

Board of Pharmacy
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
Meeting of April 28, 2010

1. The meeting was called to order at 9:00 A.M.

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

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: Bernard D. Lambek, Esq. regarding Med 4 Home Inc.; Anthony Otis, Esq., representing the Vermont Community Retail Pharmacy Coalition; and Glenn Myer, regarding Johnson's Harvest Pharmacy LLC.

2. The Chair called for approval of the Minutes of the March 3rd meeting. Mr. Firlik made a motion, seconded by Chairman Vincent, to approve the Minutes of the March 3, 2010 meeting as presented. Motion passed unanimously.

3. **Guests:**

Inspector Daniel Vincent had a few issues to discuss with the Board. He said he inspected an older pharmacy that did not have an alarm and advised them that the rule now requires it. He had questions concerning the use of the sticker system, counseling requirements, and daily reports.

Inspector Vincent asked for clarification of the signature requirement under Title 18 and the use of the sticker system. He said he has seen instances where the stickers are signed. He also asked for clarification of phoned in prescriptions regarding whether the Drug Enforcement Administration (DEA) number was required on every prescription.

The Board clarified that Vermont requires the front of prescription to be signed and dated, not the sticker. The Board noted that some states require initialing of the stickers as well. The Board indicated that the standard of practice regarding the DEA number written on every controlled drug prescription called in depends upon whether the prescriber is recognized by the pharmacist. If the prescriber is recognized and his/her DEA number is on file, the pharmacist may not handwrite the DEA number on the prescription. If an unknown or out-of-state prescriber is calling in the prescription for a controlled drug, pharmacists will ask for their DEA number and write it on the prescription.

In response to Inspector Vincent's verification of counseling requirements, the Board indicated that under the current rules, counseling must be offered on all new and refill prescriptions. The patient's acceptance or refusal for counseling on each prescription must be documented. A pharmacy technician cannot take the called in refill prescription from the doctor's office but may take the call for a refill directly from the patient.

Inspector Vincent said pharmacists have asked him about printouts of the daily reports and signature requirements.

The Board noted that some systems do not allow the printout until the end of the day which may involve more than one pharmacist during the day. In that case, the last pharmacist of the day should print and sign off on the daily log.

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

- a. A Default hearing was held in the matter of **Travis Brandon Hightower**, Docket Number 2009-573. The Respondent was not present. Larry S. Novins presided for the Board. Prosecuting Attorney Gregg Meyer was present for the State. Attorney Meyer explained that Mr. Hightower communicated with the Office and received an extension of time in which to respond to the charges but still did not respond. Attorney Novins reported on the notices to the Respondent. Chairman Vincent made a motion, seconded by Mr. Labor, to find the Respondent in default. Attorney Meyer said the State is seeking revocation. Mr. Labor made a motion, seconded by Chairman Vincent, to revoke the Respondent's Pharmacy Technician Registration. The question was called and the motion passed. Mr. Firlik recused himself and Ms. Eaton, Investigating Member, did not participate in the votes.
- b. The Board considered a Stipulation and Consent Order in the matter of **Med 4 Home Pharmacy**, Docket Number 2009-94. The Respondent's Attorney, Bernie Lambek, appeared but did not offer any testimony. Larry S. Novins presided for the Board. Prosecuting Attorney Gregg Meyer was present for the State. Chairman Vincent made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order as presented. The question was called and the motion passed. Ms. Eaton, Investigating Member, did not participate in the votes.
- c. M2010-47 – The Board considered **Kenneth B. Segreto's** request for removal of the conditions on his license which began on March 27, 2008, Docket Number RX72-0507. Attorney Novins explained the best procedure for considering requests for removal of conditions. He recommended going on the record in this matter since it had been warned and scheduled as a hearing. The Board reviewed Mr. Segreto's April 6, 2010 letter and supporting documentation regarding his compliance with all of the conditions imposed on his license. Attorney Meyer reported that the State/Investigative Team had no objections to removing the conditions. Based on the information presented, Chairman Vincent made a motion, seconded by Mr. Pease, to grant reinstatement and remove the Conditions on Mr. Segreto's pharmacist license. Ms. Eaton, Investigating Member, did not participate in the votes.

Attorney Novins explained that procedurally the best way to deal with such requests is to have the Investigative Team make a recommendation to the Board versus initially scheduling a hearing. If the Board rejects the Team's recommendation or has questions, the Respondent's request could be preliminarily denied and set for hearing. If the Investigative Team has no objections to removing the conditions and the Board accepts that recommendation, a formal hearing is not needed.

