



Board of Pharmacy

Office of Professional Regulation, Vermont Secretary of State

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Approved Minutes

Wednesday, May 22, 2019 at 9:00 a.m.

1. Call to Order

The meeting was called to order at 9:00 a.m., by Ms. Stephanie Ibey, RPh, Chair

Members Present: Ms. Stephanie Ibey, RPh, Chair; Mr. Michael Carroll, RPh; Ms. Judith Wernecke, Secretary, Public Member; Mr. Corey Duteau, RPh, and Mr. William Chatoff, RPh

Members Absent: Mr. James Arisman, Esq., Public Member, and Mr. Robert Carpenter, RPh, Vice Chair

OPR Personnel Present: Carrie Phillips, Executive Officer; Kara Shangraw, Licensing Administrator I; Daniel Vincent, Inspector, and Gabriel Gilman, General Counsel

Guests: Bill Breen, Joe Lavino and Kathleen Wobby

2. Approval of minutes from April 24, 2019 meeting

The Chair called for approval of the Minutes of the April 24, 2019 meeting. The minutes were approved as written.

3. Discipline

- a. Stipulation and Consent Order: In re Neal Pease and PENRO Specialty Compounding, Docket Nos. 2017-764 and 765
 - i. The Board held a deliberative session from 9:32 am through 10:22 am. Upon coming out of deliberative session, the Board voted unanimously to reject the proposed stipulation and consent order and requested the matter be set for a hearing.

4. Topics for Discussion

- a. Executive Officer Report.
 - i. Ms. Phillips informed members present of the activities, applications, and correspondence since the April 24th Board of Pharmacy meeting.
- b. Legislative Updates
 - i. Ms. Phillips and Mr. Gilman informed members present of the current status of legislation relevant to pharmacy.
- c. Review request from Joe Lavino for clarification regarding 30-to-90 day quantity changes
 - i. Mr. Gilman distributed a memorandum analyzing Mr. Lavino's question under existing law. He recommended that the Board refrain from offering an interpretation before rulemaking and instead use rulemaking to develop an unambiguous policy on the permissibility of 30-to-90 day quantity changes without prescriber involvement. Mr. Duteau moved to ensure that the question is addressed in rulemaking. Mr. Chatoff seconded. Motion passed.

- d. Review and approval of draft revision of wholesaler and non-resident pharmacy application instructions with new questions incorporated
 - i. The Board reviewed the proposed revisions and agreed with the changes.
- e. Pharmacy Application Review
 - i. Mr. Gilman recommended that the Board review four drug outlet applications in executive session, as information displayed could not be disaggregated from trade secrets and account numbers exempt from the access-to-public-records provisions of 1 V.S.A. § 316. On a motion and unanimous vote, the Board moved into executive session to review applications at 11:15 am.
- f. Correspondence
 - i. Record keeping of electronic prescriptions – Jeenu Philip - Walgreens
 - 1. Ms. Phillips will respond.
 - ii. Pharmacist in Charge for Non-Resident Pharmacy questions – Quarles & Brady
 - 1. The Board does not feel the current rules address the questions posed and will take changes into advisement during the rulemaking process.

5. Other Business

- a. Ms. Ibey reported on the NABP meeting to be held in Vermont in September.
- b. Daniel Vincent informed Board members that he will be retiring from the office on June 22nd.

6. Adjournment: There being no additional business the meeting adjourned at 1:40 pm.

Next Scheduled Meeting – Wednesday, June 26, 2019

Please check the office [website](#) for updates