

**BOARD OF PHARMACY**  
Secretary of State, Office of Professional Regulation  
National Life Building, North, Floor 2, Montpelier, VT 05620-3402  
**Unapproved Minutes**  
**December 5, 2012 at 9:00 A.M.**

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

Members Present: Mr. Jeffrey P. Firlik, RPh, Chair; Ms. Julie A. Eaton, RPh; Vice-Chair; Mr. Steven M. Vincent, RPh; Mr. Earl W. Pease, RPh; Mr. Larry Labor RPh; Ms. Judith Wernecke, Public Member, Secretary, and Mr. Conrad Boucher, Public Member.

OPR Personnel Present: Larry S. Novins, Board Counsel; Dan Vincent, Inspector; Carla Preston, Case Manager; Ronald KleinRPh, Executive Officer; and Aprille Morrison, Licensing Board Specialist.

Others Present: Keith Flynn, Lt. Kraig LaPorte, Anthony Otis, Ed Baker, Dean Ruggles, Tom Reardon, Mike Duteau, and Corey Duteau.

2. The Chair called for approval of the Minutes of the October 24th meeting as presented. Mr. Vincent made a motion, seconded by Mr. Labor to approve the minutes of the October 24, 2012 meeting. The motion passed.

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

9:15 am – Stipulation and Consent Order re: McGregor's Medicine on Time Pharmacy, Docket # 2009-289 and 2007-132. Mr. Boucher made a motion to accept the stipulation and consent order, seconded by Ms. Eaton. Mr. Baker and Mr. Ruggles from the Vermont Attorney General's Office were present as there was an order from their office attached to the Office of Professional Regulation's stipulation and consent order. The Board went in to deliberative session from 9:54 am to 10:15 am. Upon reconvening the Board voted on the motion made. Mr. Vincent and Mr. Pease recused themselves as they were the Investigative Team members for this case. The participating Board members approved the motion reluctantly. Mr. Novins would follow up with a written decision outlining the Boards concerns.

9:15 am – Stipulation and Consent Order re: Drug Store Inc., docket # 2011-512 and Allen Odell, docket # 2011-515. Mr. Boucher made a motion to reject the stipulation and consent order until changes within the document were made. The motion was seconded by Ms. Eaton. Motion passed. Mr. Vincent recused as he was the Investigative Team member. The matter will be set for Board review at the January 23, 2013 meeting.

4. **Guests:**

Christopher Winters, OPR Director, spoke to the Board regarding paperless licensure. The Board would like a little more research done regarding the display requirements as well as the requirements from insurance companies and Medicaid regarding copies of their licensed to be sent for billing purposes.

Keith Flynn, Commissioner of Public Safety and Lt. Kraig LaPorte from the Drug Diversion Unit of the Vermont State Police met with the Board regarding drug take backs in Vermont. The Board wanted more information regarding Sheriff's offices and other enforcement agencies participating in drug take backs. Commissioner Flynn informed the Board that he does not have authority over Sheriff's offices. The Board also asked questions of Commissioner Flynn and Lt. LaPorte regarding marijuana dispensaries in Vermont.

5. **Case Manager's Report:**

There are 51 cases pending, 3 are recommended for closing, 17 are pending Investigative Team meetings, 5 are in intake for screening, 15 are under investigation, 6 are pending charges, and 5 are pending hearings.

6. **COMPLAINTS, review of Reports of Concluded Investigation:**

Report of Concluded Investigation 2011-797. Mr. Vincent made a motion to accept the report of concluded investigation, seconded by Mr. Pease. Mr. Labor recused as he was the Investigative Team member. The motion passed.

Report of Concluded Investigation 2012-278 and 2012-317. Mr. Vincent made a motion to accept the report of concluded investigation, seconded by Mr. Pease. Mr. Labor recused as he was the Investigative Team member. The motion passed.

7. **Reports:** None

8. **Legislation/Rulemaking:**

a. The Board reviewed the Draft Rules. At the January 23, 2012 meeting there will be a public comments session held for review of the Draft Rules for Remote Pharmacies.

b. Mr. Klein gave the Board copies of USP 795 and 797. The Board would like to do additional Administrative Rule making to include this in the Rules.

c. NABP sent Mr. Klein information regarding the licensure of Pharmacy Benefit Managers. The Board does not want to mandate licensure for Pharmacy Benefit Managers.

d. Board of Pharmaceutical Specialties Letter regarding Nuclear Pharmacists. This was shared with the Board as an FYI.

e. Mr. Novins informed the Board about the new provisions in the OPR Bill that would affect the Pharmacy profession.

9. **Review Applications for licensure:**

Ms. Eaton made a motion, seconded by Mr. Labor to approve the below applications for licensure. Motion Passed.

Frances Spaulding – Pharmacy Technician  
Stroheckers Pharmacy Inc. – Portland, OR – Non-Resident Pharmacy  
Henry Schein Inc. – Sparks, NV – Wholesale Distributor  
Aspire Rx – Drape, UT – Non-Resident Pharmacy  
Jacquelyn Goldberg – Telepharmacist  
Hercon Pharmaceuticals LLC – Emigsville, PA – Pharmaceutical Manufacturer

The application for change in pharmacist manager for Rite Aid Pharmacy #10324 was approved, however it stated in the application that the previous pharmacy manager was let go. The Board requested Mr. Klein contact the pharmacy and request documentation regarding this.

The application for My Weight Doctor Pharmacy LLC was denied. Mr. Klein will issue a letter.

The application for change in pharmacist manager for One Stop Pharmacy, Inc. (Non-Resident Pharmacy), changing the pharmacist manager to Douglas Kassan was denied. Mr. Klein will issue a letter.

**10. Executive Officer:**

a. Consent Agenda for approved applications. The applications that have been approved by Mr. Klein will be attached to the regular meeting agenda for public as well as Board member disclosure.

b. Executive Officer Report. Mr. Klein provided the Board with a report of duties performed since the previous meeting. Mr. Klein also provided the Board with a report of the controlled substance losses that were reported to the Office since the previous meeting. Mr. Klein also spoke to the Board about revisions made to the Pharmacy Technician application. The Board informed Mr. Klein of the reasoning behind faxed applications and staff will revise procedures currently in place for processing.

c. Legislation. Mr. Klein spoke to the Board regarding the Pharmacy Legislation day to be held in 2013.

d. Mr. Klein distributed Code of Federal Regulations books to all Board members.

e. Mr. Klein informed the Board that there is a congressional meeting in Washington, DC on December 19, 2012 regarding compounding pharmacies. Ms. Eaton made a motion to approve Mr. Klein and Mr. Firlik attending this meeting. The motion was seconded by Mr. Vincent. Motion passed.

**11. Pharmacy Technicians:** Total number of Active Registered Technicians is **1,465** (1,359 Resident, 106 Non-Resident).

**12. Newsletter Topics:** None

**13. Miscellaneous Correspondence:**

a. Correspondence from The Health Center, Plainfield. The Board received comments regarding the Rules for remote pharmacies. The Board will add the correspondence to the January meeting schedule as this is when the public comments session will be held. Mr. Klein will respond to The Health Center to let them know that is when their correspondence will be discussed.

**14. Other Business Introduced**

a. The National Association of Board of Pharmacy will hold its annual meeting on May 18-21, St. Louis. The board nominated Mr. Firlik as delegate, Ms. Eaton as alternate delegate. In Mr. Vincent and Mr. Klein will attend.

b. Mr. Klein presented a certificate to Mr. Pease from Secretary of State Jim Condos in for his service to the board. Mr. Pease's term on the Board of Pharmacy expires, December 31, 2012.

c. Mr. Klein discussed with the board the possibility of holding a regular Board of Pharmacy at the Albany College of Pharmacy in Colchester. Mr. Novins stated there are concerns about

doing this, especially as it relates to public hearings and logistics. Mr. Klein will look into the issue further to determine its feasibility.

**d. The board held a discussion regarding practitioner dispensing of regulated drugs. The board requested Mr. Klein contact David Herlihy, Executive Officer of the Vermont Board of Medical Practice, for the board's views on practitioner dispensing. At this time the Board of Medical Practice has no rules regarding dispensing of regulated drugs by medical practitioners. It may be necessary to seek legislation to clarify when practitioners may dispense regulated drugs to their patients.**

15. The next meeting is scheduled for **Wednesday, January 23, 2013**, at 9:00 A.M.
  - a. The Board reviewed the 2013 meeting dates. The meeting in May has been changed to May 15, 2013 and the November and December meetings will be rescheduled to just one meeting on December 4, 2013.
16. Mr. Vincent made a motion, seconded by Ms. Eaton , to adjourn at 2:30 p.m.. Motion Passed.

Respectfully Submitted:



Judith Wernecke, Secretary  
Vermont Board of Pharmacy



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