- d. A hearing was scheduled regarding the preliminary denial of **Bertha L. Clayton's** Application for Registration as a Pharmacy Technician, Docket Number 2009-550. Ms. Clayton was not present. The Applicant reported past criminal convictions and recent charges (felony). Attorney Meyer indicated that there was no felony conviction and that the conduct was not related to the practice of pharmacy. He said the State has no objections to granting the registration. Attorney Novins stated that in this situation a hearing was not necessary. Mr. Firlik made a motion, seconded by Ms. Pudvah, to grant Ms. Clayton's Registration as a Pharmacy Technician. The question was called and the motion passed.

5. **Reports:**

- a. The Board reviewed the April 19, 2010 letter/report from the Community Health Pharmacy et al regarding the Automated Dispensing Unit. The Board noted that out of 1100 new prescriptions only 40 had requested counseling, less than four percent. Members were very concerned about the lack of consultation.

The Board observed that since the pharmacist is not physically present at the site a patient may not completely understand what is meant by counseling. The Board discussed mandating that the offer to counsel be made by a pharmacist versus a pharmacy technician.

Attorney Novins raised concerns about the form they were using regarding counseling. He said the way it is worded it creates an anti-counseling rule and does not comply with Board Rule 9.30. The patient's decision to have or decline counseling must be made before the patient receives the drugs and the patient's decision to have or refuse counseling must be documented.

The Board agreed that their electronic counseling pad (form) was not acceptable. They must change their electronic pad to say refusal button.

In November of 2010, the pilot project will have been in operation for two years. The Board's only concern raised from the report pertained to the exceedingly low percentage of patients receiving counseling. All the other information in the report was fine.

The Board will advise Community Health Pharmacy et al that the offer for consultation has to be made by a pharmacist and that the wording on their pad regarding a patient's acceptance or refusal to be counseled needs to be amended. The Board will ask for another report in a few months to see if the consultation percentage has increased.

- b. Attorney Novins mentioned that Director Christopher Winters had recently attended the Federation of State Medical Boards' conference in Chicago, Illinois at which the use and benefits of subcommittees was discussed. Attorney Novins noted that the Board of Nursing often assigns subcommittees for certain projects and has found them to be very beneficial. He explained that the subcommittee does the research on the issue and makes a recommendation to the full Board for consideration.

The Board agreed that subcommittees might be useful in some instances. The conversation led to the status of the Board's request for an Executive Director. The Board reiterated its need for a dedicated person (subcontractor or consultant) who just works with pharmacy. Currently, staff assigned to the Board is shared among several professions. The Board would like to meet with the Director at its next meeting for a follow-up discussion regarding the ED position.

6. Follow-up Cases

Review of follow-up cases was tabled.

7. Legislation/Rulemaking:

Anthony Otis reported on the status of the proposed legislation that the Vermont Pharmacist Association and other groups requested. The proposed change was made in OPR's Office bill. He noted that the signage requirement was not deleted.

Mr. Firlik agreed to prepare samples of the signage requirements to be posted on the Board's Web site.

The Board discussed its requirement for mandatory reporting of any disciplinary action, termination, etc. of any pharmacy staff (Board Rule 6.3 (h)). Ms. Eaton and Attorney Novins pointed out that the statute has required mandatory reporting of all health professionals for some time (3 V.S.A. § 128).

8. Complaints/Reports of Concluded Investigations

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

2010-28 and 2010-29 – The Board reviewed the Report of Concluded Investigation. Mr. Pease 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.

2009-92 – 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.

2009-110 – The Board reviewed and discussed the Report of Concluded Investigation. Ms. Eaton made a motion, seconded by Mr. Pease, to reject the Report and remand the matter back to the Investigative Team for further consideration. Motion passed. Mr. Firlik, Investigating Member, did not participate in the vote.

2009-262 – The Board reviewed the Report of Concluded Investigation. Ms. Eaton made a motion, seconded by Mr. Firlik, 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.

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

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

Jennifer C. Chin, R.Ph. (Endorsement)
Laura S. Daigle, PharmD (Endorsement)
Melissa S. Drye, PharmD (Score Transfer)
Jerome F. Fiekers, R.Ph. (Endorsement)
Leslie A. Hosking, PharmD (Endorsement)
Stephen Seigler, R.Ph. (Endorsement)
Gregory E. Travers, PharmD (Score Transfer)

Applications for Registration of Out of State Telepharmacy Pharmacists: None.

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

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

- a. Community Health Centers of the Rutland Region, Inc. d/b/a **Brandon Community Pharmacy**, located at 420 Grove Street, Brandon, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). Inspector Vincent reported that the pharmacy has had an initial inspection. A temporary license has been issued.
- b. Fletcher Allen Health Care d/b/a **Fletcher Allen Home Infusion Pharmacy**, located at 1 South Prospect Street, Suite 1413, Burlington, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). The hospital is separating out the home infusion section. An initial inspection is required. Mr. Pease may join Inspector Vincent for this inspection.
- c. **Johnson's Harvest Pharmacy LLC**, located at 18 Clark Avenue, Johnson, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). Glenn Myer, R.Ph. was present for this discussion. Glenn Myer was present for this discussion.

Mr. Myer presented a scaled drawing. He described security measures and access. He said there would be motion sensors and the windows will be sealed and alarmed. He said the kitchen area shown on the plans is for cooking. Mr. Myer said Inspector Vincent met with him at the site on March 11, 2010 and took photos and video footage of the proposed pharmacy area.

Inspector Vincent said he has not conducted an inspection of this facility. He took photographs and video footage to share with the Board for informational purposes. The photographs represent the current status of the site. The Board reviewed the photographs and video footage which Inspector Vincent and Mr. Myer described. The basement area is sealed off and all windows will be electronically alarmed with motion sensors. Inspector Vincent indicated that one of the major concerns is how this unconventional (non-commercial) building would be secured. They described the first floor for the pharmacy and the second floor which serves as Mr. Myer's residence. The third floor of the building is rented to someone else who has access to that floor from an outside stairway.

Mr. Myer said his landlord will not allow him to modify the proposed pharmacy area until he receives approval from the Board. Mr. Myer described the location of other motion detectors. He said the waiting room area, kitchen and pharmacy areas can all be locked.

Attorney Novins said the Board is in an awkward position in that most pharmacies are commercial buildings. This is a residence to be converted to a pharmacy business that would not have been required to meet the same structural requirements or codes. He said the other issue is that there is a charge against Mr. Myer regarding the marijuana issue that has not been resolved which could impact his application. Mr. Novins said he would be discussing the matter further with Mr. Myer's attorney.

After a brief consultation with Inspector Vincent and Mr. Myer, Attorney Novins explained that Mr. Myer is allowed to grow marijuana under Vermont law and that it will be grown at that location in the basement. The Board must take that into consideration when making its decision. He said all of the issues need to be before the Board for consideration at the same time versus dealing with them separately.

Mr. Myer said he felt that it could be an issue so he showed Inspector Vincent the two secured areas that are lockable where the marijuana would be grown. Mr. Myer said he felt the Board should be aware of the issue.

Attorney Novins suggested that Mr. Myer submit a proposal to the Board describing how he is going to accommodate the growing of marijuana in the same building as his proposed pharmacy location. He said he will discuss that and other matters with his attorney during the pre-hearing conference. He noted that they need to be careful to keep the issues surrounding the charges and the application process separate, but they could be dealt with at the same time.

- d. Kinney Drugs, Inc., d/b/a **Kinney Drugs, Inc. #101**, located at 80 South Main Street, Waterbury, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet) to reflect a transfer of ownership from Vincent's Rexall Drugs. A Temporary license has been issued and is set to expire on May 31, 2010. The final inspection was conducted on April 6, 2010. Based on the favorable inspection, the Board approved this pharmacy for full licensure.
- e. Kinney Drugs, Inc. d/b/a **Kinney Drugs, Inc. #102**, located at 151 Vermont Route 12 South, Randolph, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). An initial inspection is required.

- f. Wilcox Medical, Inc., d/b/a **Wilcox Home Infusion**, located at 250 Stratton Road, Rutland, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet) to reflect a change in ownership. The Board was advised that the change in ownership was done at a high level in the hierarchy. The site, pharmacy structure, manager and operation have not changed. An inspection was conducted in June of 2008 regarding a previous change in ownership. The Board concluded that when these criteria stay the same such as in this case, a 90-day temporary license may be issued. An inspection will be conducted during the 90-day period. The Board approved the issuance of a 90-day temporary.

11. Change in Pharmacist Manager:

Mr. Labor 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. Equinox Compounding Pharmacy LLC, (038-3389), located at 34 Ways Lane, Manchester Center, Vermont, changed pharmacist managers from Gail Marie Hopkins to Michael Iglinski.
- b. Rite Aid Pharmacy #10314, (038-3360), located at 194 North Street, Bennington, Vermont, changed pharmacist managers from Robin L. Schmitt to Michael Ofiara.
- c. Rite Aid Pharmacy #1363, (038-2242), located at 4993A Main Street, Manchester Center, Vermont, changed pharmacist managers from Joseph T. Patterson to Robin L. Schmitt.
- d. Rite Aid Pharmacy #10330, (038-3376), located at 48 Congress Street, Morrisville, Vermont, changed pharmacist managers from Christopher B. Hazuda to Cheryl Hoyt Smith.
- e. Springfield Pharmacy Inc., (038-3324), located at 262 River Street, Springfield, Vermont, changed pharmacist managers from Lester G. Peck to Jane Kirkpatrick.

12. Non-Resident Pharmacies:

Pursuant to the Board's delegation to staff for review and approval of non-resident pharmacy applications 14 licenses had been granted since the date of the last meeting. The Board reviewed and noted the list of approved applications. Non-standard applications or those with prior disciplinary actions will be reviewed by the Board.

13. Non-Resident Wholesaler/Manufacturer Drug Outlets:

The Board reviewed the wholesaler application listed below which reported prior discipline in another jurisdiction. Based on the information provided, Mr. Labor made a motion, seconded by Mr. Firlik, to approve the following non-resident wholesale distributor subject to receipt of an updated copy of their VAWD certification. Motion passed unanimously.

- a. Butler Schein Animal Health Supply, Columbus, OH.

Pursuant to the Board's delegation to staff for review and approval of non-resident wholesale applications 12 licenses had been granted since the date of the last meeting. The Board reviewed and noted the list of approved applications. Non-standard applications or those with prior disciplinary actions will be reviewed by the Board.

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

The Board reviewed and noted the following.

- a. Costco Pharmacy #314, (038-3117), located at 218 Lower Mountain View Drive, Colchester, Vermont, submitted notice of an upcoming remodel. The remodel will increase the lab area by approximately 93 square feet. The new space will be utilized as an expanded “will call” area as part of their updated automated workflow system they will be installing. They are also planning on constructing a substantial counseling window area with increased privacy assurance. Once complete, an inspection will be conducted.
- b. Wal-Mart Pharmacy #10-2289, (038-3301), located at 210 Northside Drive, Bennington, Vermont, submitted an updated notice regarding their remodel. The pharmacy is now scheduled for a full remodel versus the original plans for painting, re-laminating the counters and walls and replacing lenses as needed. The pharmacy was moved to a temporary location on April 14, 2010 and plans to move back to their newly remodeled location on May 5, 2010. An inspection will be conducted.
- c. Manchester Pharmacy, (038-3390), located at 1009 Depot Street, Manchester Center, Vermont, submitted a notice of closure. The pharmacy closed on April 15, 2010. All records, files and prescription inventory were moved to Rite Aid Pharmacy #1363, located at 4993 Main Street, Manchester Center, Vermont. The Board reviewed and noted this information.

15. **Continuing Pharmacy Education Requests:**

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

- a. **“The 5 Essentials of a Comprehensive Nutritional Practice,”** submitted by Andrea Hubbard MacLauchlan, R.Ph., was approved for thirteen and one half (13.5) live (didactic) continuing pharmacy education credits. The course dates are as follows: April 6, 2010, April 13, 2010 and April 27, 2010. The Board issued approval number CPE-012 (L) – 0410.
- b. **“Vermont AHEC Geriatrics Conference,”** submitted by Deborah Rhea with the University of Vermont, was approved for eight (8) live (didactic) continuing pharmacy education credits. The conference was held on April 6, 2010. The Board issued approval number CPE-013 (L) – 0410.
- c. **“04012010 Clinical Pearls: Learning from Medication Events,”** submitted by Shawna Barito with Fletcher Allen Health Care, was approved for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on April 1, 2010. The Board issued approval number CPE-014 (L) – 0410.
- d. **“Clinical Pearls,”** submitted by Clare Coppock with the Rutland Regional Medical Center, was approved for one and one half (1.5) live (didactic) continuing pharmacy education credits. The program will be held on May 19, 2010. The Board issued approval number CPE-015 (L) – 0410.
- e. **“Bionic Man and Super Woman: Medicine Changing Human Capabilities,”** submitted by James Marmar and sponsored by Dartmouth Medical School, was approved for 14 hours of continuing pharmacy education. The Board noted that the program may also have AMA Category I approval. The program will be held on Tuesdays (two hours) beginning on April 6th through May 18, 2010. The Board issued approval number CPE-016 (L) – 0410.

