



Board of Pharmacy

Office of Professional Regulation, Vermont Secretary of State

89 Main Street, 3rd Floor • Montpelier, VT 05620-3402

<https://sos.vermont.gov/opr/>

Meeting Minutes

Remote Meeting

Wednesday, December 7th, 2022 at 9:00a.m.

Members Present: Stephanie Ibey, RPh, Secretary (via web); Robert Carpenter, RPh, Vice Chair (via web); Corey Duteau, RPh (via web); James Arisman, Esq., public member (via web); Wendy Magee, public member (via web); Olivia Sprague, RPh (via web), and Michael Carroll, RPh, Chair (via web)

Members Absent: Catherine Haraden, CPhT

OPR Personnel Present: Carrie Phillips, Executive Officer (via web); Gabriel Gilman, General Counsel (via web); Michelle Lavoie, Licensing Administrator (via web); Lauren Layman, General Counsel (via web); Tara Grenier, Chief Licensing Administrator (via web); Agatha Kessler, Assistant Director OPR (via web), and Erin Viera, Licensing Administrator (via web).

Guests: Chad Baker (via web), Wesley Crockett (via web), Jessica Adams (via web), Savannah Cheeseman (via web), Stephanie Winters (via web), Sandra Ross (via web), Lauren Bode (via web), and Amy Yanicak Stoll (via web).

1. Call to Order

The meeting was called to order at 9:01 A.M., by Michael Carroll, RPh, Chair.

2. Changes to the Agenda: None

3. Approval of previous minutes:

The Chair called for approval of the minutes for October 26th, 2022, as presented. Without objection, the minutes were approved.

4. Discipline: None

5. Executive Officer Update

- The Board had no questions about the EO report or recent license approvals.

6. Topics for Discussion:

- **A) Investigative and Research Project Licensees-Inspection Expectations**
 - At the Board's request during its October meeting, Ms. Phillips provided suggested inspection expectations for one of its two Investigative and Research Project licensees. The Board accepted the suggested inspection parameters without objection. EO Phillips will share this information with OPR's Inspectors Everett and DeLance.
- **B) Newly published revisions of USP General Chapters <795> and <797>**
 - Ms. Phillips provided an overview of the revision process of USP General Chapters <795> and <797>, the final revisions were published by USP early November 2022
 - The Board discussed that it expects all pharmacies performing compounding to be compliant with official version USP chapters
 - The revisions become official November 1, 2023
 - Mr. Carroll noted any pharmacy wishing to use the Beyond-Use-Dates reflected in the revised Chapters must first become fully compliant with all provisions of these new versions

- Ms. Phillips will put together a summary of the changes for the January board meeting.
- **C) Interdisciplinary Task Force on Clinical Dispensing and Compounding**
 - Mr. Gilman reviewed the background of the task force, the purpose of the report, and the plan for the review of the report by the Board of Pharmacy and other impacted professions.
 - The report will be finalized in the coming weeks and will be distributed to the Board for review prior to the January meeting.
- **D) Rule Revisions-Incorporation of changes-to-date**
 - Mr. Gilman gave an overview of the changes made to the proposed rules after November 30, 2022, and the rulemaking process.
 - The Board reviewed the draft rule text from end to end, pausing to discuss in detail efforts (1) to clarify and condense rules concerning telepractice, and (2) to use less confusing terminology to describe remote dispensing pharmacies.
 - A final copy of the proposed rules will be sent to board members for review prior to the January meeting, accompanied by written comments to date.
 - Mr. Gilman welcomed interested parties to share comments at sos.opr.comments@vermont.gov. Comments received *before* the rule is filed with the Secretary of State will inform the proposed rule text but will not be added to the rule compendium ultimately filed with the General Assembly; comments received *after* the proposed rule has been filed will be added to the rule compendium.

7. Correspondence:

- **Email from PIC regarding Rule 10.26 and resolution of conflicting patient self-report re: disease states vs. what can be interpreted from medications.**
 - Ms. Phillips discussed an email she received from a PIC regarding Rule 10.26 Allergy and Health information.
 - Patient's file shows no information regarding disease states and answer at annual update is "none", but the patient's prescriptions indicate certain disease states, should the disease state information remain "none" or should attempts be made to clarify with the patient?
 - The Board noted that a pharmacist should use professional judgement and make appropriate inquiries to resolve discrepancies between records and patient-reported history.
- **Email to EO asking the Board about unannounced pharmacy inspections.**
 - Mr. Gilman explained that a correspondent wrote asking that all inspections be scheduled in advance. He relayed that inspectors are sensitive to the operations of a pharmacy when performing unannounced inspections; on occasion, they will leave a busy store and come back at a more appropriate time. Because unannounced inspections help ensure that an inspector's view reflects a state of ordinary operation, they are standard operating procedure for pharmacy regulators.

8. Other Business

- Mr. Carpenter inquired if immunization by pharmacy technicians will be included in any potential OPR omnibus bill during the coming legislative session, noting the desire for such legislation by Vermont pharmacists.
 - US HHS's PREP Act declarations preempt State law and authorize pharmacy technicians to administer COVID-19 and influenza vaccines and ACIP-recommended pediatric immunizations. These authorizations are in place until October 2024. Ms. Layman commented that this permits time for an evaluation of expanding scope of practice for pharmacy technicians to allow for such activities.

9. Public Comment

- Amy Yanicak Stoll (VPA) had comments regarding the rules. Comments have been sent to Ms. Phillips

and Mr. Gilman via email.

- Jessica Adams indicated she provided comments regarding the satellite pharmacy portion of the rules to Ms. Phillips and Mr. Gilman via email
 - Ms. Ibey offered to meet with Ms. Adams, Ms. Phillips and Mr. Gilman about this topic.

10. Next Meeting topics:

- Interdisciplinary Task Force on Clinical (non-pharmacy) Dispensing and Compounding Report
- Summary of USP Chapters <795> and <797> changes
- 4th Quarter Inspection Report – Inspector Everett
- Rule Revisions

11. Adjournment:

The meeting was adjourned at 11:45am.

Next Scheduled Meeting –Wednesday January 25th, 2023

Please check the [OPR Meeting Calendar](#) for updates