

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402

**Approved Minutes
October 26, 2011 at 9:00 A.M.**

1. The meeting was called to order at 9:05 a.m.

Members Present: Julie A. Eaton, R.Ph., Chair; Judith Wernecke; Earl W. Pease, Pharm.D.; and Larry Labor, R.Ph. and Steven M. Vincent, R.Ph.

Members Absent: Jeffrey P. Firlik, R.Ph., Vice-Chair.

OPR Personnel Present: Larry S. Novins, Board Counsel; Peter Comart, Licensing Administrator; Carla Preston, Case Manager; Dan Vincent, Inspector and Kristy Pirie, Licensing Board Specialist.

Others Present: Chris Bell, Director of the Office of Public Health Preparedness and Emergency Medical Services and Michael O'Neil, Director of Vermont Emergency Management.

2. The Chair called for approval of the Minutes of the September 28th meeting. The Board noted the following corrections:

The sixth sentence under item 3(a.) was amended to read: The Board went into deliberative session at 9:46 A.M. and out at 9:53 A.M.

The second sentence under item 19(a.) was amended to read: She asked if it is acceptable to have a choice of a compound built into the system that lists each ingredient versus inputting each ingredient of a compound separately.

Mr. Labor made a motion, seconded by Mr. Vincent, to approve the minutes of the September 28, 2011 meeting as amended. Motion passed unanimously.

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

(None)

4. **Guests:**

- a. Christopher Winters, Director of OPR, attended the meeting to provide the Board with updates on its budget. No changes are recommended at this time; however an increase in fees may be necessary in the future.

Director Winters also provided the Board with an update on the Consultant Position. The Board had chosen a great candidate for the position however the salary requested, although reasonable for the position, was too great to be approved by the Secretary of State's Office. The Office will look into creating a State Classified Executive Director position. Director Winters will provide an update on this at the Board's next meeting.

b. Chris Bell, Director of the Office of Public Health Preparedness and Emergency Medical Services and Michael O'Neil, Director of Vermont Emergency Management attended the meeting to speak with the Board about developing regulations or guidelines for emergency situations.

The need to adopt rules for emergency situations became apparent after Tropical Storm Irene hit the State. One of the biggest issues that occurred was insurance companies not allowing for early refills.

The Board will continue to work with the Department of Health and the Department of Banking, Insurance, Securities and Health Care Administration (BISHCA) on developing regulations for emergency situations.

5. **Case Manager's Report :**

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

There are currently 78 cases. 17 are ready for closing, 22 pending investigative team meetings, 16 are currently under investigation and 23 are pending hearing or charges to be filed.

6. **COMPLAINTS, review of Reports of Concluded Investigation:**

(None)

7. **Reports:**

The Chair reported on the NABP District Meeting that was held October 20th through October 22nd. Topics that were discussed included non-resident pharmacists and the increasing number of pharmacy graduates which are expected to double in comparison to 2007.

8. **Legislation/Rulemaking:**

The Board discussed the draft Rules for Remote Pharmacies. The Board Members will review the draft rules and share their comments at the next meeting.

The Board will continue working on drafting rules for emergency situations.

9. **Review Applications for licensure as a Pharmacist:**

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

Anna M. Hunt, R.Ph. (Endorsement)
Kristina Perez-Sinisi, PharmD (Endorsement)
Constance B. Taylor-Rosa, R.Ph. (Endorsement)
Zonker K. White, PharmD (Endorsement)

Jeffrey Weinstein (Reinstatement) –The Board reviewed Mr. Weinstein's application for reinstatement. The Board approved Mr. Weinstein's application pending passage of the MPJE for Vermont.

10. **In-State Drug Outlets (pharmacies, wholesalers, manufacturers, etc.):**

The following In-State Drug Outlets were discussed. The Board took action as indicated.

- a. **Pharmacy Network, LLC, d/b/a Community Health Pharmacy**, 4 Slapp Hill, Hardwick, VT, submitted an application for a new remote pharmacy pilot project. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on August 31, 2011. Final inspection performed on June 14, 2011. Affidavit of adequate drug supply and proof of DEA registration is required. The pharmacy submitted a plan to relocate the consultation area. The plan was approved by the Board. The facility's temporary permit will be extended until January 31, 2012.
- b. **Kinney Drugs, Inc., d/b/a Kinney Drugs, Inc. #103**, 10212 Route 116, Hinesburg, VT, submitted an application for a new retail pharmacy. Passed initial inspection on September 22, 2011. A temporary license has been issued and is set to expire on November 22, 2011. A final inspection is required. The Board voted to approve the application pending a successful final inspection.

11. **Change in Pharmacist Manager:**

Mr. Laborn made a motion, seconded by Mr. Pease, to approve the following changes in pharmacist managers. Motion passed unanimously.

- a. **CVS/Pharmacy #337**, (038-58082), located at 8 Kocher Drive, Bennington, Vermont, submitted an application for change in pharmacist manager from Laura P. Racicotto to Stephanie R. Clayton.
- b. **CVS/Pharmacy #673**, (038-58234), located at 31-33 Main Street, Rutland, Vermont, submitted an application for change in pharmacist manager from Gregory L. Danyow to Linda J. Ronk.
- c. **Hannaford Food & Drug #8129**, (038-3339), located at 456 South Barre Road, Barre, Vermont, submitted an application for change in pharmacist manager from Deanne C. Sargent to Timothy J. Luneau.
- d. **Rite Aid Pharmacy #4272**, (038-3278), located at 1024 North Avenue, Burlington, Vermont, submitted an application for change in pharmacist manager from Samuel Mashia to Robert C. Charlier.
- e. **Rite Aid Pharmacy #10320**, (038-3364), located at 1 Prince Lane, Bristol, Vermont, submitted an application for change in pharmacist manager from M. Jacklynn Estesto Heying L. Qian.

12. **Non-Resident Pharmacies:**

The Board reviewed the non-resident pharmacy applications with no record of prior disciplinary action that were approved since the last meeting based on their completed applications. The Board found no issues.

The Board reviewed the following applications for licensure as a non-resident drug outlet. Based on the information provided, Mr. Vincent made a motion, seconded by the Chair, to approve the following applications for licensure. Motion passed unanimously.

- a. **IBAMolecularNorthAmerica, Inc.**— 110 Clyde Road, Somerset, NJ.
- b. **J&JTurfSupply Inc., D/b/a Elite Compounding Pharmacy**—4911 Lyons Technology Parkway #7, Coconut Creek, FL.

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

The Board reviewed the non-resident wholesaler/manufacturer applications with no record of prior disciplinary action that were approved since the last meeting based on their completed applications. The Board found no issues.

The Board reviewed the following applications for licensure as a non-resident drug outlet. Based on the information provided, Mr. Vincent made a motion, seconded by the Chair, to approve the following applications for licensure. Motion passed unanimously.

- a. **Schering Corporation**— 2000 Galloping Hill Road, Kenilworth, NJ.

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

(None)

15. **Continuing Pharmacy Education Requests:**

The Chair made a motion, seconded by Mr. Labor, to approve the following continuing pharmacy education requests. Motion passed unanimously.

- a. **“Clinical Pearls: Collage”** submitted by Erica Counter with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on October 6, 2011. The Board issued approval number CPE-012(L)-1011.
- b. **“Old Drugs, New Tricks: A Focus on New Intravenous Formulations of Ketamine, APAP and IBU—Implications for the Future of Post-Operative Pain Management”** submitted by Erica Counter with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture will be held on November 15, 2011. The Board issued approval number CPE-013 (L)-1011.

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

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,192** (1,116 Resident, 76 Non-Resident).

18. **Newsletter Topics!**

The Board will work on articles for the March 2012 Newsletter.

19. **Miscellaneous Correspondence:**

a. The Board reviewed the October 13, 2011 memorandum from Phyllis A. Avery regarding Vermont hospital pharmacy law. A response will be sent.

b. The Board reviewed the October 12, 2011 email from Philip Bresson regarding CV prescriptions. The Board indicated that it follows federal regulations for CV prescriptions.

c. The Board reviewed the October 14, 2011 email from Vadim Nikitin regarding regulations on making changes to controlled substance prescriptions. A response will be sent to Mr. Nikitin.

d. The Board reviewed the October 17, 2011 email from Christine Dutil regarding label requirements for vaccinations. The Board clarified that the record must show the name of the collaborating physician.

e. The Board reviewed the October 19, 2011 email from Cherie Mraz regarding various pharmacy laws. Ms. Mraz will be directed to review federal regulations, the Board's Statutes and Rules, and all applicable Statutes under Title 18.

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

a. The Board reviewed various documents from the NABP.

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

22. **Other Business Introduced**

a. The Board reviewed the CE Audit Responses.

b. The Board discussed the registration requirement for non-resident third party logistics companies (3PL's). The companies that are distributing the prescription drugs directly into the State of Vermont are the ones required to register with the Board. Mr. Comart was asked to further research other states regulations regarding virtual manufacturer that utilize 3PL's to handle the distribution of their drugs. Mr. Comart will report his findings at the Board's next meeting in December.

23. **Election of Officers for 2012:**

Julie Eaton was nominated Chair; Jeffrey Firlik was nominated Secretary. Jeffrey Firlik was nominated Vice-Chair and Judith Wernecke was nominated Secretary.

24. The next meeting is scheduled for **Wednesday, December 7, 2011** at 9:00 A.M.

The meeting dates for 2012 are as follows: January 25th, February 22nd, March 28th, April 25th,
May 23rd, June 27th, July 25th, August 22nd, September 26th, October 24th and December 5th.

25. There being no further business, the meeting was adjourned at 3:07 P.M.

Respectfully submitted,

Kristy Pirie, Licensing Board Specialist
Vermont Secretary of State
Office of Professional Regulation