

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

1. The meeting was called to order at 9:05 A.M.

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

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

Others present: Anthony Otis, Esq. representing the Vermont Community Retail Pharmacy Coalition and Dave Flashover, R.Ph. with Rite Aid Pharmacies.

2. The Chair called for approval of the Minutes of the October 28<sup>th</sup> meeting. On page 1, under #3, regarding the discussion with Mary Botter, the following sentence was added to summarize the requirements: Any written prescription has to be signed, but nurses may call in a prescription authorized by the prescriber. On page 2, the times reflected for deliberative sessions were corrected. The last sentence under Report on page 2 was amended to read: She said it would be difficult for some students to get extra hours when most of them have to get the PPE hours during the summer months. On page 3, under legislation, the 6<sup>th</sup> sentence was amended to read: The prescriber must explain to the insurance provider the reason not to substitute. Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the Minutes of the October 28, 2009 meeting as amended. The question was called and the motion passed unanimously.

3. **Guests/Reports:**

Christopher Winters, Director of the Office of Professional Regulation, attended the meeting to discuss the Board's request for an Executive Director. The Board reiterated its desire to have an Executive Director and asked what could be done to achieve that goal. Director Winters said they now have the ability through legislation to create a new position and have documented reasons for the need. However, the current economic climate has impacted their ability to move forward. He explained the changes in staffing at OPR which has put an extra burden on staff. He said they are now able to fill a vacant Unit Administrator position and will redistribute the workload which should allow the Board's current support staff to better focus on the Board's needs.

The Board advocated that it would be best to have a pharmacist in the executive director position. Members mentioned the possibility of sharing the pharmacist ED with the Vermont Department of Health which has no pharmacist on staff. The Board of Nursing would also benefit from having a pharmacist as a resource. A non-pharmacist ED must be well versed in pharmacy and have the time to do the research for the Board. The Board noted that many questions are answered through email and not at a public meeting. Some decisions require a Board response cannot wait 4-6 weeks until the next meeting. Members mentioned several instances in which a pharmacist ED could respond timely.

Director Winters said that their experience with hiring a nursing executive director, confirms that the state has a hard time competing with the public sector in hiring professionals due to salary constraints. He noted that some professionals do so for other reasons, such as the benefits, better hours, vacation time, etc.

3. **Guests/Reports** - continued

The Board indicated that many EDs for other states their dues and are ready to assume an administrative few days a week would be very beneficial if there is this time.

boards are seasoned pharmacists who have paid a role. The Board said a part-time pharmacist is a resource not available for a full-time position at this time.

Director Winters said he could explore the possibility of a consultant for the Board and serve in the interim until they have had good luck with nursing, which has hired a professional to work with the board. He said they could establish a set number of hours if the need arises.

lity of an independent contractor who could not hire an executive director. He said he had an independent contractor who is a pharmacist and would not create a new position on the books but an independent contractor who could not hire an executive director. He said he had an independent contractor who is a pharmacist and would not create a new position on the books but an independent contractor who could not hire an executive director.

The Board supported the idea of a contracted pharmacist who would obtain copies of basic contract agreements from the States of New Hampshire and Rhode Island for their EDs as examples. The Board asked the cost of an ED or contracted person. Current fees are considerably less than in other states.

acisto act as a consultant and indicated that it is not the States of New Hampshire and Rhode Island for their EDs as examples. The Board asked the cost of an ED or contracted person. Current fees are considerably less than in other states.

Director Winter explained that fee increases must be approved by the legislature. He said current fees are recovering the Board's costs at this time. He said an increase in fees may not be approved until a deficit is shown. If they get authorization for the position, and demonstrate what the budget looks like, it could be considered in 2011. He said they do review the boards' budget every year and will look at pharmacy next year.

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The Board again mentioned the many issues and in the director would benefit the board, the public, licensees, and OPR. Many questions could be answered immediately and avoid delaying until the Board meets.

ances (i.e., rulemaking) in which an executive director would benefit the board, the public, licensees, and OPR. Many questions could be answered immediately and avoid delaying until the Board meets.

Director Winters acknowledged the amount of work required of this volunteer Board and thanked members for their continued efforts.

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

a. At 9:30 A.M.—The Board considered a Stipulation and Consent Order in the matter of Sharon Szczapa, Docket Number 2008-105 (RX50-0308). Larry Novins presided for the Board. Gregg Meyer was present for the State. Chairman Vincent made a motion, seconded by Mr. Pease, to accept the Stipulation and Consent Order as revised matter (Section 129a(3)) without a finding of unprofessional conduct with an administrative penalty. The question was called and the motion passed. Mr. Firlik recused himself due to a conflict of interest. Ms. Eaton, Investigating Member, did not participate in the votes.

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5. **Follow-up Cases**

6. **Legislation/Rulemaking**

Anthony Otis updated the Board about other legislative issues impacting the practice of pharmacy. He mentioned the status of the proposed changes to the Office of Vermont Health Access (OVHA) and his organizations' objection to the 90-day supply and getting rid of the third copay (09-P035). He said OVHA is still pushing for the 90-day supply.

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Attorney Otis said they have an understanding about immunization with regard to Board Rule 9.34. He said the Vermont Pharmacists' Association will offer training on the subject.

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6. **Legislation/Rulemaking-** continued

Attorney Novins presented the final draft of proposed legislative changes to be included in the Office bill. The legislative changes pertain to Title 18 V.S.A. regarding substitution, sections 4606 and 4607. The Board approved the language as drafted.

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

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

2008-40 (RX41-0108)—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.

2009-15 (RX26-0109) and 2009-16 (RX27-0109)—The Board Reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Mr. Pease, 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.

2008-16 (RX36-0108)—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. Chairman Vincent, Investigating Member, did not participate in the vote.

2007-322 (RX22-0907)—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. Chairman Vincent, Investigating Member, did not participate in the vote.

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

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

Pranav Balang, R.Ph. (Examination)  
Lindsay E. Davison, PharmD (Examination)  
Selma Zjakic, PharmD (Examination)

**Applications for Registration of Out of State Telepharmacy Pharmacists:**

Chairman Vincent made a motion, seconded by Mr. Firlik, to approve the following out-of-state telepharmacy pharmacists for registration. Motion passed unanimously.

Robert P. Brower  
William T. Lee  
Satyam G. Patel

Gregory Daniels  
Bhavisha J. Patel

The Board reviewed Matthew J. Kolb's application but was unable to approve it as submitted. Mr. Kolb was previously disciplined and is still under conditions imposed by another jurisdiction. Since Mr. Kolb is not in good standing, the Board voted to preliminarily deny his application for registration as an out-of-state telepharmacy pharmacist.

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

The Board reviewed the following applications for in-state pharmacies and took action as indicated.

- a. **Albany College of Pharmacy and Health Sciences**, 261 Mountain View Drive, Colchester, Vermont, submitted a new application for its new Vermont site. An inspection of this school facility was conducted and photographs of the site were shared with the Board. The application was approved pending receipt of additional documentation.
- b. **Kinney Drugs, Inc. #94**, 407 Board Street, Lyndonville, Vermont, submitted a new application to reflect a change in location (formerly located at Route 5 Memorial Drive, Lyndonville, Vermont). The inspection of the new site was conducted on December 1, 2009. The Board approved this facility for a 90-day Temporary license.
- c. **Johnson's Harvest Pharmacy LLC**, 18 Clark Avenue, Johnson, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Drug Outlet). The Board found that the application was incomplete, thus tabled further action. The applicant will be notified of the documents missing.

10. **Change in Pharmacist Manager:**

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

- a. **Price Chopper Pharmacy #165**, (038-2951), located at 595 Shelburne Road, Burlington, Vermont, changed pharmacist managers from Raja S. Iyengar to Jacie L. Scott. (Approval was subject to receipt of a signed copy of the inventory).
- b. **Rite Aid Pharmacy #10337**, (038-3372), located at 412 Broad Street, Lyndonville, Vermont, changed pharmacist managers from Robert C. Charlier to Karen M. Torrey.
- c. **Rite Aid Pharmacy #4272**, (038-3278), located at 1024 North Avenue, Burlington, Vermont, changed pharmacist managers from Shane M. Loui to Mahnaz M. Khorrami.
- d. **Hannaford Food & Drug Superstore #353**, (038-2482), located at 21-A Essex Way, Essex Junction, Vermont, changed pharmacist managers from Karin L. Ford to Lisa Brouillette Hurteau.

Mr. Flashover presented two additional applications for Rite Aid pharmacies. He noted that the applications with signatures of the corporate officers were being forwarded and should arrive today. The additional documentation arrived before the meeting adjourned and the Board approved the applications for change in pharmacist managers.

- e. **Rite Aid Pharmacy #10314**, (038-3360), located at 194 North Street, Bennington, Vermont, changed pharmacist managers from Mary Catalano Tozier to Robin Schmitt.
- f. **Rite Aid Pharmacy #1363**, (038-2242), located at 4993 A Main Street, Manchester Center, Vermont, changed pharmacist managers from Jamie Ryan to Joseph Patterson.

11. **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.

11. Non-Resident Pharmacies - continued

- a. **Benecard Central Fill of PA, LLC**, 5040 Ritter Road, Mechanicsburg, PA.
- b. **IVPCare, Inc.**, 7164 Technology Drive, Suite 100, Frisco, TX.
- c. **PVPL Pharmacy**, 10077 S 134<sup>th</sup> Street, Omaha, NE.
- d. **Royal Palm Compounding Pharmacy LLC**, 117 S. State Road 7, Wellington, FL. (DEA?ok)
- e. **Steltec Pharmacy, Inc. dba ePharmPro Services**, 601 Upland Ave, Ste 112, Brookhaven, PA.
- f. **Enclara Health**, 1480 Imperial Way, West Deptford, NJ.
- g. **VetCentric Inc.**, 2409 Peppermill Drive, Glen Burnie, MD.
- h. **US Compounding, Inc.**, 2515 College Avenue, Conway, AR.

12. Non-Resident Wholesaler/Manufacturer Drug Outlets:

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

- a. **Bellco Drug Corporation**, 5500 New Horizons Boulevard, Amityville, NY.
- b. **Cardinal Health**, 2840 Elm Point Industrial Drive, St. Charles, MO.
- c. **Northeast Medical Equipment, Inc. dba Nutmeg Respiratory Homecare Service**, 625 Day Hill Road, Windsor, CT.

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

The Board asked staff to follow-up with CVS Pharmacy (Rutland and Essex) concerning remodeling and a new building being constructed.

14. Continuing Pharmacy Education Requests:

Mr. Firlik made a motion, seconded by Mr. Pease, to approve the CPE program listed below as indicated. Motion passed unanimously.

- a. **"The Electronic Health Record: Implementation in Vermont and Integration of Medical Device Data into the HER,"** submitted by Dennis Aman, R.Ph. with the Central Vermont Medical Center, was approved for 2.5 hours of continuing pharmacy education credits. The seminar was held November 18, 2009. The approval number issued is CPE009(L)-1209.

The Board agreed to conduct an audit of CPE of a random selection of licensees.

15. Intern/Preceptor application(s)

Ms. Eaton made a motion, seconded by Ms. Pudvah, to accept the Intern applications listed below as indicated. Motion passed unanimously.

Lyndsi Branon  
Xianglian Ni  
Katharine E. Randall  
Ashley M. Williams

Jessica H. Hardesty  
Natella Rakhmanova  
Dirk R. Verbeek

**The following individual(s) submitted an Intern's Preceptor's Affidavit of Internship Hours.**

**Evaluation of Internship Period and**

Ms. Eaton made a motion, seconded by Ms. Pudvah, to accept the Internship hours as submitted below. Motion passed unanimously.

to accept the Internship hours as submitted

- a. **Manu Malik** – Ms. Malik requested and was approved for the 245 hours she earned at Rite Aid Pharmacy #10315 in Brattleboro, Vermont, during the period of August 30, 2009 through October 6, 2009.
- b. **Lea Sporzynski** – Ms. Sporzynski requested and was approved for the 400 hours she earned at Osco Pharmacy #7517/413 in South Burlington, Vermont, during the period of June 1, 2009 through August 30, 2009.
- c. **Anil K. Vinjamuri** – Mr. Vinjamuri requested and was approved for the 540 hours she earned at Rite Aid Pharmacy #10336 in Hardwick, Vermont, during the period of August 30, 2009 through November 30, 2009.

**The following individual(s) submitted an Application as a Preceptor.**

**on a Preceptor.**

Ms. Eaton made a motion, seconded by Mr. Firlik, to accept the Preceptor applications listed below as indicated. Motion passed unanimously.

to accept the Preceptor applications listed below

Stephanie A. Ibey  
Craig Robbins

Matthew J. Minarski  
Leah R. Rosenthal

16. **Pharmacy Technicians:** Total Number of Active Registered Technicians is **1,142** (1071 Resident, 71 Non-Resident).

**17. Newsletter Topics!**

Topics to be covered in the March 2010 issue of the nurses' authorizing prescriptions and signature requirements as discussed with Nursing Board Director, Mary Botteron October 28<sup>th</sup>, 2009.

Newsletter will include the clarification regarding requirements as discussed with Nursing Board Director,

**18. Miscellaneous Correspondence**

- a. The Board reviewed the October 29, 2009 E-Mail from Bob Surovec regarding physician assistants ordering/purchasing prescription (legend) drugs and controlled substance drugs. Physician assistants may order/purchase drugs if permitted by their supervising physician and if they have their own Drug Enforcement Administration (DEA) number.
- b. The Board reviewed the November 5, 2009 E-Mail from Mihir Patel regarding regulations for different scenarios involving electronic medical records systems in nursing homes and assisted living facilities. The Board will respond to the questions asked which is dependant upon the particular situation.
- c. The Board reviewed the November 17, 2009 E-Mail from Ronald DeBellis regarding requirements for students applying for positions as interns. He explained that most students will not have a preceptor at the time of their intern application and asked that the Board allow them to register without the name of their preceptor. He said this would allow students to be mobile, particularly students working in multiple locations for a chain pharmacy. This applies to students completing their school rotation in pharmacies.

## continued

completing their rotations as part of their hours required. The Board confirmed that it be acceptable to register without the name of a sponsor. A Preceptor must be approved/accepted (state) and by the Board. Internship hours earned per sponsor.

ilfromMikeFishseekingclarificationonvalid  
t hatareeitherfaxedore-prescribed.E-prescribed  
edsubstancesastheDEAdoesnotallowitunless  
nsforcontrolleddrugs.IlltoV,printedin-offic eand

ilfromDougFranzoni seeking guidance  
involved. He asked if a new store manager  
he Board concluded that as a member of the  
o f a pharmacist, that it would be permissible for

nttoshadowhimwithoutregistering.TheBoard  
bepresentinthe pharmacy area,evenwhen the  
HIPAA requirements as well.Although the  
vi ng pharmacist,it does not want to

ail from Philip Burgess regarding drug takeback  
'srules but may be covered by federal law.  
mers may participate in approved collection or

ilfromEmilyEstesregardingthetransportation  
substances.TheBoard'slawdoesnotcover  
steiswiththeDEA.Theywouldneedto  
ningregulationscoveringtransportofthese

forCommunityBasedLongTermCare  
n q.

tingintelepharmacyacrossstatelinesand  
to thenextmeeting.

### Correspondence:

correspondence.

Comments from guests were addressed above.

21. **Other Business Introduced**

Attorney Novins shared his draft letter to the legislature regarding the 2009 third annual remote pharmacy report. The report will include concerns that the Board has not received quarterly reports requested, and the lack of patient counseling occurring at remote sites. The report will also mention that the Board denied an application from Rutland which did not meet the criteria. Attorney Novins will make the changes suggested and send the report to the legislature.

22. The next meeting of the Board is scheduled for **Wednesday, January 27, 2010.** Meeting dates for 2010 are as follows: February 24<sup>th</sup>, March 24<sup>th</sup>, April 28<sup>th</sup>, May 26<sup>th</sup>, June 23<sup>rd</sup>, July 28<sup>th</sup>, August 25<sup>th</sup>, September 22<sup>nd</sup>, October 27<sup>th</sup> and December 1<sup>st</sup>.

23. There being no further business, the meeting was adjourned at 2:23 PM.

Respectfully submitted,

Carla Preston, Unit Administrator  
Office of Professional Regulation