

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
UNAPPROVED MINUTES
Meeting of September 24, 2008

1. The meeting was called to order at 9:03 AM.

Members present: Earl W. Pease, Pharm.D., Chairman; Emma J. Pudvah, Secretary; Julie A. Eaton, R.Ph.; Larry Labor, R.Ph.; Jeffrey P. Firlik, R.Ph. and Ann Overton, Steven M. Vincent, R.Ph., Vice-Chair, participated via phone conference for the scheduled hearing.

OPR Personnel: Larry S. Novins, Board Counsel, Carla Preston, Unit Administrator, Gregg Meyer, State Prosecuting Attorney; and Kristy Kemp, Administrative Assistant.

Others present: Joshua Simonds, Esq., Glenn Myer, R.Ph., Anthony Otis, Esq.; John Hollar, Esq., Michael Austin with Rite Aid Pharmacies, and Kerri Ryan, R.Ph. with CVS Pharmacies.

2. The Chair called for approval of the Minutes of the August 27th meeting. On page 4, item #3(C), the second paragraph was amended to clarify that increases in errors were during the first three or four months of implementation of e-prescribing. The second sentence in the last paragraph was amended to read: "He said e-prescribing is causing dispensing delays because pharmacists..." Ms. Eaton made a motion, seconded by Ms. Overton, to approve the Minutes of the August 27, 2008 meeting as corrected. Motion passed unanimously.

3. **Guests:**

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

At approximately 10:45 A.M. a hearing was held in the matter of Glenn A. Myer, Docket Numbers RX17-12-04, RX46-0505, and RX02-0705 regarding his Request for Modification of Conditions. The Respondent, Glenn Myer, and his Attorney Joshua Simonds were present. Larry S. Novins, Esq. presided for the Board. Gregg Meyer, State Prosecuting Attorney was present for the State. Two witnesses for the Respondent, James Marmar and Senator Susan Bartlett, participated via phone. After the hearing, the Board deliberated. A written decision will be issued within the next few weeks.

5. **Follow-Up Cases :**

RX11-0806-William D. Aimi/Corner Drug Co. Inc.—The Board found Mr. Aimi to be in compliance with his Orders.
APP-RX22-0205-Robert A. Crystal—The Board found Mr. Crystal to be in compliance with his Order.
APP-RX23-0106-PetMed Express, Inc. d/b/a 1-800-PetMeds—Ms. Preston reported that the Respondent was in compliance with the Order and had requested removal of the conditions since the two year time period had passed. Based on the information presented, Ms. Eaton made a motion, seconded by Ms. Pudvah, to remove the conditions imposed on the Respondent's license. The question was called and the motion passed unanimously.
RX34-0306-Gary D. Illingworth—The Board found Mr. Illingworth to be in compliance with his Order.

6. **Reports:**

7. **Legislation/Rulemaking:**

At approximately 1:30 P.M. the Board held a public hearing regarding its proposed changes to the Board of Pharmacy's Administrative Rules.

7. **Legislation/Rulemaking** - continued

The following persons were present for the proposed rules hearing: Anthony Otis, Esq., Madeline Mongan, Karen McBride and Robert Emery. The Board also reviewed written comments received thus far. The Board addressed concerns raised by its guests and those in writing. Once the changes have been incorporated a revised draft will be posted on the Board's Website.

8. **COMPLAINTS :**

9. **Applications for Licensure as a Pharmacist :**

Mr. Firlik made a motion, seconded by Ms. Overton, to approve the following applicants for licensure as pharmacists. The question was called and the motion passed unanimously.

Joseph J. Aloï (Endorsement)

Susan A. Deleo (Endorsement)

Millicent M. Deya (Endorsement)

Heying L. Qian (Endorsement)

Nirali R. Rana (Endorsement)

10. **Drug Outlets:**

The Board reviewed the following applications for drug outlets and took action as indicated.

- a. Pharmacy Network LLC d/b/a/ **Community Health Pharmacy**, 150 Brentwood Avenue, Colchester, VT submitted a new application for mail order. An initial inspection was conducted on August 26, 2008 and a Temporary License was issued, which is set to expire on November 30, 2008.
- b. JMS Pharmacy Management Inc. d/b/a/ **Castleton Health Center Pharmacy**, 275 Route 30 North, Bomoseen, VT submitted a new application. Awaiting initial inspection.

11. **Change in Pharmacist Manager:**

Mr. Firlik made a motion, seconded by Ms. Eaton, to approve the changes in pharmacist managers as indicated below. Motion passed unanimously.

- a. **Rite Aid Pharmacy #10317**, (038-3372), located at 158 Cherry Street, Burlington, Vermont, changed pharmacist manager from Yogesh Kumar Patel to Timothy Luneau.
- b. **Kinney Drugs Inc.**, (038-3356), located at 957 Memorial Drive, Saint Johnsbury, Vermont, changed pharmacist manager from Laura Wray Flaherty to Marvin Johnson.
- e. **Kinney Drugs Inc. #94**, (038-3357), located at Route 5 Memorial Drive, Lyndonville, Vermont, changed pharmacist manager from Margaret Morrissette to Jean Paul Fournier.
- h. **Walgreens #7270**, (038-3340), located at 467 Canal Street, Brattleboro, Vermont, changed pharmacist manager from David Keighley to Nancy Jane Maxfield.

12. **Non-Resident Drug Outlets:**

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

- a. Access Diabetic Supply, LLC d/b/a ADM Pharmacy, 2101 NW 33rd Street, Pompano Beach, FL.
- b. Advanced Care Scripts, Inc., 2400 Lake Orange Blvd., Orlando, FL.
- c. Apothecary Shop of Deer Valley, Inc., 23620 N. 20th Drive, #12, Phoenix, AZ.
- d. BioScrip Infusion Services, Inc., 320 South Flower Street, Burbank, CA.
- e. Lake Arrowhead Village Pharmacy, P.O. Box 2945, Lake Arrowhead, CA.
- f. North American Technology Services, Inc. d/b/a Diabetic Products Pharmacy, 11800 28th Street N., St. Petersburg, FL.
- g. Immediate Pharmaceutical Services, Inc., 33381 Walker Road, Avon Lake, OH.
- h. Liberty Direct Services Corp., 10400 S. US Hwy 1, Port St. Lucie, FL.
- i. Animal RX Pharmacy, Edwardsville, KS
- j. FCS Pharmacy LLC, Boca Raton, FL

13. **Wholesale Drug Outlets:**

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

- a. Genentech USA, Inc., 4625 NW Shute Road, Hillsboro, OR.
- b. Patterson Logistics Services, Inc., 925 Carolina Pines Blvd., Blythewood, SC.
- c. Patterson Logistics Services, Inc., 1031 Mendota Heights Road, St. Paul, MN.
- d. Pfizer, Inc., Independence, MO.
- e. Fenwal, Inc., Lake Zurich, IL (needs SS and DOB for officers)

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

15. **Continuing Professional Education Requests:**

Ms. Eaton made a motion, seconded by Mr. Labor, to approve the following continuing professional education requests as indicated. Motion passed unanimously.

- a. **“Opioid Use in End Stage Renal Disease,”** submitted by Fletcher Allen Health Care, was approved for one hour of live (didactic) continuing professional education credit offered on August 7, 2008. The approval number issued is CPE314(L)-0908.
- b. **“Immunosuppression Therapy in Kidney Transplantation—An Update on Current FAHC Preferences,”** submitted by Fletcher Allen Health Care, was approved for one hour of live (didactic) continuing professional education credit offered on September 16, 2008. The approval number issued is CPE315(L)-0908.
- c. Rupesh Asher with the Vermont Pharmacist Association, indicated that the Emergency Contraception Training Program is being offered again with the same speaker and same program outline as last year. He submitted an application for approval of the CPE program along with the supporting documentation. The Board concluded that the four hour program should be re-approved and assigned a new number. The approval number issued is CPE316(L)-0908.

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

Ms. Eaton made a motion, seconded by Ms. Overton, to approve the following applications as indicated. Motion passed unanimously.

- a. Jaclyn Sanborn—The Board reviewed Ms. Sanborn's Intern's Evaluation of Internship Period and her Preceptor's Affidavit of Internship Hours and approved the 432 hours she earned during the period of June 2, 2008 through August 14, 2008 while working at Rutland Pharmacy in Rutland, Vermont.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,354** (1128 Resident, 226 Non-Resident).

18. **Newsletter Topics!**

Topics for the December issue of the Newsletter will include an update on rulemaking, emergency drug kits, the Board of Dental Examiner's position for prescribing, disciplinary actions, and soon.

19. **Miscellaneous Correspondence**

- a. The Board reviewed and discussed the September 10, 2008 letter from the Board of Dental Examiners regarding prescriptions written by dentists for their family members and pharmacists refusing to fill them. The Dental Board pointed out that the law governing its Board does not specifically restrict dentists from prescribing to family members as long as the drug is being used within the scope of the dentist's practice.

The Board of Medical Practice prohibits physicians from prescribing controlled substances to themselves or to their immediate family members.

The Board of Pharmacy will include this information in its next newsletter.

- b. The Board reviewed the August 7, 2008 Email from the National Association of Physician Assistants requesting the Board to include information regarding the writing of prescriptions. They wish to help clarify the confusion as to exactly which prescriber's name is written on the prescription bottle or package. They asked to have their policy statement on the subject included in the Board's newsletter. They indicate that they are asking this of all boards of pharmacy across the United States. The Board had no objection to including this information in its newsletter.

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

- a. NABP/AACP District I & District II Annual Meeting Announcement to be held October 16–18, 2008 in Township, New Jersey. Ms. Eaton and Mr. Firlik hope to attend this district meeting.

21. **Public Comment**

22. **Other Business Introduced**

23. **Election of Officers**

Ms. Eaton nominated Steve Vincent as Chairman. Ms. Overton seconded the nomination.	Ms. Overton nominated Julie Eaton as Vice-Chair. Ms. Pudvah seconded the nomination.
Mr. Firlik nominated Ann Overton as Secretary. Ms. Pudvah seconded the nomination.	Nominations closed. The nominations passed result in a new slate.

The new officers are as follows:

Steve Vincent, Chairman
Julie Eaton, Vice-Chair
Ann Overton, Secretary

24. The next meeting is scheduled for **Wednesday, October 22, 2008** at 9:00 AM. The last meeting in 2008 is scheduled for December 3rd.

25. There being no further business, the meeting was adjourned at 4:10 P.M.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation