

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Approved Minutes
September 26, 2012 at 9:00 A.M.

1. The meeting was called to order at 8:59 a.m.

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

OPR Personnel Present: Larry S. Novins, Board Counsel; Ronald J. Klein, RPh, Executive Officer, Dan Vincent, Inspector, and Aprille Morrison, Licensing Board Specialist.

Others Present: Anthony Otis, Amy Braun and Michael Duteau.

Ronald Klein was introduced to the Board as the new Pharmacy Board Executive Officer.

2. The Chair called for approval of the Minutes of the August 22nd meeting. Mr. Firlik made a motion, seconded by Mr. Vincent to approve the minutes of the August 22, 2012 meeting with the amendments. The motion passed.

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

The Board conducted the following hearings:

9:15 am - Stipulation and Consent Order in the matters of Allen G. Odell, docket number 2011-515 and Drug Store Inc., docket number 2011-512 . Mr. Vincent is the Investigative Team member. Mr. Labor made a motion to accept the Stipulation and Consent Order, seconded by Mr. Boucher. The Board went into deliberative session from 9:32 am to 9:57 am. The Board, after deliberative session, rejected the Stipulation and Consent Order presented. The matter will be scheduled for a hearing.

4. **Guests:**

Amy Braun and Michael Duteau addressed the Board regarding the notification sent to the Remote Pilot Project Pharmacies regarding the requirement for all pharmacy technicians working at a remote pharmacy site be nationally certified by September 19, 2012. Mr. Duteau also addressed the requirement that all managing pharmacists have a minimum of five years of experience. The Board granted Kinney Drugs, Inc., Barton, Vermont remote pharmacy site a six (6) month extension to comply with these requirements.

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

There are 51 cases pending, 4 are pending closing, 16 are pending Investigative Team meetings, 1 is in intake for screening, 19 are under investigation, 5 are pending charges, and 6 are set for hearings.

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

The Board reviewed the Report of Concluded Investigation in the matter of 2012-412 and 2012-413. Mr. Labor was the Investigative Team member. Ms. Eaton made a motion, seconded by Mr. Firlik to conclude the case without formal prosecution. Mr. Labor did not participate in the vote. Motion passed unanimously.

The Board reviewed the Report of Concluded Investigation in the matter of 2012-318 and 2012-319. Ms. Firlik was the Investigative Team member. Mr. Vincent made a motion, seconded by Ms. Eaton to conclude the case without formal prosecution. Mr. Firlik did not participate in the vote. Motion passed unanimously.

7. **Reports:** None

8. **Legislation/Rulemaking:**

a. The Board continues their review of the Draft Rules for remote pharmacies.

9. **Review Applications for licensure as a Pharmacist:**

Mr. Firlik made a motion, seconded by Mr. Labor to approve the below applicants for licensure. Motion Passed.

Matthew Terrasi
Hassan Sheikh

Richard Raskin
Elizabeth Barra

Steven Oder
Andrew Winchell

Mr. Vincent made a motion to designate Ronald Klein as the designee to review all pharmacist applications for licensure, seconded by Mr. Labor. The motion passed.

Mr. Firlik made a motion, seconded by Mr. Vincent for Ronald Klein to review and approve all pharmacist, out of state pharmacist (telepharmacy), in-state drug outlet, change in pharmacist manager, non-resident pharmacy, non-resident wholesaler/manufacturer drug outlet and intern/preceptor/technician applications. As well as the continuing education requests. The motion passed.

10. **Review Applications for licensure as an Out of State Registered Pharmacist (Telepharmacy):** None

11. **In-State Drug Outlets (pharmacies, wholesalers, manufacturers, etc.):** None

12. **Change in Pharmacist Manager:**

Mr. Firlik made a motion to temporarily approve Price Chopper Pharmacy #127 manager change to Sally Hogan pending the signature of the outgoing pharmacist manager, Mark Coons. The motion was seconded by Ms. Eaton. Motion passed.

13. **Non-Resident Pharmacies:**

Mr. Firlik made a motion, seconded by Mr. Boucher to approve the below non-resident pharmacies. Motion Passed.

Pareek Inc. d/b/a American Specialty Pharmacy – Plano, TX
FFP Acquisition, II, LLC d/b/a Medex BioCare – Bartlett, TN

New England Life Care – Portland, ME
 DermaTran Health Solutions, LLC – Rome, GA
 Wells Pharmacy Network, LLC – Ocala, FL
 United Pharmacy LLC – West Palm Beach, FL
 CVS Caremark Advanced Technology Pharmacy LLC d/b/a CVS Caremark – Mt. Prospect, IL
 Tops PT, LLC d/b/a Tops Market – N. Syracuse, NY

The following applications were tabled until next month for additional information:

Everest Pharmacy – Sandy, UT We need more information about the discrepancies that were reported. We would like to know how each of the discrepancies were addressed.

Safeway Pharmacy 4702 – Long Beach, CA The copy of the DEA registration on file expired 2/29/12. Need an updated copy.

My Weight Doctor Pharmacy, LLC – Rockville, MD The Board is questioning why this company is applying for licensure in Vermont. In the Inspection report provided it states that this is a closed door pharmacy and only services patients from the clinic. The Board would like to know under what circumstances they would be shipping drugs into Vermont.

14. **Non-Resident Wholesaler/Manufacturer Drug Outlets:**

Mr. Firlik made a motion, seconded by Mr. Boucher to approve the below Non-Resident Wholesaler / Manufacturers. Motion Passed.

VWR International, LLC – Bridgeport, NJ Slate Pharmaceuticals, Inc. – Morrisville, NC
 Kuehne + Nagel Inc. – Lewisville, TX Kuehne + Nagel Inc. – Alsip, IL
 Smith Medical Partners, LLC – Wood Dale, IL
 AbbVie US LLC – North Chicago, IL
 Associates Pharmacies, Inc. d/b/a API – Memphis, TN
 UPS Supply Chain Solutions, Inc. – Louisville, KY

The Board tabled the following outlet application:

Perrigo Pharmaceuticals Company – Duncan, SC An affirmation for Kingma was not complete.

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

Plainfield Drugs – Notification of operation of online pharmacy. This was an FYI for the Board.

Community Health Pharmacy – Vermont Remote Pharmacies. Jennifer Browe sent a letter requesting a 120 day extension to meet the requirements for national certified pharmacy technicians. The Board granted the extension request.

16. **Continuing Pharmacy Education Requests:**

“Bridging the Divide: A Conference Fostering Collaboration between Primary Care, Mental Health, Substance Abuse and Behavioral Health Practitioners” submitted by Natalie Remillard with University of Vermont College of Medicine, requesting approval for eight (8) live (didactic) continuing pharmacy education credit. The conference will be held on November 7, 2012.

Ms. Eaton made a motion, seconded by Mr. Firlik to approved the request for seven (7) hours of live (didactic) continuing pharmacy education credit. Motion Passed.

17. **Intern/Preceptor/Technician application(s):** None
18. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,442** (1,339 Resident, 103 Non-Resident).
19. **Newsletter Topics!**

E-mail from Kimberly Kaycee regarding medication destruction. The Board tabled additional discussion on this topic. Mr. Vincent will do some more research for the October 24th Board meeting.

20. **Miscellaneous Correspondence:**

Ronald Klein will be respond to all the correspondence below.

- a. James Robinson E-mail – Offside Services GMPCC Inquiry Letter
- b. Jennifer Hennessy E-mail – Restrictions on early refills of CS prescriptions
- c. Michael Leake E-mail – questions regarding a faxed prescriptions validity
- d. Deborah Wade E-mail – Vermont print/fax prescription format
- e. Jennifer Schneider E-mail – shipping of refrigerated Flu vaccines
- f. Jennifer Schneider E-mail – Shipping of epiPens to Public School Districts
- g. Bob Surovec E-mail – classification of pseudoephedrine products
- h. Joel Silverstein E-mail – hospital medication dispensing.
- i. Adam Christophe E-mail – questions for the Board
- j. Matthew O'Connor E-mail – prescribing authority
- k. Madeleine Mongan E-mail – physician dispensing

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

- a. State Newsletters

22. **Election of Officers**

Mr. Vincent made a motion, seconded by Ms. Eaton, for Jeffrey Firlik to be named Chairperson of the Board. The motion passed.

Mr. Vincent made a motion, seconded by Mr. Labor, for Ms. Eaton to be named Vice Chairperson of the Board. The motion passed

Mr. Firlik made a motion, seconded by Mr. Vincent, for Ms. Wernecke to remain Secretary of the Board. The motion passed.

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, October 24, 2012**, at 9:00 A.M.

26. Mr. Labor made a motion, seconded by Mr. Firlik, to adjourn at 3:09 p.m.. Motion Passed.

2012 MEETING DATES

December 5th.

Note: Judith Wernecke will not be here at the Oct. meeting.

Respectfully Submitted



Judith Wernecke, Secretary
Vermont Board of Pharmacy