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

Chairman Vincent made a motion, seconded by Mr. Firlik, to approve the internship hours as indicated below.

- a. **Xianglian Ni** – The Board reviewed Ms. Ni's Intern's Evaluation of Internship Period and Preceptor's Affidavit of Internship Hours for two locations. The Board approved the 75 internship hours she earned at Fletcher Allen Health Care in Burlington, Vermont, during the period of February 15, 2010 through February 26, 2010. The Board also approved the 177.5 internship hours Ms. Ni earned at Rite Aid Pharmacy #4827 in Essex Junction, Vermont, during the period of December 2, 2009 through February 27, 2010.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 286** (1190 Resident, 96 Non-Resident).

18. **Newsletter Topics!**

Topics to be covered in the June 2010 issue of the Newsletter will include the clarification regarding nurses' authorizing prescriptions and signature requirements as discussed with Nursing Board Director, Mary Botter. Articles covering the newly adopted formulary for naturopathic physicians; reminder that interns and technicians must be registered; the Board's policy re pharmacy interns to distinguish students in school rotations and those earning non-classroom internship hours, etc. will be included in this issue.

19. **Miscellaneous Correspondence**

- a. The Board discussed the procedure for an existing pharmacy, licensed as retail, to change its licensing structure from retail to institutional based on the new definition of an institutional pharmacy (Part 10 of the Board's Administrative Rules). *"Institutional pharmacy" means any drug outlet licensed by the Board which provides pharmaceutical care to current residents or patients in an institutional facility where drugs, devices, and other materials used in the diagnosis and treatment of injury, illness, and disease (hereinafter referred to as "drugs") are dispensed, compounded, and distributed and pharmaceutical care is provided. A pharmacy that provides services to patients who do not reside in institutional settings (with the exception of a one time dispensing upon discharge from an institution) can not be classified as an "institutional pharmacy."*

This applies to pharmacies that only serve residents or patients who reside in an institutional facility as defined in Part 10 of the Rules (i.e., hospital, nursing home, convalescent home, mental health facility, long term care facility, etc.).

The Board concluded that the following information would be required.

- Verification that there are no changes in pharmacist manager, ownership, policies, general operation, etc.;
- Verification that the Applicant meets the new definition for institutional pharmacy;
- Submittal of a new application – first four pages completed;
- Fee waived provided the application is received prior to July 1, 2011 (before renewal expiration);
- Inspection waived;
- The Board must review and approve the application for change in structure for licensure under the new institutional pharmacy category;
- A new license number would be issued.

For retail pharmacies that currently serve both residents of facilities and non-residents of facilities, separate pharmacies and operations must be established and would require two separate licenses, one for the retail service and one for the institutional service. In this situation, the abbreviated process above does not apply. The current retail license may remain and the Applicant must submit a new application for the institutional pharmacy.

- b. The Board reviewed and discussed the March 30, 2010 letter from Bob Frenier with the Chelsea Health Center concerning a possible future request for a pilot project utilizing an automated dispensing unit. The Board welcomes the proposal.
- c. The Board reviewed the March 19, 2010 E-mail from James Heal concerning whether pharmacies could have containers (Sharps Takeaway Environmental Return System) for drugs returned by patients. He noted the success of a recent drug take back program held in the area. The Board indicated that these containers cannot be located in pharmacies. Pharmacies must take responsibility for expired, misbranded or adulterated drugs and perform reverse distribution through an approved reverse distributor.
- d. The Board reviewed the April 13, 2010 E-mail from Jennifer Williams with Correct Care Solutions, LLC concerning narcotic treatment to opiate dependent pregnant inmates. She also provided a copy of the Department of Corrections Methadone Facilitation Directive. Methadone cannot be provided to patients by local pharmacies. The Board does not license methadone clinics; they are regulated by the Vermont Department of Health.
- e. The Board reviewed the March 29, 2010 E-mail from Michael Omar, Director of Pharmacy, for North Country Health Systems concerning the new Drug Enforcement Administration regulations for e-prescribing controlled substances. The Board noted that if passed, this new regulation would become effective on June 1, 2010 and would allow pharmacists to accept controlled substances with electronic signatures. Prescribers would need new software to comply. Vermont law refers to the federal requirements regarding signatures and other requirements.
- f. The Board reviewed the March 22, 2010 E-mail from Courtney Adams with the Vermont Department of Corrections who asked if the pharmacist or nurse could destroy controlled medications or if they were required to utilize reverse distributors. The destruction of medications at a correctional facility is not under the Board's jurisdiction. The Board noted that the preferred method would be to utilize an approved reverse distributor. They may also wish to contact the Vermont Board of Nursing for more information.
- g. The Board reviewed the April 6, 2010 E-mail from Dr. Paul Newton concerning electronic prescriptions. Pursuant to the new DEA regulations, electronic prescriptions for controlled substances may be permitted as of June 1, 2010. He will be referred to Board Rule 9.9 regarding signature requirements for non-controlled drugs. The signature does not have to appear, but must indicate digitally or electronically that it is signed. The image may indicate a code or other form of ID that identifies the prescriber.
- h. The Board reviewed the April 15, 2010 E-mail from Jocelyn DePaolis-Thivierge concerning the training requirements for Basic Life Support. She said she has had difficulty in finding the courses she needs to update her CPR certification and that because of it they had to reduce their immunization services. The Board reviewed Rule 9.34 concerning what training is necessary for pharmacists to give immunizations. In addition to an accredited training course on immunizations, pharmacists must maintain current training in Basic Cardiac Life Support. Certification by the American Heart Association "Basic Cardiac Life Support" (BCLS) or by the Red Cross "Basic Life Support" (BLS) satisfies the requirements for Rule 9.34. The Board verified that the Red Cross and American Heart Association both include defibrillator in their training. Other programs covering the same criteria would be acceptable. Training on the use of an automated external defibrillator (AED) is required even if the pharmacy does not have an AED.

Many hospitals offer the courses as well. The Board noted that nurses may administer vaccinations if qualified to do so. The Board had no objection to the immunizations occurring at a location in the pharmacy provided that the persons administering the vaccinations are qualified to do so.

- i. The Board reviewed the April 5, 2010 E-mail from Veerle De Coker with BioForm Medical, Inc. concerning the purchase of a sclerosing agent (schedule VI) for the treatment of spider and reticular veins. The Board indicated that anyone with prescriptive authority may prescribe or purchase the drug.
- j. The Board reviewed the April 19, 2010 E-mail from Eric Saharig with QPharma Inc. concerning whether midlevel practitioners (physician assistants, nurse practitioners, etc.) in Vermont may prescribe insulin or other diabetes related products. Nurse Practitioners may prescribe these products.
- k. The Board reviewed the April 20, 2010 E-mail from Marty Irons with Beauchamp & O'Rourke Pharmacy concerning whether pharmacy interns may perform vaccinations/immunizations. He feels interns should be able to give them while under the supervision of preceptor. The Board confirmed that the law requires vaccinations to be performed by a pharmacist. Ms. Eaton mentioned that the issue came up at the regional meeting. The Board noted that it would be willing to consider allowing it in the future which would require a rule change. The matter will be revisited during the next rulemaking process. Similar questions from an Arizona law firm were also asked.
- l. The Board reviewed the April 14, 2010 E-mail from Jennifer Park with Triplei concerning prescription requirements. The name of the pharmacy cannot appear on the prescription blank.
- m. The Board reviewed a few E-mails from hospital, long term care, and retail pharmacies concerning the signature requirements for daily logs and electronic prescriptions. The Board confirmed that daily Schedule II logs must be signed.
- n. The Board reviewed the March 26, 2010 E-mail from Mt. Ascutney Hospital and Health Center concerning compounding. They will be referred to Board Rule 9.22 and Section 10 concerning drugs compounded in a pharmacy.
- o. The Board reviewed the Memo from James Marmar regarding his request for a change in the supervision of Glenn Myer from weekly to monthly. Attorney Novins advised that procedurally, Mr. Myer or his attorney must request a modification to Mr. Myer's Order regarding the supervision portion. They will be advised.

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

- a. The Board discussed the MPJE item writing and the need for an extension. Members develop a few questions for submittal. Ms. Eaton said she spoke with Carmen Catizone at the NABP regarding the plan for reviewing the questions. She will follow-up on this issue at the national meeting in May.
- b. 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, May 26, 2010**. Meeting dates for 2010 are as follows: June 23rd, July 28th, August 25th, September 22nd, October 27th and December 1st.

24. There being no further business, the meeting was adjourned at 2.26 PM.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation