

VERMONT BOARD OF PHARMACY– Approved Minutes
Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402
February 25, 2015 at 9:00 AM

1. The meeting was called to order at 9:04 AM, by Larry Labor, Chair.

Members Present: Mr. Larry Labor, RPh, Chair; Mr. King Milne, RPh, Vice Chair; Ms. Judith Wernecke, Public Member; Ms. Stephanie Ibey, RPh, and Mr. Robert Carpenter, RPh.

Members Absent: Mr. Corey Duteau, RPh and Mr. James Arisman, Esq.

OPR Personnel Present: Mr. Larry Novins, General Counsel, and Ms. Aprille Morrison, Licensing Board Specialist.

Guests: Lisa Brouillette Hurteau, Todd Piker, Mike Duteau, Heather Shouldice and Anne Fellows.

2. The Chair called for approval of the Minutes of the January 28, 2015 meeting. Mr. Milne made a motion to approve the minutes with amendments, motion was seconded by Mr. Carpenter. Motion passed. A discussion regarding reverse distributors and wholesale licensure was had and members present corrected the response to Brendan Carroll stating that reverse distributors are not required to be licensed as wholesale distributors in Vermont. Ms. Morrison will contact Mr. Carroll.

3. **Hearings/Stipulations/Reports of Concluded Investigation *et al*:** None

4. **Guests:**

10:00 am – Colin Benjamin, Director of the Office of Professional Regulation. Mr. Benjamin met with the Board to discuss the status of the contract agreement for a pharmacist contractor. Mr. Labor made a motion for the Board to move into executive session to discuss the contract. Ms. Ibey seconded the motion. Motion passed. The Board went into executive session from 10:05 am to 10:43 am. Mr. Carpenter made a motion to approve this draft contract for a Pharmacy Board Consultant to serve as the job description for posting and authorize Director to advertise for four weeks to find candidates to serve as Pharmacy Board Consultant. Ms. Wernecke seconded the motion. Motion passed. The contract will be finalized at a later date.

11:00 am – Daniel Vincent, Inspector for the Office of Professional Regulation. Mr. Vincent informed the Board that verification of pharmacies capturing patient information is now a part of the inspection process. Mr. Vincent is verifying that pharmacies are collecting the information for new patients as well as updating the information for existing patients.

Mr. Vincent informed the Board that he attended a Pharmacy Compounding Accreditation Board (PCAB) workshop in North Carolina in January.

Mr. Vincent also informed the Board that he is cross-training another OPR inspector, Karl Packer, to assist with retail pharmacy inspections. Mr. Vincent is working with other inspectors to take over the other OPR professions he was previously inspecting.

5. **Case Manager's Report:** There are currently 35 active cases. Fifteen (15) are under investigation, eight (8) are pending a closing report (seven approved at today's meeting), four (4) are pending charges, five (5) are pending investigative team meetings, two (2) have had charges filed, and one (1) is on hold.

Report of Concluded Investigation 2014-172. Mr. Carpenter made a motion to accept the report as presented. Mr. Milne seconded the motion. Motion passed. Ms. Ibey recused from voting as she was the Investigative Team member.

Report of Concluded Investigation 2014-570. Mr. Carpenter made a motion to table the report. Ms. Wernecke seconded the motion. Motion passed. Ms. Ibey recused from voting. Mr. Milne recused from voting as he was the Investigative Team member.

Report of Concluded Investigation 2014-616. Mr. Carpenter made a motion to accept the report as presented. Ms. Wernecke seconded the motion. Motion passed. Ms. Ibey recused from voting as she was the Investigative Team member.

Report of Concluded Investigation 2014-624. Mr. Carpenter made a motion to accept the report as presented. Mr. Labor seconded the motion. Motion passed. Mr. Duteau was the Investigative Team member but was not present at the meeting.

Report of Concluded Investigation 2014-628. Mr. Carpenter made a motion to accept the report as presented. Mr. Milne seconded the motion. Motion passed. Mr. Labor recused from voting as he was the Investigative Team member.

Report of Concluded Investigation 2014-705. Mr. Milne made a motion to accept the report as presented. Mr. Carpenter seconded the motion. Motion passed. Ms. Ibey recused from voting as she was the Investigative Team member.

Report of Concluded Investigation 2014-709 & 2014-710. Mr. Carpenter made a motion to accept the report as presented. Mr. Labor seconded the motion. Motion passed. Mr. King recused from voting as he was the Investigative Team member.

Ms. Preston presented the Board with an order for removal of conditions for Doreen White. Mr. Carpenter made a motion to accept the removal of conditions on Ms. White's pharmacist license. Ms. Wernecke seconded the motion. Motion passed.

6. **Legislation/Rulemaking:**

Pharmacy Technician Draft Rules – Mr. Novins informed the Board that the draft rules were filed with ICAR on February 24th and will be reviewed at the March 9th ICAR meeting. If approved the Board could look at holding a public hearing at their April Board meeting.

Naloxone Update – Mr. Novins informed the Board that an amendment has been added to the OPR Bill to include immunity for pharmacists in Naloxone dispensing. Mr. Novins informed the Board that the dispensing policy approved at the January meeting was now posted on the website. Mr. Novins requested Ms. Morrison work with Terry Gray to update the language the policy was posted under.

Policy on Definition of Legend Devices – Mr. Novins presented the Board with a draft of a policy to define legend devices. The Board provided Mr. Novins with examples of devices that would or would not qualify. Mr. Novins will update the draft and present it for approval at the March meeting.

H.97 an act relating to the maximum allowable cost for prescription drug reimbursement - Mr. Novins wanted to inform the Board that this is a bill that is currently in Committee and has not moved forward as of yet.

The Board realizes that a complete Administrative Rules update may be necessary. Mr. Novins requested that this be added as an agenda item for all future meetings. The Board members present agree. Ms. Morrison will add this to the agenda.

7. **Application Review:**

Ms. Ibey made a motion to delegate review and approval of pharmacy applications to administrative support staff. Mr. Carpenter seconded the motion. Motion passed.

Ms. Preston requested the assistance of a pharmacist member to review applications that were questionable. Mr. Carpenter volunteered to assist Ms. Preston.

8. **Continuing Education Requests:**

Lisa Jackman, University of Vermont Medical Center, request approval for one half (.5) hours of live (didactic) continuing pharmacy technician education credits for the course "**The Use of Methadone in the Hospital Setting**" that was held on February 12, 2015. Mr. Carpenter made a motion to approve the course. Motion was seconded by Ms. Wernecke. Motion passed.

9. **Newsletter Topics:**

As previously the newsletter was tasked to the Executive Officer the Board determined that upcoming newsletters will be tasked to either the pharmacist consultant or to the Board chair. The next newsletter is due to be sent in June 2015.

The Board agreed that with the absence of an Executive Officer it would be beneficial to update the frequently asked questions on the Board's website. Ms. Morrison and Mr. Novins will work on these and consult with the Board at the March meeting.

10. **Discussion Items:**

MPJE Item Workshop – Ms. Ibey will forward the registration information to Ms. Morrison for distribution to the complete Board. Mr. Duteau had expressed interest in attending at a previous meeting. The workshop will be held in March.

FDA – Oversight of Drug Compounding workshop – Mr. Labor gave Mr. Vincent the information should he wish to attend. Mr. Vincent shared with the Board members present that it appears the FDA will cover expenses for two people to go and should a Board member wish to attend with him.

11. **Correspondence:**

Mr. Novins will work with Ms. Morrison to get the appropriate responses out to the questions presented at today's meeting.

Bessie Weiss – Sale of Syringes – Mr. Novins spoke to the Board regarding a discussion topic for rule making to allow for exemptions for the Department of Health's "clean needle policy". Mr. Novins will present a draft to the Board.

12. The next meeting is scheduled for Wednesday, March 25, 2015 at 9:00 am.

13. Mr. Carpenter made a motion to adjourn at 11:55 am. The motion was seconded by Mr. King. Motion Passed.