

VERMONT BOARD OF PHARMACY– Approved Minutes
Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402
July 27, 2016 at 9:00 AM

1. The meeting was called to order at 9:01 a.m., by Mr. Milne, RPh, Chair.

Members Present: Mr. King Milne, RPh, Chair; Mr. Robert Carpenter, RPh, Vice Chair; Ms. Stephanie Ibey, RPh; James Arisman, Esq., public member; Corey Duteau, RPh and Ms. Judith Wernecke, Secretary, public member

OPR Personnel Present: Mr. Larry Novins, General Counsel; Mr. Daniel Vincent, Inspector; Mr. Robert Enos, RPh, Executive Officer, and Aprille Morrison, Licensing Board Specialist

Guests: David Adsit, Heather Shouldice and Nate Sides

2. The Chair called for approval of the Minutes of the May 25, 2016 meeting. Mr. Carpenter made a motion to approve the minutes adding Mr. Novins to OPR Personnel present. Mr. Duteau seconded the motion. Motion passed.
3. **Case Manager's Report:** There are currently eighty-six (86) cases. One (1) is ready for closing, forty-seven (47) are ready for Investigative Team meetings, eighteen (18) are under investigation, three (3) are pending a hearing, six (6) are pending charges being filed, four (4) have had charges filed and seven (7) are in the intake process.
4. **Hearings/Stipulations/Reports of Concluded Investigation et al:**

Default Order in the matter of John McAvoy, docket # 2015-560. Mr. Carpenter made a motion to accept the order as presented. Mr. Arisman seconded the motion. Motion passed. Ms. Ibey did not participate in the vote as she was the Investigative Team member.

Default Order in the matter of Holly Russin, docket #'s 2016-92 and 2016-105. Mr. Arisman made a motion to accept the order as presented. Mr. Carpenter seconded the motion. Motion passed. Ms. Ibey did not participate in the vote as she was the Investigative Team member.

5. **Applications/Legislation/Rule Making:**

Mr. Novins informed members present that he is hoping to start working with Mr. Enos and Mr. Vincent on a draft of the Administrative Rules for the Board to review. Mr. Novins also informed members that he is still waiting for a response from the Health Department regarding the implementation of Rules regarding S. 243, now Act 173 that requires the Board to be involved in the creation of rules regarding VPMS queries. He did have a phone conference with Harry Chen and others at the Health Department of July 13th to start the process, however he is waiting for a draft to present to the Board for review and comment.

6. **Continuing Education Requests:**

The Board reviewed the following requests for Pharmacist Continuing Education:

“The 14th Annual Northern New England Critical Care Conference” – Submitted by Sandy Gauthier of VM Continuing Medical Education. Requesting thirteen and a half (13.5) hours of

live (didactic) continuing pharmacy education credits. The conference will be held October 13-15, 2016.

“Patient Safety and Controlled Substances: Preventing Diversion”. Submitted by Pharmacist’s Letter/Therapeutic Research Center. Requesting two (2) hours of live (didactic) continuing pharmacy education credits to meet new continuing education requirement for controlled substances. The course is an online course and available anytime.

Mr. Carpenter made a motion to accept the education requests. Mr. Duteau seconded the motion. Motion passed.

8. **Discussion Items:**

FDA Compounding notice. Mr. Novins requested this be presented as an FYI for the Board.

Kinney Drugs Waitsfield proposal. Mr. Novins drafted a response to Kinney Drugs proposal to turn their existing retail pharmacy in Waitsfield into a remote pharmacy. David Adsit, with Kinney Drugs, was also present at the meeting and was given a copy of Mr. Novins proposal. Mr. Adsit addressed the Board and requested that the Board make a decision to either approve or deny the request at today’s meeting. Mr. Carpenter made a motion to deny Kinney Drug’s request to change their Waitsfield location from a retail pharmacy to a remote pharmacy. Mr. Arisman seconded the motion. Mr. Carpenter, Mr. Milne and Mr. Arisman were in favor of the motion. Ms. Ibey and Mr. Duteau recused from voting. Ms. Wernecke abstained from voting. Mr. Novins informed the members and Mr. Adsit that a letter of denial will be sent to Kinney’s and the date of that letter will start the timeline for the appeals process, should they choose to appeal the Board’s decision.

Mr. Carpenter reminded members that the NABP District meeting will be in September in West Virginia. He is willing to attend and Mr. Enos will likely also attend.

Mr. Carpenter and Ms. Ibey reminded members that the MPJE Item review meeting is not going to be held in Chicago this year as they are undergoing renovations. Instead the items will be able to be reviewed online. Being that the pharmacy technician rules have significantly changed they feel that the questions need to be reviewed and possibly updated this year. The review window is from mid-August thru mid-September and Mr. Carpenter, Ms. Ibey and Mr. Duteau are willing to assist with the review. Information regarding the review was previously e-mailed to members by Ms. Morrison.

9. **Public Comment:** None

10. The next meeting is scheduled for Wednesday, August 24, 2016, at 9:00 a.m.

11. Ms. Wernecke made a motion to adjourn the meeting at 10:31 am. Mr. Carpenter seconded the motion. Motion passed.