

BOARD OF PHARMACY – Approved Minutes
Secretary of State, Office of Professional Regulation
23 College Street, Schulmaier Hall, Montpelier, VT 05602
May 15, 2013 at 9:00 A.M.

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

Members Present: Ms. Julie A. Eaton, RPh, Vice-Chair; Mr. Steven M. Vincent, RPh; Mr. Larry Labor RPh; Mr. King Milne, RPh; and Mr. James Arisman, Esq., Public Member.

Members Absent: Mr. Jeffrey P. Firlik, RPh, Chair and Ms. Judith Wernecke, Public Member, Secretary

OPR Personnel Present: Mr. Larry S. Novins, Board Counsel; Mr. Colin Benjamin, Board Counsel; Mr. Ed Adrian, Prosecuting Attorney; Mr. Dan Vincent, Inspector; Mr. Ronald Klein RPh, Executive Officer; and Ms. Aprille Morrison, Licensing Board Specialist.

Others Present: Mr. Theo Kennedy, Esq. and Mr. Mike Fish

2. The Vice-Chair called for approval of the Minutes of the April 24, 2013 meeting as presented. Mr. Labor made a motion to accept the minutes with corrections. The motion was seconded by Ms. Eaton. Motion passed.

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

9:15 am – Stipulation and Consent Order Re.: Thomas Fortier, Docket # 2013-11. Mr. Labor made a motion to accept the Order as presented. The motion was seconded by Ms. Eaton. Mr. Vincent did not participate in the hearing as he was the Investigative Team member. The motion passed.

9:15 am – Summary Suspension Re.: Kelly Conn, Docket # 2013-212. Ms. Conn participated in the hearing by telephone. Prosecuting Attorney for the State, Ed Adrian, informed the Board that he had spoken with Ms. Conn the previous day and that she would like to voluntarily surrender her pharmacist license. Mr. Adrian requested the Board accept Ms. Conn's request. Mr. Arisman made a motion to accept Ms. Conn's request for voluntary surrender of her Pharmacist license. Mr. Vincent seconded the motion. Motion passed. Mr. Adrian dismissed the Summary Suspension Order. The Board requested Ms. Conn return her paper copy of her license to the Board within the next seven (7) days.

Mr. Adrian informed the Board that the Default hearing that was on the agenda for Royal Palm Compounding Pharmacy, docket # 2010-391, was continued. The hearing will be set for a later Pharmacy Board meeting.

4. **Report of Concluded Investigation:**

Report of Concluded Investigation for 2010-682. Ms. Eaton made a motion to reject the report. The motion was seconded by Mr. Arisman. Mr. Vincent did not participate in the vote as he was the Investigative Team member. Motion passed. The Board did not feel it was appropriate to close the case as the pharmacist manager in this case did not follow proper reporting procedures regarding drug losses.

Report of Concluded Investigation for 2012-135 & 2012-136. Mr. Arisman made a motion to accept the report as written. The motion was seconded by Mr. Labor. Mr. Vincent did not participate in the vote as he was the Investigative Team member. Motion passed.

Report of Concluded Investigation for 2012-270 & 2012-271. Mr. Vincent made a motion to accept the report as written. The motion was seconded by Mr. Arisman. Mr. Labor did not participate in the vote as he was the Investigative Team member. Motion passed.

Report of Concluded Investigation for 2012-508. Mr. Vincent made a motion to accept the report as written. The motion was seconded by Ms. Eaton. Mr. Labor did not participate in the vote as he was the Investigative Team member. Motion passed.

5. **Discussion Items:**

Ms. Eaton brought a couple samples of prescriptions she recently received from patients who had been to a Fletcher Allen facility. The prescriptions were for Schedule II controlled substances. She questioned the prescriptions as they had the date the prescription was written as well as a delayed or later "start date". She clarified with the Board that as long as the prescription did not have "do not fill until" instructions, the prescription could be filled on the date it was received by the pharmacy as long as it was not more than thirty (30) days from the issue date. This example is not a multiple issue C2 prescription because it lacked a do not fill until date.

In one case the pharmacy received a written prescription for a Schedule II controlled substance with an issue date more than thirty (30) days of the indicated start date. This prescription is believed to have been issued for chronic pain. As the patient presented this prescription for filling more than thirty (30) days after date of issue, it could not be filled.

The Board requested that Mr. Klein contact Fletcher Allen Health Care to clarify the requirements and suggest the addition of appropriate language for prescriptions with a specific start date.

6. **Guests:**

Peter Comart presented the Board with a proposal regarding the Vermont Professional Colleague Assistance Program (VPCAP). Mr. Comart gave the Board a timeline of the approval process to start the program and informed them that he would be visiting every Board that the Office of Professional Regulation oversees. The Board informed Mr. Comart that they support the Office of Professional Regulation moving forward with implementing this program. Mr. Arisman and Mr. Vincent informed Mr. Comart that they would like to participate in the committee that is currently developing this program.

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

Ms. Preston was not available to report to the Board so Ms. Morrison reported the case numbers to the Board. There are 31 cases pending, 9 are pending Investigative Team meetings, 3 are in intake for screening, 1 is awaiting a response from the Respondent, 6 have been recommended for closing, 3 are under investigation, 6 have had charges filed, and 3 are pending hearings.

8. **Legislation/Rulemaking:**

Administrative Rules revision discussion – Remote Pharmacies – The Board discussed the separation of the Automated Dispensing Units (ADU) and decided there need not be a separate section of the Rules for this. The ADU information will be included in the Remote Pharmacy section of the Rules. The Board also discussed how to regulate pharmacist supervision of the remote site. Mr. Klein, Ms. Eaton, Mr. Vincent and Mr. Novins will refine the current draft rules to prepare the final draft for Board review at the June meeting.

Mr. Klein presented the Board with the drafts for revisions of the Pharmacist Intern and Pharmacy Technician sections of the Administrative Rules. Mr. Klein will work with Mr. Novins to refine this draft and move forward with the public hearing process on this.

7. Review Applications for licensure:

Ms. Eaton made a motion to approve Martin's Foods of South Burlington, Inc. d/b/a Hannaford Supermarket & Pharmacy #8426 for licensure pending receipt of complete affirmation forms from Elting Smith and Douglas Pierson. The motion was seconded by Mr. Arisman. Motion passed.

Mr. Labor made a motion to approve the following applications for licensure in Vermont:

Allergychoices, In.c d/b/a Allergychoices Pharmacy, and
Diamondback Drugs of Delaware, LLC d/b/a Diamondback Drugs for licensure

The motion was seconded by Mr. Milne. Motion passed.

8. Executive Officer Report:

- There will be three Board members, Ms. Eaton, Mr. Vincent and Mr. Firlik, as well as Mr. Klein attending the NABP meeting next week.
- Bill 205 for the Office of Professional Regulation has passed both the House and Senate and is waiting to be signed into Law by the Governor. This bill removes the issuance of temporary licenses/registrations for pharmacy registrations for individuals and institutions.
- Mr. Klein informed the Board that the Office is working with VPMS to get all prescribing individuals/institutions data for registration purposes.
- Mr. Klein acknowledges that the Vermont Pharmacy Statutes need to be revised and the first draft should be done by early autumn. The Board would like this added to the July meeting agenda.
- Ms. Eaton asked for an update on bill H.522. Mr. Klein informed the Board that he would look into the resolution of the bill as he has not heard.

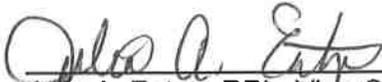
9. Pharmacy Technicians: Total number of Active Registered Technicians is **1,633** (1,511 Resident, 122 Non-Resident).

10. Newsletter Topics:

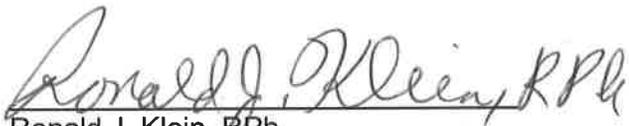
Mr. Klein informed the Board that everything for the June 1 publication is with NABP. The Board discussed the option of sending out an additional newsletter as there are several updates with the legislative bills that have passed as well as Administrative Rules changes the Board is looking to make.

12. The next meeting is scheduled for **Wednesday, June 26, 2013**, at 9:00 A.M.
14. Ms. Eaton made a motion, seconded by Mr. Vincent, to adjourn at 12:52 p.m. Motion Passed.

Respectfully Submitted:



Julie A. Eaton, RPh, Vice-Chair
Vermont Board of Pharmacy



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