

BOARD OF PHARMACY

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

UNAPPROVED MINUTES Meeting of April 23, 2008

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

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

OPR Personnel: Larry S. Novins, Board Counsel; Robert H. Backus, Prosecuting Attorney; Carla Preston, Unit Administrator; and Daniel Vincent, Inspector.

Others present: Mike Austin, District Manager for Rite Aid Corporation; Carl Birdsong, R.Ph. and Angela Serio with Maxor National Pharmacy Services Corp., and Hunt Blair, and Marc Comtois with the Bi-State Primary Care Association (BSPCA).

The Board gave a warm welcome to its newest member, Larry Labor, who replaced John Dorvee.

2. The Chair called for approval of the Minutes of the March 26th meeting. Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the Minutes of the March 26, 2008 meeting as presented. Motion passed unanimously.

3. **Guests:**

At 1:00 P.M., Hunt Blair, Policy Director, and Marc Comtois, MSW, VT Network Service Project Coordinator, with the Bi-State Primary Care Association attended the meeting to continue discussions regarding the request for an Automated Dispensing Unit Pilot Project. In addition, Carl Birdsong, R.Ph., President of Maxor National Pharmacy Services Corp. (Amarillo, Texas) and Angela Serio, Vice-President of Operations, were in attendance.

Mr. Blair reiterated that Bi-State Primary Care Association (BSPCA) is comprised of Federally Qualified Health Centers, rural health clinics, area health education centers, Planned Parenthood of Northern New England, critical access hospitals, small rural physician practices and other entities. He explained that Pharmacy Network, LLC is comprised of five of these seven Vermont Federally Qualified Health Centers and BSPCA. They have been working towards finding a way to enhance the 340B pharmacy infrastructure in Vermont and expand affordable pharmacy services for the entire state. AFQHC covers physical, mental, and dental health and will now cover prescription medications.

Mr. Blair said remote access to prescriptions would be available through central fill (Maxor), mail order, and working with local pharmacies. There would be multiple health centers using central fill or one pharmacy. Richford Rexall Drugs, owned by The Northern Tier Center for Health (NOTCH), would serve the Plainfield Clinic. He said the FQHC in Plainfield would be a first pilot project with an automated dispensing unit. A physician or other prescriber from each site would determine the formulary of prepackaged medications for each unit/cabinet. Mr. Blair said the formulary may vary by site depending upon prescriber preferences.

Mr. Blair said there are a total of 27 sites. He said their current plans involve five locations and then they would look to the future before rolling out additional sites. To make the project worthwhile there must be a minimum of 30 prescriptions per day. He said they would like to have additional sites participate and asked how the Board interpreted the statute (26 V.S.A. §2040(b)).

Larry Novins, Board Counsel, indicated that the statute allows for three pilot projects for remote locations. It was determined that each proposed location would be considered as a separate pilot project. If justified, the Legislature could be asked to extend the pilot program or to consider other provisions.

3. **Guests** - continued

Mr. Birdsong and Ms. Serio described the process. He said each may only contract with one pharmacy. He said each by a pharmacist at the central fill pharmacy. The into the controlled environment of the fill area of verified back to what was packaged at the pharmacy. are found. Pharmacy Technicians or other licensed accessible to patients or to the public. The design only be opened remotely by the pharmacy. The cabinet may be reviewed at any time.

Mr. Birdsong said the FQHC would own the pharmacy and site has its own DEA number. The tablets are filled and verified barcode is added at the central fill pharmacy. The drugs come there remote site via a sealed tote with manifests, which must be The pharmacy is contacted immediately if any discrepancies personnel (i.e., nurse) load the machine. The cabinet is not nated person at the remote site cannot open the machine; it can ets are replenished weekly. The perpetual inventory of the

They indicated that the remote sites would be HIPA the clinic's automated dispensing unit or to a pharmacy when filled at the FQHC site. A Federally Qualified They said the on-call pharmacy would have a toll free

A compliant. Patients may choose to go where they wish, at macy of their choice. The cost saving to the patient is about half d Health Center is permitted to purchase drugs at a special rate. e number to reach the pharmacist for counseling at all times.

Mr. Comtoiss said the statute allows for three pilot they wanted an automated dispensing unit for each F additional allocations? Mr. Blair said they would get rules.

projects and they are proposing five within a couple of years. If QHC, how would they go about obtaining approval for the nerate a lot of data from the pilot projects on which to base

Mr. Novins verified that Legislative approval would project rules could be adopted to allow it based on considered a pilot project. Proposed rules would be submit a report to the Legislature by December first

db needed. He said once the Board is satisfied with the pilot ther results of the pilot project. It would then no longer be llow other sites to have automated dispensing units. The Board must t. They could work together during the summer and fall.

The Board advised the applicants to submit an application with details about the process and specific location. A separate application for the central fill pharmacy and for each site intended for the location of an automated dispensing unit is required. The pharmacist manager would be responsible for both the central fill site and for the remote site. The applicants were advised to contact the DEA for their requirements.

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

No hearings were held. Mr. Backus attended the meeting to express his pleasure working with the Board over the

eting to mention his plans for moving out of state and to elast five years.

5. **Follow-Up Cases :**

The Board reviewed the documents submitted for compliance with the Board's Order and the licensee's request for removal of the conditions. Based on the information submitted, the Board voted to grant the requests by Messrs. Dufort and Williams for removal of the conditions on their licenses.

liance with the Board's Order and the licensee's request for nsubmitted, the Board voted to grant the requests by Messrs. n their licenses.

Dufort, Michael S., Docket No. RX06-0902 – Request to remove conditions granted.
Williams, Harry J., Docket No. RX31-1006 – Request to remove conditions granted.

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The Board reviewed the documents submitted for compliance with the Board's Order concerning the following cases and found them to be in compliance with the conditions imposed on their licenses.

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Aimi, William D., Docket No. RX11-0806 – found to be in compliance with conditions

be in compliance with conditions

5. **Follow-Up Cases** - continued

Barker, Richard W., Docket No. RX16-0601 – found to be in compliance with conditions
Champine, Kaycee M., Docket No. RX47-1206 – found to be in compliance with conditions (Suspended)
Crystal, Robert A., Docket No. APP-RX2-0205 – found to be in compliance with conditions
Illingworth, Gary, Docket No. RX34-0306 – found to be in compliance with conditions
PetMed Express, Inc. dba 1-800-PetMeds, Docket No. APP-RX23-0106 – found to be in compliance with conditions
Segreto, Kenneth B., Docket No. RX72-0507 – found to be in compliance with conditions. Mr. Segreto was approved to return to work as a pharmacist.

6. **Reports:**

Ms. Preston reminded members of OPR's Board Member/Advisor Training to be held on May 21, 2008 at the Stowe flake in Stowe.

7. **Legislation/Rulemaking:**

Mr. Novins reported that the OPR bill is currently going through the Senate. He added that no concerns have been expressed with regard to the Board of Pharmacy's proposed amendments. The Board scheduled a special work session for the morning of May 5th to continue discussions for changes to the rules.

8. **COMPLAINTS :**

9. **The Board reviewed the following Applications for licensure as a Pharmacist.**

Mr. Vincent made a motion to approve the following applicants for licensure as pharmacists. Mr. Firlik seconded the motion and the motion passed unanimously.

David C. M. Chan, R.Ph.
Jason J. Erwin, PharmD
Cameran E. Nye, PharmD
Ashlee M. Vose, PharmD

Marcia D. Cohen, R.Ph.
Nora K. Michaels, R.Ph.
Kathleen M. Tierno, PharmD

10. **Drug Outlets:**

The Board reviewed the following in-stated drug outlets and took action as indicated.

- a. **Extended Care Pharmacy, LLC**, (closed pharmacy – long term care), located at 207 North Street, Bennington, VT. An in-person inspection will be conducted prior to issuance of a full license. The temporary license will expire on May 31, 2008. Renovation plans were submitted. Another inspection is required.
- b. **Kinney Drugs Inc. #93**, (formerly Rite Aid Pharmacy #4973), located at 957 Memorial Drive, St. Johnsbury, VT, submitted a new application to reflect change in ownership. Based on a favorable inspection conducted on April 2, 2008, Mr. Vincent made a motion, seconded by Ms. Eaton, to approve this facility for full licensure. Motion passed unanimously.

10. **Drug Outlets:** - continued

- c. **Kinney Drugs Inc. #94**, (formerly Rite Aid Pharmacy #4119), located at 65 85 Memorial Drive, Lyndonville, VT, submitted a new application to reflect change in ownership. Based on a favorable inspection conducted on April 2, 2008, Mr. Vincent made a motion, seconded by Ms. Eaton, to approve this facility for full licensure. Motion passed unanimously.
- d. NCS Healthcare of Vermont, Inc. d/b/a **Omnicare of Vermont** submitted an application for relocation and name change to 113 Acorn Lane, Colchester, VT (formerly located at 16 Gregory Drive, S. Burlington). Initial inspection was conducted on April 8, 2008. A Temporary license was issued and will expire on May 31, 2008. Another inspection is required.
- e. Richford Health Center, Inc. d/b/a **Richford Rexall Drugs**, submitted an application for relocating the pharmacy from 2 Main to 44 Main Street, Richford, VT. Based on a favorable inspection conducted on March 31, 2008, Mr. Vincent made a motion, seconded by Ms. Eaton, to approve this facility for full licensure. Motion passed unanimously.
- f. Maxi Green, Inc. d/b/a **Rite Aid Pharmacy #10311**, (formerly Brooks Pharmacy #771), located at 112 Rockingham Street, Bellows Falls, VT, submitted a new application to reflect change in ownership. Based on a favorable inspection conducted on April 10, 2008, Mr. Vincent made a motion, seconded by Ms. Eaton, to approve this facility for full licensure. Motion passed unanimously.
- g. Maxi Green, Inc. d/b/a **Rite Aid Pharmacy #10316**, (formerly Brooks Pharmacy #477), located at 1127 Suite 5, North Avenue, Burlington, VT, submitted a new application to reflect change in ownership. Based on a favorable inspection conducted on April 11, 2008, Mr. Vincent made a motion, seconded by Ms. Eaton, to approve this facility for full licensure. Motion passed unanimously.
- h. Maxi Green, Inc. d/b/a **Rite Aid Pharmacy #10332**, (formerly Brooks Pharmacy #279), located at 7 West Street, Rutland, VT, submitted a new application to reflect change in ownership. Based on a favorable inspection conducted on March 24, 2008, Mr. Vincent made a motion, seconded by Ms. Eaton, to approve this facility for full licensure. Motion passed unanimously.

11. **Applications for Changes in Pharmacist Manager:**

The Board reviewed the following applications for Changes in Pharmacist Managers and took action as indicated. Mike Austin with Rite Aid Corporation was present and indicated that missing signatures on three applications were being obtained and will be forwarded to the Board.

- a. **Kinney Drugs, Inc. #55**, located at 1653 Williston Road, South Burlington, Vermont, changed pharmacist manager from Steve Collins to Patricia Coons.
- b. **Rite Aid Pharmacy #10330** located at 1 Congress Street, Morrisville, Vermont, changed pharmacist manager from Waldemar Wierzbicki to Robert Ianni, Jr.
- c. **Rite Aid Pharmacy #10336** located at 82 Route 15 West, Hardwick, Vermont, submitted an application for change in pharmacist manager from Heather Wilson to Waldemar Wierzbicki. A copy of the inventory was signed by both pharmacists but Ms. Wilson did not sign the application. The change was approved pending signature of Ms. Wilson.

11. Applications for Changes in Pharmacist Manager - continued

- d. **Manchester Pharmacy**, located at 1009 Depot Street, Manchester Center, Vermont, changed pharmacist manager from Allan Kennedy to Steven Hochberg.
- e. **Rutland Pharmacy**, located at 75 Allen Street, Rutland, Vermont, changed pharmacist manager from Steven Hochberg to Allan Kennedy.
- f. **Rite Aid Pharmacy #10324** located at Route 7 South, Milton, Vermont, submitted an application for change in pharmacist manager from Carolyn Bowmanto Joseph Rampe. The change was approved pending signature of a corporate officer.
- g. **Rite Aid Pharmacy #10330** located at 1 Congress Street, Morrisville, Vermont, submitted an application for change in pharmacist manager from Robert Ianni, Jr. to Carolyn E. Bowman. The change was approved pending signature of a corporate officer.

12. Non-Resident Drug Outlets:

Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the following non-resident drug outlets for licensure. Motion passed unanimously.

- a. Diplomat Specialty Pharmacy, 2029 S. Elms Road, Swartz Creek, MI.
- b. Doctors Foster and Smith Inc., 2253 Air Park Road, Rhinelander, WI.
- c. Anaza Health Corporation, Tampa, FL.
- d. AYSRx, Carlsbad, CA.
- e. Option Care Enterprises, Inc., Buffalo Grove, IL.
- f. J. Clark, Inc. d/b/a PET Pharmacy RX, Encinitas, CA.

13. Wholesale Drug Outlets:

Mr. Firlik made a motion, seconded by Ms. Overton, to approve the following wholesale drug outlets for licensure. Motion passed unanimously.

- a. B. Braun Medical, Inc., Allentown, PA.
- b. Celgene Corporation, Allentown, PA
- c. Global Pharmaceutical Sourcing, Nashville, TN.
- d. MWI Veterinary Supply Co., Meridian, ID.

The Board reviewed and discussed an in-state wholesaler application submitted by Randy S. Stoloff, MD. The Board identified some additional information needed and verified that the facility must be inspected. The applicant will be referred to page 41 of the regulations concerning wholesalers.

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

15. Continuing Education Requests:

Ms. Eaton made a motion, seconded by Mr. Firlik, to approve the following continuing education program. Motion passed unanimously.

- a. **Current Approach to Stroke** submitted by Shawna Barito, with Fletcher Allen Health Care, was approved for one hour of (didactic) continuing education credit. The number issued is CE305(L)-0408.

16. Intern/Preceptor application(s)

17. Pharmacy Technicians: Total number of Active Registered Technicians is ~ **1,500**.

18. Newsletter Topics!

Topics to be included in the June 2008 issue include: Mr. Labor's biography, proposed legislative changes, further explanation regarding electronic prescribing, etc.

19. Miscellaneous Correspondence

- a. The Board reviewed the February 28, 2008 E-Mail from Kenneth Van Cott concerning the Board's position on USPCh 797 Standards. The Board has not yet taken a formal position.
- b. The Board reviewed the information concerning the NABP/AACP District I and District II Annual Meeting, October 16-18, 2008 in Galloway, NJ. The Board also discussed the NABP's 104th Annual Meeting to be held on May 17-20, 2008 in Baltimore, Maryland. At least two members plan to attend these meetings.

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

The Board reviewed and noted correspondence from the NABP.

21. Public Comment

22. Other Business Introduced

23. The next meeting is scheduled for **Wednesday, May 28, 2008** at 9:00 AM. Future meetings for 2008 are scheduled as follows: June 25th; July 23rd; August 27th; September 24th; October 22nd; and December 3rd.

24. There being no further business, the meeting was adjourned at 2:56 P.M.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation