

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 25, 2010

1. The meeting was called to order at 9:02 A.M.

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

OPR Personnel present: Christopher Winters, Director of OPR; Larry S. Novins, Board Counsel; Inspector Daniel Vincent; Carla Preston, Unit Administrator, and Kristy Kemp, Administrative Assistant.

Others present: Anthony Otis, Esq., representing the Vermont Community Retail Pharmacy Coalition.

2. The Chair called for approval of the Minutes of the July 21st meeting. Ms. Pudvah made a motion, seconded by Mr. Pease, to approve the Minutes of the July 21, 2010 meeting as written. Motion passed unanimously.

3. **Guests:**

Christopher Winters, Director of OPR, attended the meeting to discuss some upcoming changes within OPR. The changes discussed were as follows:

- 1) One of the Offices long time Unit Administrators, Rita Knapp, has recently retired. This change has caused the office to evaluate their current business processes, work loads and staffing positions in order to streamline the process into a more suitable structure.

The office has always maintained four Unit Administrator positions. Each Unit Administrator was assigned to certain Boards and for each of the Board's they were assigned to they would assist with its needs as well as handle its case load. Because of the number of responsibilities on the Unit Administrators, they were often unable to provide the attention and assistance to the Boards that they deserved and required.

In order to try to ease some of the workload on the Unit Administrators and to provide the attention to the Boards that they deserve, the office has decided to change one of the Unit Administrator positions into a Case Manager position. The Case Manager would handle all of the complaints for all of the professions aside from Nursing, allowing the remaining Unit Administrators to focus on their Boards needs. The Board of Pharmacy's current Unit Administrator, Carla Preston, has accepted the new position as Case Manager. The office will soon post the Unit Administrator position for hire.

- 2) Director Winters spoke with the Board about its want and need for an Executive Director/Consultant. The Board feels that having an Executive Director/Consultant would be beneficial not only to the Board, but to the office and licensees as well.

Director Winters suggested that that Board make a list of the different functions they feel should be handled by the Executive Director/Consultant. These suggestions will be considered in the hiring process.

- 3) The office has been approved for a new Investigator position.
- 4) The annual Board Member training will be held on November 10th at the Stoweflake in Stowe. The training schedule will be sent to all Board Members in the upcoming weeks.

Inspector Vincent attended the meeting to discuss the current process for initial inspections. The Board explained their concerns with the current initial inspection requirements. The Board explained the difficulty that some facilities have while trying to obtain a temporary license in order to get their DEA license and to be set up with the insurance companies. The Board feels that some of the requirements listed on the inspection form are unnecessary for an initial inspection and should be removed as they may cause delays in the opening of the new facilities. Some of those items include but were not limited to; countertops, operational sink, computer system, reference library, etc. Inspector Vincent will make the suggested corrections to the inspection form and forward it to the Board for its approval.

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

5. **Reports:**

6. **Follow-up Cases**

The Board reviewed Jason Bushee's intern license. Chairman Vincent made a motion, seconded by Ms. Eaton, to remove the conditions from Dr. Bushee's Intern license. Motion passed unanimously.

7. **Legislation/Rulemaking:**

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

9. **Applications for Licensure as Pharmacists:**

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

Beth E. Koven, PharmD (Endorsement)
Jennifer S. Olivier, R.Ph. (Endorsement)
Patrick L. Plas, PharmD (Examination)
Shanna L. Rapp, PharmD (Endorsement)
Deborah L. Theodore, PharmD (Endorsement)
Peter G. Verven, PharmD (Score Transfer)
Joan I. Westcott, PharmD (Score Transfer)
Ester M. Winsjansen, PharmD (Endorsement)
Owen E. Foley, PharmD (Score Transfer)
Jason G. Bushee, PharmD (Examination)

Applications for Registration of Out of State Telepharmacy Pharmacists:

Chairman Vincent made a motion, seconded by Mr. Pease, to approve the following applicants for registration as Registered Telepharmacy Pharmacists. Motion passed unanimously.

Theresa T. Forbes, PharmD

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

The Board reviewed the following applications for in-state pharmacies and took action as indicated.

- a. **Johnson's Harvest Pharmacy LLC**, located at 18 Clark Avenue, Johnson, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). Initial inspection is required.
- b. Montpelier Pharmacy, Inc., d/b/a **Brattleboro Pharmacy**, 413 Canal Street, Brattleboro, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). A temp license has been issued and is set to expire on September 27, 2010. Additional documentation and a final Inspection are required. Ms. Eaton made a motion, seconded by Chairman Vincent, to extend their temporary license to October 31, 2010. Motion passed.
- c. Montpelier Pharmacy, Inc. d/b/a **Montpelier Pharmacy**, located at 69 Main Street, Montpelier, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet) to reflect a change in ownership. An inspection is required.
- d. Montpelier Pharmacy, Inc. d/b/a **Waterbury Pharmacy**, located at 149 South Main Street, Waterbury, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). A temp license has been issued and is set to expire on October 11, 2010. Additional documentation and a final inspection are required. Ms. Eaton made a motion, seconded by Chairman Vincent, to extend their temporary license to October 31, 2010. Motion passed.
- e. Martin's Food of South Burlington, Inc. d/b/a **Hannaford Supermarket & Pharmacy**, located at 141 Hannaford Square, Bennington, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). A temp license has been issued and is set to expire on October 09, 2010. Inspector Vincent reported that a final inspection was conducted on August 24, 2010. Based on the favorable inspection, Ms. Eaton made a motion, seconded by Mr. Labor, to approve this pharmacy for full licensure pending receipt of additional documentation. Motion passed unanimously.
- f. Vermont CVS Pharmacy, LLC, d/b/a **CVS/Pharmacy #1052**, located at 7 Essex Way, Essex Junction, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). Initial inspection is required. Inspector Vincent reported that the initial inspection is scheduled for Friday August 27, 2010.

11. **Change in Pharmacist Managers:**

Mr. Pease made a motion, seconded by Ms. Pudvah, to approve the following changes in pharmacist managers. The question was called and the motion passed unanimously.

- a. **Kinney Drugs, Inc. #29**, (038-2470), located at 308 Shelburne Road, Burlington, Vermont, submitted an application for change in pharmacist manager from Craig L. Barr to Stephen Sopchak.
- b. **Kinney Drugs, Inc. #23**, (038-2052), located at 97 Morrisville Plaza, Morrisville, Vermont, submitted an application for change in pharmacist manager from Stephen G. Sopchak to Karen Eisenbiegler.
- c. **Rite Aid Pharmacy #10320**, (038-3364), located at 1 Prince Lane, Bristol, Vermont, submitted an application for change in pharmacist manager from Gary J. Maravalli to M. Jacklynn Estes.
- d. **Rite Aid Pharmacy #10334**, (038-3373), located at 263 Court Street, Middlebury, Vermont, submitted an application for change in pharmacist manager from Renee A. Mosier to Farid Rezaei.
- e. **Rite Aid Pharmacy #4581**, (038-3280), located at 29-31 Main Street, Montpelier, Vermont, submitted an application for change in pharmacist manager from Jaimi Christensen Ryan to Michelle L. Somaini.
- f. **Rite Aid Pharmacy #10327**, (038-3385), located at 108 Cornerstone Drive, Williston, Vermont, submitted an application for change in pharmacist manager from M. Jacklynn Estes to Anthony J. Somaini.
- g. **Wal-Mart Pharmacy 10-2682**, (038-3298), located at 282 Berlin Mall Road, Berlin, Vermont, submitted an application for change in pharmacist manager from Michelle L. Somaini to Dennis M. Wagner.
- h. **Walgreens #7270**, (038-3340), located at 467 Canal Street, Brattleboro, Vermont, submitted an application for change in pharmacist manager from Susan A. DeLeo to Leslie Riddle.

12. **Non-Resident Pharmacies:**

Several non-resident pharmacy applications with no record of prior disciplinary actions were approved for licensure since the last meeting based on their completed applications. Based on the information provided, Ms. Eaton made a motion, seconded by Ms. Wernecke, to formally approve those non-resident pharmacies for licensure. Motion passed unanimously.

The Board reviewed the following application with prior disciplinary action. Based on the information provided, Ms Eaton made a motion, seconded by Ms. Wernecke, to approve the non-resident pharmacy for licensure. Motion passed unanimously

Basic Home Infusion, 17-17 Broadway, Fair Lawn, NJ.

13. Non-Resident Wholesaler/Manufacturer Drug Outlets:

Several non-resident wholesale distributor applications with no record of prior disciplinary actions were approved since the last meeting based on their completed applications. Based on the information provided, Ms. Eaton made a motion, seconded by Chairman Vincent, to formally approve those non-resident pharmacies for licensure. Motion passed unanimously.

The Board reviewed the following application with prior disciplinary action. Based on the information provided, Ms Eaton made a motion, seconded by Chairman Vincent, to approve the non-resident wholesaler/manufacturer drug outlet for licensure. Motion passed unanimously

Arrow International, Inc., 312 Commerce Place, Asheboro, NC.

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

The Board reviewed and noted the following:

- a. NCS Healthcare of Vermont, Inc., d/b/a Omnicare of Vermont, (141-69565), located at 113 Acorn Lane, Suite 2, Colchester, Vermont, submitted a notification of closure. The facility will be closing on August 31, 2010.
- b. Phoenix Marketing Group, LLC, (039-743), located at 99 Beaver Brook Road, Lincoln Park, NJ, submitted a notification of closure. The facility will be closing on August 26, 2010.
- c. Rite Aid #0777, (036-91), located at 407 Heron Drive, Swedesboro, NJ, submitted a notification of closure. The facility closed on July 30, 2010.
- d. Sanofi Pasteur Inc., (039-801), located at 1250 Southern Road, Kansas City, MO, submitted a notification of closure. The facility closed on July 6, 2010.
- e. Wal-Mart Pharmacy #10-2224, (038-3277), located at 863 Harvest Lane, Williston, VT, submitted notification of an upcoming remodel. The project is expected to start on September 2, 2010 and is expected to be complete by September 22, 2010.

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.

- a. **“Inhaled Epoprostenol and Fentanyl Transmucosal/Buccal Products”** submitted by Shawna Barito with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on April 20, 2010. The Board issued approval number CPE-023(L) – 0810.
- b. **“Chemotherapy and Hazardous Drugs”** submitted by Shawna Barito with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on May 14, 2010. The Board issued approval number CPE-024(L) – 0810.

- c. **“New Chemotherapy Drug or Indication Update 2010”** submitted by Shawna Barito with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on June 16, 2010. The Board issued approval number CPE-025(L) – 0810.
- d. **“Management of Migraine”** submitted by Shawna Barito with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on August 17, 2010. The Board issued approval number CPE-026(L) – 0810.
- e. **“Use of Corticosteroids for Chronic Lung Disease in Infants”** submitted by Shawna Barito with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture will be held on September 21, 2010. The Board issued approval number CPE-027(L) – 0810.
- f. **“New Drugs and Drug News: 2010 Update”** submitted by Clare Coppock with Rutland Regional Medical Center, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The program will be held on September 21, 2010. The Board issued approval number CPE-028(L) – 0810.
- g. **“13th Annual Breast Cancer Conference”** submitted by Deborah Rhea with Fletcher Allen Health Care, requesting approval for five and one half (5.5) live (didactic) continuing pharmacy education credit. The workshop will be held on October 15, 2010. The Board issued approval number CPE-029(L) – 0810.

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

Dennis V. Samuel – The Board reviewed Mr. Samuel’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 507 hours he earned from May 8, 2010 through August 21, 2010, while working at Kinney Drugs Inc., #21 located in Essex Junction, Vermont, with Brian A. Bruyns as his Preceptor. Ms. Eaton made a motion, seconded by Ms Pudvah, to approve the **507** internship hours Mr. Samuel has earned. Motion passed unanimously.

Lea Sporzynski – The Board reviewed Ms. Sporzynski’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 158 hours she earned from June 1, 2010 through August 1, 2010, while working at Shaw’s OSCO Pharmacy #7517 located in South Burlington, Vermont, with Jennifer A. Murphy as her Preceptor. Ms. Eaton made a motion, seconded by Ms Pudvah, to approve the **158** internship hours Ms. Sporzynski has earned. Motion passed unanimously.

Dirk R. Verbeek – The Board reviewed Mr. Verbeek’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 1523 hours he earned from November 15, 2009 through August 6, 2010, while working at Rite Aid Pharmacy #10317 located in Burlington, Vermont, with Grant D. Nolan as his Preceptor. Ms. Eaton made a motion, seconded by Ms Pudvah, to approve the **1523** internship hours Mr. Verbeek has earned. Motion passed unanimously.

Michael B. Windisch – The Board reviewed Mr. Windisch's Intern's Evaluation of Internship Period and Preceptor's Affidavit of Internship Hours regarding the 509.63 hours he earned from April 6, 2010 through August 6, 2010, while working at Rite Aid Pharmacy #4272 located in Burlington, Vermont, with Mahnaz M. Khorrami as his Preceptor. Ms. Eaton made a motion, seconded by Ms Pudvah, to approve the **509.63** internship hours Mr. Windisch has earned. Motion passed unanimously.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 366** (1262 Resident, 104 Non-Resident).

18. **Newsletter Topics!**

Topics for the next issue of the Board of Pharmacy's Newsletter include in-state pharmacist manager changes.

19. **Miscellaneous Correspondence**

- a. The Board reviewed the August 25, 2010 Email from Katie Murphy with Albany College of Pharmacy & Health Sciences. Ms. Murphy had asked several questions regarding collaborative practice agreements. A response will be sent to Ms. Murphy.
- b. The Board reviewed the July 30, 2010 Email from Jennifer Egelhof. Ms. Engelhof had asked several questions regarding medication returns. A response will be sent to Ms. Engelhof.
- c. The Board reviewed the August 9, 2010 Email from Angela Serio Harney with Maxor National Pharmacy Services Corporation regarding their intent to establish a second automated dispensing unit (ADU). The Board indicated that a new application will need to be filed. The Board also asked that Ms. Harney inform the Board where reach out with 340B has occurred.
- d. The Board reviewed the packet of information from Rite Aid regarding the Rite Aid Training Program. The Board considers the program acceptable.
- e. The Board reviewed the July 7, 2010 email from Michael Keenan regarding the need for a Vermont regulatory representative for the PDMA Sharing Conference. The Board suggested that Mr. Keenan contact the Attorney General's Office.
- f. The Board reviewed the August 5, 2010 email from Dr. Paul Newton regarding electronic prescriptions. The Board clarified that a fax generated from a computer at a physician's office is considered an "electronic prescription sent directly to the pharmacy". The Board stated that the electronic prescription must bear either an electronic signature, or a statement that says the prescription has been electronically signed. The Board asked to table the second part of Dr. Newton's question until the next Board meeting so that the absent members can take part in the discussion.
- g. The Board reviewed the August 10, 2010 email from Amy Keutzer regarding license requirements for a non-resident manufacturer of insulin syringes. The Board indicated that it does not have jurisdiction over the manufacturing and distribution of medical devices.

- h. The Board reviewed the August 9, 2010 email from Mary Irons, R.Ph., regarding pharmacies selling syringes as over the counter items in Vermont. The Board stated that the Basic Standard of Practice is that a pharmacist in their professional judgment knows that the instrument is being used for a legitimate medical purpose. This can be established by asking questions and/or verifying with a doctor/veterinarian or other pharmacies. The Board referred Mr. Irons to 18 V.S.A. § 4476 Offenses and penalties for further clarification.
- i. The Board reviewed the July 30, 2010 email from Joseph Catanese, PharmD, regarding the prescription label requirement for non-resident pharmacies. Mr. Catanese asked whether or not an auxiliary label with the facility's 800 number would suffice. The Board indicated that it would accept the auxiliary label.

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

- a. The Board discussed upcoming meetings and workshops which should have a representative from the Vermont Board.
- b. The Board reviewed and noted miscellaneous NABP correspondence.

21. **Public Comment**

22. **Other Business Introduced**

23. The next meeting of the Board is scheduled for **Wednesday, September 22, 2010**. Meeting dates for 2010 are as follows: October 27th and December 1st.

24. There being no further business, the meeting was adjourned at 2:01 PM.

Respectfully submitted,

Kristy Kemp, Administrative Assistant
Office of Professional Regulation