

BOARD OF PHARMACY – Approved Minutes
Secretary of State, Office of Professional Regulation
23 College Street, Schulmaier Hall, Montpelier, VT 05602
April 24, 2013 at 9:00 A.M.

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

Members Present: Mr. Jeffrey P. Firlik, RPh, Chair; Ms. Julie A. Eaton, RPh, Vice-Chair; Ms. Judith Wernecke, Public Member, Secretary; Mr. Steven M. Vincent, RPh; Mr. Larry Labor RPh; Mr. King Milne, RPh; and Mr. James Arisman, Esq., Public Member.

OPR Personnel Present: Larry S. Novins, Board Counsel; Dan Vincent, Inspector; Carla Preston, Case Manager; Ronald Klein RPh, Executive Officer; and Aprille Morrison, Licensing Board Specialist.

Others Present: Lyndsi Branon, Anthony Otis, Susan DeLeo, Brooke Aide and William Cover

2. The Chair called for approval of the Minutes of the December 5th meeting as presented. Mr. Labor made a motion to approve the December 5, 2012 minutes as presented. The motion was seconded by Mr. Vincent. Motion passed.

The Chair called for approval of the Minutes of the March 27, 2013 meeting as presented. Mr. Vincent made a motion to accept the minutes with corrections. The motion was seconded by Ms. Eaton. Motion passed.

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

9:15 am – Appeal of Preliminary Denial – My Weight Doctor Pharmacy, LLC. Brooke Aide, pharmacist with My Weight Doctor Pharmacy, represented the aforementioned pharmacy in this hearing. The hearing ended at 10:00 am with the Board going into deliberative session until 10:18 am. Mr. Novins stated to all parties that a written decision would be issued by the Board.

Mr. Klein informed the Board two Notices of Dismissal were filed, one in the matter of Karen Rouse, Docket No.: 2012-384; and the second in the matter of Matthew Smith, Docket No.: 2012-171.

4. **Discussion Items:**

Patient Information – Daniel Vincent, Inspector. Inspector Vincent explained to the Board what he looks for regarding patient information when inspecting. He stated he has inspected about seventy-six (76) pharmacies and has found that many do not ask about chronic conditions/disease states and identification of other prescription drugs currently being used by the patient. Inspector Vincent stated he has found that the majority of pharmacies are not meeting the standard for obtaining this information with roughly 57% not asking about chronic conditions or disease states of the patient and roughly 67% not asking about other prescription drugs currently being used by the patient which may relate to prospective drug review. This could be for a variety of reasons from insufficient staff to the inability to enter the information into the current computer program being used by the pharmacy. Inspector Vincent asked the Board their thoughts on how to have pharmacies start requiring some level of consultation with patients. Ms. Eaton feels the professionals need to be educated better and as the Board already has Administrative Rules on this topic, 9.24 through 9.30 and 11.1, that this needs to be enforced. Ms. Eaton suggested adding something to the newsletter and sending out a notification to the Vermont pharmacies and pharmacy owners.

Pharmacy Continuing Education – Joint Organization for Accreditation – Ronald Klein. Mr. Klein informed the Board that he had met with people at Albany College of Pharmacy regarding setting up a non-profit (501(C)(3) organization to review and monitor continuing education for pharmacists in Vermont. The Board discussed this and felt that since the Administrative Rules already state they accept all ACPE and AMA Category 1 approved programs that the individual request currently coming to the Board should still be approved by the Board or its designee.

Change of meeting dates for June & July – The Office of Professional Regulation will be moving to the City Center in Montpelier either the end of June or middle of July and there was discussion about moving the dates of the currently scheduled meetings so there wouldn't be disruption of the Board. Mr. Firlik and Mrs. Wernecke informed the Board that they would not be able to attend the May 15, 2013 meeting. The Board decided to keep the current schedule.

Mr. Labor gave the Board information on Simplifi 797. This is a continuing education course that he feels would be beneficial for pharmacists and inspectors.

5. Case Manager's Report:

There are 34 cases pending, 11 are pending Investigative Team meetings, 3 are in intake for screening, 1 is awaiting a response from the Respondent, 3 have been recommended for closing, 4 are under investigation, 2 are pending charges, 4 have had charges filed, and 6 are pending hearings.

6. Legislation/Rulemaking:

Administrative Rules revision discussion – Remote Pharmacies – The working group will be getting together in the next couple weeks to iron out any changes and also work on adding a section for the Automated Dispensing Units.

Intern Registration – fee/renewal – Ronald Klein. Mr. Klein informed the Board that he would like to change the intern registrations as for when they are issued, the length of time they are valid for and possibly charging a fee. The Board agreed to have Mr. Klein put together a draft for their review at a future meeting.

Registration Requirements for Non-Resident Pharmacies/Wholesale/Distribution – Ronald Klein. Mr. Klein informed the Board that the office is looking into whether non-resident pharmacies, wholesalers and distributors need to be registered with the Vermont Secretary of State's Office corporations division.

Legislation in other states – FYI – Ronald Klein. Mr. Klein informed the Board that there is currently a bill up for legislation in Missouri that allows pharmacies to stock only the drugs they choose. This bill is currently in front of the House Committee for a second review.

7. Review Applications for licensure:

The Board reviewed applications that were previously preliminarily denied at the March 27, 2013 Board meeting to determine the specific Statute/Rule reference for preliminary denial.

Mr. Vincent made a motion to preliminarily deny Hotbar, LLC based on disciplinary action taken in another jurisdiction. Ms. Eaton seconded the motion. Motion passed.

Ms. Eaton made a motion to preliminarily deny Vicksburg Special Care Pharmacy & Compounding, LLC based on disciplinary action taken in another jurisdiction. Mr. Vincent seconded the motion. Motion passed.

Mr. Labor made a motion to preliminarily deny Advantage Pharmacy, LLC based on disciplinary action taken in another jurisdiction. Mr. Vincent seconded the motion. Motion passed.
Mr. Firlik made a motion to approve Liberty Medical Supply Inc. change of ownership application. Ms. Eaton seconded the motion. Motion passed.

Mr. Vincent made a motion to approve BesScript Inc. for licensure as a Non-Resident pharmacy. Mr. Firlik seconded the motion. Motion passed.

Ms. Eaton made a motion to approve the applications for Medline Industries, Inc. at the Mansfield, MA; Libertyville, IL and Mundelein, IL locations for licensure pending receipt of the complete original applications (scanned copies were submitted by legal counsel). Mr. Vincent seconded the motion. Motion passed.

The following applications were reviewed and tabled as the Board requested additional information:

- Abraxis Bioscience, LLC
- Drug Depot, Inc. d/b/a APS Pharmacy
- Tyler Holmes

8. **Executive Officer Report:**

Mr. Klein informed the Board of items he has been notified of since the last meeting.

- The follow-up compliance section was notified by Earl Pease that Glen Myer is no longer under his supervision.
- Generic Oxycontin has been denied FDA approval and only branded product will remain on pharmacy shelves.
- Ms. Eaton reminded the Board that Saturday, April 27, 2013, is the DEA prescription take back day.
- Mr. Klein attended the Federation of State Medical Boards meeting in Boston, MA, as Executive Officer for the Vermont Board of Osteopathic Physicians and Surgeons. While at the meeting he was allowed to speak about the Vermont Prescription Monitoring System (VPMS). Mr. Klein feels that all practitioners should be notified about the VPMS program.
- Mr. Klein acknowledges that the Vermont Pharmacy Statutes need to be revised and the first draft should be done by early autumn. The Board would like this added to the July meeting agenda.
- Mr. Klein informed the Board that there are several drug loss reports coming into the office and then notification from the pharmacy a few days later stating it has been found. He feels some of these losses are a considerable quantity and that the findings are not acceptable. He would like either himself or an inspector to do controlled substance audits on all loss reports that come into the Office. The Board agreed.
- Ms. Eaton asked for an update on bill H.522. Mr. Klein stated he spoke to the House Committee on this bill and that the bill has passed the House Committee and is currently in the Senate. In speaking to the House Committee Mr. Klein informed them that this bill

only included schedule 2, 3 and 4 drugs and he would like to see schedule 5 drugs included.

9. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,618** (1,497 Resident, 121 Non-Resident).

10. **Newsletter Topics:**

Mr. Klein informed the Board all newsletter copy for the June newsletter is due no later than May 1st. There were a few topics suggested by the Board to include in the June 2013 newsletter:

- An informational article on how Optometry no longer prescribes by a formulary. Also that the Naturopathic Physicians formulary will be repealed in 2015.
- Another statement on Zostavax vaccinations and how the Vermont Board follows CDC guidelines which state this can only be administered to patients sixty (60) and above.

11. **National Association of Boards of Pharmacy (NABP)**

Mr. Klein wanted to confirm who was attending the National NABP meeting in May. Mr. Firlik, Ms. Eaton, Mr. Vincent and Mr. Klein will be attending this meeting.

Mr. Klein also reminded the Board that the District NABP meeting is in October and the Board should be thinking about who will be attending this meeting. Ms. Eaton and Mr. Vincent both stated they would like to attend as this is their final year serving on the Board.

12. The next meeting is scheduled for **Wednesday, May 15, 2013**, at 9:00 A.M.

14. Ms. Eaton made a motion, seconded by Mr. Labor, to adjourn at 2:02 p.m. Motion Passed.

Respectfully Submitted:



Judith Wernecke, Secretary
Vermont Board of Pharmacy



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