

Board of Pharmacy
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
Meeting of October 27, 2010

1. The meeting was called to order at 9:02 A.M.

Members present: Julie A. Eaton, R.Ph., Chair; Jeffrey P. Firlik, R.Ph., Vice-Chair; Emma J. Pudvah; Judi Wernecke and Larry Labor, R.Ph. Members Absent: Earl W. Pease, Pharm.D. and Steven M. Vincent, R.Ph

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

Others present: Crystal Bousquet from Anthony Otis' Office, representing the Vermont Community Retail Pharmacy Coalition; Kerri Ryan with CVS Pharmacies and Anthony Otis, representing the Vermont Community Retail Pharmacy Coalition.

2. The Chair called for approval of the Minutes of the September 22nd meeting. Ms. Pudvah made a motion, seconded by Ms. Wernecke, to approve the Minutes of the September 22, 2010 meeting as written. Motion passed unanimously.

3. **Guests:**

- a. Christopher Winters, Director of OPR, attended the meeting to provide updates on office staffing and the Boards budget.

Director Winters introduced Peter Comart who is the new Unit Administrator for the Board.

Director Winters also gave a report on the Boards budget information. There is no recommendation for changes in the current fees at this time. Director Winters is planning on providing updates to the Board about its budget information every fall.

Director Winters spoke with the Board about the need for an Executive Director. He informed the Board of his discussion with the John Snow Research and Training Institute (JSI). JSI submitted a proposal to conduct a review and assessment of the essential services and staffing needs of the Vermont Board of Pharmacy. The Board was not opposed to a consultation however it felt there may be other avenues available at a lesser cost. Mr. Firlik felt the fee mentioned within the proposal was very reasonable. In his experience as a consultant he felt the fee was minimal in comparison to others he has seen. The Chair suggested speaking with the National Association of Boards of Pharmacy (NABP) as one of its primary roles is to support the State Boards of Pharmacy.

Director Winters will contact Carmen Catizone, Executive Director/Secretary with the NABP to see what they can do for the Board before it accepts the proposal from JSI.

The information gathered will be shared with the Board at its next meeting so that it can make a decision and move forward.

- b. Amy Carlson, Chief Investigator, attended to share the first draft of the Institutional Pharmacy Inspection Report. She stated that the form was formatted to follow the current Rules. Ms. Carlson asked the Board to take some time to review the draft and note any comments or concerns. She will be following up with the Board Members by email in the next couple of weeks and is planning to come back to the Board with a final draft for approval.
- c. Daniel Vincent, Inspector, attended to discuss various items with the Board.

Mr. Vincent stated that a pharmacist had suggested that he consider allowing Pharm.D. students to attend some of the pharmacy inspections he performs. The Board indicated that it does not have the authority to allow unauthorized personnel access to random pharmacies.

Mr. Vincent asked the Board if it requires that pharmacies seek a professional to re-calibrate their scales. The Board explained that this was unnecessary as pharmacists can self-calibrate the scales themselves. Individuals seeking information about how to self-calibrate the pharmacy's scales should refer to the following book: Remington: The Science and Practice of Pharmacy.

Mr. Vincent spoke with the Board about the requirements for initial inspections of in-state pharmacies. The current initial inspection requirements are minimal, requiring proper security and a solid structure. Once an applicant passes an initial inspection they are granted a temporary permit which allows them to open for business. The Board agreed that it is appropriate to go back to the previous inspection form which requires a more extensive inspection of a more complete facility. The increase in the requirements for the initial inspections is necessary to ensure public protection.

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

- a. The Board considered a Stipulation and Consent Order in the matter of Amy L. Haggett, Docket Number 2010-94. Larry S. Novins presided for the Board. Prosecuting Attorney, Gregg Meyer was present for the State. Mr. Labor made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order. The question was called and the motion passed.

5. **Reports:**

6. **Follow-up Cases**

Carla Preston, Case Manager, provided updates on current and follow-up cases.

7. **Legislation/Rulemaking:**

8. Complaints/Reports of Concluded Investigations

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

2009-408 and 2009-468 - The Board reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Mr. Labor, to reject the Investigative Team's recommendation. Motion passed unanimously. The Chair, Investigating Member, did not participate in the vote.

9. Applications for Licensure as Pharmacists:

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

Mary D. Butcher, R.Ph. (Endorsement)
Nicholas A. Crucetti, PharmD (Endorsement)
Tarek M. El-Assar, R.Ph. (Examination)
Melissa A. Lawrence, PharmD (Examination)
Judith A. Margulies, R.Ph. (Endorsement)
Shannon M. Moore, PharmD (Endorsement)
Megan E. Pike, PharmD, (Examination)
James K. Smith, R.Ph. (Endorsement)
Siubun Tang, PharmD (Endorsement)
Anil K. Vinjamuri, R.Ph. (Examination)
Michael B. Windisch, PharmD (Examination)

The Board reviewed Mr. Douglas A. Ellis' application for reinstatement. Ms. Wernecke made a motion, seconded by Mr. Firlik, to approve Mr. Ellis' application for reinstatement pending passage of the MPJE for Vermont. Motion passed unanimously.

Applications for Registration of Out of State Telepharmacy Pharmacists:

Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the following applicants for registration as Registered Telepharmacy Pharmacists. Motion passed unanimously.

Bruce B. Fitzpatrick
Sheryl E. Gamble
Piper L. Lamonica
David L. Nickerson
Michael D. Pickering
Kim D. Tanzer
Deborah F. Wilkinson

Maryan N. Fouad
Kidanewold T. Geda
Lee F. Lindenau
Denise M. Payette
Amanda L. Reynolds
Michael C. Vail, II

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

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

- a. Montpelier Pharmacy, Inc., **d/b/a Brattleboro Pharmacy**, 413 Canal Street, Brattleboro, VT, submitted a new retail pharmacy application. A temp license has been issued and is set to expire on October 31, 2010. Passed final inspection on September 30, 2010. Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the facility for full licensure. Motion passed unanimously.
- b. Montpelier Pharmacy, Inc., **d/b/a Montpelier Pharmacy**, 69 Main Street, Montpelier, VT, submitted a new application due to a change in ownership. Passed inspection on October 13, 2010. Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the facility for full licensure. Motion passed unanimously.
- e. Montpelier Pharmacy, Inc., **d/b/a Waterbury Pharmacy**, 149 South Main Street, Waterbury, VT, submitted a new retail pharmacy application. A temp license has been issued and is set to expire on October 31, 2010. Passed final inspection on October 8, 2010. Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the facility for full licensure. Motion passed unanimously.
- f. Vermont CVS Pharmacy, LLC, **d/b/a CVS/Pharmacy #1052**, 7 Essex Way, Essex Junction, VT, submitted a new retail pharmacy application. A temp license has been issued and is set to expire on October 31, 2010. Passed final inspection on October 5, 2010. Further documentation is required. Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the facility for full licensure pending receipt of a copy of their current DEA registration and an affidavit that they have an adequate supply of drugs. Motion passed unanimously.
- g. Smith & Peck Pharmacy Management Services, Inc., **d/b/a Pete's Pharmacy**, 242 River Street, Unit 9, Springfield, VT, submitted a new retail pharmacy application. A temp license has been issued and is set to expire on November 29, 2010. Further documentation and a final inspection are required. Final inspection is scheduled for November 4th. Mr. Firlik made a motion, seconded by Ms. Pudvah to extend their temporary permit until December 1, 2010. Motion passed unanimously.
- h. Pharmacy Network, LLC, **d/b/a Community Health Pharmacy**, 4 Slapp Hill, Hardwick, VT, submitted an application for a new remote location. Further documentation and an initial inspection are required. Their scaled drawing was reviewed by Board. An initial inspection will be scheduled pending receipt of required documentation.

11. **Change in Pharmacist Managers:**

Mr. Labor 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 Daniel R. Lewis to Mila A. Lishka.

- b. **Equinox Compounding Pharmacy, LLC**, (038-3389), located at 34 Ways Lane, Manchester Center, Vermont, submitted an application for change in pharmacist manager from Thomas R. Reif to David J. Little.
- c. **Rite Aid Pharmacy #10315**, (038-3363), located at 499 Canal Street, Brattleboro, Vermont, submitted an application for change in pharmacist manager from Craig Robbins to Randall G. Snyder.
- d. **Rite Aid Pharmacy #10330**, (038-3376), located at 48 Congress Street, Morrisville, Vermont, submitted an application for change in pharmacist manager from Willis J. Breen to Adam M. Russell.
- e. **Rite Aid Pharmacy #10310**, (038-3386), located at 52 Main Street, Windsor, Vermont, submitted an application for change in pharmacist manager from Patricia A. Smith to Craig Robbins.
- f. **Kinney Drugs, Inc. #38**, (038-3143), located at 40 Court Street, Middlebury, Vermont, submitted an application for change in pharmacist manager from Sara L. Little to Matthew Covich.

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.

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. Labor made a motion, seconded by Ms. Pudvah, to approve the non-resident wholesaler/manufacture drug outlet for licensure. Motion passed unanimously

- a. Antigen Laboratories, Inc., 28-36 South Main Street, Liberty, MO.

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

None to review

15. **Continuing Pharmacy Education Requests:**

Mr. Firlik made a motion, seconded by Mr. Labor, to approve the following continuing pharmacy education requests as indicated. The question was called and the motion passed unanimously.

- a. **“Palliative Care and the Role of the Pharmacist”** submitted by Clare Coppock with Rutland Regional Medical Center, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The program will be held on November 4, 2010. The Board issued approval number CPE-031(L)-1010.
- b. **“TSP Fall Seminar – Medical Device Disinfection”** submitted by Dennis Aman, R.Ph., requesting approval for four (4) live (didactic) continuing pharmacy education credit. The seminar will be held on November 4, 2010. The Board issued approval number CPE-032(L)-1010.
- c. **“American Red Cross CPR and AED Training”** submitted by Julie Eaton, R.Ph., requesting approval for four (4) live (didactic) continuing pharmacy education credit. The training was held on October 24, 2010. The Board issued approval number CPE-033(L)-1010.

16. **Intern/Preceptor application(s)**

Xianglian Ni – The Board reviewed Ms. Ni’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 1250.5 hours she earned from March 1, 2010 through October 17, 2010, while working at Central Vermont Medical Center (CVMC) located in Berlin, Vermont, with Frank Foti as her Preceptor. Mr. Firlik made a motion, seconded by Mr. Labor, to approve the **1,250.5** internship hours Ms. Ni has earned. Motion passed unanimously.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 483** (1368 Resident, 115 Non-Resident).

18. **Newsletter Topics!**

The Board discussed Newsletter topics for the upcoming Newsletter. Topics to be included are as follows: self-calibrating scales, expiration dates on prescription labels and submittal of internship hours to the Board. The Board noted that the deadline is November 1st.

19. **Miscellaneous Correspondence**

- a. The Board reviewed the summary report regarding the activities at the remote pharmacy located in Plainfield, Vermont, submitted by Jennifer Browe with Community Health Pharmacy. The Board was happy to see the increase in the number of patient consultations. No concerns were noted.
- b. The Board reviewed the email from James S. Health regarding Collaborative Practice Agreements. The Board suggested the following options as it is not in the position to approve these policies and/or agreements.

One option is to have the policy approved through the appropriate Hospital committee such as a Pharmacy and Therapeutics (P&T) Committee, or a Medical Executive Committee.

Another option is to have a Collaborative Practice Agreement. The Board put emphasis on the fact that these agreements can not be generic. They must be between a specific pharmacist/pharmacists, named within the agreement, as well as specific physician/physicians. The agreements must be signed by both the pharmacist(s) and the physician(s) they will be working with.

- c. The Board reviewed the email from James S. Heal regarding medication take back. The Board indicated that law enforcement may conduct reclamation of dispensed patient medications in Vermont. They assume possession and are responsible for the reverse distribution. Licensed pharmacies cannot take back any dispensed product no longer in their possession.
- d. The Board reviewed the email from Laura Pearce regarding prescription requirements. Ms. Pearce works for an organization that is in the process of setting up e-prescribing in its electronic medical record. Ms. Pearce explained that part of the set-up process is to identify the address from which their prescribers will be prescribing. Since her organization has several different sites, she was inquiring as to whether or not they could just list their main address where their administrative offices are located. The Board indicated the prescriptions must be site specific so that the address on the prescription is the same as the address where the prescriber is located.
- e. The Board reviewed the letter from Kent Blair, R.Ph., regarding non-resident pharmacy licensure requirements. The facility was seeking a waiver to the requirement that it must provide a toll-free telephone service to Vermont residents not fewer than six days per week. The Board indicated that it has no authority to issue a waiver on this requirement. It will take the issue under advisement during the next Administrative Rules re-write.

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

The Board reviewed various documents from the NABP.

21. **Public Comment**

22. **Other Business Introduced**

The Board started to discuss licensure requirements for manufacturers/distributors of medical devices. The Board will revisit this discussion at its next meeting.

23. The next meeting of the Board is scheduled for **Wednesday, December 1, 2010**. Meeting dates for 2011 are as follows: January 26th, February 23rd, March 23rd, April 27th, May 25th, June 22nd, July 27th, August 24th, September 28th, October 26th and December 7th.

24. There being no further business, the meeting was adjourned at 2:25 PM.

Respectfully submitted,

Kristy Kemp, Administrative Assistant
Office of Professional Regulation