

VERMONT BOARD OF PHARMACY –Approved Minutes

Secretary of State, Office of Professional Regulation

89 Main Street, 3rd Floor, Montpelier, VT 05620-3402

October 2, 2013 at 9:00 A.M.

1. The meeting was called to order at 9:01 a.m.

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

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

Others Present: Anthony Otis, William Chatoft, Priya Patel, Steven Kummles, Mike Duteau, Lori Uerz, Keith Flynn, James Marmar, Ben Kelly, Roy Blanchard, Dave Boileau, Larry Kososk, Joseph Cannara, Theo Kennedy, Michael Hambro, Brian Vachon, Karen McBride, Robert Emery, Mark DiParlo and John Matthew.

2. The Chair called for approval of the Minutes of the August 28, 2013 meeting as presented. Mr. Labor made a motion to approve the minutes with a change to page two, number 7. The motion was seconded by Ms. Eaton. Motion passed. Ms. Eaton also requested the minutes be posted as unapproved on the website until the Board has made final approval. Ms. Morrison will adjust the website.

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

9:15 AM – Hearing – John Walters – Docket #2013-213. A motion for continuance was granted by Board Counsel on September 30th.

9:15 AM – Default Hearing – Katie Brosseau – Docket # 2013-77. Mr. Arisman made a motion to find Ms. Brosseau in default. Mr. Vincent seconded the motion. Mr. Labor did not participate in the vote as he was the Investigative Team member. Motion passed.

Mr. Adrian, prosecuting attorney representing the state requested the Board revoke Ms. Brosseau's pharmacy technician license. Mr. Firlik made a motion to revoke Ms. Brosseau's pharmacy technician license. Mr. Vincent seconded the motion. Mr. Labor did not participate. Motion passed.

9:15 AM – Stipulation & Consent Order – New England Compounding Pharmacy – Docket # 2012-669. Mr. Vincent made a motion to accept the stipulation and consent order as presented. Ms. Eaton seconded the motion. Mr. Labor did not participate as he was the Investigative Team member. Motion passed.

4. **Guests:**

11:00 am – Lori Uerz. Ms. Uerz is with the Vermont Department of Health, Alcohol and Drug Abuse program and wanted to let the Board know that they have just received a grant, Partnership for Success, to assist with substance abuse prevention. Ms. Uerz was looking for direction from the Board as to what would be the best way to get information out to the public. Board members and Ms. Uerz discussed the grant and board members provided Ms. Uerz with several suggestions for use of grant funds.

11:30 am – William Chatoft. Mr. Chatoft presented the Board with his business plan for Edge

Pharmacy Services and detailed to the Board what his plans were with this new sterile compounding pharmacy.

Keith Flynn, Commissioner of VT Department of Health and Safety - Ms. Eaton invited Commissioner Flynn to the Board meeting to discuss the approval of the fourth marijuana dispensary following publication of a newspaper article. Ms. Eaton is concerned with the name of the dispensary as it has apothecary in the title and apothecary is an old fashioned term for pharmacy, and that this dispensary is portraying itself as a pharmacy when it's a marijuana dispensary. Ms. Eaton cited the Administrative Rules of the Vermont Board of Pharmacy Part 8.4(c) Use of the words "drugs," "medicines," "drugstore," "pharmacy," or similar term or combination of terms shall be restricted to the area registered by the Board. The Executive Director was directed by the Board to contact the Corporations Division through the Secretary of State's Office to inform them that businesses may not imply they are a pharmacy in the title of their business name. Commissioner Flynn stated the fourth site has not been chosen and informed the Board that he will let his agency know about the Pharmacy Rules pertaining the naming of a facility and the restrictions for pharmacies. Commissioner Flynn also informed the Board of what the drug taskforce is currently seeing in prescription drug abuse and street drugs that are available.

5. Case Manager's Report:

Ms. Preston reported to the Board on the number of cases they currently have. There are 35 cases, six (6) ready for Investigative Team meeting, one (1) is pending a closing report, twelve (12) are in the intake process, four (4) have had charges filed, five (5) are set for hearing, five (5) are under investigation, one (1) is pending charges and one (1) is awaiting response.

6. Election of Board Officers:

Mr. Vincent made a motion nominating Jeffrey Firlik as Chair of the Board, Larry Labor as Vice-Chair of the Board and Judith Wernecke as Secretary of the Board. The motion was seconded by Ms. Eaton. Motion passed and nominees accepted the positions.

7. Legislation/Rulemaking:

Legislation in 2014 – Mr. Novins suggested that a couple Board members meet with him to discuss the changes they are looking to implement in 2014. Ms. Eaton and Mr. Arisman agreed to meet with Mr. Novins and Mr. Klein regarding this. Mr. Firlik would like to be apprised of any changes the committee discusses. There are a few things the Board would like to look at adding for 2014 legislation:

- Change wording of medical devices to legend devices
- Adding that patient notification of drug substitutions is required for all pharmacies.
- Instead of listing all professionals that prescribe drugs changing the list to "authorized prescribers".
- Clarify telephone prescription laws/rules
- Clarify that personal knowledge is acceptable as alternative evidence for pharmacist knowledge of patients.
- Clarify definition of collaborative practice
- Add Board authority to adopt Rules for dispensing by authorized prescribers.
- Immunization administration clarifications
- Act 75 clarifications

Ms. Eaton asked Mr. Klein if there has been any contact between himself and Mr. Herlihy from the Medical Board regarding physician dispensing and compounding. Ms. Eaton suggested

maybe an informal meeting between a couple Board members, legal counsel, Mr. Klein and Mr. Herlihy. Mr. Klein will try to schedule this meeting as soon as possible.

1:00 pm – Administrative Rules public comment session. The Board has proposed several additions, deletions, and amendments to the Administrative Rules of the Vermont Board of Pharmacy. The board conducted a public hearing on the proposed rules and engaged in a discussion with members of the public. As a result the board made a number of changes to the proposed rules. The board will review the proposed rules with the changes at their regular meeting in November.

8. Review Applications for licensure:

Ms. Eaton made a motion to approve the following applications for licensure. The motion was seconded by Mr. Vincent. Motion passed.

- Brown's Compounding Center, Inc. – Parker, CO – Non-Resident Drug Outlet
- H & H Wholesale Services, Inc. – Troy, MI – Wholesale Distributor
- America's Best Care Plus, Inc. – Fort Payne, AL – Non-Resident Drug Outlet
- Warren Bell – Reinstatement of Pharmacist license

Mr. Labor made a motion to preliminarily deny the Wholesale Distributor application for Minnesota Independent Cooperative Inc. in Eagan, MN based on discipline in another state. Mr. Vincent seconded the motion. Motion passed.

9. Executive Officer Report:

Mr. Klein and Ms. Eaton reported on their review of the questions on the Vermont Multistate Pharmacy Jurisprudence Examination questions. Several questions were approved for the examination pool, while other questions, deemed to be obsolete or no longer applicable to the practice of pharmacy in Vermont were deleted.

Mr. Klein reported on his attendance at the National Association of Boards of Pharmacy Executive Officer forum. Numerous topics were discussed, including pharmacy compounding, pharmacy inspections, and prescription monitoring programs.

Mr. Klein reported he will be attending the National Association of State Controlled Substances Authorities annual meeting in late October.

10. Pharmacy Technicians: Total number of Active Registered Technicians is **1,202** (1,125 Resident, 77 Non-Resident).

11. Discussion Items:

PIC requirement (WV newsletter info) – The Board requested this be taken up at the November Board meeting.

Margaret Bourbeau – e-mail – dispensing from the ER. The Board stated only a practitioner may dispense any required medications.

Earl Pease e-mail – Automated dispensing machine question. The Board agrees that the placement of the pyxis machine in Mr. Pease's e-mail meets laws and rules requirements.

Vaccine Administration – The Board was contacted regarding Zostavax® administration to patients between the ages of 50-60. The Board has chosen to reword the applicable portion of the Administrative Rules of the Vermont Board of Pharmacy to allow patient specific

immunizations pursuant to a valid prescription. This change is included in the proposed rule admendments.

Sharonlee Trefry e-mail – Ms. Trefry contact Ms. Morrison just prior to the meeting and informed her that she had found the answer to her question and requested removal from the agenda.


12. The next meeting is scheduled for **Wednesday, November 6, 2013**, at 9:00 A.M.

13. Mr. Labor made a motion, seconded by Mr. Vincent, to adjourn at 3:47 p.m. Motion Passed.

Respectfully Submitted:



Judith Wernecke, Secretary
Vermont Board of Pharmacy



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