

**BOARD OF PHARMACY**  
Secretary of State, Office of Professional Regulation  
National Life Building, North, Floor 2, Montpelier, VT 05620-3402  
**Approved Minutes**  
**August 22, 2012 at 9:00 A.M.**

1. The meeting was called to order at 9:01 a.m.

Members Present: Ms. Julie A. Eaton, R.Ph., Chair; Judith Wernecke; Mr. Jeffrey P. Firlik, R.Ph.; Larry Labor, R.Ph.; Mr. Steven M. Vincent, R.Ph., Vice Chair, Earl W. Pease, R.Ph., and Conrad Boucher.

OPR Personnel Present: Christopher Winters, Director, Larry S. Novins, Board Counsel; Edward Adrian, Prosecuting Attorney; Carla Preston, Case Manager; Dan Vincent, Inspector, and Peter Comart, Licensing Administrator, .

Others Present: Sal Morana and Jason Long from Porter Hospital, Middlebury.

2. The Chair called for approval of the Minutes of the July 25th meeting. Mr. Labor made a motion, seconded by Mr. Vincent to approve the minutes of the July 25, 2012 meeting with the following amendments: Page 6 (c) – the word “ace” should be “act.” Page 6 (e) – the word “an” should be “any.” Page 6 (n) – the rule referenced “7.12” should be “9.3.”

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

The Board conducted the following hearings:

In re: Default Judgment in the matter of Benjamin R. Carlin, docket number 2012-290. Judith Wernecke is the Investigative Team member. The Board voted to find in default. Mr. Firlik moved, Mr. Vincent seconded. Sanction: Revoked registration Mr. Firlik moved, Mr. Vincent Seconded.

In re: Melanie M. Hackett, docket number 2011-716. Board accepted withdrawal and the case was dismissed.

4. **Guests:**

At 9:15 a.m., Chris Winters reported that Ron Klein, the new Pharmacy Executive Director, will start on September 24, 2012. The Board commended Chris for his effort to recruit and hire Mr. Klein. Everyone is looking forward to working with him.

At 11:30 a.m., Sal Morana and Jason Long attended from Helen Porter Healthcare and Rehabilitation. They are considering combining the long term care facility and hospital under the Porter Medical Center umbrella. The institutional long term care facility would need its own license.

At 10:30 a.m., Dan Vincent had a few items to review with the Board:

- Licensing issues: Dan informed the Board that Kinney's bought the Waitsfield Pharmacy. Dan asked if he can inspect before the application is received and approved. The answer is “No.” The Board must receive an application first, before Dan can

inspect. The Rules state when there is transfer ownership the Board must be notified within 5 days.

- Mr. Vincent informed the Board that the River Pharmacy in Springfield has not been inspected yet. Dan has contacted them but they have not contacted Dan to schedule anything yet.
- Mr. Vincent inspected Marble Works Pharmacy in Bristol.
- Mr. Vincent had questions for the Board. The questions and Board responses are below:

## 1. BLISTER PACKING REQUIREMENTS FOR REPROCESSED MEDICATIONS

The Vermont Pharmacy Rule does not address issues related to "blister packaging". There are several pharmacies now providing medications in blister packaging. In certain instances regulations allow for blister packaged medications to be reprocessed. A specific issue has come up relating to how drugs are reprocessed. Some pharmacies consider that the actual medication cells should not be opened; others open the cells of the medications to put into a new blister package. Would the packaging process outlined in USP 1146 – **Packaging Practice – Repackaging a Single Solid Oral Drug Product into a Unit-Dose Container** be considered by the Board to be the recommended process for repackaging until the Board addresses this issue in rule making?

### **USP 1146 Packaging Practice – Repackaging a Single Solid Oral Drug Product into a Unit-Dose Container**

**Minimum Requirements : Reprocessing—** *Reprocessing of repackaged unit-dose containers (i.e., removing medication from one unit-dose container and placing it into another unit-dose container) shall not be done. However, reprocessing of the secondary package (e.g., removing the blister card from the cardboard carrier and placing the blister card into another cardboard carrier) is allowed provided the original beyond-use date is maintained, and provided the integrity of the blister is ensured.*

The Board said this would be their recommended practice relating to reprocessing of a unit-dose container.

## 2. RETURN TO STOCK LABELING

Generally, medications being dispensed by a pharmacy are labeled with a one year discard date, unless the manufacturer's expiration date is less than one year from the dispensing date. There are instances that pharmacies are hand writing the manufacturer's expiration date and lot number on the medication label when it is being returned to stock – i.e., prescriptions that were processed, the medication held in the will call area, not picked up by customers and then have been returned to stock. Would practice of writing the manufacturers expiration date and lot number on the label, when returning to stock, allow for using the manufacturers' expiration date rather than the one year discard date, if the manufacturers date is further out?

The Board said this would not be an acceptable practice, unless medication was kept in the original manufacturers bottle.

## 3. SIGNING AND DATING THE FACE OF SCHEDULE II PRESCRIPTIONS

The State statutes require a pharmacist sign and date the face of a Schedule II when

filling.

**Title 18 § 4215. Authorized sales by pharmacists** (b) *The pharmacist filling a schedule II prescription shall write the date of filling and the pharmacist's own signature on the face of the prescription.*

There are instances that dispensing pharmacists are signing a pharmacy computer generated tag, which is affixed to the face of a Schedule II prescription, rather than signing and dating the actual the face of the prescription. Is the practice of signing the pharmacy generated tag rather than the face of the prescription considered compliant with the requirement?

The Board said that the actual face of the Schedule II prescription needs to be signed and dated by the filling pharmacist, this signing being prominent to "cancel" the prescription. The signing and dating an affixed tag would be a secondary process.

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

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

65 cases pending, 5 are set for closing today; 19 are pending IT meetings, 11 are in intake for screening, 19 are under investigation, 4 are pending charges, 7 charges are filed, and 4 are set for hearings.

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

The Board reviewed the Report of Concluded Investigation in the matter of 2011-20. Ms. Eaton was the Investigative Team member. Mr. Vincent made a motion, seconded by Mr. Labor to conclude the case without formal prosecution. Ms. Eaton did not participate in the vote. Motion passed unanimously.

The Board reviewed the Report of Concluded Investigation in the matter of 2011-677 and 2011-678. Ms. Eaton was the Investigative Team member. Mr. Vincent made a motion, seconded by Mr. Labor to conclude the case without formal prosecution. Ms. Eaton did not participate in the vote. Motion passed unanimously.

Report of Concluded Investigation in the matter of 2011-725 and 2011-726. Mr. Vincent was the Investigative Team member. Mr. Firlik made a motion, seconded by Mr. Pease to conclude the case without formal prosecution. Mr. Vincent did not participate in the vote. Motion passed unanimously.

7. **Reports: None**

8. **Legislation/Rulemaking:**

a. Larry Novins brought up the email from Bessie Weiss and the board discussed a mandatory identification requirement. Board prefers to support and have a rule that provides the option to require identification. The Board would like to know what other states do.

b. Prescription monitoring: Mieka is concerned that the NABP program will not be funded after 5 years.

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

Peggy Atckin's name is still on the NABP license transfer form. The Board would like Aprille have it changed to her name.

The Board considered the following applications for licensure:

Michelle Laurich – Endorsement  
Rebecca Sanford – Endorsement  
Kevin Fletcher – Endorsement

Meghan Groth – Endorsement  
Gregory Wilson – Endorsement

Mr. Firlik made a motion, seconded by Mr. Boucher to approve the above applicants for licensure. Motion Passed.

The Board considered the following applications for licensure:

Samantha Wesnefski – Examination  
Ashley Canning – Examination  
Kathleen Sawtelle – Examination  
Kayla Manahan – Examination  
Andrew Gagne – Examination  
Tasnima Khushnud – Examination

Erin Lynch – Examination  
Alexa Pirofsky – Examination  
Karriann Ruggiero – Examination  
Howen Chao – Examination  
Caitlin Cronin – Examination  
Courtney Austin – Examination

Ms. Eaton made a motion, seconded by Mr. Firlik to approve the above applicants for licensure. Motion Passed.

10. **Review Applications for licensure as an Out of State Registered Pharmacist (Telepharmacy):**

John Stansbury (RX Remote Solutions) – Naperville, IL

Ms. Eaton made a motion, seconded by Mr. Firlik to approve the above applicants for licensure. Motion Passed.

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

Kinney Drugs Inc. #112 , Waitsfield, VT

Mr. Firlik made a motion, seconded by Ms. Eaton to approve the above applicants for licensure. Motion Passed.

12. **Change in Pharmacist Manager:**

Walmart Stores Eat, L.P. – Change in manager to Gregory Wilston  
Rite Aid Pharmacy (Bristol, VT) – Change in manager to Shauna Tracy  
Walgreen's Pharmacy #07270 – Change in manager to Christopher Piehler  
Price Chopper Pharmacy #165 (Burlington, VT) – Change in manager to Raja Idupulapati  
Kinney Drugs, Inc. #93 (St. Johnsbury, VT) – Change in manager to Janelle Lazzaro

Ms. Eaton made a motion, seconded by Mr. Firlik to approve the above changes in pharmacist managers. Motion Passed.

NOTE: Regarding Kinney Drugs, Inc. #93 (St. Johnsbury, VT), the Board needs an incoming manager signature. St Johnsbury is the home store for Barton. Janelle Lazzaro signed for Barton. Aprille needs to send paperwork back to #93 for Janelle Lazzaro's signature. Once signed, it is okay for licensure.

**13. Non-Resident Pharmacies:**

The following application(s) were reviewed by the Board for licensure:

Medical Adherence Solutions, LLC d/b/a DailyMed Pharmacy – Indianapolis, IN  
Millers of Wyckoff – Wyckoff, NJ  
Legacy RX, LLC – Orlando, FL

Mr. Vincent made a motion, seconded by Ms. Eaton to approve the above non-resident pharmacies. Motion Passed.

The following applications were tabled until next month until we get more info.

Everest Pharmacy – Sandy, UT The Board needs to know what are they shipping. We need more information about the discrepancies that were reported. We would like to know how each of the discrepancies were addressed.

Wells Pharmacy Network, LLC – Ocala, FL. It is unclear what the business actually is. It appears the FDA shut down their compounding. The Board would like more information about this. DEA certificate was Francks Labs, not the applicant, Wells Pharmacy Network.

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

Exel, Inc. – Mechanicsburg, PA  
Merial Limited – Athens, GA  
Positudes Inc. d/b/a The Alliance Pharmacy – Westbury, NY

Mr. Vincent made a motion, seconded by Mr. Firlik to approve the above Non-Resident Wholesaler / Manufacturers. Motion Passed.

The Board tabled the following outlet application: VWR International, LLC – Bridgeport, NJ The board needs more information. Did they ever get VAWD certification or please provide a current state inspection?

**15. Drug Outlet remodeling, closures, changes in Officers/Directors, hours of operation, etc.:  
None**

**16. Continuing Pharmacy Education Requests:**

**"Pharmacotherapy Challenges in Patients Receiving Therapeutic Hypothermia"** submitted by Erica Counter with Fletcher Allen Health Care (FAHC), requesting approval for one (1) live (didactic) continuing pharmacy education credit. The conference will be held on September 18, 2012.

Ms. Eaton made a motion, seconded by Mr. Firlik to approve the above CE. Motion Passed.

Note: Hopefully, Ron Klein will start to review these next month.

17. **Intern/Preceptor/Technician application(s):** None

18. **Pharmacy Technicians:** Total number of Active Registered Technicians is 1, 394 (1,297 Resident, 97 Non-Resident).

19. **Newsletter Topics!**

Repackaging Rule being considered.

20. **Miscellaneous Correspondence:**

a. Catherine Maynard-Parker E-mail – Software Approval No, the process you described cannot be done, The licensed prescriber has to sign the prescription. A nurse cannot act as an intermediary. Aprille will respond.

b. Dr. Ryan Canales E-Mail – drug drop off for veterinary drugs The Board does not regulate drug take back. Neither does the Veterinary Board. Please contact the DEA or your local Sheriffs. Aprille will respond.

c. John Chesarek E-mail – e-signature for prescriptions No, if the prescription is printed it must be manually signed with a pen by the prescriber. Aprille will respond.

d. Blake Lancaster E-mail – Physician owned pharmacies The Board of Pharmacy has no rule prohibiting this. Aprille will respond.

e. Carrie Phillips E-mail – inquiry regarding medication dispensing. Aprille will respond with what Larry Novins drafted:

As you are aware the applicable statute provides:

**"§ 2041. Unlawful practice**

(a) It shall be unlawful for any person to engage in the practice of pharmacy unless licensed to so practice under the provisions of this chapter provided, however, physicians, dentists, veterinarians, osteopaths or other practitioners of the healing arts who are licensed under the laws of this state may dispense and administer prescription drugs to their patients in the practice of their respective professions *where specifically authorized to do so by statute of this state.*" (emphasis added)

The Board is unaware of any statute governing medical practices or hospitals. In the absence of such a statute, the Board would consider such dispensing to be the unauthorized practice of pharmacy.

f. Teddie Wright E-mail – Medication use/Disposal Question The medication should be discarded. Aprille will respond.

g. Joseph Tornello E-mail – Clarification about what is required and where on a prescription Yes, it would be fine for the information to be on the back tag. Aprille will respond.

h. Istvan Nadas E-mail – Questions about Vermont office use compounding:

Question 1. See rule 8.19, the cap cannot exceed 5% of total annual sales. The alternative would be for the veterinarian to write a script that can be filled at a pharmacy. Also, see the FDA's good manufacturing rules. Aprille will respond.

Question 2. They have to be licensed in Vermont as an out of state pharmacy and abide by Vermont Statutes and rules. Aprille will respond.

Question 3. See answer to number one. Aprille will respond.

i. Dyuthi Ephrem E-mail – Clarification of State registration for owners of a label prescription drug distribution company. Yes, both Unidchem Pharmaceuticals and the third party logistics provider in Memphis must be registered and licensed as an out of state wholesaler / distributor. Aprille will respond.

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

a. James DeVita E-mail/Letter - request for support for James Devita as he runs again for District I Executive Committee.

22. **Public Comment**

23. **Other Business Introduced**

Peter mentioned that the annual OPR Board training is scheduled for November 2, 2012.

24. The next meeting is scheduled for **Wednesday, September 26, 2012**, at 9:00 A.M.


26. Mr. Vincent made a motion, seconded by Mr. Firlik, to adjourn at 1:45 p.m.. Motion Passed.  
. Motion passed.

**2012 MEETING DATES**

October 24<sup>th</sup> and December 5<sup>th</sup>.

Note: Judith Wernecke will not be here at the Oct. meeting.

Respectfully Submitted:

  
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Judith Wernecke, Secretary  
Vermont Board of Pharmacy