

**VERMONT BOARD OF PHARMACY—Approved Minutes**  
Secretary of State, Office of Professional Regulation  
89 Main Street, 3<sup>rd</sup> Floor, Montpelier, VT 05620-3402  
**September 24, 2014 at 9:00 AM**

1. The meeting was called to order at 9:02 AM, by Jeff Firlik, Chair.

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

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

Guests: Todd Piker, Heather Shouldice and David Mickenberg

2. The Chair called for approval of the Minutes of the August 27, 2014 meeting. There being no objection to the minutes as presented they were unanimously approved by the Board.

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

Report of Concluded Investigation 2013-552. Mr. Carpenter made a motion to accept the report as presented. Mr. Labor seconded the motion. Mr. Milne did not participate in the vote as he was the Investigative Team Member. Motion passed.

Report of Concluded Investigation 2014-465 & 2014-466. Mr. Labor made a motion to accept the report as presented. Mr. Carpenter seconded the motion. Ms. Ibey did not participate in the vote as she was the Investigative Team Member. Motion passed.

Report of Concluded Investigation 2014-98. Ms. Wernecke made a motion to accept the report as presented. Mr. Carpenter seconded the motion. Mr. Labor did not participate in the vote as he was the Investigative Team Member. Motion passed.

4. **Guests:**

Chris Winters, Director of the Office of Professional Regulation (OPR) – Budget discussion. Mr. Winters provided the board with information on the current budget. The fund balance ratio remains stable and therefore Mr. Winters recommends the Board continue to monitor the fund balance through fiscal year 2015 and at that time, if the fund continues to grow, possibly consider a fee reduction. Mr. Firlik requested that Mr. Winters consider allowing multiple Board members to attend the national and regional National Association of Boards of Pharmacy (NABP) conferences as he feels the Board benefits from attending as pharmacy regulations and education is constantly in a state of change. As well the contacts made at these meetings with other state boards are an invaluable means of support for the Vermont Board. Mr. Winters advised he would consider any requests made.

6. **Case Manager's Report:** There are currently 30 active cases. Twelve (12) are under investigation, five (5) are pending a closing report (four approved at today's meeting), two (2) are pending hearing, three (3) are pending investigative team meetings, two (2) are pending charges, two (2) have had charges filed and four (4) are in intake status.

7. **Legislation/Rulemaking:**

Pharmacy Technician Discussion – The Board was provided with draft rules for pharmacy technicians from Mr. Klein and Mr. Novins as well as a copy of the NABP model rules for technicians from Mr. Firlik. Mr. Carpenter suggested a subcommittee of the Board be created to incorporate the draft rules presented with additional changes and tweaks for the Board's consideration at the October meeting. The subcommittee members will be Jeff Firlik, Rob Carpenter and Larry Labor as well as Mr. Klein and Mr. Novins. Mr. Carpenter will e-mail the subcommittee members with notes that he has already accumulated by October 3<sup>rd</sup> and then they will hold a teleconference on October 22<sup>nd</sup> at 7:00 am to discuss the possible draft changes.

8. **Application Review: None**

9. **Executive Officer Report:**

Mr. Klein informed the Board that he attended the American Association of Veterinary State Boards (AAVSB) conference. There was a presentation from a speaker who is both a pharmacist and a social researcher. The speaker informed the meeting attendees that the Province of Ontario mandates that 5% of all pharmacists, randomly selected, pass a competency exam every year. The exam consists of a written examination of sixty questions and eight, seven minute oral presentations. The first time pass rate is 84%. Pharmacists are given two more opportunities to pass the examination and if unsuccessful they are required to take remedial action. There is also a possibility of discipline from the regulatory authority. This was an FYI for the Board.

Mr. Klein informed the Board he would be attending an NABP executive officer forum in October where one of the primary topics for discussion is marijuana dispensing.

Mr. Klein informed the Board that Naturopathic Physicians are beginning testing, as of today, on a pharmacology examination that, should they pass, will give them full prescriptive rights. The current formulary from which Naturopaths prescribe is set to sunset on July 1, 2015. Mr. Firlik made a motion the Administrator for Naturopathic Physicians, Ronald Klein, send a communication on Naturopath scope of prescribing practice to pharmacists for guidance. Ms. Ibey seconded the motion. Mr. Arisman abstained from voting. Motion passed.

Mr. Klein reminded Board members that the next Board meeting dates are October 29, 2014 and December 17, 2014.

Mr. Vincent and Mr. Klein attended a NABP sponsored Critical Point meeting in Chicago. Mr. Vincent informed the Board that this was a presentation of USP 797 standards and application aspects, question and answer periods and imagery of different compounding pharmacy practices both acceptable and unacceptable. There is a webinar that is also available and Mr. Vincent will provide the web address to Board members.

10. **Discussion Items:**

Review of revised documentation on dispensing of Naloxone by pharmacists and vote on its adoption. David Mickenberg from the Drug Policy Alliance joined in the discussion and questioned the reason for needing a collaborative practice agreement and other questions regarding the sample document. Mr. Firlik informed Mr. Mickenberg that pharmacists are not allowed to prescribe drugs and the Naloxone kit states it may be dispensed only by prescription.

Mr. Klein presented the Board with a sample form of a collaborative practice agreement that can be used by pharmacies who wish to have the ability to dispense Naloxone Rescue Kits from their pharmacies. The Board requested modifications to the sample form which Ms. Morrison made and presented to the Board again. Mr. Arisman made a motion to accept the document as corrected. Mr. Carpenter seconded the motion. Motion passed.

Hydrocodone Combination Products (HCP) move to Schedule II from Schedule III. Mr. Klein requested direction from the Board as to how they wish to handle the schedule change of HCPs.

Mr. Novins assisted the Board with development of a policy for HCP refills. Mr. Labor made a motion for the Board to adopt the policy as presented. Mr. Milne seconded the motion. Motion passed. The policy will be posted on Office of Professional Regulations' (OPR) website and will be sent to all pharmacists.

American Pharmacist's Association – Academy of Student Pharmacists – Midyear Regional Meeting. The Board was invited to participate in the conference. The Board declined the invitation as this type of activity exceeds the Board's charge.

E-prescribing of Controlled Substances. The Board stated schedule II drugs may be prescribed electronically as the Federal law permits.

11. **Public Comments:**

Heather Shouldice spoke on behalf of the Vermont Association of Chain Drug Stores and presented the Board with a proposed amendments to the Administrative Rules. Ms. Shouldice understands the Board cannot act on these changes until their next Rules revision; however she asked that the Board keep these changes in mind when they start the rule amendment process. The Board acknowledged her changes and will keep them for the next revision.

12. **Election of Officers:**

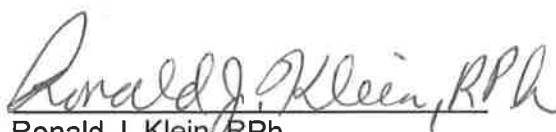
Mr. Firlik made nominations for Mr. Labor to be Chair, Mr. Milne to be Vice-Chair and Ms. Wernecke to be Secretary of the Board of Pharmacy. Mr. Carpenter made a motion to accept Mr. Firlik's slate of nominations. Mr. Arisman seconded the motion. Motion passed. New officers will take their positions beginning at the October 2014 Board meeting.

11. Mr. Labor made a motion to adjourn at 12:52 pm. The motion was seconded by Mr. Carpenter. Motion Passed.

Respectfully Submitted:



Judith Wernecke, Secretary  
Vermont Board of Pharmacy



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