

VERMONT BOARD OF PHARMACY– Approved Minutes

Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402

April 27, 2016 at 9:00 AM

1. The meeting was called to order at 8:58 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 and Corey Duteau, RPh

Absent Member(s): Ms. Judith Wernecke, Secretary, public member

OPR Personnel Present: Mr. Robert Enos, Executive Officer; Mr. Daniel Vincent, Inspector; Ms. Lora Nielsen, Assistant Director of OPR; Ms. Tara Grenier, Licensing Administrator; Ms. Lauren Hibbert, OPR Prosecuting Attorney and Aprille Morrison, Licensing Board Specialist

Guests: Anne Fellows, Tim Koch, Rick Irby, Nate Sides and Kathleen Sullivan

2. The Chair called for approval of the Minutes of the March 23, 2016 meeting. Mr. Carpenter made a motion, seconded by Mr. Duteau, to approve the minutes with an amendment under #7, paragraph 4, from District 5 to Annual. The motion passed unanimously.
3. **Case Manager's Report:** There are currently seventy-three (73) cases. Four (4) are ready for closing (two to be reviewed at today's meeting), forty-four (44) are ready for Investigative Team meetings, sixteen (16) are under investigation, one (1) is pending a hearing, six (6) are pending charges being filed and two (2) have had charges filed.

Ms. Preston requested the Board approve an order for Brandon Cigana to be able to have the right to renew his Pharmacist license in Vermont. The Board approved Ms. Preston's request and Mr. Milne signed the Order.

Ms. Preston and Ms. Lauren Hibbert, Prosecuting Attorney for OPR, spoke to the Board about using an electronic version of a form to assist with case review, efficiency and expedition, as well as helping the Office determine whether a case should be closed, an I-Team held or be charged.

Mr. Carpenter made a motion that Investigative Team members use this form when reviewing cases. Mr. Duteau seconded the motion. Motion passed. Ms. Preston will tailor the form for Pharmacy and distribute to all Investigative Team members for future use.

4. **Hearings/Stipulations/Reports of Concluded Investigation et al:**

9:15 a.m. – Stipulation and Consent Order: Village Fertility Pharmacy, docket # 2015-276. Ms. Ibey made a motion to accept the order as presented. Mr. Carpenter seconded the motion. Mr. Milne, Mr. Duteau, Mr. Carpenter and Ms. Corey were in favor of the motion. Mr. Arisman opposed the motion. Motion passed. Mr. Larry Labor was the Investigative Team member in this case.

Report of Concluded Investigation in the matter of docket # 2015- 514 & 2015-515. Ms. Ibey made a motion to accept the report as presented. Mr. Arisman seconded the motion. Motion passed. Mr. Carpenter did not participate in the vote as he was the Investigative Team member.

5. Guests:

Ms. Anne Fellows and Mr. Tim Koch addressed the Board regarding the previous documentation submitted from Heather Shouldice at the March meeting regarding national certified technician examination programs. Mr. Arisman made a motion to defer making a decision until the May Board meeting when Board Counsel could be in attendance. Mr. Carpenter seconded the motion. Ms. Ibey, Mr. Milne and Mr. Duteau opposed the motion. Mr. Carpenter and Mr. Arisman approved the motion. Motion failed. Ms. Ibey made a motion to approve using the National Commission for Certifying Agencies (NCCA) for approval of pharmacy technician specific certifying examinations. MR. Duteau seconded the motion. Mr. Arisman and Mr. Carpenter opposed the motion. Ms. Ibey, Mr. Duteau and Mr. Milne approved the motion. Motion passed. The Board has issued additional clarification regarding technician certification providers. Mr. Enos will issue the following statement in the June newsletter "The Board will accept technician certification providers that are accredited through the National Commission for Certifying Agencies (NCCA) <http://www.credentialingexcellence.org/ncca>. Currently the Pharmacy Technician Certification Board (PTCB) <https://www.ptcb.org> and the National Healthcareer Association (NHA) <http://www.nhanow.com> are accredited programs."

6. Applications/Legislation/Rule Making:

Mr. Carpenter informed members present that he has created an updated draft of the Administrative Rules following recommendations presented at Board meetings. Right now he is concentrating on the pharmacy technician certification piece. He has compiled a list and would like the Board to spend some time every meeting getting these updates in a draft. Ms. Morrison will add this as a standing agenda item.

Standards for Querying VPMS. The Board acknowledged that they will need to update their Administrative Rules to outline VPMS usage suggestions.

7. Continuing Education Requests:

The Board approved the following request for Pharmacist Continuing Education.
"Practical Solutions: Addressing the palliative, pain management & end-of-life care of seriously ill patients" – Submitted by Northeastern Vermont Area Health Education Center, Laura Remick. Requesting five (5) hours of live (didactic) continuing pharmacy education credits. The conference will be held May 6, 2016.

The Board reviewed Ms. Erica Facteau's request for continuing education, however as the request was submitted after the meeting was held, they could not grant Ms. Facteau's request.

The Board also discussed approval of pharmacy technician continuing education credits. It was brought to the Board's attention that the Administrative Rules only allow for the Board to approve Pharmacist continuing education, not pharmacy technician education. Ms. Morrison will reach out to Ms. Jackson regarding this information.

8. Discussion Items:

Hard copy requirements for Electronic Prescriptions. Vermont Rules do not require pharmacies to print hard copies of prescriptions. Controlled drug prescriptions transmitting electronically require an electronic signature and time stamp. As long as the patient files are readily accessible in either electronic or hard copy the pharmacy is meeting the requirements in the Administrative Rules. Mr. Carpenter requested Mr. Enos speak with Mr. Novins regarding VSA 18, Chapter 084, 4215(b) requirement prior to responding to Ms. Eaton.

Board Member Recruitment. Ms. Nielsen addressed the Board regarding the efforts the Office has put forth to recruit for the vacant position on the Board. The candidates have been weeded down to one and the Office hopes to be able to notify the Governor's office within the next week or so of their recommendation. The Office hopes the recommendation will be accepted by the Governor's office and the new member will be able to attend the May Board meeting. Once the new member has been appointed Ms. Morrison or Ms. Grenier will notify the other members.

Mr. Enos requested notification that are sent to the Board members requesting response be sent in a more timely fashion from the Office.

Mr. Enos and Mr. Vincent informed the members present that they received an FDA guidance bulletin clarifying the handling of compounded products in an institutional setting versus a retail setting. The FDA has recognized that an Institution may compound a product and store in in the facility for future use before the issuance of a patient prescription.

9. **Public Comment:** None
10. The next meeting is scheduled for Wednesday, May 25, 2016, at 9:00 a.m.
11. Ms. Ibey made a motion to adjourn the meeting at 11:42 am. Mr. Arisman seconded the motion. Motion passed.