

VERMONT BOARD OF PHARMACY – UnApproved Minutes

Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402
August 28, 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; Ms. Judith Wernecke, Public Member, Secretary; Mr. Steven M. Vincent, RPh; Mr. James Arisman, Esq., Public Member; King Milne, RPh; and Mr. Larry Labor, RPh

Members Absent: Mr. Jeffrey Firlik, RPh, Chair

OPR Personnel Present: Mr. Larry S. Novins, Board Counsel; Mr. Ronald Klein RPh, Executive Officer; and Ms. Aprille Morrison, Licensing Board Specialist.

Others Present: Heather Shouldice, Alison Moore, Amy Braun, Stephanie Ibey, Bill Smith, Anthony Otis, Mike Duteau and Grace Skylar (by phone).

2. The Chair called for approval of the Minutes of the July 24, 2013 meeting as presented. Mr. Labor made a motion to approve the minutes with a minor change to page three, bullet 4. The motion was seconded by Mr. Vincent. Motion passed.

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

9:15 AM – Stipulation & Consent Order – Royal Palm Compounding Pharmacy, Docket # 2010-391 – Mr. Vincent made a motion to accept the stipulation and consent order as presented. Mr. Arisman seconded the motion. Motion passed. Mr. Labor did not participate in the vote as he was the Investigative Team member.

9:15 AM – Stipulation & Consent Order – Howard Alter and Heritage Drugs, Inc., Docket # 2012-257 and 2012-258 – Mr. Labor made a motion to accept the stipulation and consent order as presented, with a minor change in the first paragraph. Mr. Arisman seconded the motion. Motion passed. Ms. Eaton did not participate in the vote as she was the Investigative Team member.

9:15 AM – Stipulation & Consent Order – Kelly Conn – Docket # 2013-212 – Mr. Vincent made a motion to accept the order as presented. Ms. Eaton seconded the motion. Motion passed. Mr. Firlik, absent from this meeting, was the Investigative Team member for this case.

9:15 AM – Summary Suspension – Katie Brosseau – Docket # 2013-77 – Mr. Adrian presented the order for summary suspension. Mr. Vincent made a motion to accept the summary suspension as presented. Ms. Wernecke seconded the motion. The Board held a deliberative session. The motion did not pass. Mr. Labor did not participate in the hearing as he was the Investigative Team member.

There were two additional hearings on the agenda: Medicine Shoppe (docket # 2012-372) and Hannaford Food & Drug #8129 (docket # 2012-371). Both of these hearings were dismissed just prior to the meeting. Notices of dismissal were presented to the Board members at the meeting.

4. **Report of Concluded Investigation/Order for Removal of Conditions:**

Report of Concluded Investigation, Docket #2013-400. Mr. Vincent made a motion to accept the report of concluded investigation as presented. Mr. Labor seconded the motion. Motion passed. Ms. Wernecke did not participate in the vote as she was the Investigative Team Member.

Order for Removal of Conditions – Corner Drug Co. and William Aimi – Follow-up case # M2010-35. Mr. Arisman made a motion to defer action of removal of conditions pending receipt of a current satisfactory inspection. The motion was seconded by Ms. Eaton. Motion passed. Mr. Vincent did not participate in the vote as he is the Investigative Team Member.

Order for Removal of Conditions – Harbor Drug Co., Inc. d/b/a Steven's Pharmacy – Follow-up case # M2012-105. Mr. Vincent made a motion to accept the order for removal of conditions as presented. Mr. Arisman seconded the motion. Motion passed. Mr. Firlik, absent from this meeting, was the Investigative Team Member.

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

Ms. Preston reported to the Board on the number of cases they currently have. There are 38 cases, seven (7) ready for Investigative Team meeting, two (2) recommended for closing, twelve (12) are in the intake process, six (6) have had charges filed, five (5) are set for hearing, five (5) are under investigation and one (1) is awaiting response. Ms. Preston informed the Board that she will continue assisting Mr. Klein until January 1, 2014 and then he will be completely taking over as pharmacy case manager.

7. **Legislation/Rulemaking:**

Discussion of Act 75 – Memorandum from Senator Claire Ayer – The Board discussed all of the questions that were brought forward from Heather Shouldice at the July 24, 2013 Board meeting with Senator Ayer and Legislative legal counsel in a phone conference meeting including Mr. Firlik, Mr. Vincent, and Mr. Klein. Mr. Novins will prepare a policy statement that will be posted to the Board's website and included in an October 1 newsletter.

Discussion of Title 18, Chapter 221 – Pharmacy Benefit Managers. Mr. Klein has contacted the Department of Health regarding who regulates pharmacy benefit managers. So far he has not heard back from them. Mr. Klein asked the Board if they felt that this was something that should come under the Pharmacy Board's purview. The Board agreed that yes, it should and requested that Mr. Klein research this further as to how this might happen.

8. **Review Applications for licensure:**

Mr. Vincent made a motion to table the application for Vortech Pharmaceuticals pending receipt of the remedies regarding the inspection deficiencies that were noted. Mr. Labor seconded the motion. Motion passed.

Ms. Eaton made a motion to table the Non-Resident Drug Outlet application and Wholesale Distribution application for Central Admixture Pharmacy Services, Inc. until additional information can be collected. Mr. Arisman seconded the motion. Motion passed.

Mr. Vincent made a motion to approve Biofusion, LLC for licensure as a non-resident drug outlet in Vermont. Mr. King seconded the motion. Mr. Arisman opposed the motion. Motion passed.

Ms. Eaton made a motion to approve AnovoRxGroup, LLC for licensure as a non-resident drug outlet. Mr. Labor seconded the motion. Motion passed.

The Board spoke with Mr. Mike Duteau regarding the remote pharmacy application for Kinney Drugs in Arlington, VT. The Board asked Mr. Duteau some questions regarding the application.

Mr. Labor made a motion to approve the Kinney Drugs, Inc. #117, Arlington, VT as a remote pharmacy. The motion was seconded by Mr. Arisman. Motion passed.

9. **Executive Officer Report:**

Travel – Mr. Klein informed the Board of his upcoming travel requirements for National Association of Boards of Pharmacy (NABP) and National Association of State Controlled Substances Authorities (NASCSA).

Discussion of Electronic Prescribing of Controlled Substances. Mr. Klein spoke to the Board regarding identity proofing for prescribers and who would be responsible for this. Mr. Klein will do more research and inform the Board of his findings.

Public Hearing Scheduled for October 2 meeting. Mr. Klein reminded Board members that a public hearing will be held on proposed rule amendments, additions and deletions as part of the regularly scheduled meeting. The public hearing will begin at 1:00 PM. The Board adopted the proposed rules at their July, 2013 meeting.

10. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,124** (1,052 Resident, 72 Non-Resident).

11. **Discussion Items:**

Mailing of Pharmacist CE audit – Mr. Klein informed the Board that the continuing education random audit will be mailed Friday, August 30th. Ms. Morrison requested guidance on who is to review the audits that are sent in. The Board would like Mr. Klein to review all of the audits and if there are any that are questionable he would then need to choose a Board member to review these.

Patient Records and Counseling – Dan Vincent. Inspector Vincent addressed the Board letting them know of the article that will be in the newsletter as well as be mailed to all licensees, individual and institutions, with the September 1 mailing Mr. Klein is sending out.

12. The next meeting is scheduled for **Wednesday, October 2, 2013**, at 9:00 A.M.
13. Mr. Vincent made a motion, seconded by Mr. Labor, to adjourn at 2:28 p.m. Motion Passed.

Respectfully Submitted:

Judith Wernecke, Secretary
Vermont Board of Pharmacy

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