

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Approved Minutes
October 24, 2012 at 9:00 A.M.

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

Members Present: Mr. Jeffrey P. Firlik, R.Ph, Chair; Ms. Julie A. Eaton, R.Ph., Vice-Chair; Mr. Steven M. Vincent, R.Ph.; Mr. Earl W. Pease, R.Ph., and Mr. Conrad Boucher, Public Member.

Members Absent: Mr. Larry Labor R.Ph. and Ms. Judith Wernecke, Public Member, Secretary

OPR Personnel Present: Larry S. Novins, Board Counsel; Dan Vincent, Inspector; Colin Benjamin, Board Counsel; Carla Preston, Case Manager; Christopher Winters, Director, and Aprille Morrison, Licensing Board Specialist.

Others Present: Lawrence Myer, Esq; Richard King, Esq., and Anthony Otis

Mr. Boucher announced to the Board that his last meeting would be the December 5, 2012 meeting.

2. The Chair called for approval of the Minutes of the September 26th meeting. Mr. Vincent made a motion, seconded by Ms. Eaton to approve the minutes of the September 26, 2012 meeting with amendments. The motion passed.

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

9:15 am - Stipulation and Consent Order in the matters of Jeff Cohen, docket number 2011-516, Allen G. Odell, docket number 2011-515 and Drug Store Inc., docket number 2011-512. Mr. Vincent is the Investigative Team member. Prosecutor Ed Adrian requested presiding counsel, Colin Benjamin, make a decision regarding the motion presented by prosecution to have all cases heard together. Mr. Benjamin granted the motion. Mr. Boucher made a motion to accept both Stipulation and Consent Orders, seconded by Ms. Eaton. The Board went into deliberative session from 10:36 am to 11:12 am. The Board, after deliberative session, voted on the motion to accept the stipulation and consent orders. The motion failed.

Ms. Eaton made a motion to accept the Stipulation and Consent order in the matter of Jeff Cohen, 2011-516 and reject the stipulation order for Allen G. Odell and Drug Store Inc., 2011-515 and 2011-512 respectively. The motion was seconded by Mr. Firlik. The motion passed.

4. **Guests:**

Christopher Winters, OPR Director, spoke to the Board regarding their 2013 budget.

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

There are 48 cases pending, 2 are recommended for closing, 15 are pending Investigative Team meetings, 3 are in intake for screening, 16 are under investigation, 6 are pending charges, and 6 have had charges filed.

6. **COMPLAINTS, review of Reports of Concluded Investigation:** None

7. **Reports:**

Mr. Pease reported to the Board on his trip to the District 1 & 2 meeting.

8. **Legislation/Rulemaking:**

a. The Board reviewed the Draft Rules. Mr. Novins will have the final draft to present to the Board at the December 5, 2012 meeting.

9. **Review Applications for licensure:**

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

Lehigh Valley Technologies, Inc. – Allentown, PA (Wholesaler Application)
Restore Rx, Inc. – Brunswick, TN (Non-Resident Pharmacy Application)
Cindy Finch – Pharmacist Reinstatement
Gregg Theiss – Telepharmacist Application

The application for Hercon Pharmaceuticals LLC was tabled. The Board wants to know how the deficiencies shown on the inspection report have been remedied. Aprille will contact the company.

10. **Review of Consent Agenda:** The Board reviewed the list of applications that Executive Officer, Ronald Klein, approved since the last meeting. The Board would like Mr. Klein to give a "weather report" at each meeting regarding what he has done as representative for the Board since the previous meeting. Aprille will add this agenda item to the next agenda.

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

19. **Newsletter Topics!:** None

20. **Miscellaneous Correspondence:**

a. Carrie Phillips E-mail – Copley Hospital Office site facility.

The Board reviewed Carrie Phillips' request to be the pharmacy manager of both the hospital facility as well as the new psychiatric facility that will be opening. Mr. Vincent made a motion, seconded by Mr. Pease, to approve Ms. Phillips request. Executive Officer Klein will respond to Ms. Phillips.

23. **Other Business Introduced**

The Board was notified by Director Winters that the Office of Professional Regulation will be moving locations within the next 60 days or so. The new location will be at Schulmeier Hall on the Vermont College campus.

24. The next meeting is scheduled for **Wednesday, December 5, 2012**, at 9:00 A.M.

26. Mr. Vincent made a motion, seconded by Mr. Boucher, to adjourn at 2:23 p.m.. Motion Passed.

Respectfully Submitted:



Jeffrey Firlik, Chair
Vermont Board of Pharmacy

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