

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402

Approved Minutes
June 27, 2012 at 9:00 A.M.

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

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

OPR Personnel Present: Christopher Winters, Larry S. Novins, Board Counsel; Edward Adrian, Prosecuting Attorney; Carla Preston, Case Manager; Dan Vincent, Inspector; Colin Benjamin, Board Counsel, and Peter Comart, Licensing Administrator.

Others Present: Ronald Kline, Executive Director, Montana, Heather Jarvis, Attorney, Ronald Neil, David Simpson, Victoria Okcsanga, Michael Duteau with Kinney Drugs, Inc., Ayla Tuhl, and Anthony Otis.

2. The Chair called for approval of the Minutes of the May 30th meeting. Mr. Vincent made a motion, seconded by Ms. Wernecke to approve the minutes of the May 30, 2012 meeting as amended. Motion passed unanimously.

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

The Board conducted the following hearings:

- a. In Re: Mary Catherine Pion, Docket Number 2012-72. Larry S. Novins presided for the Board. Prosecuting Attorney, Edward Adrian, was present for the State. The Board voted to accept the Stipulation and Consent Order as presented. Mr. Labor, Investigative Team Member did not participate in the vote.
- b. In Re: Ronald K Neil, Docket Number 2012-248, Preliminary Denial of application as Pharmacy Technician. Larry S. Novins presided for the Board. Prosecuting Attorney, Edward Adrian, was present for the State. The Respondent was present as well as Heather Jarvis, Mr. Neil's attorney. The Board voted to reverse the Preliminary Denial. Written decision was filed. Mr. Labor, Investigating Member, did not participate in the vote.
- c. In Re: Benjamin R. Carlin, Docket Number 2012-290, Request for Summary Suspension. Larry S. Novins presided for the Board. Prosecuting Attorney, Edward Adrian, was present for the State. The Board voted not to Summarily Suspend Mr. Carlin's license. Ms. Wernecke, Investigative Team Member, did not participate in the vote.
- d. 11:45 A.M. The Board considered a Notice of Dismissal in the matter of Premium RX National LLC, Docket Number 2011-599. Carla Preston explained why the charges were dismissed. At 2:55 P.M., Ed Adrian provided the Board with an additional explanation.

4. **Guests:**

- a. Dan Vincent, Inspector, attended to provide some information for the Board.

1) Mr. Vincent brought to the Board's attention that Rite Aid has been authorized as a credentialed pharmacy by the DEA to accept electronic prescriptions. Mr. Vincent has a copy of a memo from Meg Morris, District Regional Director for Rite Aid. However, to the Board's knowledge no Physician in Vermont has been approved to e-prescribe controlled substances. Mr. Vincent will provide the Board with a copy of the memo.

Mr. Firlik mentioned a few things about e-prescribed controlled substances. For example, the Pharmacy has to have a certificate that their software is approved as capable of handling an e-prescribed controlled substances. If it is a chain Pharmacy there has to be a certificate at each pharmacy. Prescribers must also have a certificate and approved software.

Mr. Vincent asked about Sterile Preparations, USP 797. Would the Board accept and reference USP 797 as the required standard? Mr. Firlik mentioned it would be too arduous to follow these requirements. Mr. Vincent suggested that our Rules are not specific enough and at some point this may need review and attention.

Julie Eaton suggested that Larry Novins and Jeffrey Firlik review hospital Rules. Julie Eaton suggested that a new section be included in the Rules on home infusion pharmacies.

Excellent Web site: GlobalRPH.com

Mr. Vincent asked the Board if it is okay to begin asking pharmacies if they have Policies and Procedures, whether they are a corporation or even an independent pharmacy before he goes to do an inspection. Mr. Vincent and others thought it would help speed up inspections, make the inspection process more effective, and would help encourage best practices, all of which the Board could support. The Board is okay with Mr. Vincent sending this request out to pharmacies.

5. Case Manager's Report:

Carla Preston, Case Manager, reported on current and follow-up cases.

There are currently 69 pending cases. 1 is ready for Investigative Team. 11 have been recommended for closings, at next meeting, including 3 today. 40 are under investigation. (The investigative Unit is down 3 investigators.) 5 are pending charges. 12 charges have been filed.

6. COMPLAINTS, review of Reports of Concluded Investigation:

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

- a. 2012-131 and 2012-132 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Mr. Firlik, 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.

- b. 2011-338 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Ms. Eaton, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Ms. Wernecke, Investigating Member, did not participate in the vote.

7. **Reports:** None

8. **Legislation/Rulemaking:**

- a. A few of the Board Members have been working with Board Counsel to draft Administrative Rules for Remote Pharmacies. The Board looked at and discussed a draft presented by Larry Novins. Ms. Eaton reminded the Board to keep in mind that there are quite a few scenarios to consider. The Board will continue review of remote pharmacy rules at it's July meeting.
- b. The Board members discussed whether they should use the term "Telepharmacy" in the Rules. It might be best to use the terms "Remote Dispensing" and "Telepharmacy."

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

Ms. Eaton made a motion, seconded by Mr. Firlik, to approve the following applicants for licensure as a pharmacist. Motion passed unanimously.

Sophia Cardwell (Examination)
Gulzhan Abildinova (Endorsement)
Matthew Anagnostopulos (Reinstatement)
Robert Enos (Endorsement), provided NH license is active

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

Mr. Firlik made a motion, seconded by Mr. Labor to approve the applications for licensure below:

Joel Sanford
Mary St. Hillaire
Shadi Salami

Jennifer Gerdes The Board tabled this application -- application being returned due to incomplete information, practicing location blank.

11. **Long Term Care Pharmacy:**

- a. Granite Pharmacy, Inc., located at 576 Ballard Road, Suite 2, P. O. Box 2094, Milton, Vermont, submitted an application for a new Long Term Care Pharmacy. Mr. Firlik made a motion, seconded Ms. Eaton, to approve Granite Pharmacy for licensure as a Institutional Long Term Care Pharmacy. Motion passed unanimously.

12. **Change in Pharmacist Manager:**

The Chair made a motion, seconded by Mr. Vincent, to approve the following change in pharmacist manger. Motion passed unanimously.

- a. **Kinney Drugs, Inc. #102**, located at 151 Vt. Route 12South, Randolph, Vermont, submitted an application for change in pharmacist manager from Jeremiah Vincent to Christopher Hazuda.

13. **Non-Resident Pharmacies:**

The Board reviewed the following applications for licensure as a non-resident drug outlet. Based on the information provided, Mr. Labor made a motion, seconded by Mr. Firlik, to approve the following applications for licensure. Motion passed unanimously.

- a. **Kennel CXXINW Cwr Aupply d/b/a/ KV Vet Supply – David City, NE**
- b. **ASL Pharmacy**

The Board Tabled **Sorkins RX, LTD d/b/a/ CareMed Pharmaceutical Services** until they produce a valid DEA certificate. Their DEA certificate expired before they applied.

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

The Board reviewed the following applications for licensure as a non-resident drug outlet. Based on the information provided, Mr. Pease made a motion, seconded by Mr. Vincent to approve the following applications for licensure. Motion passed unanimously.

- a) Safecor Health, LLC
- b) Acme Delivery Service, Inc. d/b/a Acme Distribution Centers, Inc.
- c) Genzyme Corporation
- d) Harvard Third Party Logistics
- e) Santa Cruz Biotechnology, Inc., The Board noted that they have not had an inspection, pursuing pre-AVWD. They are being given an extension of 1 year to obtain VAWD certification. Should still pursue VAWD certification.
- f) Anda Pharmaceuticals Inc.
- g) ESI Mail Pharmacy Services, Inc., St. Louis, Conditioned
- h) AmerisourceBergen Drug Corporation
- i) Boehringer Ingelheim Vetmedica, Inc.
- j) Butler Animal Health Supply, LLC
- k) UPS Supply Chain Solutions, Inc.
- l) Webster Veterinary Supply, Inc.
- m) Fisher Clinical Services, Inc.

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

Walgreens #11526 (South Burlington, VT) – Change in Pharmacy Hours. Mr. Vincent made a motion, seconded by Ms. Eaton to approve the change in hours. Motion passed unanimously.

16. **Continuing Pharmacy Education Requests: (None)**

17. **Intern/Preceptor application(s):**

The Board reviewed the preceptor application of Laura Lee McAllister. Mr. Firlik made a motion, seconded by Mr. Vincent to approve the application. Unanimously approved.

18. **Pharmacy Technicians:**

Total number of Active Registered Technicians is **1,353** (1260 Resident, 93 Non-Resident).

19. **Newsletter Topics! (None)**

20. **Miscellaneous Correspondence:**

- a. Mohammed Mahran – requesting waiver of intern hours. He is required to do the 500 hours before he gets permission to sit for the NABPLEX examination. Aprille will respond.
- b. Kathleen Redmond e-mail – Question concerning prescription duration and refill limitations. Prescriptions are valid for 1 year for non-controlled substances. Aprille will respond.
- c. Heidi Quandt e-mail – DME licensure question They have to be licensed as an Out of State Wholesale Distributor to sell to a corporation. If they are selling to consumers they have to be licensed as a Non-Resident Retail Pharmacy. Are they a pharmacy in their home state? Need to check if they are licensed in IL. Aprille will respond.
- d. Todd Seymour e-mail – syringe question They cannot be resold and have to be sent back to a reverse distributor. You can not guarantee chain of custody or sterility. Aprille will respond.
- e. Susan Smith e-mail – question regarding pharmacist in charge Mr. Vincent made a motion, Boucher seconded to grant a waiver for a period of three months (90 days from today) or they have to request an extension. Aprille will respond.
- f. Ned Milenkovich e-mail – long term care pharmacies and remote dispensing Answer is “Yes.” Aprille will respond.
- g. Jason Martinazzi e-mail – required hours of operation question No minimum # of hours. Aprille will respond.
- h. Jennifer Egelhof e-mail – pharmacy collaborative practice agreement It is a prescription pursuant to a CPA, and a hard copy must be kept on file. We do not have an example because they are totally individualized. Aprille will respond.
- i. Joanne Ryan e-mail – electronic prescriptions. A prescription has to be physically signed if it is on paper. Aprille will respond.
- j. Allan Kennedy email – C-II Prescription changes A pharmacist cannot change the existing date or a future date. The pharmacist must talk to the prescriber, not their agent. Aprille will respond.

k. The Board reviewed the Vermont Department of Health proposal to add to the Regulated Drugs Rule. The Board affirmed it's support of the proposal.

21. **National Association of Boards of Pharmacy (NABP) Correspondence:** None

22. **Public Comment:** (None)

23. **Other Business Introduced:**

24. The next meeting is scheduled for **Wednesday, July 25, 2012** at 9:00 A.M.

The subsequent meeting dates for 2012 are as follows: July 25th, September 26th, October 24th and December 5th.

25. There being no further business, Mr. Vincent made a motion, seconded by Ms. Eaton to adjourn the meeting at 4:23 P.M. Motion passed unanimously.

Respectfully submitted,



Judith Wernecke, Secretary
Vermont Board of Pharmacy