

**Board of Pharmacy  
Secretary of State, Office of Professional Regulation  
National Life Building, North, Floor 2, Montpelier, VT 05620-3402**

**Unapproved Minutes  
Meeting of September 23, 2009**

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; Ann Overton, Secretary; Jeffrey P. Firlik, R.Ph.; Emma J. Pudvah; Larry Labor, R.Ph. and Earl W. Pease, Pharm.D.

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

Others present: Kerri L. Ryan, R.Ph.; Lisa B. Shelkrot, Esq.; Thomas DeFranco, R.Ph.; Ron J. DeBellis, Dr. Robert Hamilton, Salvatore Morana, R.Ph.; Steven Pashko, Susan DeLeo, Jason Smith, Grant Whitmer, and Thomas M. Spencer, R.Ph. Dennis Barton participated via phone.

2. The Chair called for approval of the Minutes of the August 26<sup>th</sup> meeting. On page 4, under item #13, the first sentence was amended to read: Mr. Firlik communicated with the CDC regarding the distribution of vaccines for the H1N1 flu virus and the need... Ms. Pudvah made a motion, seconded by Ms. Eaton, to approve the Minutes of the August 26, 2009 meeting as corrected. Motion passed unanimously.

3. Guests:

A. At 11:00 A.M. Salvatore Morana, Ron DeBellis, Dr. Robert Hamilton, and Inspector Daniel Vincent attended the meeting to discuss the Albany College of Pharmacy Vermont Campus. Inspector Vincent said he visited the site on September 2<sup>nd</sup> for an initial inspection and presented photographs of the mock pharmacy, laboratories, sterile room, etc. The group acknowledged that this is not a standard pharmacy and would be licensed as an investigative and research project facility since that description best fits the use to operate as a pharmacy school.

Mr. Morana indicated that the bottles shown on the shelves in the pharmacy have no active ingredients. He said in the next year or so they would have some tablets for compounding, etc. but no controlled substances. He said when they do have drugs on site they will run a perpetual inventory.

They said there are strict policies and agreements with students, an honor code and professional guidelines. They said this mock pharmacy is modeled after the Albany Campus. The laboratory has room for 30 students which is connected to the Albany site through video. Photographs were shown of the patient counseling areas as well as the e hoods located in these separate sterile products room, which were redesigned to meet 797 standards.

Inspector Vincent said the facility is secure. The outside perimeter is also secure. Entrance to the laboratory requires a card system at the door.

Dr. Hamilton said they are gathering the documents necessary to complete their application and will submit them to the Board within the next week or so. With regard to a statement as to having an adequate supply of drugs, they will offer an explanation. They invited the Board to visit the facility.

The Board encouraged the representatives from the Vermont Campus to have their students attend meetings to meet the Board of Pharmacy. The Board agreed to hold a meeting at the facility early next year but made no specific plans at this time.

In response to Mr. Morana's question about his role and at this site, the Board had no objection to his pharmacy being licensed as an investigative and research facility.

- a. At 1:00 P.M. Susan DeLeo (Bedford, NH) and Steve Pashko (Waltham, MA) with Walgreens Pharmacy attended the meeting to discuss Dynamic Workload Balancing. Ms. DeLeo said Dynamic Workload Balancing is a tool in which workloads are shared from a common database and stores (pharmacies), which they use at Walgreens.

Mr. Pashko explained the workflow process. He said the process because the data entry and review can be done remotely from the same database. He said it appears in the second location the same as it does in the original location. He gave an example of when a pharmacist at one location is asked to administer a flush shot, a pharmacist in another location has the ability to complete the process. The data is entered from scanned information. He said the label prints out where the prescription was presented. He said it is a barcoded process so anyone who has a part in filling the prescription is identified and time stamped. He said this shared workload is approved by the pharmacy technicians enter the data to bring up the image. The process is identical regardless of which store processes it. He said the workload would be shared by stores located in Vermont.

The Board noted that what they described is essentially centralized prescription processing, which is addressed in the new regulations under section 9.2. The Board pointed out the signage requirement pertaining to public awareness to alert patients as to where their prescriptions are being processed.

Ms. DeLeo and Mr. Pashko agreed it was similar to centrally processed although it is shared. The pharmacist dispensing the prescription is ultimately responsible. They believed that it would be shared responsibility in that each pharmacist should be responsible for their role in processing that prescription.

The Board asked for clarification that the final prescription and product could be verified together. Also of concern were DURs and how necessary changes to the prescription (i.e., dosage) were handled.

Mr. Pashko said in situations where further contact with the prescriber is needed, the prescription would be processed at the originating pharmacy. They indicated that Walgreens Corporate would like to have a letter of approval from the Board as presented. They said they do have the appropriate signage.

The Board and its legal counsel were hesitant to issue an official approval letter based on their presentation in the event a case was brought before the Board in the future. The Board acknowledged that their proposal falls under centralized prescription processing, Rule 9.2(1).

- c. At 2:00 P.M. Grant Whitmer, Executive Director of Community Health Centers of the Rutland Region (CHCRR), Jason Smith, owner of Castleton Health Center Pharmacy, and Thomas Spencer, pharmacist manager of that pharmacy, attended the meeting to give a presentation regarding CHCRR's request for approval to initiate telepharmacy services as a pilot project. Dennis Barton with the Bi-State Primary Care Association (BSPCA) participated via phone.

Grant Whitmers said the Community Health Centers of Health Centers. He said they want to convince the via the use of ScriptPro. They currently provide and anticipate that number to grow to over 100,000 with opened a retail pharmacy (Castleton Health Center Pharmacy) in the next year. In addition, they want to do telepharmacy year. Brandon and in West Pawlet.

the Rutland Region are Federally Qualified Health Centers. He said they want to convince the Board to allow them to do remote dispensing of health care services to 75,000 patients and in the next year. He explained that they pharmacy) within their largest facility last month from that pharmacy via ScriptPro in

They gave a presentation regarding the ScriptPro and how it works. A prescription is entered into the pending worklist where it is bar code scanned. The location view the same information and can communicate with the patient. Counseling was accomplished was also addressed. The 340B option, noting that ScriptPro is the best

product which demonstrated remote access to the pharmacy management system and appears to be used, etc. The pharmacy and remote pharmacy are visually through the monitor. How it is used. They said they are anxious to provide one available.

The Board asked what other, if any, brick and mortar pharmacies have difficulty accessing the location and how far they would need to travel. They used is different than what was approved for the PI concern that in this situation bulk product would be stocked. They asked if controlled substances would be stocked. ScriptPro system is not as secure as the prepackage Board must be convinced that enough patients would use this option. The Board was concerned about only having one site.

pharmacies were available in those areas. The Board indicated that the technology to be in the field site, also a FQHC. They raised the concern that in this situation bulk product would be stocked. They asked if controlled substances would be stocked. ScriptPro system is not as secure as the prepackage Board must be convinced that enough patients would use this option. The Board was concerned about only having one site.

Mr. Whitmers said under the current proposal the pharmacist would come once a week to verify inventories, and soon. They would verify what has been dispensed. Jason Smith said a pharmacist. He wants to ensure inventory levels do not run out of controlled substances available. He said at the remote site. The site would be secure with

pharmacist would provide on-site supervision and would develop an electronic inventory control system. He is the owner of the pharmacy but is not sure where they should be and noted that they said only experienced technicians would be able to use the punch key to identify who is there.

Mr. Whitmers said they understand that this is a pilot project to provide a balance of a range of services with a full pharmacist. He said they do see patients with higher co-pays who can understand the seriousness of the issue and will work to make it successful.

project but do not want to fail. They want to provide a spectrum of drugs available to patients. He said they do not afford their medications. He said they would work with the Board to ensure that it is

The Board asked if the technician would be an employee of the Pharmacy Technicians must be registered with the Board. Verification that patients who are treated by providers at a discounted rate.

employees of the pharmacy or of the health center. Board of Pharmacy. The Board asked for verification that patients who are treated by providers at a FQHC are eligible for medications at a

Mr. Whitmers said they want to make sure that patients receive them. Patients apply for a sliding fee scale to facilitate the application to Medicaid or other programs to anyone who is a patient of a federally qualified health center. This option.

patients who cannot afford their medications. The Health Center assists patients in programs. He said 340B drugs can be dispensed at a health center. He said patients are requesting

The Board indicated that it is a huge leap to go from technician to dispense who have full access to drug inventory without a pharmacist present.

omni-pharmacist present to actually allow drugs. It would be a pharmacy with a full

Mr. WhitmersaidtheyunderstandtheBoard'sconcer pharmacywithoversightbyapharmacist.Hesaidi theScriptProunit.

ns.Hesaiditalloowsforthefullrangeofa magesofalltransactionsarearchivedwithin

TheBoardacknowledgedthatitisawareofotherst notedthatthesitesareremote,notlessthan20m inthearea.TheBoardaskedaboutanticipatedvol

atesallowingtelepharmayinthismannerbut ilesapart.Thereareotherpharmacieslocated ume.

Mr. Whitmersaidtheyanticipateabout150prescrip Yorkareaandarecurrentlyfillingabout120aday about50%ofthosenumbers.Theyjustwanttomake coercingpatientstouseit.Hesaiditisnotin pharmacistinboththeBrandonandWestPawletloca medicalstandpointtohavethepatient'sinformatio areawareofwhatpatientsaretakingsincetheyar whetherpatientsaretakingtheprescribedmedicati thereandarebeingfilled.

tionsinBrandon,100intheMettowee,New atthepharmacy.Theyanticipatecapturing itavailabletopatients.Theyarenot anciallyfeasibletohaveapharmacywitha tions.Heexplainedthebenefitsfroma nintegrated.Hesaidphysicians/prescribers eatthesiteandhavebettercontrolover ons.Theyknowthatprescriptionsarent

Mr. Smithsaidoncethevolumeisupto150prescri a pharmacistifthegrowthisneeded.Hesaidther systemcanbesetuptoobservetheremotesite.T pharmacy.Hesaidasthebusinessgrowshewouldw Hesaidthereisalongtimebetweenstart-upandh

ptionsorsoperday,thesystemisbuilttoadd eisaconnectiontoapharmacy.Thesecurity heydon'thavethefundingtosetupanew anttoputinapharmacywithpharmacists. oldingtheirown.

AttorneyNovinsreadtheinitialprovisionthatall §2032(g))andtheaddedlegislationtoaddress34 TheBoardindicatedthatBi-Statehasmetthatthe involved.Asproposedthiswouldbeapharmacywit projectistoserveremoteareas.

owedforpilotprojectsinremoteareas(26V.S.A. 0Blowincomepatients(33V.S.A.§2004). latterprovisionbyhavingapharmacist houtapharmacist.Theintentofthepilot

Mr. Whitmersaidthereareothersusingthisproduc Theywanttoprovidetheservicetopatientsandex correctly.

tanditisimprovingaccesstoprescriptions. pand340Bdrugsbutarecommittedtodoit

TheBoardnotedthatthepharmacistatthepharmacy prescriptionsaday.Theyarepracticingpharmacist difficultandawareofthepressures.TheBoardme medicationsdispensedatthePlainfieldsiteonlyo

wouldbedealingwithapproximately300 swhoarewellawarethatelepharmacyis ntioneditconcernsthatoutof75acute nepatientrequestedcounseling.

Mr. WhitmersaidtheycontactedtheRiteAidPharma withthem.Hesaidatthattime,theywerenotinte medications.Hesaidtheyarenotttryingtocompet hastheoptiontogotoanotherpharmacyintheira

cyintheareasometimeagoaboutworking restedinenteringacontractregarding340B eordriveanyoneoutofbusiness.Apatient rea.

Mr. Whitmersaidtheywouldbewillingtoacceptco leveltheywouldestabliapharmacywithapharma versionofaphysiciandispensary.Theyunderstand andsafeaboutthisproduct.Hesaidtheirboardo theirpatients,haveindicatedthattheywanta340 lookedatotherpossibilitiessuchasSB200wherea foundthatitwouldbeveryexpensive.TheScript canbeexpandedwhenneeded.Theyunderstandthat willingtodowhattheBoardrequirestowhatere

nditionssuchasoncetheyreachedacertain cist.Theydonotwanttobeascaled theirproposalisastretchbuttheyfeelgood fdirectorsoverseeingthe340Bportionand Bpharmacyserviceprovided.Theysaidthey lldrugsarestoredbehindlockeddoorsbut Proproductisconstructedtobesecureand thisproposalisdifferentandnewandare xtentpossible.

Mr. Spencer said controlled substances would be best stocked. Closed circuit monitors could be installed. He said there are no restrictions on inventory and no formulary. The model does not work for maintenance, refills. They could do refills via mail order. A pharmacist is not on location but would be available via video camera.

Dennis Barton said he would like to schedule some time with the Board for introductions and soon. The Board agreed.

The Board's concern is the access issue without a pharmacist present on site. The ScriptPro product is not as secure as the prepackaged systems. More pressure would be put on the pharmacist from the remote sites. Both places (Braintree and West Pawlet) have retail pharmacies in place whom may not receive their medications due to the lack of this service would be very few. Patients may not have access to a sliding scale fee, but the health center could set it up.

The Board's experience with Plainfield is that it is not working as indicated due to the lack of patient counseling. The law is meant to serve sections of the State where there is no access to pharmacies. They would not be following a system formulary. The Board found that the case does not justify not having a pharmacist and it does not comply with the law regarding security. This would be a stand alone pharmacy with access to the prescription department. The Board does not want to endorse this scenario and believe that it is not in the best public interest. It must be a remote dispensing unit with a limited formulary and limited number of controlled drugs. The Board might be open to consider a secure remote automated dispensing unit, not an open pharmacy. The Board asked Attorney Novins to draft a response and send it out to members for review.

#### 4. Hearings/Stipulation setal .

a. At 9:30 A.M. the Board considered a Stipulation and Consent Order in the matter of McGuff Compounding Pharmacy Services, Inc., Docket Number 2007-298 (RX17-0807). Larry Novins presided for the Board. Gregg Meyer was present for the State. Based on the documentation provided and presented, Ms. Eaton made a motion, seconded by Mr. Labor, to accept the Stipulation and Consent Order as presented. The question was called and the motion passed. Mr. Firlik, Investigating Member, did not participate in the vote.

b. At 9:30 A.M. the Board held a *sanctions* hearing in the matter of Thomas F. DeFranco. The Respondent and his Attorney, Lisa B. Shelkrot, were present. Larry Novins presided for the Board. Gregg Meyer was present for the State. The parties submitted stipulated facts. Attorney Meyers said the parties have also agreed to sanction the Respondent's license. The Board voted to go into deliberative session at 10:05 A.M. and out at 11:01 A.M. The Board reviewed the proposed conditions and modified them further. Mr. Firlik made a motion, seconded by Chairman Vincent, to impose the conditions agreed upon by the parties and the Board. The question was called and the motion passed. Mr. Labor, Investigating Member, did not participate in the votes.

#### 5. Reports:

Larry Labor reported on his participation in the DC conference call. He said about 20 states participated in the conference. He said the chains were advised that the vaccines could go to their warehouses. He said there are some delays in receiving the regular flu vaccine because there was so much time spent on H1N1. He said more information about the vaccines will be forwarded to states in the near future.

Chairman Vincent said he approved licensure for the four McKesson wholesalers once the verifications were received from their home states.

Messrs Firlik and Pease reported on their attendance at the Albany College of Pharmacy—Vermont Campus White Coat Ceremony. Tour of the facility observe on their own. They said they are in the process of developing the library. They gave a brief speech at the White Coat Ceremony with about 74 students present. They said it is a very nice facility. They invited students to attend Board meetings. The Board thanked them for representing the Board at this event.

ce at the Albany College of Pharmacy—Vermont were offered or people could walk around and observe the development of the library. They gave a brief speech at the White Coat Ceremony with about 74 students present. They said it is a very nice facility. They invited students to attend Board meetings. The Board thanked them for representing the Board at this event.

6. Follow-up Cases

7. Legislation/Rulemaking:

The Board agreed to submit legislation to impose an application fee of \$110 for telepharmacy on registered pharmacists as well as a renewal fee. (Board Rule 2.9 and 2.10).

application fee of \$110 for telepharmacy. There has yet been established for this registration fee.

Attorney Novins said the proposed fees would be included in the upcoming Office bill. He said the Rules are complete and will be in effect as of October 1, 2009. He reported that the Legislative Committee on Administrative Rules appreciated the Board's work and involving others. He mentioned the two minor changes concerning non-VAWD certification and the change from may to shall regarding patient profiles.

included in the upcoming Office bill. He said the Rules are complete and will be in effect as of October 1, 2009. He reported that the Legislative Committee on Administrative Rules appreciated the Board's work and involving others. He mentioned the two minor changes concerning non-VAWD certification and the change from may to shall regarding patient profiles.

Mr. Firlik made a motion, seconded by Chairman Vincent, to especially thank Ms. Eaton, Attorney Novins, Ms. Preston and Ms. Kemp for all the work they put into the completion of the updated rules. Motion passed unanimously.

cent, to especially thank Ms. Eaton, Attorney Novins, Ms. Preston and Ms. Kemp for all the work they put into the completion of the updated rules.

The Board discussed how best to inform licensees of October 1<sup>st</sup>. The Board acknowledged that some pharmacy employers do not allow access to the Internet due to concerns about firewalls, outside websites, etc. In the end, the Board agreed that all in-state pharmacies should be sent a hard copy of the updated rules. Postcard notices will be sent to all pharmacists, wholesalers, and non-resident pharmacists stating that the rules were approved and where they may be found.

at the new rules were approved and in effect as of October 1<sup>st</sup>. The Board acknowledged that some pharmacy employers do not allow access to the Internet due to concerns about firewalls, outside websites, etc. In the end, the Board agreed that all in-state pharmacies should be sent a hard copy of the updated rules. Postcard notices will be sent to all pharmacists, wholesalers, and non-resident pharmacists stating that the rules were approved and where they may be found.

Ms. Eaton mentioned the vaccine registry though she understood that registering was voluntary but asked for clarification. She said it is a lot of work to register and rather time consuming. According to Board Rule 9.34(c), pharmacists shall comply with the 18 V.S.A. § 1129's immunization registration notice as required to the Vermont Department of Health. Section 1129(b) states, "The department may use the data to create a registry of immunizations." Although vaccination data must be reported to the Vermont Department of Health, participating in its registry is not mandatory.

the Vermont Department of Health. She said she understood that registering was voluntary but asked for clarification. She said it is a lot of work to register and rather time consuming. According to Board Rule 9.34(c), pharmacists shall comply with the 18 V.S.A. § 1129's immunization registration notice as required to the Vermont Department of Health. Section 1129(b) states, "The department may use the data to create a registry of immunizations." Although vaccination data must be reported to the Vermont Department of Health, participating in its registry is not mandatory.

8. Complaints/Reports of Concluded Investigations

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

ded Investigations and took action as indicated.

2009-90—The Board Reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Ms. Eaton, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Chairman Vincent, Investigating Member, did not participate in the vote.

ed Investigation. Mr. Firlik made a motion, seconded by Ms. Eaton, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Chairman Vincent, Investigating Member, did not participate in the vote.

2009-91—The Board Reviewed the Report of Concluded Investigation. Ms. Eaton made a motion, seconded by Mr. Firlik, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Chairman Vincent, Investigating Member, did not participate in the vote.

ed Investigation. Ms. Eaton made a motion, seconded by Mr. Firlik, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Chairman Vincent, Investigating Member, did not participate in the vote.

9. Applications for Licensure as a Pharmacist:

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

to approve the following applicants for licensure

Rebecca A. Bubel, R.Ph. (Endorsement)  
Kimberly Mu-Chow, R.Ph. (Endorsement)

Brian J. Chapman, PharmD (Examination)  
Jennifer M. Vandewater, PharmD (Endorsement)

pin, PharmD (Examination)  
Vandewater, PharmD (Endorsement)

10. In-State Drug Outlets:

Mr. Firlik made a motion, seconded by Ms. Overton, following in-state drug outlets. Motion passed unanimously.

to take action as indicated below on the following in-state drug outlets. Motion passed unanimously.

a. Albany College of Pharmacy and Health Science, Colchester, VT submitted an application for its "mobile" pharmacy. Inspector Vincent inspected the facility on September 2, 2009 and shared photographs with the Board. The Board approved the facility for licensure pending receipt of the missing documents to complete its application.

s—Vermont Campus, 261 Mountain View Drive, Colchester, VT submitted an application for its "mobile" pharmacy located within the school. Inspector Vincent inspected the facility on September 2, 2009 and shared photographs with the Board. The Board approved the facility for licensure pending receipt of the missing documents to complete its application.

b. CVS/Pharmacy #337, 8 Kocher Drive, Bennington, VT submitted a new application to reflect a change in ownership. This facility was inspected in February of 2009. The Board agreed that an additional inspection was not needed in this situation. The facility was approved for full licensure.

VT submitted a new application to reflect a change in ownership. This facility was inspected in February of 2009. The Board agreed that an additional inspection was not needed in this situation. The facility was approved for full licensure.

c. CVS/Pharmacy #673, 31-33 Main Street, Rutland, VT submitted a new application to reflect a change in ownership. This facility was inspected in July of 2009. The Board agreed that an additional inspection was not needed in this situation. The facility was approved for full licensure.

VT submitted a new application to reflect a change in ownership. This facility was inspected in July of 2009. The Board agreed that an additional inspection was not needed in this situation. The facility was approved for full licensure.

11. Change in Pharmacist Manager:

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

to approve the change in pharmacist managers as indicated below. The question was called and the motion passed unanimously.

a. Rite Aid Pharmacy #4272, (038-3278), located at 1024 North Avenue, Burlington, Vermont, changed pharmacist managers from Mahnaz M. Khorrami to Shane Louis.

t 1024 North Avenue, Burlington, Vermont, changed pharmacist managers from Mahnaz M. Khorrami to Shane Louis.

b. Rite Aid Pharmacy #10334, (038-3373), located at 263 Court Street, Middlebury, Vermont, changed pharmacist managers from Gary Maravallito to Renee A. Mosier.

at 263 Court Street, Middlebury, Vermont, changed pharmacist managers from Gary Maravallito to Renee A. Mosier.

12. Non-Resident Pharmacies:

Chairman Vincent made a motion, seconded by Ms. Overton, to approve the following non-resident pharmacy for licensure based on its completed application. Motion passed unanimously.

erton, to approve the following non-resident pharmacy for licensure based on its completed application. Motion passed unanimously.

a. Senior Respiratory Care Solutions, Inc., 3448 Summerhill Road, Texarkana, TX.

ummerhill Road, Texarkana, TX.

13. Non-Resident Wholesaler/Manufacturer Drug Outlets:

Mr. Firlik 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.

to approve the following non-resident wholesale distributors and/or manufacturers for licensure based on their completed applications. Motion passed unanimously.

a. Pharma-C, Inc. dba WorldGen, LLC, 120 Route 17 North, Paramus, NJ.

North, Paramus, NJ.

b. Sentry BioPharma Services, Inc., 4605 Decatur Boulevard, Indianapolis, IN.

ulevard, Indianapolis, IN.

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

15. **Continuing Pharmacy Education Requests:**

Ms. Eaton made a motion, seconded by Mr. Pease, to approve the following continuing pharmacy education requests as indicated. The question was asked and the motion passed unanimously.

- a. "Introduction to Monoclonal Antibodies and Tyrosine Kinase Inhibitors," submitted by Shawna Barito with Fletcher Allen Health Care, was approved for one (1) hour of live (didactic) continuing pharmacy education credit. The lecture was held on August 18, 2009. The approval number issued is CPE002(L)-0909.
- b. "Neonatal Abstinence Syndrome," submitted by Shawna Barito with Fletcher Allen Health Care, was approved for one (1) hour of live (didactic) continuing pharmacy education credit. The lecture will be held on October 1, 2009. The approval number issued is CPE003(L)-0909.
- c. "Annual Breast Cancer Conference," submitted by Deborah Rheaw with University of Vermont, was approved for 4.5 hours of live (didactic) continuing pharmacy education credit. The conference will be held on October 24, 2009. The approval number issued is CPE004(L)-0909.
- d. "New Drugs and Drug News," submitted by Clare Coppock with Rutland Regional Medical Center, was approved for one (1) hour of live (didactic) continuing pharmacy education credit. The program was held on September 22, 2009. The approval number issued is CPE005(L)-0909.
- e. "Oncology Pharmacy: Supportive Care Update," submitted by Shawna Barito with Fletcher Allen Health Care, was approved for one (1) hour of live (didactic) continuing pharmacy education credit. The lecture will be held on October 20, 2009. The approval number issued is CPE006(L)-0909.

16. Intern/Preceptor application(s)

Mr. Laborn made a motion, seconded by Ms. Eaton, to accept completed preceptor applications and the Intern applications listed below as indicated. Motion passed unanimously.

- a. Clark, Matthew L.—submitted an Application for Registration of Intern—Approved.
- b. Greene, Ashley L.—submitted an Application for Registration of Intern—Approved.
- c. Hall, Amy L.—submitted an Application for Registration of Intern—Approved.
- d. Hutchins, Carrie L.—submitted an Application for Registration of Intern—Approved.
- e. Zeigler, Laura A.—submitted an Application for Registration of Intern—Approved.
- f. Franzoni, Douglas J.—submitted Intern's Evaluation and Preceptor's Affidavit of Internship Hours and was approved for the 350.69 hours she earned at Hannaford Food & Drug #398 in Williston, Vermont during the period of May 03, 2009 through August 01, 2009.
- g. Vinjamuri, Anil K.—submitted Intern's Evaluation and Preceptor's Affidavit of Internship Hours and was approved for the 960 hours she earned at Rita Aid Pharmacy #10336 in Hardwick, Vermont during the period of March 18, 2009 through August 29, 2009.

Ms. Kemp mentioned that OPR's licensing system is configured to restrict preceptors from supervising more than two interns at the same time. She explained that with rotations, students are registering and listing their school-approved preceptor whom they may already be supervising two interns. The dates of the internship are not requested. She said several intern applications have been submitted listing the same preceptors. The system will not allow the application to be approved. The Intern application will be updated to ask whether this internship is part of the intern's school rotations or to earn the 500 non-school hours required for both. In addition, anticipated dates for rotations or non-school hours will be requested.



The Board agreed that the licensing system needed to be updated to allow the interns to register. The Board is confident that supervising preceptors that may be supervised at the same time. The Board agreed that further clarifying the application will help avoid further confusion as well as ensure that interns receive the proper credit. Preceptors will be reminded that they may only supervise two interns at the same time.

17. Pharmacy Technicians: Total Number of Active Registered Technicians is 1,062 (999 Resident, 63 Non-Resident).

18. Newsletter Topics!

20. Miscellaneous Correspondence

a. The Board reviewed and discussed the September 2009 emails from Marva Williams-Lowe with Dartmouth Hitchcock Medical Center regarding requirements to provide medications (including controlled substances) to ambulance services in Vermont. Mr. Labors said he spoke with Ms. Williams-Lowe about this question and noted that compliance with section 10.12 must be met. No additional information is needed at this time.

b. The Board reviewed and discussed the information provided by RXKnights with regard to Registration for Telepharmacy Across State Lines. RXKnight submitted some applications for pharmacists' registration to do telepharmacy. Since no application for this type of registration had been developed, the pharmacists applying submitted endorsement applications for pharmacists. The application submitted are incomplete. In addition, the statements required which are outlined in the Rules must also be submitted. The Board would prefer completion of an updated application designed for this type of registration. RXKnights will be advised of the deficiencies.

The Board visited the RXKnights website, noting it is a remote order entry service and provides after hours services to hospitals. The company is not a pharmacy, but employs these pharmacists to do telepharmacy for a hospital. These pharmacists are providing services for the hospital from their home. Since they are not working in a pharmacy licensed to ship products to the State of Vermont, they must register as pharmacists providing telepharmacy services.

The Board discussed pharmacy benefits managers (PBM) to determine whether they also needed to register under Rule 2.9 and 2.10. Based on the discussion that ensued, the Board concluded that PBMs would not be required to register since they are not dispensing. The PBMs suggest changes to the prescriber and to the patient but does not change the prescription. Since PBMs are not authorizing any dispensing they do not need to register for providing telepharmacy services.

The Board agreed that notice should be sent to the Director of Pharmacy at hospitals in Vermont notifying them that if they are receiving this type of service that the pharmacists providing the service must register as telepharmacy pharmacists as described in Rule 2.9 and 2.10. The Board will propose an application fee of \$110 for this registration which will be included in the 2010 Office Bill.

c. The Board reviewed the September 22, 2009 email from Jennifer Murphy concerning collaborative practice and what it means. Collaborative practice is defined. The Board noted that a physician order is acceptable as a collaborative practice agreement. The protocol accepts the standing order as approved.

d. The Board reviewed the September 22, 2009 email from Margaret McKenna concerning specially compounded medications she needs tested for potency/dose. The Board suggested that she contact an independent lab for drug testing or contact the state police.

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

The Board reviewed and noted miscellaneous NABP correspondence.

21. Public Comment

Comments from guests were addressed above.

22. Other Business Introduced

The Board agreed to send a notice to all prescriber prescription pads (Rule 9.5) which becomes effective on January 1, 2010. Larry Novins drafted the notice to be printed on a postcard.

23. Election of Officers

Ms. Eaton made a motion, seconded by Mr. Labor, to keep the same slate of officers. The question was called and the motion passed unanimously.

Attorney Novins mentioned that the statute allows the Chair to grant continuances and stays. Ms. Eaton made a motion, seconded by Mr. Pease, to allow the Chair to grant a stay or continuance on the Board's behalf. Motion passed unanimously.

24. The next meeting of the Board is scheduled for Wednesday, October 28, 2009. The last meeting in 2009 is scheduled for December 2, 2009.

25. There being no further business, the meeting was adjourned at 3:45 PM.

Respectfully submitted,

Carla Preston, Unit Administrator  
Office of Professional Regulation