a Pharmacy Technician to be revoked. Mr. Vincent made a motion to accept the charges. The motion was seconded by Ms. Eaton. Mr. Firlik did not participate in the vote as he was the Investigative Team member. Motion passed.

9:15 am – Advantage Pharmacy – Appeal of Preliminary Denial of Application for Licensure – Mr. Doyle Beach and Mr. Jason May from Advantage Pharmacy attended the hearing. Mr. Adrian addressed the Board stating that the prosecution had not yet filed charges on Advantage Pharmacy and requested that the Board give him a chance to speak with Mr. Beach and Mr. May regarding this. Mr. Adrian presented a stipulation and consent order to the Board regarding Advantage Pharmacy's conditional licensure in Vermont until all conditions and probation have been met with the Mississippi Board. Mr. Vincent made a motion to accept the stipulation and consent order. Ms. Eaton seconded the motion. Motion passed.

Mr. Klein presented an order for removal of conditions for Bandana Trading Inc. Mr. Vincent made a motion to accept the order. The motion was seconded by Ms. Eaton. Motion passed.

4. **Report of Concluded Investigation:**

Report of Concluded Investigation: 2010-682. Mr. Adrian presented the report of concluded investigation to the Board. The Board requested a statement be added as the first sentence of the second paragraph: "For Administrative reasons this case was not resolved in an earlier matter considered by the Board." With the changes made Ms. Eaton made a motion to accept the report of concluded investigation. Mr. Firlik seconded the motion. Mr. Vincent did not participate in the vote as he was the Investigative Team member. Motion passed.

5. **Guests:**

Alison Moore – questions about interns – Ms. Moore was unable to attend the meeting in person as her work schedule would not allow it. Mr. Firlik asked that Ms. Moore submit her questions in writing to the Board so they can answer them correctly.

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

Ms. Preston reported to the Board on the number of cases they currently have. There are 29 cases, nine (9) ready for Investigative Team meeting, one (1) ready for closing, five (5) are in intake, five (5) have had charges filed, four (4) are pending hearing, two (2) are under investigation and two (2) are pending charges being filed.

7. **Legislation/Rulemaking:**

Administrative Rules revision discussion – Remote Pharmacies – The Board reviewed the proposed changes with members from the public. The Board has finalized the changes and legal counsel will proceed with rule making.

Legislative Updates – Bill H.522 – Opioids – there were several issues that the Pharmacy Board needs to take up.

- H.522, Sec. 3a pages 3-4. Rule making – the Pharmacy Board must define bona fide representative of a patient or animal owner for the purposes of picking up a prescription for a Schedule II, III or IV controlled substance pursuant to.....
  - **Bona Fide Representative (patient)** – An individual who is authorized by law or is known to the patient and authorized by the patient to receive drugs dispensed by prescription for the patient.
  - **Bona Fide Representative (veterinary)** – The owner of an animal or a person who is known to the animal owner and authorized by the animal owner to receive drugs dispensed by prescription for the animal.
  - **Alternative Evidence** – documents which reasonably permit the pharmacist to conclude that the individual is who he or she purports to be.
- H.522, Section 14b pages 24 and following. The Vermont Department of Health shall study how Vermont can increase access to Opioid treatment. The Commissioner of Health shall consult with the following...included among those listed is a representative from the Vermont Board of Pharmacy.
  - Mr. Firlik made a motion to nominate Mr. Klein as the representative for the Vermont Board of Pharmacy. The motion was seconded by Mr. Vincent. Motion passed. Mr. Klein accepted the appointment.
- H.522, Section 14, #7, pages 20-21. The Vermont Board of Pharmacy needs to appoint a representative to the Unified Pain Management System Advisory Council. Said individual shall be a pharmacist.
  - Mr. Vincent made a motion to nominate Mr. Labor, pending his acceptance, as the Vermont Board of Pharmacy representative to the Unified Pain Management System Advisory Council. Mr. Firlik seconded the motion. Motion passed.
- H.522, Section 13(b) page 17. The Board of Pharmacy needs to appoint a representative to the VPMS Advisory Committee.
  - Mr. Firlik made a motion to appoint Ms. Eaton as representative to the VPMS Advisory Committee. Mr. Vincent seconded the motion. Motion passed. Ms. Eaton accepted the appointment

**8. Review Applications for licensure:**

Mr. Vincent made a motion to approve the following applications for licensure:

HealthScripts Specialty Pharmacy LLC – Richmond, TX  
Arrow Pharmacy Holdings, LLC d/b/a Arrow Pharmacy & Nutrition Center – Farmington, CT  
Greer Laboratories, Inc. – Lenoir NC  
Pharmcore Inc. d/b/a Hallandale Pharmacy – Hallandale, FL  
Great Atlantic & Pacific Tea Company, Inc. d/b/a Live Better! Pharmacy #441 – Old Tappan, NJ

Ms. Eaton seconded the motion. Motion passed

The board tabled review of the non-resident pharmacy application for Arrow International, Inc. until additional disciplinary documentation has been received.

**9. Executive Officer Report:**

- Mr. Klein informed the Board that he met with the Albany College of Pharmacy and Health Sciences as well as other individuals from the various pharmacy and medical associations in Vermont. The meeting was in regards to coming together with a committee to present one voice regarding issues pertaining to pharmacy in Vermont. The next meeting is tentatively scheduled for late July. Mr. Vincent would like to participate in the next meeting.
- Mr. Klein has also been in discussion with VPMS and the fact that there should be a pharmacist involved with this program. The Board agrees with this and discussed the VPMS coming under the jurisdiction of the Office of Professional Regulation instead of the Health Department.

**10. Pharmacy Technicians:** Total number of Active Registered Technicians is **1,663** (1,535 Resident, 128 Non-Resident).

**11. Newsletter Topics:**

As there have been some important changes in pharmacy and prescription laws the Board would like the release of the newsletter moved up from September to August.

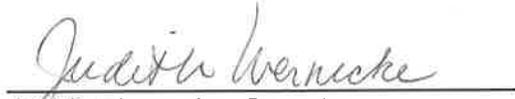
The Board would like an article regarding the new controlled substances laws, bill H.522. These laws became effective as of July 1, 2013. The Board also requested something to be added to the website immediately.

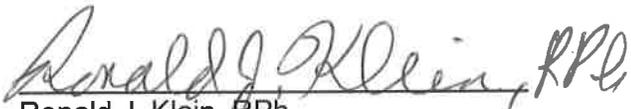
The Board would also like another article regarding CDC guidelines on immunizations. The Board follows CDC guidelines on adult immunizations.

**12.** The next meeting is scheduled for **Wednesday, July 24, 2013**, at 9:00 A.M. The meeting will be held at the new offices of the Department of Professional Regulation, 89 Main Street, Third Floor, Montpelier, VT.

**13.** Ms. Eaton made a motion, seconded by Mr. Vincent, to adjourn at 2:12 p.m. Motion Passed.

Respectfully Submitted:

  
\_\_\_\_\_  
Judith Wernecke, Secretary  
Vermont Board of Pharmacy

  
\_\_\_\_\_  
Ronald J. Klein, RPh  
Executive Officer  
Vermont Board of Pharmacy