

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 23, 2011

1. The meeting was called to order at 9:03 A.M.

Members present: Julie A. Eaton, R.Ph, Chair; Emma J. Pudvah; Judith Wernecke; Earl W. Pease, Pharm.D. and Steven M. Vincent, R.Ph.

Members absent: Jeffrey P. Firlik, R.Ph, Vice-Chair and Larry Labor, R.Ph.

OPR Personnel present: Christopher Winters, Director of OPR; Larry S. Novins, Board Counsel; Peter Comart, Unit Administrator; Carla Preston, Case Manager; Gregg Meyer, Prosecuting Attorney; Daniel Vincent, Inspector and Kristy Kemp, Administrative Assistant.

Others present: Anthony Otis, representing the Vermont Community Retail Pharmacy Coalition; William Noel with Wal-Mart Pharmacies; Michael Duteau, Vice President of Kinney Drugs; Amy Braun with Barton Pharmacy; Brett Surace with Kinney Drugs; Debra Barber with Kinney Drugs; John Pirong with Kinney Drugs; KC White with Eastern Security Systems (ESS) and Kip White with ESS.

2. The Chair called for approval of the Minutes of the February 23rd meeting. Mr. Vincent made a motion, seconded by Mr. Pease, to approve the Minutes of the February 23, 2011 meeting as written. Motion passed unanimously.

3. **Guests:**

Michael Duteau, Vice President of Kinney Drugs; Brett Surace with Kinney Drugs; Debra Barber with Kinney Drugs; John Pirong with Kinney Drugs; KC White with ESS; Kip White with ESS and Amy Braun with Barton Pharmacy attended to provide an update and live presentation regarding their proposal for a Telepharmacy Remote Site in Barton, Vermont.

The Board was provided with a live demonstration of the system that would be used at the proposed site. Mr. Duteau explained the dispensing process as well as the documentation process that would occur. The telepharmacy site would likely be open 55-57 hours per week. Mr. Duteau also reported that there would be two nationally certified technicians onsite. A pharmacist would also be present at least once a week.

The Board was pleased with the presentation and suggested that Kinney's submit an application for Board review.

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

- a. At 9:30 A.M. A Default hearing was held in the matter of Stephen D. Comeau, Docket Number 2009-332. The Respondent was not present. Larry S. Novins presided for the Board. Prosecuting Attorney, Gregg Meyer presided for the State. Attorney Novins reported on the notices to the Respondent. Mr. Vincent made a motion, seconded by Mr. Pease, to find the respondent in default. Attorney Meyer presented the State's recommendation of

reprimanding the respondent's license and issuing a \$500.00 administrative penalty. The Board voted to go into deliberative session at 9:34 A.M. and out at 9:47 A.M. Mr. Vincent made a motion, seconded by Ms. Pudvah, to warn the respondent's license and issue a \$500.00 administrative penalty. The question was called and the motion passed. The Chair, Investigating Member, did not participate in the votes.

5. **Reports:** (None)

6. **Follow-up Cases**

Carla Preston, Case Manager, provided updates on current and follow-up cases. There are currently 48 pending cases.

7. **Legislation/Rulemaking:**

Attorney Novins provided the Board with the current status of the OPR Bill, H.420.

8. **Complaints/Reports of Concluded Investigations:** (None)

9. **Applications for Licensure as Pharmacists:**

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

Carrie C. Phillips, PharmD (Endorsement)
Denise L. Romeo, R.Ph. (Endorsement)
Erik D. Svendsen, PharmD (Endorsement)
Matthew M. Sweatt, PharmD (Endorsement)

Nonik Zadikian, PharmD - The Board reviewed Nonik Zadikian's request for approval of the hours she earned as an intern in Canada. Based on the information provided, the Chair made a motion, seconded by Mr. Vincent, to approve the 517.5 internship hours Ms. Zadikian earned from September 14, 2010 through January 20, 2011 while working at Peterborough Health Centre, located in Peterborough, Ontario.

Applications for Registration of Out of State Telepharmacy Pharmacists:

One Out of State Registered Pharmacist application with no record of prior disciplinary actions was approved for licensure since the last meeting based on their completed application. The Board was provided with necessary information about the applicant and found no issues.

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

The Board reviewed the following applications for in-state pharmacies and took action as indicated.

- a. Ludlow Pharmacy, Inc., **d/b/a Ludlow Pharmacy**, 57 Pond Street, Ludlow, VT, submitted a new retail pharmacy application. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on April 1, 2011. Passed final inspection on March 16, 2011. Based on the information provided, Mr. Vincent made a motion, seconded by Ms. Wernecke, to approve Ludlow Pharmacy for full licensure pending

receipt of confirmation of the applicant's DEA registration and an affidavit from the pharmacist manager showing an adequate supply of drugs. Motion passed unanimously.

- b. Pharmacy Network, LLC, **d/b/a Community Health Pharmacy**, 4 Slapp Hill, Hardwick, VT, submitted an application for a new remote location. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on April 12, 2011. Further documentation and a final initial inspection are required. Based on the information provided, Mr. Vincent made a motion, seconded by Ms. Wernecke, to extend the applicant's temporary permit to April 30, 2011. Motion passed unanimously.
- c. Walgreen Eastern Co., Inc., **d/b/a Walgreens #11526**, 514 Farrell Street, South Burlington, VT, submitted a new retail pharmacy application. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on April 19, 2011. The applicant passed its final inspection on March 22, 2011. Based on the information provided, Mr. Vincent made a motion, seconded by Ms. Wernecke, to approve Walgreens #11526 for full licensure. Motion passed unanimously.

11. **Change in Pharmacist Managers:**

Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the following changes in pharmacist managers. The question was called and the motion passed unanimously.

- a. **Copley Hospital Pharmacy**, (037-1531), located at 528 Washington Highway, Morrisville, Vermont, submitted an application for change in pharmacist manager from Mila A. Lishka to Carrie C. Phillips.
- b. **Wal-Mart Pharmacy #10-2224**, (038-3277), located at 883 Harvest Lane, Williston, Vermont, submitted an application for change in pharmacist manager from Thomas P. Ryan to Riyaz J. Merali.

12. **Non-Resident Pharmacies:**

Several non-resident pharmacy applications with no record of prior disciplinary actions were approved for licensure since the last meeting based on their completed applications. The Board was provided with a list of these facilities and found no issues.

The Board reviewed the following application with prior disciplinary action. Based on the information provided, Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the non-resident Wholesaler/Manufacturer for licensure. Motion passed unanimously.

- a. **AxelaCare Holdings, Inc., d/b/a AxelaCare Health Solutions, LLC**, 9730 Pflumm Road, Lenexa, KS.

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

Several non-resident wholesale distributor applications with no record of prior disciplinary actions were approved since the last meeting based on their completed applications. The Board was provided with a list of these facilities and found no issues.

The Board reviewed the following application with prior disciplinary action. Based on the information provided, Mr. Pease made a motion, seconded by Ms. Wernecke, to approve the non-resident Wholesaler/Manufacturer for licensure. Motion passed unanimously.

- a. **UPS Supply Chain Solutions, Inc.**, 11811 Landon Drive, Suite 200, Mira Loma, CA.

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

(None)

15. **Continuing Pharmacy Education Requests:**

The Chair made a motion, seconded by Mr. Pease, to approve the following continuing pharmacy education requests. The question was called and the motion passed unanimously.

- a. **“Antithrombotics for Secondary Stroke Prevention”** submitted by Lisa Jackman with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The meeting was held on March 15, 2011. The Board issued approval number CPE-048(L)-0311
- b. **“Medication Therapy Management”** submitted by Amber Schaal with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The meeting will be held on April 7, 2011. The Board issued approval number CPE-049(L)-0311
- c. **“Erythropoietin and Erythropoiesis”** submitted by Eleanor L. Mesler, PharmD, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The program was held on March 8, 2011. The Board issued approval number CPE-050(L)-0311
- d. **“Clinical Management of dialysis-Related Carnitine Deficiency”** submitted by Eleanor L. Mesler, PharmD, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The program was held on March 8, 2011. The Board issued approval number CPE-051(L)-0311

16. **Intern/Preceptor application(s):** (None)

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 574** (1,453 Resident, 121 Non-Resident).

