

Board of Pharmacy

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

Unapproved Minutes Meeting of January 28, 2009

1. The meeting was called to order at 9:00 A.M.

Members present: Steven M. Vincent, R.Ph., Chairman; Jeffrey P. Firlik, R.Ph.; and Larry Labor, R.Ph.
Members participating via phone conference: Julie A. Eaton, R.Ph., Vice-Chair; and Ann Overton, Secretary.
Absent: Emma J. Pudvah and Earl W. Pease, Pharm.D.

OPR Personnel present: Amy C. Carlson, Chief Investigator, Daniel Vincent, Inspector, and Kristy Kemp, Administrative Assistant. OPR Personnel participating via phone conference: Larry S. Novins, Board Counsel; Gregg Meyer, State Prosecuting Attorney; and Carla Preston, Unit Administrator.

Others present: Mark Polli and Jonathan Thacker with Hannaford Bros., Audrey McGregor, Matthew Byrne, and Anthony Otis, Esq. Diane Darvy from the National Association of Chain Drug Stores attended the rules discussion via phone.

2. The Chair called for approval of the Minutes of the December 3rd meeting. Ms. Eaton made a motion, seconded by Mr. Labor, to approve the Minutes of the December 3rd, 2008 meeting as submitted. Motion passed unanimously.

3. **Guests:**

- A. 10:30 A.M. – Amy Carlson, Chief Investigator, attended the meeting to discuss pharmacy security due to the recent armed robberies. She indicated that the Investigative Unit is collaborating with law enforcement and has discussed the concerns about the armed robberies. She said one of the recommendations is for requiring security cameras and ensuring they are maintained and in working order. She said they would like to send out a bulletin to pharmacies with these and other recommendations. She said that investigations have revealed that some pharmacists are taking steps that may or may not prove helpful and could be dangerous. She said the thieves are desperate people and could become very aggressive. She said the bulletin would also address those issues. She said the State Police asked her to discuss with the Board making security cameras mandatory.

Ms. Eaton noted that security cameras and other helpful ideas were republished in a local newspaper. The Board supported the Investigative Unit sending out a Bulletin to in-state pharmacies. That information may also be included in the Board's Newsletter which would be distributed in early March.

The Board noted that it included a provision in its proposed rule to require inventories of Hydrocodone products which was a recommendation from the Investigative and Inspection Unit. The Board asked Ms. Carlson for verification as to the reason for that recommendation since it was receiving many inquiries about it. The Board indicated that the trade-off was to eliminate the handwritten inventory of Schedule II drugs and allow for an electronic version.

Ms. Carlson indicated that the recommendation stemmed from diversion cases involving thousands of products being taken from pharmacies, often from pharmacy employees. Because those drugs are not strictly monitored, they are much easier to divert. She confirmed that there has been an increase in the number of deaths related to drug overdoses. Based on her conversations with a medical examiner, those cases typically involve multiple drugs (cocktails) including hydrocodone, but are difficult to pinpoint one drug as the cause.

B. The Board tabled the meeting with Marc Comtois regarding their progress on the pilot project and from Maxor, Hunt Blair with Bi-State Primary Care Association future plans.

The Board briefly discussed the reports submitted by Bi-State Primary Care Association. It was noted that about 70 prescriptions were filled, but only one person had requested patient counseling. The Board discussed the need for mandatory patient counseling. The Board agreed that the issue of drug samples being stored in the same room as the Automated Dispensing Unit needed to be addressed. Federal law prohibits drug samples from being stored in a pharmacy. Physicians may dispense drug samples, but they should not be stored in the same room as the Automated Dispensing Unit. The final inspection of the remote location in Plainfield is scheduled for February 11th.

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

a. At 10:00 AM the Board considered a Stipulation and Consent Order in the matter of **Jeffrey Huntress**, Docket Number RX42-0108. Larry S. Novins presided for the Board. Gregg Meyer was present for the State. Mr. Firlik made a motion to accept the Stipulation and Consent Order as presented. Ms. Overton seconded the motion and the motion passed unanimously. Ms. Eaton, Investigating Member, did not participate in the vote.

b. At 10:15 AM the Board considered a Stipulation and Consent Order in the matter of **Steven A. Hollister**, Docket Number RX53-0308. Respondent Steven Hollister was not present. Mark Polli and Jonathan Thacker with Hannaford Bros. were present but did not comment on the Stipulation. Larry S. Novins presided for the Board. Gregg Meyer was present for the State. The Board voted to go into deliberative session at approximately 10:20 AM and out at 10:25 AM. The Board voted to accept the Stipulation and Consent Order as presented. Ms. Eaton, Investigating Member, did not participate in the vote.

5. **Follow-Up Cases :**

Donald E. Sprague, R.Ph. -- submitted information concerning compliance with his Order. He expressed his desire to work with Phil O'Neil at The Pharmacy Inc. located in Bennington, Vermont. Ms. Eaton made a motion, seconded by Ms. Overton, to approve Mr. Sprague's change of employment and supervision. Motion passed unanimously.

6. **Reports:**

7. **Legislation/Rulemaking:**

The Office of Professional Regulation's proposed bill has been assigned a number, H. 86. The Board proposed to amend Title 18 V.S.A. § 4606 concerning substitution to agree with the current language as stated in the National Association of Boards of Pharmacy (NABP) model rule and included in its proposed rules under Section 9.19. The Vermont Department of Health suggested a slight change to which the Board had no objections.

Members of the Board will be forwarded the information concerning the Report of the Palliative Care, End-of-Life Care, and Pain Management Study Committee.

At 1:00 P.M. the Board held a public discussion regarding proposed changes to the Board of Pharmacy's Administrative Rules. The Board took comments from several groups in attendance, via email and by phone, which included Hannaford Bros., Walgreens, the National Association of Chain Drug Stores, non-resident organizations, independent pharmacy owners and pharmacists. In light of today's weather, the Board agreed to leave the comment period open until its next meeting scheduled for February 25, 2009. Written comments should be submitted at least ten days prior to the next meeting. A few areas were highlighted that need further research.

8. **COMPLAINTS :**

Several Reports of Concluded Investigation were tabled to the February meeting.

9. **Applications for Licensure as a Pharmacist :**

Mr. Vincent made a motion, seconded by Mr. Firlik, to approve the following applicants for licensure as pharmacists. The question was called and the motion passed unanimously.

Nancy Tong-Whei Chen, PharmD (Endorsement)	Annie Chin, PharmD (Endorsement)
Elisabeth B. Johnson, PharmD (Endorsement)	Jeong H. Kim, PharmD (Endorsement)
Diana J. Putney, PharmD (Examination)	Susan M. Quinn, R.Ph. (Endorsement)
Idalia E. Rychlik, PharmD (Examination)	Paul A. Walicke, R.Ph. (Re-instatement)

10. **Drug Outlets:**

The Board reviewed the following applications for drug outlets and took action as indicated.

- a. Pharmacy Network LLC d/b/a/ **Community Health Pharmacy--Pilot Project**, 157 Towne Avenue, Plainfield, VT submitted a new application for its remote location. Initial inspection has been conducted and Temporary License is set to expire February 28, 2009. Follow-up inspection required, scheduled for February 11, 2009.
- b. Pharmacy Health Services, Inc. d/b/a/ **Marble Works Pharmacy**, 99 Maple Street, Middlebury, VT submitted a new application to reflect a change in ownership. Temporary License is set to expire March 31, 2009. An inspection is required.
- c. Pharmacy Health Services, Inc. d/b/a/ **Marble Works Pharmacy (Vergennes)**, 187 Main Street, Vergennes, VT submitted a new application to reflect a change in ownership. An inspection is required. Temporary License is set to expire March 31, 2009.
- d. Pharmacy Health Services, Inc. d/b/a/ **New England Mail Order Pharmacy**, 111 Maple Street, Middlebury, VT submitted a new application to reflect a change in ownership. Temporary License is set to expire March 31, 2009. An inspection is required.

11. **Change in Pharmacist Manager:**

Mr. Laborn made a motion, seconded by Mr. Firlik, to approve the changes in pharmacist managers listed below with the exception of item (b) as it is not complete. Motion passed unanimously.

- a. **The Pharmacy-Northshire**, (038-3388), located at 205 North Street, Bennington, Vermont, changed pharmacist manager from Ron Iannacone to Thomas Reiff.
- b. **Rite Aid Pharmacy #10320**, (038-3364), located at 1 Prince Lane, Bristol, Vermont, submitted an application for change in pharmacist manager from Patricia Bardshart to Theresa Lee Shangraw. (Needs copy of inventory tabled)
- c. **Rite Aid Pharmacy #10308**, (038-3361), located at 1823 VT Route 107, Bethel, Vermont, changed pharmacist manager from Mike Gaidysto Patricia Smith.
- d. **Rite Aid Pharmacy #10314**, (038-3360), located at 194 North Street, Bennington, Vermont, changed pharmacist manager from Ramachandra Marurito Kristin Hill.

11. **Change in Pharmacist Manager** - continued

- e. **Walgreens #07270**, (038-3340), located at 467 Canal Street, Brattleboro, Vermont, changed pharmacist manager from Nancy Jane Casey Maxfield to Heather M. DeLucia.
- f. **Granite Pharmacy, Inc.**, (038-3297), located at 576 Ballard Road, Milton, Vermont, changed pharmacist manager from Lisa Dockham to Marvin Langevin.

12. **Non-Resident Drug Outlets:**

Mr. Firlik made a motion, seconded by Mr. Labor, to approve the following non-resident drug outlets for licensure. Motion passed unanimously.

- a. Cardinal Health 414, LLC, 131 Hartland Street, E. Hartford, CT.
- b. Cardinal Health 414, LLC, 7 Walker Way, Albany, NY.
- c. Icore Healthcare, LLC, 31-7523rd Street, Astoria, NY.
- d. Option Care Specialty Pharmacy, 1143 Highland Drive, Ann Arbor, MI.
- e. PharMerica, 77 Old Brickyard Lane, Berlin, CT.
- g. Treasure Coast Pharmacy, 1114 NE Jensen Beach Blvd., Jensen Beach, FL.
- h. Welldynex—FL, 101 West Main Street, Suite 121, Lakeland, FL.
- i. BioPlus Specialty Pharmacy Services, Inc., 376 S. North Lake Blvd., Altamonte Springs, FL.

Mr. Firlik made a motion, seconded by Mr. Labor, to preliminarily deny the following non-resident drug outlet based on disciplinary action(s) taken in another jurisdiction. Motion passed unanimously.

- f. Right Source Rx, 9843 Windisch Road, West Chester, OH.—preliminarily denied

13. **Wholesale Drug Outlets:**

Mr. Vincent made a motion, seconded by Mr. Firlik, to approve the following wholesale distributors for licensure. Motion passed unanimously.

- a. A&Z Pharmaceutical, LLC, 2275 Swallow Hill Road, Pittsburgh, PA.
- b. Amneal Pharmaceuticals of New York, LLC, 75 Adams Avenue, Hauppauge, NY.
- c. Amneal Pharmaceuticals of New York, LLC, 50 Horse Block Road, Brook Haven, NY.
- d. Carlsbad Technology Inc., 5923 Balfour Court, Carlsbad, CA.
- e. Rite Aid Liverpool Distribution Center (#55), 7245 Henry Clay Blvd., Liverpool, NY.

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

- a. The Board reviewed and noted the updated information from Deb Hurley at Rite Aid Corporation concerning hours of operation for all of its Vermont pharmacy locations.

15. **Continuing Professional Education Requests:**

Ms. Eaton made a motion, seconded by Mr. Firlik, to approve the following continuing professional education requests as indicated. Motion passed unanimously.

15. **Continuing Professional Education Requests** - continued

- a. **“Relative Adrenal Insufficiency in Septic Shock”** submitted by Fletcher Allen Health Care, was approved for one hour of live (didactic) continuing professional education credit which was offered on October 21, 2008. A reminder that CPE approval requests must be submitted in advance will be sent to FAHC. The approval number issued was CE321(L)-0109.
- b. **“Clinical Pearls: Learning From Medication Events”** submitted by Fletcher Allen Health Care, was approved for one hour of live (didactic) continuing professional education credit which was offered on December 16, 2008. The approval number issued was CE322(L)-0109.
- c. **“Anticoagulation Management Part I”** submitted by Fletcher Allen Health Care, was approved for one hour of live (didactic) continuing professional education credit which was offered on January 22, 2009. The approval number issued was CE323(L)-0109.
- d. **“Anticoagulation Management Part II”** submitted by Fletcher Allen Health Care, was approved for one hour of live (didactic) continuing professional education credit which will be offered on February 5, 2009. The approval number issued was CE324(L)-0109.

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

Mr. Vincent made a motion, seconded by Ms. Eaton, to approve the following applications as indicated. Motion passed unanimously.

- a. **Richard A. Coutu** – submitted Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours was approved for the 216 hours he earned during the period of November 15, 2008 through December 20, 2008 while working at North Country Hospital, 189 Prouty Drive, Newport, Vermont.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,481** (1244 Resident, 237 Non-Resident).

18. **Newsletter Topics!**

Topics for the March 2009 issue of the Newsletter (deadline January 30th) will include the DEA’s updated requirements for reporting Theft or Loss of Controlled Substances which requires registrants to include the National Drug Code (NDC). The paper version of the DEA Form 106 became obsolete as of October 28, 2008. The Board will also provide an update as to the statutes of the proposed rules and anticipated timeline. An update regarding the Department of Health’s prescription monitoring plan may be included as well. Mr. Pease agreed to draft an article regarding wireless alarm systems. Ms. Eaton will draft reminders about registration requirements for technicians and interns.

19. **Miscellaneous Correspondence**

- a. The Board reviewed and approved the information from Brian Loucks regarding his CPE audit results.
- b. The Board reviewed the copy of a prescription without a signature of the prescriber. The sample provided is acceptable because it includes a number which had to be entered by the prescriber through a password for security purposes.

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

- a. The Board reviewed and noted NABP correspondence.

21. **Public Comment**

Comments from guests were addressed under rule making.

22. **Other Business Introduced**

Steve Vincent reported that Kinney's will be offering a drug return on April 4, 2009 in Chittenden County. The Vermont Department of Health may be notified of the ir plans.

23. The next meeting is scheduled for **Wednesday, February 25, 2009** at 9:00 AM.

Meetings in 2009 are scheduled as follows: **March 25th; April 22nd; May 27th; June 24th; July 22nd; August 26th; September 23rd; October 28th; and December 2nd.**

24. There being no further business, the meeting was adjourned at 2:35 PM.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation