

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
August 24, 2011 at 9:00 A.M.

1. The meeting was called to order at 9:02 a.m.

Members Present: Julie A. Eaton, R.Ph., Chair; Jeffrey P. Firlik, R.Ph., Vice-Chair; Judith Wernecke; Earl W. Pease, Pharm.D.; and Larry Labor, R.Ph.; Steven M. Vincent, R.Ph. and Emma J. Pudvah.

OPR Personnel Present: Larry S. Novins, Board Counsel; Peter Comart, Unit Administrator; Carla Preston, Case Manager; Dan Vincent, Investigator and Lauren Hibbert, Prosecuting Attorney.

Others Present: Anthony Otis, representing the Vermont Community Retail Pharmacy Coalition and Bernie Lambek.

2. The Chair called for approval of the Minutes of the July 27th meeting. The Board noted the following corrections:

The first sentence of the first paragraph under item 9 was amended to read: Mr. Vincent made a motion, seconded by Mr. Labor, to approve the following applicants for licensure as a pharmacist.

The first sentence of the third paragraph under item 9 was amended to read: Mr. Vincent made a motion, seconded by Mr. Labor, to approve the following application for registration as an Out-of-State Telepharmacist.

The Chair made a motion, seconded by Mr. Labor, to approve the minutes of the July 27, 2011 meeting as amended. Motion passed unanimously.

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

- a. The Board considered a Stipulation and Consent Order in the matter of David S. Knightes, Docket Number 2011-122 and Rite Aid pharmacy #10325, Docket Number 2011-123. Larry S. Novins presided for the Board. Lauren Hibbert was present for the State. The Respondents Attorney, Bernie Lambek was present. Mr. Firlik made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order. The question was called and the motion passed. The Chair, Investigating Member, did not participate in the vote.
- b. The Board considered a Stipulation and Consent Order in the matter of Owens & Minor Distribution, Inc., Docket Number 2011-364. Larry S. Novins presided for the Board. Lauren Hibbert was present for the State. The Respondent and their Attorney were not present. Mr. Vincent made a motion, seconded by Mr. Firlik, to accept the Stipulation and Consent Order. The question was called and the motion passed. Mr. Pease, Investigating Member, did not participate in the vote.

- c. At 10:30 A.M. – Hearing in the matter of Albert E. Crease, Docket Number 2011-349. A continuance was granted and is now set for September 28, 2011.

4. **Guests:**

Dan Vincent, came to discuss the Remote Pharmacies, specifically, Barton, and gave the board copies of NABP's policies and procedures with highlighted sections for remote pharmacies. Steve and Julie mentioned that North Dakota has a good model. Dan will be requesting policies and procedures and some minimum standards from the remote pharmacies. Dan talked to the Board about the workload for the pharmacists, and there being adequate staff for the demand. Dan also discussed the pharmacist sign-off and cancellation of prescriptions when they are filled.

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

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

There are currently 78 cases. 33 pending investigative team. 16 are pending charges. 29 are currently under investigation.

Carla would like IT members to let her know if there are cases that she assigned that "have no merit" or need a "strong closing report."

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

(None)

7. **Reports:**

(None)

8. **Legislation/Rulemaking:**

Renewal section needs to be worked on. Fees need to be adjusted. Repeal requirement for licensure by endorsement for distributors. Law to notify patients about use of generic drugs. Signature requirement for remote pharmacists.

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

Mr. Firlik made a motion, seconded by Mr. Pease, to approve the following applicants for licensure as a pharmacist. Motion passed unanimously.

Angela A. Aubin, PharmD (Examination)
Andrew J. Brault, PharmD (Examination)
Manojkumar M. Desai, PharmD (Endorsement)
Nathaniel S. Heysler, PharmD (Examination)
Thomas U. Kaufmann, PharmD (Examination)
Jeffrey C. Keimer, PharmD (Examination)
Samuel O. Lalinde, PharmD (Examination)
Shauna R. Tracy, PharmD (Examination)
Peri F. Stark, PharmD (Examination)

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

Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the following application for registration as an Out-of-State Registered Telepharmacist. Motion passed unanimously.

Karen L. DeLeon

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

The Board reviewed the following applications for in-state pharmacies, manufacturers, and/or wholesalers and took action as indicated.

Steven Vincent made a motion, Emma Pudvah seconded, to approve (a) and (b), below.
Unanimously approved

- a. **AADCO Medical Inc.**, 2279 Vermont Route 66, Randolph, VT, submitted an Application for Licensure for Wholesale Distribution of Drugs. Passed initial inspection on August 3, 2011. A temporary license has been issued and is set to expire on November 1, 2011. Based on the information provided, Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve this application for full licensure. Motion passed unanimously.
- b. Kinney Drugs, Inc., **d/b/a Kinney Drugs, Inc. #105**, 16 Church Street, Barton, VT, submitted an application for a new remote pharmacy pilot project. The facility has successfully passed its initial inspection on June 15, 2011. A temporary license has been issued and is set to expire on August 31, 2011. Passed final inspection on August 18, 2011. Based on the information provided, Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve this application for full licensure. Motion passed unanimously.
- c. Pharmacy Network, LLC, **d/b/a Community Health Pharmacy**, 4 Slapp Hill, Hardwick, VT, submitted an application for a new remote pharmacy pilot project. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on August 31, 2011. Final inspection performed on June 14, 2011. Affidavit of adequate drug supply and proof of DEA registration is required. The Board has requested that the consultation area be moved to a more private location. A letter will be sent to Community Health Pharmacy inquiring about the status of the improvements for the consultation area and equipment. Based on the information provided, Mr. Vincent made a motion, seconded by Mr. Firlik, to extend the temporary permit until November 30, 2011. Motion passed unanimously.

11. Change in Pharmacist Manager:

Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the following changes in pharmacist managers. Motion passed unanimously.

- a. **Albany College of Pharmacy and Health Sciences**, (035-56175), located at 261 Mountain View Drive, Colchester, Vermont, submitted an application for change in responsible contact person from Salvatore Morana to Judith Nasca.
- b. **Rite Aid Pharmacy #10311**, (038-3359), located at 112 Rockingham Street, Bellows Falls, Vermont, submitted an application for change in pharmacist manager from James T. Malley to Jane C. Kirkpatrick.

- c. **Shaw's, D/b/a Osco Pharmacy #7516/412**, (038-3318), located at 160 Paine Turnpike N., Berlin, Vermont, submitted an application for change in pharmacist manager from Maureen S. Shannon to Jim C. Kern.

12. **Non-Resident Pharmacies:**

The Board reviewed the non-resident pharmacy applications with no record of prior disciplinary action that were approved since the last meeting based on their completed applications. The Board found no issues.

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

The Board reviewed the non-resident wholesaler/manufacture applications with no record of prior disciplinary action that were approved since the last meeting based on their completed applications. The Board found no issues.

14. **Drug Outlet remodeling, closures, changes in Officers/Directors, hours of operation, etc.:**

(None)

15. **Continuing Pharmacy Education Requests:**

Mr. Firlik made a motion, seconded by Mr. Vincent, to approve the following continuing pharmacy education requests. Motion passed unanimously.

- a. **"Clinical Pearls: Collage"** submitted by Erica Counter with Fletcher Allen Health Care (FAHC), requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on August 4, 2011. The Board issued approval number CPE-001(L)-0811.
- b. **"Bridging the Divide Conference"** submitted by Deborah Rhea with the University of Vermont, requesting approval for 6.75 live (didactic) continuing pharmacy education credit. The conference will be held on November 10, 2011. The Board issued approval number CPE-002(L)-0811.
- c. **"Home Medications and Surgery: Friend or Foe"** submitted by Erica Counter with FAHC, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The Lecture will be held on September 20, 2011. The Board issued approval number CPE-003(L)-0811.
- d. **"9th Annual Northern New England Critical Care Conference"** submitted by Natalie Remillard with the University of Vermont, requesting approval for thirteen and one half (13.5) live (didactic) continuing pharmacy education credits. The conference will be held October 20th through October 22nd of 2011. The Board issued approval number CPE-004(L)-0811.
- e. **"Clinical Pearls: Alaris Pump Operation"** submitted by Erica Counter with FAHC, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The Lecture will be held on September 1, 2011. The Board issued approval number CPE-005(L)-0811.

- f. **“Vermont DUR Board Meeting – DVHA PBM Program”** submitted by Andrew Miller, requesting approval for two and one half (2.5) live (didactic) continuing pharmacy education credits. The meeting was held on April 5, 2011. The Board issued approval number CPE-006(L)-0811.
- g. **“Vermont DUR Board Meeting – DVHA PBM Program”** submitted by Andrew Miller, requesting approval for two and one half (2.5) live (didactic) continuing pharmacy education credits. The meeting was held on May 17, 2011. The Board issued approval number CPE-007(L)-0811.

16. **Intern/Preceptor application(s):**

- a. **Deanna Moorehead** – Submitted documentation of the 549 hours earned from October 20, 2010 through July 17, 2011, while working at Price Chopper Pharmacy #192, located in Essex Junction, Vermont, with Matthew O'Connor as her Preceptor. Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the **549** hours Ms. Moorehead has earned. Motion passed unanimously.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 123** (1,056 Resident, 67 Non-Resident).

18. **Newsletter Topics!**

19. **Miscellaneous Correspondence:**

- a. The Board reviewed the July 29, 2011 email from Lilliam Haddad regarding requirements for nuclear pharmacies in the State of Vermont. The Board indicated that nuclear pharmacies have the same standard as other pharmacies under pharmacy physical requirements. Statutes do not permit mobile pharmacies.
- b. The Board reviewed the August 4, 2011 email from Jeffrey Schnoor regarding NABP's CPE Monitor Service. The Board indicated that Vermont does not require participation in this service.
- c. The Board reviewed the August 4, 2011 email from Ryan Fitzpatrick. Mr. Fitzpatrick asked who is permitted to order/purchase a prescription drug/device. The Board indicated that LPN's are not authorized to order/purchase prescription drugs/devices. Only authorized prescribers that have the ability to order/purchase prescription drugs/devices within their scope of practice. The Board further clarified that any individual who is authorized by the licensed prescriber that ordered the drug/device has the ability to sign for receipt of the product.
- d. The Board reviewed the August 5, 2011 email from Mike Gijanto, R.Ph., regarding re-dispensing of returned patient meds. The Board indicated that it is not aware of any legislation that addresses this, nor is this allowed in the State of Vermont. The Board has asked Mr. Gijanto to cite the legislation he is referring to for it to review.
- e. The Board reviewed the August 10, 2011 email from Richard Trombley regarding a drug delivery service. The Board indicated that it does not license individuals that deliver.

- f. The Board reviewed the August 19, 2011 email from Kimberly Turner regarding the ability for Vermont pharmacists to administer medications. The Board indicated that the Statutes and Rules do not allow for pharmacists to administer medications, except under an approved collaborative practice agreement. The Board also indicated that pharmacist may administer vaccines if properly trained. Ms. Turner will be advised to review Rule 9.34 for further clarification.

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

- a. The Board reviewed various documents from the NABP.

21. **Public Comment**

(None)

22. **Other Business Introduced**

The Board discussed the NABP District 1 & 2 Meeting scheduled for October 20th through October 22nd of 2011 in Boston, MA. The Chair, Mr. Firlik, Mr. Vincent and Mr. Pease are planning on attending.

23. The next meeting is scheduled for **Wednesday, September 28, 2011** at 9:00 A.M.

The remaining meeting dates for 2011 are as follows: October 26th and December 7th.

24. There being no further business, the meeting was adjourned at 1:30 P.M.

Respectfully submitted,

Peter Comart, Unit Administrator
Vermont Secretary of State
Office of Professional Regulation