18. **Newsletter Topics!**

The Board discussed its June Newsletter. Mr. Comart and Ms. Kemp will draft an article regarding the upcoming online renewal. The Chair will also work on an article for the Newsletter. The Board's intention is to have a draft Newsletter to review at its April Meeting.

19. **Miscellaneous Correspondence**

- a. The Board reviewed the February 23, 2011 email from Dmitri Belokon regarding documentation requirements for in-state pharmacies that purchase or sell prescription medications from another licensed in-state pharmacy. The Board explained that the

documentation must be kept for at least three years and referred Mr. Belokon to Rule 8.19 for further clarification on the required documentation.

- b. The Board reviewed the February 23, 2011 email from Andrew Monfre regarding generic substitution. Mr. Monfre inquired as to whether or not a prescriber's authorized agent could approve an Rx therapeutic interchange or refill-period reduction. The Board's response was yes because the prescriber's authorized agent is acting on behalf of the prescriber.
- c. The Board reviewed the February 28, 2011 email from Susan Brichler Trujillo. Ms. Trujillo asked if front-store retail clerks (not registered pharmacy technicians) could advise customers purchasing over the counter (OTC) products that they could purchase a generic brand (the store brand) of the OTC product for a cheaper price and that the generic brand would have the same active ingredient as the brand name product the customer was intending to buy. Based on the scenario provided, the Board does consider this to be unauthorized practice of pharmacy.
- d. The Board reviewed the March 3, 2011 email from Christopher Dang. Mr. Dang had several questions regarding regulations around pharmacy delivery and drop-off. A response will be sent to Mr. Dang.
- e. The Board reviewed the March 3, 2011 email from Rosemary Call regarding regulations around prescription transfer incentives. Ms. Call was wondering if Vermont has any laws regulating prescription transfer incentives such as a patient receiving \$100.00 in groceries for transferring between pharmacies. The Board's response is that it does not have any regulations or rules regarding the scenario Ms. Call provided.
- f. The Board reviewed the March 7, 2011 email from Pam Clardy. Ms. Clardy had several questions regarding the regulations for medications dispensed to a patient being discharged from an Ambulatory Surgery Facility. A response will be sent to Ms. Clardy.
- g. The Board reviewed the March 9, 2011 email from Andrew Monfre regarding prescription transfers. The Board clarified that Vermont regulations do not prohibit pharmacies from transferring partially filled prescriptions with authorized refills remaining.
- h. The Board reviewed the March 14, 2011 email from Daniel Belzil regarding Prescriber-Identifiable data. Mr. Belzil inquired about the State of Vermont's power over pharmacies, if any, to control pharmacies' dissemination of Prescriber-Identifiable data. The Board advised Mr. Belzil to examine the Vermont Statutes as the Vermont Board of Pharmacy's authority is set by them.
- i. The Board reviewed the March 16, 2011 email from Diane Ludwig regarding the regulations around printing messages on prescription blanks. The Board indicated that Ms. Ludwig will be informed that the Statutes governing the Vermont Board of Pharmacy do not address the scenario she provided.

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

The Board reviewed various documents from the NABP.

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

22. **Other Business Introduced**

- a. The Board re-reviewed the recommendations from the NABP Consultants. Due to the need for additional subject matter expertise, one of the recommendations was for the Board to hire a consultant to assist with some of the Board's tasks. Mr. Comart shared a draft of the job description for a Pharmacy Board Consultant. Director Winters explained the State's hiring process to the Board. In order to initiate the hiring process, Mr. Comart will continue to work with the Board to finalize a job description for the Pharmacy Board Consultant.

Another recommendation was for the Board to increase scope of delegation of authority to OPR staff as the Board deems appropriate. Some items have already been delegated to OPR staff. The Board has asked Ms. Kemp to provide it with a list of what items have been delegated to OPR staff to date.

23. The next meeting of the Board is scheduled for **Wednesday, April 27, 2011 at 9:00 A.M.**

Meeting dates for 2011 are as follows: May 18th, June 22nd, July 27th, August 24th, September 28th, October 26th and December 7th.

24. There being no further business, the meeting was adjourned at 2:43 P.M.

Respectfully submitted,

Kristy Kemp, Administrative Assistant
Office of Professional Regulation