

Board of Pharmacy
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
Meeting of May 27, 2009

1. The meeting was called to order at 9:12 A.M.

Members present: Steven M. Vincent, R.Ph., Chairman; Ann Overton, Secretary; Larry Labor, R.Ph.; Earl W. Pease, Pharm.D.; Emma J. Pudvah and Jeffrey P. Firlik, R.Ph.

Absent: Julie A. Eaton, R.Ph., Vice-Chair.

OPR Personnel present: Larry S. Novins, Board Counsel; Gregg Meyer, State Prosecuting Attorney, Daniel Vincent, Inspector; Jamie Palmisano, Investigator, Carla Preston, Unit Administrator, and Kristy Kemp, Administrative Assistant.

Others present: Kerri Ryan with CVS Pharmacies.

2. The Chair called for approval of the Minutes of the April 22nd meeting. Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the Minutes of the April 22, 2009 meeting as presented. Motion passed unanimously.

3. **Guests:**

Christopher Winters, Director of the Office of Professional Regulation, attended the meeting to discuss a few items regarding the Vermont Board of Pharmacy. He mentioned his concerns regarding travel requests for multiple members to attend a conference or meeting held out-of-state. Although he fully supports training for board members and realizes that OPR et al rely on the Board heavily for its expertise, and that having members attend these conferences is very valuable, he wanted the Board to be aware that public perception in granting such requests might be an issue, particularly in this financial climate.

Chairman Vincent took the opportunity to again thank the Director for allowing four members to attend the national conference. The information gathered and networking with other boards was and always is very valuable concerning healthcare.

The Director mentioned the Board's request for an executive director position noting that it has the statutory authority for it. He indicated that due to the state budget the Office is not adding any new positions at this time, even when there is a demonstrated need. The Office currently has vacancies they hope to fill but might have to cut position(s). Therefore it would be unfair to hire someone if the position has to be cut. He said they wanted to try to fill the position with someone with a healthcare or pharmacy background who could dedicate half time to the Board of Pharmacy. He said they may try to readjust things to free up more of Carla Preston's time to allow her more time to serve in the executive director's role. He said they do want to give more time to this Board but until the budget is resolved they cannot fill any position or make other adjustments. He said he is well aware that members do give up a lot of their time for the board and their profession and thanked the Board for that service.

In response to the Board's questions about raising fees, Director Winters said having the money helps make the case but the issue is the possibility of having to cut positions. He agreed to look at fees to consider when they would need to be raised.

Chairman Vincent said that Vermont is the only board that does not have its own Executive Director. He indicated that Ms. Preston could serve in that role.

Director Winters said the Office very much appreciates what the Board does and will keep members apprised of these issues.

4. **Hearings/Stipulations *et al.***

- a. At 9:30 AM the Board considered the State's Request for a Summary Suspension, in the matter of **Katelynne E. Aubut**, Docket Number 2009-88. The Respondent was not present. Larry S. Novins presided for the Board. Gregg Meyer was present for the State. Jamie Palmisano, Investigator, testified on the State's behalf. Based on the information presented, Chairman Vincent made a motion, seconded by Mr. Firlik, to Summarily Suspend the Respondent's technician registration. Motion passed. Mr. Labor, Investigating Member, did not participate in the vote.

5. **Follow-up Cases**

6. **Reports:**

- A. Members who attended the National Association of Boards of Pharmacy meeting reported on the topics covered. Canada is changing its requirements toward a PharmD or equivalent program. Mr. Labor and others discussed this issue with persons from Canada at the meeting. Members believed that the educational requirements would be substantially equivalent when the changes are in place. It was unclear at that time whether the NABP would accept it or if it would eliminate the need for the foreign equivalency examination (FPGEC). The Board will monitor those changes to see if any additional legislative changes would be necessary.

Members attending the NABP's national meeting also mentioned that technician credentialing was discussed. The NABP is working on model language and is developing and maintaining an educational program. Other organizations present, the NACDS, did not want it pushed so the NABP is working on a compromise. One solution may be offering different levels of training for technicians and credentials. Credentialed technicians with higher education may be permitted to perform additional duties, etc.

- B. Dan Vincent, Inspector, attended the meeting. He had no specific issues to discuss with the Board.

7. **Legislation/Rulemaking:**

Attorney Novins indicated that the Board's Administrative Rules were accepted by the Interagency Committee on Administrative Rules (ICAR) and have been filed with the Secretary of State's Office. He said Notices of the public hearing scheduled for June 24, 2009 will be sent out to licensees, prescribers et al within the next few days.

8. **Complaints/Reports of Concluded Investigations**

9. **Applications for Licensure as a Pharmacist:**

Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the following applications for licensure as pharmacists. The question was called and the motion passed unanimously.

Richard Alan Harpel

Grace Sethachutkul

Girish Kumar Shah

The Board reviewed Thomas M. Clancy's application.

10. **Drug Outlets:**

11. **Change in Pharmacist Manager:**

The Board reviewed the application below for a change in pharmacist manager but was unable to approve it because it was incomplete.

- a. **Rite Aid Pharmacy #10338**, (038-3377), located at 59 Waterfront Plaza, Newport, Vermont, submitted an application to change pharmacist managers from Melissa Frizzell to Stephen Grant. The copy of the inventory provided was not signed. The matter was tabled.

12. **Non-Resident Pharmacies:**

Mr. Firlik made a motion, seconded by Mr. Labor, to approve the following non-resident pharmacies for licensure. Motion passed unanimously.

- a. **Pharmacy South Inc.**, 105 Corporate Woods, Alabaster, AL.
- b. **PharMEDium Services, LLC**, 12620 West Sirport Blvd., Sugarland, TX.
- c. **America's Assisted Living Pharmacy, Inc.**, 3524 park Plaza Road, Paducah, KY.

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

Mr. Firlik made a motion, seconded by Ms. Overton, to approve the following non-resident wholesale distributors and/or manufacturers for licensure based on their completed applications. Motion passed unanimously.

- a. **Butler Animal Health Supply, LLC**, 1001 Airpark Drive, Middletown, PA.
- b. **River City Pharmaceutical Distribution, Inc.**, 4884 Duff Drive, Suite D, West Chester, OH. Ok pending verification of DEA approval, stated pending.
- c. **Vet Pharm, Inc.**, 392 15th Street NE, Sioux Center, IA.
- d. **INO Therapeutics, LLC**, 1060 Allendale Drive, Port Allen, LA.
- e. **Medisca Inc.**, 3955 W. Mesa Vista Avenue, Las Vegas, NV.
- f. **Stat Rx USA**, 2481 Hilton Drive, Gainesville, GA.

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

The Board reviewed and noted the information concerning the following non-resident drug outlets.

- a. **GlobalNet Pharmacies** sent a letter notifying the Board that the pharmacy closed on April 21, 2009.
- b. **Escalante Solutions LP** sent a letter notifying the Board that the pharmacy will no longer be doing business in the State of Vermont.
- c. **IDEXX Operations Inc.** sent a letter notifying the Board that the company has exited the pharmaceutical business.

15. **Continuing Pharmacy Education Requests:**

Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the following continuing pharmacy education requests as indicated. Motion passed unanimously.

- a. “**Clinical Pearls**” submitted by Clare Coppock, was approved for one and one half hours of live (didactic) continuing professional education credit which was offered on May 21, 2009.
- b. “**Vermont DUR Meeting**” submitted by Andrew Miller, was approved for two hours of live (didactic) continuing professional education credit which was offered on March 24, 2009.

16. **Intern/Preceptor application(s)**

Mr. Firlik made a motion, seconded by Mr. Labor, to take action on the following applications as indicated. Motion passed unanimously.

- a. **Cassie A. Barton** – submitted an Application for Registration of Intern - Approved.
- b. **Nicholas R. Waggamon** – submitted an Application for Registration of Intern - Approved.
- c. **Amleset Zerai** – submitted an Application for Registration of Intern - Approved.
- d. **Daniel Lewis** – submitted an Application as a Preceptor - Approved.
- e. **Lauren A. Griffin** – submitted an Application for Registration of Intern- Approved.
- f. **Kimberly A. Lambert** – submitted an Application as a Preceptor - Approved.
- g. **Elaine Y. Metzger** – submitted an Application as a Preceptor.
- h. **Larry Springsteen** – submitted Intern’s Evaluation of Internship Period and Preceptors Affidavit of Internship Hours and was approved for the 508.9 hours he earned during the period of March 10, 2009 through May 22, 2009 while working at Rite Aid Pharmacy # 10333, 1 Carver Street, Brandon, VT.
- i. **Richard Coutu** - submitted Intern’s Evaluation of Internship Period and Preceptors Affidavit of Internship Hours and was approved for of the 1822 hours he earned during the period of May 1, 2006 through May 01, 2009 while working at Rite Aid Pharmacy # 10338, 59 Waterfront Plaza, Newport, VT. He also submitted Intern’s Evaluation of Internship Period and Preceptors Affidavit of Internship Hours requesting approval of the 216 hours he earned during the period of November 10, 2008 through December 19, 2009 while working at North Country Hospital, 189 Prouty Drive, Newport, VT.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 556** (1305 Resident, 251 Non-Resident).

18. **Newsletter Topics!**

Topics for the next issue of the Newsletter included a reminder to check OPR’s Web site when hiring pharmacists, technicians, etc. to verify good standing. The Board will also highlight the mandatory reporting requirement and other important changes in its Administrative Rules to be effective October 1, 2009.

19. **Miscellaneous Correspondence**

- a. The Board reviewed the May 21, 2009 email from Cynthia Jordan regarding registration requirements for international manufacturers. The drug outlet shipping products directly to Vermont must be licensed.
- b. The Board reviewed the updated **Application as a Preceptor** form and suggested a few changes. The Board felt it was important to ask for the amount of time the pharmacist/preceptor will dedicate to the intern thus will ask for the percentage of time spent mentoring the intern based on the total number of hours worked per week. Other pharmacists who may interact with the Intern must be identified but would not need to be registered as preceptors. All currently registered preceptors as

well as pharmacists interested in applying as a Preceptor must complete the updated preceptor form. A “preceptor” credential will be added to the pharmacist’s credential which will be renewable along with the pharmacist’s license. The form will be posted on the Web site.

- c. The Board reviewed the notice from Costco Wholesale regarding controlled substances. The drug outlet’s wholesaler license covers both non-controlled and controlled drugs to be shipped into the State of Vermont.
- d. The Board reviewed the information from CVS Pharmacies regarding its restructuring plans involving mergers, etc. Based on the information provided, the Board considers the restructuring changes described a change in ownership and new applications will be required for the pharmacies located in Vermont.
- e. The Board reviewed and noted other miscellaneous correspondence.

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

- a. The Board reviewed and noted miscellaneous NABP correspondence.

21. **Public Comment**

Comments from guests were addressed above.

22. **Other Business Introduced**

The Board and attorneys present discussed the process for summary suspension requests and how best to deal with those issues.

The Board also discussed performing site visits at its July meeting. That possibility will be discussed further at the next meeting.

23. The next meeting is scheduled for **Wednesday, June 24, 2009** at 9:00 AM.

24. There being no further business, the meeting was adjourned at 11:28 PM.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation