

Board of Pharmacy
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
Meeting of July 22, 2009

1. The meeting was called to order at 1:00 P.M.

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

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

Others present: Anthony Otis, Esq.

2. The Chair called for approval of the Minutes of the June 24th meeting. Mr. Firlik made a motion, seconded by Mr. Pease, to approve the Minutes of the June 24, 2009 meeting as presented. Motion passed unanimously.

3. **Guests:**

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

a. At 2:00 P.M. the Board considered the Stipulation and Consent Order in the matter of Hanna Ford Food & Drug #303, Docket Number 2008-106 (RX51-0308). The Respondent was not present. Larry S. Novins presided for the Board. Gregg Meyer was present for the State. Based on the information presented, Chairman Vincent made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order as presented. Motion passed. Ms. Eaton, Investigating Member, did not participate in the vote.

5. **Follow-up Cases**

6. **Reports:**

Several Members of the Board, Ms. Preston and Attorney Novins participated in a site visit of the mail order and central fill facility, Community Health Center Pharmacy located in Colchester, and its remote site located at the Plainfield Health Center located in Plainfield, Vermont. The Board observed the operation and the dispensing of prescriptions and counseling to patients. The Board's observations and any recommendations will be included in its report to the legislature regarding pilot projects for remote locations.

7. **Legislation/Rulemaking:**

Larry Novins explained the final steps in the rulemaking process. The Board reviewed the comments on the proposed rules submitted by the July 15, 2009 deadline. Responses to the comments and the Board's reason for accepting or rejecting are recommended change will be included in the cover page to the Legislative Committee on Administrative Rules. The Board anticipates an October 1, 2009 effective date for the new rules.

Anthony Otis agreed to notify the Board of upcoming proposed statutory or rule changes from other agencies/organizations that may impact the practice of pharmacy.

8. Complaints/Reports of Concluded Investigations

The Board reviewed the following Reports of Concluded Investigations and took action as indicated.

- 2008-363(RX15-0908)—The Board Reviewed the Report of Concluded Investigation. Chairman Vincent made a motion, seconded by Ms. Eaton, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Firlik, Investigating Member, did not participate in the vote.
- 2008-414(RX18-1008), 2008-415(RX19-1008) and 2008-416(RX20-1008)—The Board Reviewed the Report of Concluded Investigation. Ms. Eaton made a motion, seconded by Ms. Overton, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Firlik, Investigating Member, did not participate in the vote.
- 2008-498(RX22-1208)—The Board Reviewed the Report of Concluded Investigation. Ms. Eaton made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Firlik, Investigating Member, did not participate in the vote.
- 2008-500(RX24-1208) and 2008-501(RX25-1208)—The Board Reviewed the Report of Concluded Investigation. Ms. Eaton made a motion, seconded by Chairman Vincent, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Firlik, Investigating Member, did not participate in the vote.
- 2009-17(RX28-0109) and 2009-18(RX29-0109)—The Board Reviewed the Report of Concluded Investigation. Mr. Pease made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Chairman Vincent, Investigating Member, did not participate in the vote.
- 2009-43(RX32-0109) and 2009-46(RX33-0109)—The Board Reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Chairman Vincent, Investigating Member, did not participate in the vote.
- 2008-96(RX46-0208)—The Board Reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Ms. Eaton, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Pease, Investigating Member, did not participate in the vote.

9. Applications for Licensure as a Pharmacist :

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

Richard A. Coutu, PharmD (Examination)	Renee A. Mosier, PharmD (Endorsement)
Anthony J. Somaini, PharmD (Examination)	R. M. Somepalli, R. Ph. (Endorsement)
Brian D. Stump, PharmD (Endorsement)	Richard S. Pease, PharmD (Score Transfer)
Sampson Tona, PharmD (Score Transfer)	

10. **In-State Drug Outlets:**

- a. Vermont CVS Pharmacy LLC d/b/a **CVS Pharmacy #673**, located in Rutland, Vermont, submitted an application for change in ownership (restructuring). The applicant will be notified of deficiencies to complete its application. An inspection is needed.
- b. Vermont CVS Pharmacy LLC d/b/a **CVS Pharmacy #337**, located in Bennington, Vermont, submitted an application for change in ownership (restructuring). The applicant will be notified of deficiencies to complete its application. An inspection is needed.
- c. **Albany College of Pharmacy and Health Sciences—Vermont Campus**, located at 261 Mountain View Drive, Colchester, Vermont, submitted an application for a drug outlet as part of its pharmacy curriculum. The Board concluded that this application best fits the description of *Investigative and Research Project* since it is for educational/training purposes. The applicant will be notified of deficiencies to complete its application. An inspection is needed.

The Board reviewed the Email from Salvatore Morana concerning the position of pharmacist manager at the Vermont Campus. He explained that he is currently the manager at another pharmacy but would be the pharmacist responsible for this educational pharmacy. Based on these circumstances and the fact that it will be designated as an investigative, research and educational pharmacy, the Board had no objection to Mr. Morana serving in the role as pharmacist manager of Porter Hospital Pharmacy and of this facility.

11. **Change in Pharmacist Manager:**

Ms. Eaton made a motion, seconded by Mr. Firlik, to approve the change in pharmacist managers as indicated below. The question was called and the motion passed unanimously.

- a. **Marble Works Pharmacy**, (038-3398), located at 99 Maple Street, Middlebury, Vermont, changed pharmacist managers from Thea M. Yate to Catherine Friend.
- b. **Wal-Mart Pharmacy #10-2289**, (038-3301), located at 210 Northside Drive, Bennington, Vermont, changed pharmacist managers from Jonathan M. Lloyd to Xuan H. Nguyen.

12. **Non-Resident Pharmacies:**

Chairman Vincent made a motion, seconded by Mr. Firlik, to approve the following non-resident pharmacies for licensure based on their completed applications. Motion passed unanimously.

- a. **Ameridose, LLC**, 50 Fountain Street, Framingham, MA.
- b. **Ameridose, LLC**, 205 Flanders Road, Westborough, MA.
- c. **Apothecary Shop of Deer Valley**, 23620 North 20th Drive, Phoenix, AZ.
- d. **Fresenius USA Manufacturing Inc. dba Fresenius Medical Care North America**, 2865 Dave Lyle Boulevard, Rock Hill, SC.
- e. **Immediate Pharmaceutical Services, Inc.**, 33381 Walker Road, Avon Lake, OH.
- f. **Life Extension Pharmacy, Inc.**, 1100 W. Commercial Boulevard, Ft. Lauderdale, FL.
- g. **Meds for Vets**, 585 West 9400 South, Sandy, UT.

13. Non-Resident Wholesaler/Manufacturer Drug Outlets:

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

- a. **Ameridose, LLC**, 205 Flanders Road, Westborough, MA.
- b. **Immediate Pharmaceutical Services, Inc.**, 33381 Walker Road, Avon Lake, OH.

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

15. Continuing Pharmacy Education Requests:

Ms. Eaton made a motion, seconded by Mr. Firlik, to approve the following continuing pharmacy education requests as indicated. The question was called and the motion passed unanimously.

- a. **“Clinical Pearls: Learning from Medication Events”** submitted by Shawna Barito with Fletcher Allen Health Care, was approved for one (1) hour of live (didactic) continuing pharmacy education credit which was held on July 16, 2009. The approval number issued is CPE 348(L)-0709.

16. Intern/Preceptor application(s)

Review and approval of the updated Preceptor applications listed below was tabled.

- a. **Asher Rupesh D.**— submitted an Application for Registration as a Preceptor.
- b. **Baglini, Rita**— submitted an Application for Registration as a Preceptor.
- c. **Bourbeau, Margaret A.**— submitted an Application for Registration as a Preceptor.
- d. **Brown, Scott W.**— submitted an Application for Registration as a Preceptor.
- e. **Chen, Ji**— submitted an Application for Registration as a Preceptor.
- f. **Cross, Colleen A.**— submitted an Application for Registration as a Preceptor.
- g. **Cross, James F.**— submitted an Application for Registration as a Preceptor.
- h. **Fish, Michael E.**— submitted an Application for Registration as a Preceptor.
- i. **Franzoni, Douglas J.**— submitted an Application for Registration as a Preceptor.
- j. **Frizzell, Melissa M.**— submitted an Application for Registration as a Preceptor.
- k. **Heal, James S.**— submitted an Application for Registration as a Preceptor.
- l. **Hochberg, Steven**— submitted an Application for Registration as a Preceptor.
- m. **Khorrami, Mahnaz M.**— submitted an Application for Registration as a Preceptor.
- n. **LeBlanc, Cathy A.**— submitted an Application for Registration as a Preceptor.
- o. **Milne, George K.**— submitted an Application for Registration as a Preceptor.
- p. **Morana, Salvatore J.**— submitted an Application for Registration as a Preceptor.
- q. **Morrison, Hsiao Yen A.**— submitted an Application for Registration as a Preceptor.
- r. **Padalino, Joseph P.**— submitted an Application for Registration as a Preceptor.
- s. **Peck, Lester G.**— submitted an Application for Registration as a Preceptor.
- t. **Poulter, William D.**— submitted an Application for Registration as a Preceptor.
- u. **Reif, Thomas R.**— submitted an Application for Registration as a Preceptor.
- v. **Ryan, Joanne M.**— submitted an Application for Registration as a Preceptor.
- w. **Sherman, Robert F., Jr.**— submitted an Application for Registration as a Preceptor.
- x. **Shubert, Eric J.**— submitted an Application for Registration as a Preceptor.

16. **Intern/Preceptor application(s):** -continued

Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve the following Pharmacy Interns and Preceptors listed below. The question was called and the motion passed unanimously.

y. **Carpenter, Andrew B.**— submitted an Application for Registration of Intern with Neal Pease as his preceptor—Approved.

z. **Manahan, Kayla M.**— submitted an Application for Registration of Intern with John Chesarek and Matthew Sicotte as her preceptors (two locations)—Approved.

aa. **Bushee, Jason G.**— submitted Intern's Evaluation and Preceptor's Affidavit of Internship Hours requesting approval of the 339 hours he earned at Rite Aid Pharmacy in Manchester Center during the period of May 1, 2009 through July 17, 2009. Mr. Bushee changed preceptors during his internship and was working under the supervision of Jaimi Christensen Ryan. The Board approved the 339 hours he reported. Mr. Bushee has a total of 595 non-school related internship hours.

bb. **Christensen Ryan, Jaimi**— submitted an Application for Registration as a Preceptor—Approved.

cc. **Sicotte, Matthew R.**— submitted an Application for Registration as a Preceptor. (pending receipt of originals).

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,588**.

18. **Newsletter Topics!**

Topics for the next issue of the Newsletter and will include a reminder to check OPR's Website when hiring pharmacists, technicians, etc. to verify licenses and 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. The Board agreed that one sign is sufficient to cover controlled substance disclosure, counseling, and telepharmacy. A sample sign will be included in the newsletter if possible and will be posted on the Board's Website.

The Board will also mention the new law regarding therapeutic equivalence and the new board to be established consisting of members from the OVHA-DUR, the VPA and the Medical Board.

Pharmacists will be reminded that they can now access the Vermont Department of Health, Division of Alcohol and Drug Abuse Programs' Website for the Vermont Prescription Monitoring Program, to determine if patients are seeking drugs from multiple physicians/prescribers.

19. **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**

23. The next meeting of the Board is scheduled for **Wednesday, August 26, 2009.**

24. There being no further business, the meeting was adjourned at 4:00 P.M.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation