

Board of Pharmacy
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402

**Unapproved Minutes
Meeting of August 26, 2009**

1. The meeting was called to order at 9:00 A.M.

Members present: Steven M. Vincent, R.Ph., Chairman; Julie A. Eaton, R.Ph., Vice-Chair; Ann Overton, Secretary; Earl W. Pease, Pharm.D.; Emma J. Pudvah and Larry Labor, R.Ph. Jeffrey P. Firlik, R.Ph. was not present but did participate via phone on a few matters.

OPR Personnel present: Larry S. Novins, Board Counsel; Edward G. Adrian, State Prosecuting Attorney, Inspector Daniel Vincent, Carla Preston, Unit Administrator; Amy Boulanger, Change Management Analyst, and Kristy Kemp, Administrative Assistant.

Others present: Anthony Otis, Esq. representing the Vermont Community Retail Pharmacy Coalition, Bernard Lambek, Esq. and Fred Doltz, District Manager for Rite Aid Pharmacies, Robert Carpenter, R.Ph. and Jaclyn Sanborn, pharmacist student.

2. The Chair called for approval of the Minutes of the July 23rd meeting. Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve the Minutes of the July 23, 2009 meeting as presented. Motion passed unanimously.

3. **Guests:**

Inspector Daniel Vincent attended the meeting to discuss a few issues that surfaced from conducting pharmacy inspections. He asked the Board to verify certain references and sources such as accessing ePrescriptions from a PDA.

Mr. Labor said he was familiar with that program and comparisons. He explained that there are different versions available, PDA and desktop (free and subscribed). He said the subscriber version has more modules with it and it is more complete. He said both versions are updated and would be acceptable as a stand alone reference.

Inspector Vincent said he has found unregistered technicians working in smaller pharmacies. He said he relayed the Board's position that even cashiers who are within the pharmacy area or the area is open with the same hours as the pharmacy, they must be registered. Cashiers do not have to be registered if they are located outside of the pharmacy area.

4. **Hearings/Stipulations et al.**

a. At 9:30 AM the Board considered the Stipulation and Consent Order in the matter of Rite Aid Pharmacies, which involved multiple Docket Numbers. The Respondents' Attorney Bernard Lambek, and Fred Doltz, Rite Aid District Manager were present. Larry Novins presided for the Board. Edward Adrian was present for the State. Two additional docket numbers were added pertaining to individual pharmacists who have not been charged but would be dismissed as noted on the last page of the Order. Based on the information presented, Ms. Eaton made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order as presented. The Board voted to go into deliberative session at 9:50 A.M. and out at 9:58 A.M. The Board asked the Respondents if Rite Aid had increased its pharmacy staff and other employees than in previous year to help avoid problems with closures. Mr. Doltz responded for his district stating improved conditions.

4. **Hearings/Stipulations et al** - continued

The Board voted to go back into deliberative session at 10:01 A.M. and out at 10:06 A.M. The question was called and the motion passed. Chairman Vincent, Investigating Member, did not participate in the votes.

5. **Follow-up Cases**

The Board reviewed the following cases and took action as indicated. Ms. Overton made a motion, seconded by Ms. Eaton, to grant the requests of Mr. Hollister and Mr. Little to remove the conditions imposed on their licenses. The question was called and the motion passed unanimously.

- a. **Corner Drug Co. Inc./William Aimi**— The Respondents are in compliance with their Orders.
- b. **Robert Crystal**— The Respondent is in compliance with his order.
- c. **Steven A. Hollister**— The Board approved Mr. Hollister's request for removal of the conditions on his license.
- d. **Cynthia Jean Koch**— The Respondent is in compliance with her order.
- e. **David J. Little**— The Board approved Mr. Little's request for removal of the conditions on his license.
- f. **Kenneth Segreto**— The Respondent is in compliance with his Order.

6. **Reports:**

Anthony Otis updated the Board concerning proposed legislation affecting the practice of pharmacy. He mentioned the new law regarding therapeutic equivalent and the new board to be established consisting of members from the OVHA-DUR, the VPA and the Medical Board. Mr. Otis agreed to contact representatives of OVHA and invite them to a meeting to meet with the Board.

Members of the Board reported their concerns regarding the timeline and soon. The Board agreed that it would be helpful to meet with the OVHA representatives.

7. **Legislation/Rulemaking:**

Larry Novin explained the final steps in the rulemaking process and the timeline to have the Rules effective on October 1, 2009.

The Board agreed that copies of the New Rules must be sent to all pharmacists and in-state pharmacies. A postcard notice will be sent to all non-resident wholesalers and non-resident pharmacies showing where the new rules, newsletter, minutes, etc. can be found. Hard copies would be provided upon request.

Ms. Eaton mentioned the tamper resistant prescription pad requirements in effect on January 1, 2010. She said notices need to go out to prescribers, dentists in particular, about this requirement. She explained that it will take time to prepare the further discussion, the Board agreed that the notice should also address signature requirements. The Board agreed to draft a notice that would fit on a postcard. The notice will be sent to boards regulating prescribers and posted on the OPR's Web site. In addition, the notice may be sent to the professional societies to assist in getting the message out to prescribers. Attorney Novin agreed to help draft the notice to send out and to be posted on the Web pages for each prescribing board.

Mr. Novin mentioned other laws/rules circulating through his summer that could impact the regulation of drugs. No Board action is needed.

8. **Complaints/Reports of Concluded Investigations**

The Board reviewed the following Reports of Concluded Investigations and took action as indicated.

2008-462 (RX21-1208)—The Board Reviewed the Report of Concluded Investigation. Ms. Eaton made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Chairman Vincent, Investigating Member, did not participate in the vote.

2009-104 and 2009-105—The Board Reviewed the Report of Concluded Investigation. Chairman Vincent made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Ms. Eaton, Investigating Member, did not participate in the vote.

9. **Applications for Licensure as a Pharmacist :**

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

Cassie Barton, PharmD (Score Transfer)
Sean T. Buckley, PharmD (Endorsement)
Stefanie D. Buffum, PharmD (Examination)
Matthew S. Covich, PharmD (Examination)
Brian J. Cowles, PharmD (Endorsement)
Katherine S. Frank, PharmD (Examination)
Jason S. Galka, PharmD (Examination)
Victorine Christine-Omerine Jacques, R.Ph. (Endorsement)
Jeremy K. Laiken, PharmD (Endorsement)
Nathan D. Mah, PharmD (Score Transfer)
Sandra L. McLoud, R.Ph. (Endorsement)
Farid Rezaei, PharmD (Examination)
Leslie E. Riddle, PharmD (Examination)
Deanne C. Sargent, PharmD (Endorsement)
Randall G. Snyder (Examination)
Larry L. Springsteen, PharmD (Examination)

Thomas M. Clancy, R.Ph. (Endorsement)—Mr. Pudvah made a motion, seconded by Ms. Eaton, to table this application for more information. Additional information is needed to provide assurances that Mr. Clancy can practice safely in the State of Vermont. Motion passed unanimously.

10. **In-State Drug Outlets:**

11. **Change in Pharmacist Manager:**

Mr. Laborn made a motion, seconded by Ms. Overton, to approve the change in pharmacist managers as indicated below. The question was called and the motion passed unanimously.

a. **Kinney Drugs, Inc. #23**, (038-2052), located at 97 Morrisville Plaza, Morrisville, Vermont, changed pharmacist managers from David Armstrong to Stephen Sopchak.

b. **Rite Aid Pharmacy #10336**, (038-3370), located at 82 Route 15 West, Hardwick, Vermont, changed pharmacist managers from Ayman Eltookhy to Larry A. Renaud.

11. **Change in Pharmacist Manager** - continued

- c. **Kinney Drugs Inc. #29**, (038-2470), located at 308 Shelburne Road, Burlington, Vermont, changed pharmacist managers from Larry Renaud to Margaret Morris.
- d. **Price Chopper Pharmacy #165**, (038-2951), located at 595 Shelburne Road, Burlington, Vermont, changed pharmacist managers from Jacie Scott to Rajal Dupulapati.

12. **Non-Resident Pharmacies:**

Ms. Eaton made a motion, seconded by Ms. Overton, to approve the following non-resident pharmacies for licensure based on their completed applications. Motion passed unanimously.

- a. **Healthwarehouse.com, Inc.**, 100 Commerce Boulevard, Loveland, OH.
- b. **HPC, LLC (Hemophilia Preferred Care)**, 63 S Royal Street, Mobile AL.
- c. **Fresenius Medical Care Pharmacy**, 11001 Danka Way, St. Petersburg, FL.
- d. **DRG Pharmacy LLC**, 248 E Scott Street, Port Hueneme, CA.

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

Ms. Pudvah made a motion, seconded by Mr. Labor, to approve the following non-resident wholesale distributors and/or manufacturers for licensure based on their completed applications. Motion passed unanimously.

- a. **Ben Venue Laboratories, Inc.**, 20400 Tower Drive, Bedford, OH.
- b. **Ben Venue Laboratories, Inc.**, 19200 Treat Road, Walton Hills, OH.
- c. **4u Ortho LLC**, 34 East Dudley Town Road, Bloomfield, CT.
- d. **Lannett Company, Inc.**, 9001 Torresdale Avenue., Philadelphia, PA.
- e. **Family Healthcare Services**, 411 N. Lombard Street, Oxnard, CA.
- f. **Walco International Inc.**, 613 Atlas Avenue, Madison, WI.

Mr. Firlik said he participated in the conference call concerning distribution of vaccines for the H1N1 flu virus and the need to expedite licensure of the facilities in the states receiving the vaccine. He said the said licensure of the facilities below would allow them to distribute the vaccine to Vermont in September. He said they are setting up these facilities just to distribute this vaccine. The Board discussed the fact that these facilities were not yet licensed in their home states. The best solution would be to issue the licenses upon verification of their having received a license in their own state.

Ms. Eaton made a motion, seconded by Mr. Pease, to approve the following wholesalers for licensure upon receipt of verification of licensure in their state of origin. Motion passed unanimously.

- g. **McKesson Specialty Distribution LLC**, Georgia.
- h. **McKesson Specialty Distribution LLC**, Ohio.
- i. **McKesson Specialty Distribution LLC**, Tennessee.
- j. **McKesson Specialty Distribution LLC**, California.

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

15. **Continuing Pharmacy Education Requests:**

Ms. Eaton made a motion, seconded by Chairman Vincent, to approve the following continuing pharmacy education requests as indicated. The question was called and the motion passed unanimously.

15. **Continuing Pharmacy Education Requests** - continued

- a. **“Clinical Pearls: Learning from Medication Events”** submitted by Shawna Barito with Fletcher Allen Health Care, was approved for a half (1/2) hour of live (didactic) continuing pharmacy education credit per lecture. The lectures will be held on the following dates: August 28, 2009; August 31, 2009 and September 3, 2009. The approval number issued is CPE001(L)-0809.

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

Mr. Laborn made a motion, seconded by Ms. Overton, to accept completed preceptor applications and the Intern applications listed below as indicated. Motion passed unanimously.

- a. **Vinjamuri, Anil K.**— was approved to change his preceptor from Ayman Eltooky to Larr y Renaud.
- b. **Sanborn, Jacklyn**— was approved to change her preceptor to Robert C arpenter.
- c. **Aubin, Angela A.**— Application for Registration of Intern was approved .
- d. **Lawrence, Melissa A.**— Application for Registration of Intern was approved .
- e. **Zerai, Amleset**— Intern’s Evaluation and Preceptor’s Affidavit of Internship Hours was approved for the 542.25 hours she earned at Copley Hospital Pharmacy in Morrisville, Vermont during the period of April 27, 2009 through August 12, 2009.
- f. **Balang, Pranav**— Application for Registration of Intern was approved d.
- g. **Malik, Manu**— Application for Registration of Intern was approved .

The Board reviewed several updated and new Preceptor applications and discussed who should be countersigning the application. In the end, the Board concluded that a signature from an owner or corporate headquarters is not necessary. The Board will require signatures of the applicant (the pharmacist applying to become a preceptor), and of the pharmacist manager or director of pharmacy (hospital) on the application. The Board noted that the intent of the question pertaining to percentage applies to the amount of time the Preceptor spends with the Intern based on the total amount of time the Intern is working (per week or per month).

Ms. Preston and Ms. Kemp will update the Preceptor form to reflect the requirement for signatures of the pharmacist (applicant) and of the pharmacist manager or director of pharmacy.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,045** (983 Resident, 62 Non-Resident).

18. **Newsletter Topics!**

19. **Miscellaneous Correspondence**

- a. The Board reviewed and discussed the email from the National Association of Boards of Pharmacy (NAB MPJE State Specific Review). The Board asked if the Amy Boulanger was asked to attend the meeting to access the Internet or some secure site. It was unclear what was needed. Ms. Preston and Ms. Doug Bastianelli, NAPLEX/MPJE Manager with P) regarding an invitation to the October 2009 could be accomplished from the Boardroom. It determined whether it would be possible to clear what was needed. Ms. Preston and Ms.
- b. The Board reviewed the email from Matthew O’Connor with Price Chopper Pharmacy #192, regarding Vermont regulations. The scale is not regulated by the Board of Pharmacy. Authorization for pharmacist to administer vaccinations is included in the current Rules under scope of practice. It is more detailed in the proposed new rules.

19. **Miscellaneous Correspondence** - continued

- c. The Board reviewed the email from Jerzy Wojcik with regard to regulations around purchases of prescription products, infusion pumps. The Board does not regulate these products or other durable medical equipment.
- d. The Board reviewed the email from Yen Morrison seeking clarification on laws regarding hospice patients' medication. The Board clarified that faxed prescriptions may be used as a hard copy and that there is no need to follow-up.

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

- a. The Board reviewed and noted miscellaneous NABP correspondence.

21. **Public Comment**

Comments from guests were addressed above.

22. **Other Business Introduced**

The Board discussed the opening of the Albany College of Pharmacy's Vermont Campus. Members noted that it will be a very useful resource and will greatly benefit the Board and the profession. Chairman Vincent said he spoke with Dr. Hamilton who invited the Board to their opening ceremonies on September 22nd. Messrs. Firlik and Pease, who attended Albany College of Pharmacy in New York, plan to attend the ceremonies and will give a brief speech to attendees.

23. The next meeting of the Board is scheduled for **Wednesday, September 23, 2009.**

24. There being no further business, the meeting was adjourned at 1:58 PM.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation