

VERMONT BOARD OF PHARMACY –Approved Minutes
Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402
January 22, 2014 at 9:00 AM.

1. The meeting was called to order at 9:00 AM, by Jeffrey Firlik, chair.

Members Present: Mr. Jeffrey Firlik, RPh, Chair; Mr. Larry Labor, RPh, Vice Chair; Ms. Judith Wernecke, Public Member, Secretary; Mr. James Arisman, Esq., Public Member; Mr. King Milne, RPh; Ms. Stephanie Ibey, RPh; and Mr. Robert Carpenter, RPh

OPR Personnel Present: Mr. Ronald Klein RPh, Executive Officer; Mr. Dan Vincent, Inspector and Ms. Aprille Morrison, Licensing Board Specialist

Others Present: Anthony Otis, Mike Fish, Luca Pompei, Todd Pikor and Maureen Shannon

2. The Chair called for approval of the Minutes of the December 4, 2013 meeting as presented. Mr. Labor made a motion to approve the minutes as written. Mr. Carpenter seconded the motion. Motion passed.

3. **Hearings/Stipulations et al:** None

4. **Report of Concluded Investigation:**

Report of Concluded Investigation docket #'s 2012-92 and 2012-93. Ms. Wernecke made a motion to accept the report of concluded investigation as presented. The motion was seconded by Mr. Labor. Motion passed. Ms. Julie Eaton was the investigative team member on these cases.

Report of Concluded Investigation docket #'s 2012-98 and 2012-99. Mr. Labor made a motion to accept the report of concluded investigation as presented. The motion was seconded by Mr. Arisman. Motion passed. Ms. Julie Eaton was the investigative team member on these cases.

5. **Guests:**

11:00 AM – Joe Lask had requested to have a discussion with the Board regarding staffing at Shaws/Osco pharmacies in Vermont. Mr. Lask did not attend the meeting.

Gabriel Gilman introduced himself to the Board as the new state prosecutor covering Pharmacy Board discipline. Mr. Gilman is replacing Mr. Adrian who left the office early January.

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

Mr. Klein reported to the Board on the number of cases they currently have. There are 30 cases, seven (7) ready for Investigative Team meeting, eight (8) are pending a closing report (with four being reviewed at this meeting), three (3) are in the intake process, one (1) is set for hearing, nine (9) are under investigation, and two (2) are pending charges.

7. Legislation/Rulemaking:

Mr. Klein informed the Board of 2014 Legislation. There is Senate bill 183 regarding making pseudoephedrine available by prescription only. This was referred to Committee on January 7, 2014. This is an attempt to try to make it harder for methamphetamine abusers to obtain the drug in this state. Mr. Klein asked if the Board would like him to give the Legislature any comments or state a board position if he should be called to give testimony. The Board did not wish to take a position on this bill until they were able to confer with law enforcement or the Department of Public safety to hear what their recommendations are to try to handle the methamphetamine problem in Vermont.

Mr. Klein also informed the Board of House Bill 611 sponsored by Representative Lippert. The bill requires that all Schedule II prescriptions presented for filling in Vermont and written by a practitioner licensed in Massachusetts, New Hampshire or New York must be verified by phone or electronically before being filled. Schedule II prescriptions written by a practitioner not licensed in Vermont or one of the three aforementioned states could not be filled. The Board discussed how this could be an issue for everyone ranging from college students to, "snow birds" or, individuals who winter in warmer states.

Mr. Klein also spoke regarding the legislation passed in 2013 regarding naloxone, and its distribution for overdose prevention. Mr. Klein questioned whether there was actually a patient/prescriber relationship, as required by Pharmacy rules, and if this in conflict with the legislation passed. The Board felt there was no conflict.

Mr. Klein also informed the Board that Legislature was looking to "correct" Act 39: Death with Dignity to include immunity for pharmacists.

8. Review Applications for licensure:

Vortech Pharmaceuticals – Dearborn, MI – Wholesale Distributor. The Board had previously requested additional information regarding their last inspection. Ms. Wernecke made a motion to approved Vortech Pharmaceuticals for licensure. Mr. Arisman seconded the motion. Motion passed.

LCRX, LLC d/b/a Alpha Direct Compounding – Scottsdale, AZ – Non-Resident Pharmacy. Mr. Arisman made a motion to preliminarily deny LCRX, LLC for licensure in Vermont based on prior criminal convictions. Mr. Labor seconded the motion. Motion passed.

Caraco Pharmaceutical Laboratories, Ltd. – Wixom, MI – Wholesale Distributor. Mr. Labor made a motion to preliminarily deny Caraco Pharmaceutical Laboratories, Ltd. for licensure in Vermont based on previous FDA inspections. Mr. Arisman seconded the motion. Motion passed.

9. Executive Officer Report:

Mr. Klein requested the Board nominate a member to assist him with the National Association of Boards of Pharmacy (NABP) Multistate Pharmacy Jurisprudence (MPJE) item writing workshop in March. Ms. Ibey volunteered to assist Mr. Klein. Mr. Carpenter made a motion to have Ms. Ibey attend the NABP MPJE item writing workshop. Mr. Firlik seconded the motion. Motion passed.

Mr. Klein requested the Board nominate a delegate and alternate delegate for the NABP annual meeting in May. Mr. Arisman made a motion to approve Mr. Carpenter as the Board delegate and Ms. Ibey as the Board's alternate delegate. The motion was seconded by Mr. Firlik. Motion passed.

Mr. Klein informed the Board where the proposed Administrative Rules are at in the approval process. They have passed ICAR and will be formally filed with the Secretary of State's Office. Tentatively there will be another public comments session for vetting the Rules at the March 26th Board meeting.

Newsletter Topics – Mr. Klein informed the Board that he had written an article introducing the new Board members. Mr. Carpenter and Ms. Ibey have reviewed and approved of the article. Mr. Firlik requested Mr. Klein also include a list of the current Board members and their term expiration dates, this way the public will be aware of Board positions coming available. Mr. Klein also plans on including an article regarding immunization regulations.

At the February meeting the Board, along with Board counsel, will discuss the date of the December 2014 meeting. There appears to be some confusion as to when this is going to be held due to holiday schedules.

10. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,334** (1,247 Resident, 87 Non-Resident).

11. Discussion Items:

Ms. Morrison asked the Board if a previously disciplined pharmacist, currently in good standing, be a registered preceptor. The Board said yes.

Mr. Klein and Ms. Morrison also requested the Board take a look at the different types of licensure to see if they can be consolidated. Mr. Klein spoke of pharmacists and out of state telepharmacists. The Board wishes to keep this licensure as it currently is. Ms. Morrison spoke to the Board regarding licensure of Vermont pharmacies. Currently there are seven different license numbers for pharmacies. Ms. Morrison requested the Board's permission to have one credential qualifier, such as 038 (currently just retail pharmacies) and then add an endorsement to this license for the specific type of pharmacy (long term care, institutional, investigative and research and more) which would print directly on the license. The Board requested that Ms. Morrison and Mr. Klein research what other states do and check with the DEA to see how this would affect registration. This will be added as a topic for the February meeting.

12. **Public Comment:**

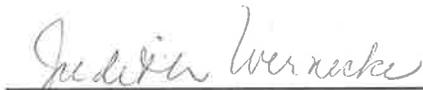
Luca Pompei requested to address the Board. Mr. Pompei is a pharmacist at the Wal-Mart Pharmacy in Berlin. Mr. Pompei was under the assumption that government issued identification (ID) presented for controlled substance and pseudoephedrine pick up must contain a photograph. The Statute actually does not state that the Id's need to have a photograph. Mr. Pompei also wanted to know if pharmacies were required to keep Id logs for all Id's presented for pseudoephedrine purchases. The Board said no. Mr. Pompei also informed the Board of his concerns regarding workforce issues with pharmacists being required to fill prescriptions and also be available to administer immunizations. The Board discussed the need to address this issue. Lastly, Mr. Pompei addressed the Board regarding parents purchasing pseudoephedrine for their children. As a child does not have a valid Id to purchase this product for themselves Mr. Pompei has seen instances where families with more than one child or member on this product are unable to get what they need as they are over the daily or monthly purchase limit. Mr. Pompei and the board agreed that in this circumstance a prescription issued by a practitioner would be necessary for the family to obtain the medication in the amount necessary.

Dan Vincent, Inspector, addressed the Board regarding questions in the proposed rules about mandating USP 797 practices. The Rules do not specifically address USP 795 and he questioned if this should be included. The Board felt that as the Rules specifically state that pharmacists follow the NABP Good Compounding Practices, which covers USP 797 and 795, that they were both covered. Inspector Vincent also wanted the Board's input on whether a medication needs to be compounded for a specific patient or can it be compounded for a specific prescriber? Mr. Labor made a motion stating it is acceptable for a compounded drug to be administered by an office or institution to specific patients. Mr. Arisman seconded the motion. Motion passed.

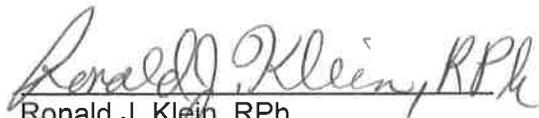
13. The next meeting is scheduled for **Wednesday, February 26, 2014**, at 9:00 AM.

14. Mr. Arisman made a motion to adjourn at 11:17 am. The motion was seconded by Mr. Labor. Motion Passed.

Respectfully Submitted:



Judith Wernecke, Secretary
Vermont Board of Pharmacy



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