

VERMONT BOARD OF PHARMACY– Approved Minutes
Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402
December 17, 2014 at 9:00 AM

1. The meeting was called to order at 9:00 AM, by Larry Labor, Chair.

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

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

Guests: Lori Gilmore, Corey Duteau, Keith Jones, Lisa Brouillette Hurteau, Todd Piker, Ken Krauss and Anthony Otis.

2. The Chair called for approval of the Minutes of the October 29, 2014 meeting. Upon hearing no objections to approval Board Chair approved the minutes.

3. **Hearings/Stipulations/Reports of Concluded Investigation *et al*:**

Stipulation and Consent Order in the matter of Shire Apothecary, Inc., docket # 2013-746 and Imants Vitols, docket # 2013-747. Mr. Arisman made a motion to accept the order as presented. Mr. Firlik seconded the motion. Motion passed. Mr. Carpenter did not participate in the hearing as he was the Investigative Team member.

Stipulation, Consent Order and further hearing in the matter of Kenneth Krauss, docket # 2014-706. Following testimony from prosecution as well as Mr. Krauss the Board held a deliberative session to discuss Mr. Krauss' conditions of reinstatement. Mr. Krauss will be notified of the Boards decision in the matter of his reinstatement. Mr. Firlik did not participate in the discussion as he was the Investigative Team member.

Reinstatement in the matter of Jeff Cohen, docket # 2011-561 (follow-up docket # M2012-147). Mr. Firlik made a motion to accept the reinstatement of Mr. Cohen's pharmacist license with conditions. Mr. Arisman seconded the motion. Motion passed. Steven Vincent, no longer on the Board, was the Investigative Team member for this case.

Report of Concluded Investigation for 2014-586 and 2014-587. Mr. Carpenter made a motion to accept the report as presented. Ms. Ibey seconded the motion. Mr. Firlik did not participate in the vote as he was the Investigative Team Member. Motion passed.

Report of Concluded Investigation for 2014-523. Mr. Arisman made a motion to accept the report as presented. Mr. Carpenter seconded the motion. Mr. Firlik did not participate in the vote as he was the Investigative Team member. Motion passed.

Report of Concluded Investigation for 2014-432. Mr. Firlik made a motion to not accept the report as presented. Mr. Carpenter seconded the motion. Mr. Arisman amended the motion to include the Investigative Team request an additional investigation from the OPR Investigative unit and to include a request to the pharmacy and pharmacy manager in question a copy of the internal policy for conducting inventory counts as well as to provide, for a minimum of 90 days, copies of the ongoing counts for inventory. Motion passed. Mr. Milne did not participate in the vote as he was the Investigative Team member.

Report of Concluded Investigation for 2014-375. Mr. Carpenter made a motion to accept the report as presented. Ms. Ibey seconded the motion. Motion passed. Mr. Milne did not participate in the vote as he was the Investigative Team member.

Report of Concluded Investigation 2014-602. Mr. Arisman made a motion to reject the closing report as presented and return the case for further investigation. Mr. Firlik seconded the motion. Motion passed. Mr. Carpenter did not participate in the vote as he was the Investigative Team member.

4. **Guests:** None

5. **Case Manager's Report:** There are currently 34 active cases. Fourteen (14) are under investigation, six (6) are pending a closing report (four approved at today's meeting), four (4) are pending hearing, two (2) are pending investigative team meetings, four (4) are pending charges, one (1) is pending a preliminary denial, two (2) have had charges filed and one (1) is in intake status.

6. **Legislation/Rulemaking:**

Regulated Drugs – Dawn Philibert – Ms. Philibert was not able to make the meeting today and requested this be a discussion topic at the January Board meeting.

Pharmacy Technician Discussion – The Board was provided with draft rules for pharmacy technicians from Mr. Novins. Mr. Firlik made a motion to approve the draft, with modification made at today's meeting. Mr. Arisman seconded the motion. Motion passed.

Naloxone Collaborating Practice Agreement – Mr. Klein informed the Board that he will be moving forward with listing Dr. Harry Chen as the collaborating physician for the state and will be distributing the agreement to pharmacies if they wish to participate in the Naloxone dispensing.

7. **Application Review:** None

8. **Executive Officer Report:**

Included in the Board packets was the documentation from the December 1st prescribers meeting that OPR held. If the Board wishes to comment on the proposed Vermont Prescription Monitoring System Rules they will need to do so before December 29th.

Mr. Klein informed the Board that he will be doing the hospital and compounding facility inspections instead of Inspector Vincent. Mr. Klein hopes to inspect all facilities that fall under these areas by April 2015.

Mr. Klein informed the Board that he and Inspector Vincent will be attending an NABP Inspection Blueprint meeting in early January to work on creating a blueprint for sterile compounding pharmacy inspections.

Mr. Klein informed the Board that Corey Duteau will be the pharmacist board member replacing Mr. Firlik.

Mr. Klein informed the Board members of the upcoming NABP meetings in 2015. There will be an MPJE Item Writing Workshop held in March 2015. Ms. Ibey and Mr. Duteau will check their schedules and respond to Mr. Klein on whether they are able to attend. The annual meeting will be held in May. Mr. Labor will be the delegate for Vermont and Mr. Carpenter will be the alternate delegate. The other meetings on the schedule for September are the MPJE Item Review and the District 1 & 2 meeting in Portsmouth, NH. Attendance for these will be discussed at a later meeting.

9. **Discussion Items:**

Pharmacy Practice Rules. Thomas Sturm e-mailed the Board regarding current rules regarding pharmacist practice. The Board reviewed Mr. Sturm's e-mail, however did not feel that Administrative Rule changes were necessary at this time.

10. **Newsletter:**

The next deadline for the NABP newsletter is February 1st with a March 1st publication date. Mr. Klein requested the Board have anything they wish to be included in the newsletter ready for the January Board meeting.

11. As this is Mr. Firlik's last Board meeting Mr. Labor appointed Mr. Firlik to continue as the Board's representative on the Pain Management Committee. Mr. Firlik accepted.

12. The Board looked at the 2015 meeting dates. The Board will not meet November 25 and will change the December meeting date to December 16th.

11. Mr. Firlik made a motion to adjourn at 12:35 pm. The motion was seconded by Mr. Arisman. Motion Passed.