

**Board of Pharmacy**  
Secretary of State, Office of Professional Regulation  
National Life Building, North, Floor 2, Montpelier, VT 05620-3402  
**Unapproved Minutes**  
**Meeting of January 26, 2011**

1. The meeting was called to order at 9:01 A.M.

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

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

Others present: Kerri Ryan with CVS Pharmacies and William Noel with Wal-Mart Pharmacies

2. The Chair called for approval of the Minutes of the December 1<sup>st</sup> meeting. On page 6, item 19(a), the third sentence was amended to read: If they are not under IRB purview, they will need to register as a distributor with the Board. Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the Minutes of the December 1, 2010 meeting as corrected. Motion passed unanimously.

3. **Guests:**

The Board met with Joshua Bolin and Scotti Russell, Consultants from the National Association of Boards of Pharmacy (NABP).

Mr. Bolin and Ms. Russell began conducting an on-site analysis of OPR and the Board's processes and procedures on January 25, 2011. The analysis will give Mr. Bolin and Ms. Russell the opportunity to make suggestions to the Board that will help increase its productivity and assist it in reaching its overall goals as a regulatory body.

The Board explained that certain items often brought before it would be better handled by an actively licensed pharmacist that is hired by OPR as an Executive Director or Consultant. Following are some of the items that were mentioned: assistance with inquiries, legislation and rulemaking, writing articles for the Board's Newsletter, interactions with the Albany College of Pharmacy located in Colchester, Vermont and many more.

Mr. Bolin and Ms. Russell will review the current processes and procedures. Recommendations will be drafted based on their findings and will be sent to the Project Work Team for review.

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

- a. A Summary Suspension hearing was held in the matter of Philip Hoepfner, Docket Number 2011-1. Larry S. Novins presided for the Board. Prosecuting Attorney, Gregg Meyer presided

for the State. The Board went into deliberative session from 9:50 a.m. to 9:57 a.m. A written decision will be mailed. Mr. Vincent, Investigating Member, did not participate in the vote. The Chair recused.

- b. A Summary Suspension hearing was held in the matter of Michael J. Pinsonneault, Docket Number 2010-683. Larry S. Novins presided for the Board. The Board went into deliberative session from 10:13 a.m. to 10:18 a.m. Prosecuting Attorney, Gregg Meyer presided for the State. A written decision will be mailed. Mr. Vincent, Investigating Member, did not participate in the vote.

5. **Reports:**

6. **Follow-up Cases**

Carla Preston, Case Manger, provided updates on current and follow-up cases. There are currently 57 pending cases.

7. **Legislation/Rulemaking:**

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

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

2010-30 and 2010-31 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Ms. Pudvah, 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.

2010-317 - The Board reviewed the Report of Concluded Investigation and voted to recuse itself from further involvement in this particular case. Motion passed unanimously.

2010-112 - 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. Mr. Vincent, Investigating Member, did not participate in the vote.

2010-115 and 2010-116 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Mr. Labor, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. The Chair, Investigating Member, did not participate in the vote.

2010-297 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Mr. Labor, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. The Chair, Investigating Member, did not participate in the vote.

9. **Applications for Licensure as Pharmacists:**

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

Bryan A. Dellaria, PharmD (Endorsement)  
Susana Eng, PharmD (Examination)  
Randy L. Ensley, R.Ph. (Endorsement)  
Edwin K. Ngaruiya, PharmD (Examination)  
Xianglian Ni, R.Ph. (Examination)  
Sarah H. Tashiro, PharmD (Examination)

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

Several Out of State Registered Pharmacist applications with no record of prior disciplinary actions were approved for licensure since the last meeting based on their completed applications. The Board was provided with a list of these individuals. Based on the information provided, Mr. Firlik made a motion, seconded by Mr. Vincent, to approve the applications for registration. Motion passed unanimously.

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

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

- a. Ludlow Pharmacy, Inc., **d/b/a Ludlow Pharmacy**, 57 Pond Street, Ludlow, VT, submitted a new retail pharmacy application. Further documentation and an initial inspection are required.
- b. Pharmacy Network, LLC, **d/b/a Community Health Pharmacy**, 4 Slapp Hill, Hardwick, VT, submitted an application for a new remote location. Further documentation and an initial inspection are required.
- c. Walgreen Eastern Co., Inc., **d/b/a Walgreens #11526**, 514 Farrell Street, South Burlington, VT, submitted a new retail pharmacy application. An initial inspection is required. The Board has reviewed and approved the scale drawing.

11. **Change in Pharmacist Managers:**

Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the following changes in pharmacist managers. The question was called and the motion passed unanimously.

- a. **Hannaford Food & Drug #8162**, (038-3331), located at 80 Fairgrounds Plaza, Morrisville, Vermont, submitted an application for change in pharmacist manager from Steven R. Collins to John E. Joy.
- b. **Kinney Drugs Inc. #21**, (038-1199), located at 82 Pearl Street, Essex Junction, Vermont, submitted an application for change in pharmacist manager from Brian A. Bruyns to Tomi S. Tanghe.

- c. **Kinney Drugs inc. #38**, (038-3143), located at 40 Court Street, Middlebury, Vermont, submitted an application for change in pharmacist manager from Matthew S. Covich to Andrea R. Hubbard MacLauchlan.
- d. **Kinney Drugs Inc. #55**, (038-3310), located at 1653 Williston Road, South Burlington, Vermont, submitted an application for change in pharmacist manager from Patricia A. Bigelow to Matthew S. Covich.
- e. **Kinney Drugs Inc. #69**, (038-3336), located at 600 Blair Park Road, Williston, Vermont, submitted an application for change in pharmacist manager from Cheryl M. Tuiqere to Brian A. Bruyns.
- f. **Kinney Drugs, Inc. #93**, (038-3356), located at 957 Memorial Drive, Saint Johnsbury, Vermont, submitted an application for change in pharmacist manager from Vishwamohan Dharanipathi to Brian Chapin. Approved pending receipt of the signed inventory.
- g. **Rite Aid Pharmacy #10314**, (038-3360), located at 194 North Street, Bennington, Vermont, submitted an application for change in pharmacist manager from Michael D. Ofiara to Louis Valerio.
- h. **Wal-Mart Pharmacy #10-2530**, (038-3279), located at 1 Rutland Shopping Plaza, Rutland, Vermont, submitted an application for change in pharmacist manager from Andrea R. Hubbard MacLauchlan to Amanda J. Siddon.

12. **Non-Resident Pharmacies:**

Several non-resident pharmacy applications with no record of prior disciplinary actions were approved for licensure since the last meeting based on their completed applications. The Board was provided with a list of these facilities and found no issues.

The Board reviewed the following applications with prior disciplinary action. Based on the information provided, Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the non-resident pharmacies for licensure. Motion passed unanimously.

- a. **Cantrell Drug Company**, 7321 Cantrell Road, Little Rock, AR.
- b. **NextRx, Inc.**, 8890 Duke Boulevard, Mason, OH.
- c. **Walgreens Specialty Pharmacy, LLC, d/b/a Walgreens Specialty Pharmacy #12201**, 1143 Highland Drive, Ann Arbor, MI.

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

Several non-resident wholesale distributor applications with no record of prior disciplinary actions were approved since the last meeting based on their completed applications. The Board was provided with a list of these facilities and found no issues.

The Board reviewed the following applications with prior disciplinary action. Based on the information provided, Mr. Vincent made a motion, seconded by Mr. Firlirk, to approve the non-resident pharmacies for licensure. Motion passed unanimously.

- a. **Webster Veterinary Supply, Inc.**, 23048 North 15<sup>th</sup> Avenue, Phoenix, AZ.

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

The Board noted that Hannaford Food and Drug #8357, located at 217 Dorset Street, South Burlington, Vermont, submitted notification of an upcoming remodel. The construction is scheduled to begin on or around March 21, 2011.

15. **Continuing Pharmacy Education Requests:**

The Chair made a motion, seconded by Mr. Vincent, to approve the following continuing pharmacy education request as indicated. The question was called and the motion passed unanimously.

- a. **“OVHA Pharmacy Benefit Management Program DUR Board Meeting”** submitted by Andrew Miller, requesting approval for three (3) live (didactic) continuing pharmacy education credits. The meeting was held on February 9, 2010. The Board issued approval number CPE-035(L)-0111

- b. **“OVHA Pharmacy Benefit Management Program DUR Board Meeting”** submitted by Andrew Miller, requesting approval for two and one half (2.5) live (didactic) continuing pharmacy education credits. The meeting was held on April 13, 2010. The Board issued approval number CPE-036(L)-0111

- c. **“OVHA Pharmacy Benefit Management Program DUR Board Meeting”** submitted by Andrew Miller, requesting approval for two and one half (2.5) live (didactic) continuing pharmacy education credits. The meeting was held on May 18, 2010. The Board issued approval number CPE-037(L)-0111

- d. **“OVHA Pharmacy Benefit Management Program DUR Board Meeting”** submitted by Andrew Miller, requesting approval for two and one half (2.5) live (didactic) continuing pharmacy education credits. The meeting was held on October 26, 2010. The Board issued approval number CPE-038(L)-0111

- e. **“Molecular Diagnostics: New Tools to Rapidly Tailor Antimicrobial Therapy”** submitted by Lisa Jackman with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on October 19, 2010. The Board issued approval number CPE-039(L)-0111

- f. **“Phenytoin Monitoring Standards for Hospitalized Patients”** submitted by Lisa Jackman with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on November 16, 2010. The Board issued approval number CPE-040(L)-0111

**g. “An Update on Oncologic Emergencies”** submitted by Lisa Jackman with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on January 18, 2010. The Board issued approval number CPE-041(L)-0111

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

- a. Angela A. Aubin – The Board reviewed Ms. Aubin’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 219 hours she earned from November 28, 2009 through May 15, 2010, while working at McGregor’s Medicine on Time Pharmacy, located in Winooski, Vermont, with Michele Kartschoke as her Preceptor. Mr. Vincent made a motion, seconded by Mr. Firlik, to approve the **219** internship hours Ms. Aubin has earned. Motion passed unanimously.
- b. Valerie A. Hall – The Board reviewed Ms. Hall’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 522 hours she earned from August 30, 2010 through November 20, 2010, while working at Grace Cottage Hospital Pharmacy, located in Townshend, Vermont, with James S. Heal as her Preceptor. Mr. Vincent made a motion, seconded by Mr. Firlik, to approve the **522** internship hours Ms. Hall has earned. Motion passed unanimously.

**17. Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 545** (1,425 Resident, 121 Non-Resident).

**18. Newsletter Topics!**

The Board reviewed the articles written by the Chair and found no issues. Ms. Preston will draft a disciplinary report for the Newsletter and will include a list of suggestions on how to avoid the common cases that are often brought before the Board.

**19. Miscellaneous Correspondence**

- a. The Board reviewed the December 10, 2010 email from David Simpson. In the email Mr. Simpson explained that the facility where he works has had a few requests from its clients (Nursing Homes) to repackage medications that they have received from other sources. Based on the information provided, the Board considers this to be re-dispensing and is not acceptable. The Board further explained that by doing such the chain of custody would be broken and that the facility would be unable to ensure that the medications have been properly stored and/or handled while in the patient’s possession.
- b. The Board reviewed the December 15, 2010 email from Jocelyn DePaolis-Thivierge, regarding the ability to have medications delivered to another pharmacy to be picked up by the patient. The Board considers this to be central fill processing therefore centralized prescription processing guidelines must be followed.
- c. The Board reviewed the January 13, 2011 email from Daniel Hind, Pharm.D. Dr. Hind is a pharmacist at Kinney Drugs. He explained in his email that he has been put in charge of

training their pharmacists in CPR for immunization purposes. Dr. Hind further explained that he has had several inquiries on whether or not his CPR class would count as live CPE. The Board has advised Dr. Hind to submit the Application for Approval of a Pharmacy Continuing Education Program. The Board further explained that the certification card would not suffice and that Dr. Hind would need to create and provide the participants with certificates that include their names, the date of the program and the Board's approval number should one be issued.

- d. The Board reviewed the January 25, 2011 email from Lisa Lyons regarding prescription refill regulations. The Board explained that according to current law, there are no limits that require the quantity of drugs on a refill to be the same or less than the original fill. The Board also explained that if there are any changes to a prescription, a new prescription is required. The Board's response to Ms. Lyons' question regarding whether there are any requirements for cancelling a prescription was "no." The Board also clarified that there are no differences in Vermont's controlled substance schedules versus the DEA's controlled substance schedules.

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

The Board reviewed various documents from the NABP.

21. **Public Comment:**

22. **Other Business Introduced**

23. The next meeting of the Board is scheduled for **Wednesday, February 23, 2011 at 9:00 A.M.**

Meeting dates for 2011 are as follows: March 23<sup>rd</sup>, April 27<sup>th</sup>, May 18<sup>th</sup>, June 22<sup>nd</sup>, July 27<sup>th</sup>, August 24<sup>th</sup>, September 28<sup>th</sup>, October 26<sup>th</sup> and December 7<sup>th</sup>.

24. There being no further business, the meeting was adjourned at 2:27 P.M.

Respectfully submitted,

Kristy Kemp, Administrative Assistant  
Office of Professional Regulation