

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Approved Minutes
May 30, 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 and Conrad Boucher.

Absent: Earl W. Pease, R.Ph.

OPR Personnel Present: Larry S. Novins, Board Counsel; Edward Adrian, Prosecuting Attorney; Carla Preston, Case Manager; Daniel Vincent, Inspector; Peter Comart, Licensing Administrator, and Aprille Morrison, Licensing Board Specialist.

Others Present: Victoria Okcsanga, Theo Kennedy, Jeff Cohen and Nicole Andreson.

2. The Chair called for approval of the Minutes of the April 25th meeting.

Mr. Vincent made a motion, seconded by Ms. Wernecke to approve the minutes of the April 25, 2012 meeting as amended. Motion passed unanimously.

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

- a. 9:15 A.M. The Board considered a Stipulation and Consent Order in the matter of Fletcher Allen Health Care, Docket Number 2011-492. Larry S. Novins presided for the Board. Prosecuting Attorney, Edward Adrian, was present for the State. The Respondent was represented by Nicole Andreson. The Board went into deliberative session at 9:26 A.M. and out at 9:43 A.M. The Board voted to accept the Stipulation and Consent Order as presented. Ms. Wernecke, Investigative Team Member, and Mr. Firlik did not participate in the vote.
- b. 9:51 A.M. The Board considered an Order for Summary Suspension in the matter of Jeff Cohen, Docket Number 2011-516. Colin Benjamin presided for the Board. Prosecuting Attorney, Edward Adrian, was present for the State. The Respondent was present as well as Mr. Cohen's attorney. The Board went into deliberative session from 10:07 A.M. and out at 10:53 A.M. The Board voted to reject the Summary Suspension Order as presented. Mr. Benjamin informed the participants that written notification of the Board's decision will be sent to all parties, from the Board Chair. Mr. Vincent, Investigating Member, did not participate in the vote. Mr. Novins, Board Counsel, did not participate in the hearing.

4. **Guests:**

- a. Daniel Vincent, Inspector, attended to obtain clarification about Board requirements. Mr. Vincent asked about the two items below:

1) Return of non-controls to the pharmacy for destruction

The Board discussed issues related to the return and destruction of non-controlled substances to pharmacies. The Board's current position is not to endorse this process, however the Board may address this matter in future Rule review and updating. Pharmacies that allow for the return and destruction of non-controlled substances should have policies and procedures addressing this process.

2) Use of the automated flagging / warning software and on hand clinical references

The rule requires that pharmacy software have a system that would flag or warn of allergies or interactions. (*Vermont Pharmacy Rule 11.1(f) A software provision must be implemented that will flag or otherwise warn of allergies or medication interactions*)

Would this flagging / warning software be considered as meeting the requirement for on hand clinical references as outlined in the Rules? (*Vermont Pharmacy Rule 8.14 Reference Library Each pharmacy shall maintain on file at least one reference in each of the categories listed below. Computerized, on-line versions are acceptable instead of a hard copy of the current manual only if made known and accessible to every pharmacist at the pharmacy. Whether in hard copy or computerized, this reference work must be complete and must include an explanation of drug interactions, either in the form of a manual or otherwise:)*

The Board's position is that the flagging / warning software is not the equal of, nor serve as, on hand clinical references. The Vermont Pharmacy Rules require pharmacies to have both software that flags / warns of allergies or interactions and also have on hand clinical references.

- b. Victoria Okcsanga who is a student at Albany College of Pharmacy attended the Board meeting. She asked the Board if they would object to her doing a project regarding take back procedures and proper disposal procedures of medication at a local pharmacy in her area. The Board encouraged her to do so.

5. Case Manager's Report:

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

There are currently 72 cases. 6 are intake of new complaints, 7 are ready for closing, 10 are ready for Investigative Team meetings, 30 are under investigation, 9 are pending charges, 8 have had charges filed and 2 are pending an inspection.

- a. The Board considered a request for removal of conditions in the matter of Hannaford Food and Drug #8355, Docket Number M2010-43. Based on the information provided, Mr. Labor made a motion, seconded by Mr. Vincent, to grant the request for removal of conditions. Motion passed unanimously.

6. COMPLAINTS, review of Reports of Concluded Investigation:

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

- a. 2012-228 - The Board reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Ms. Wernecke, 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.
- b. 2012-47 - The Board reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Mr. Labor, 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.
- c. 2012-49 - The Board reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by the Mr. Labor, 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.

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 has been sent a copy of the draft and will discuss the draft at the June meeting.

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

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

Richard J. Seligman (endorsement)

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

11. **In-State Drug Outlets (pharmacies, wholesalers, manufacturers, etc.):**

- a. Kinney Drugs, Inc., **D/b/a Kinney Drugs, Inc. #107**, located at 47 Executive Drive, Shelburne, Vermont, submitted an application for a new retail pharmacy. Mr. Labor made a motion, seconded by Mr. Firlik, to approve Kinney Drugs, Inc. #107 for licensure as a retail 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. **PetMed Express, Inc. d/b/a/ 1-800-PetMeds**, (036-223), located at 1441 SW 29th Ave Pompano Beach, FL 33069-4820, submitted an application for change in pharmacist manager from Gary G. Koesten to Eddie Khoriaty.

13. Non-Resident Pharmacies:

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

- a. **Vets First Choice, LLC d/b/a Vets First Choice**
- b. **Linden Care LLC**
- c. **Transcript Pharmacy, Inc.**
- d. **IBA Molecular North America, Inc. (Haverhill, MA)**
- e. **IBA Molecular North America, Inc. (Albany, NY)**
- f. **People's Choice Pharmacy, LLC**
- g. **Pentec Health, Inc.**
- h. **Homotech Advanced Therapies, Inc.**
- i. **Complete Pharmacy and Medical Solutions, LLC**
- j. **Healthwarehouse.com, Inc.**
- k. **Triad RX, Inc.**
- l. **IBA Molecular North America, Inc. (Somerset, NJ)**
- m. **HT Three, LLC d/b/a Health Trans Pharmacy**
- n. **Theracom, LLC**
- o. **Sterile Compounding of America**

InfuPharma LLC – application was tabled regarding pending decision through home state licensing Board.

AcariaHealth Pharmacy #12, Inc. – application tabled for complete affirmation for Donald Howard.

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. Vincent made a motion, seconded by Mr. Boucher to approve the following applications for licensure. Motion passed unanimously.

- a. **Diplomat Pharmacy Services**
- b. **Sharp Corporation (7339 Industrial blvd)**
- c. **Genzyme Corporation**
- d. **Sharp Corporation (7451 Keebler Way)**
- e. **Meridian Medical Technologies Inc. (1945 Craig Rd)**
- f. **Meridian Medical Technologies Inc. (8030 Litzsinger Rd)**
- g. **Dixon Shane LLC d/b/a R & S Northeast LLC**
- h. **Merck Sharp & Dohme Corp.**
- i. **Pamlab, LLC**
- j. **MD Logistics, Inc.**
- k. **Terumo BCT, Inc. (formerly Caridian BCT, Inc.)**
- l. **Discus Dental, LLC**
- m. **Trigen Laboratories LLC**
- n. **McKesson Corporation d/b/a McKesson Drug Company (Olive Branch, MS)**

Acme Delivery Service, Inc. d/b/a Acme Distribution Centers, Inc. – a deficiency letter will be sent requesting information regarding follow up from the inspection submitted for Board review.

Unomedical, Inc. – the Board reviewed the application and it appears the company in question only deals with medical devices which the Board does not regulate. The application was given to Carla Preston for follow up.

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

(None)

16. **Continuing Pharmacy Education Requests:**

The Chair made a motion, seconded by Mr. Labor, to approve the following continuing pharmacy education requests. Motion passed unanimously.

- a. **“Medication Safety Pearls: Is it Safe?”** submitted by Clare Coppock with Vermont Society of Health-systems Pharmacists, requesting approval for one and one half (1.5) live (didactic) continuing pharmacy education credits. The conference was held on May 23, 2012. The Board issued approval number CPE031(L)-0530.
- b. **“Statins in the News: What your Patients Heard, What the Evidence Tells Us, and What You Should Do.”** submitted by Erica Counter with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture will be held on June 19, 2012. The Board issued approval number CPE032(L)-0530.
- c. **“Pharmacy and Therapeutics Committee Meeting”** submitted by Erica Counter with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on May 11, 2012. The Board issued approval number CPE033(L)-0530.

17. **Intern/Preceptor application(s):** (None)

18. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 332** (1,241 Resident, 91 Non-Resident).

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

20. **Miscellaneous Correspondence:**

- a. Robert Sherman E-Mail – Vermont’s gift ban and disclosure law. The Board reviewed the e-mail from Mr. Sherman and does not believe there have been any changes, however the gift ban and disclosure law is distributed by the Attorney General’s Office and suggested Mr. Sherman should check there. Aprille will respond.
- b. Ronald DeBellis E-mail – NYS Pharmacist as Immunizer Advocacy Day. The Board reviewed the e-mail from Mr. DeBellis who is asking if interns in Vermont would be able to give immunizations. The Board stated when they do the next Rule revision they will propose language that will require both a supervising pharmacist to be certified to immunize, and the interns who they supervise would also have to be certified. Nothing in the Rule explicitly states this at this time. Aprille will respond.

- c. Scott Clark E-mail – Question regarding drug information fact sheets. Mr. Clark requested clarification from the Board regarding the distribution of drug information sheets at initial prescriptions as well as refills. The Board stated that the drug information fact sheets are not required for any prescription, which includes refills. Drug information fact sheets should not be confused with Medication guides, approved by the FDA, which must be given for new prescriptions as well as refills. Aprille will respond.
- d. Drew Carlson E-mail – FSMB eNews 5-4-12 – This was an information e-mail for the Board. No response required.
- e. Nicholas Baulch E-Mail – Vermont Regulations on Blood Tests. Mr. Baulch requested clarification from the Board as to whether pharmacists could conduct blood tests and administer injections. The Board stated that yes pharmacists could conduct blood tests under the collaborative practice agreement in an institutional setting as well as outside an institution setting per the collaborative agreement. As far as injections pharmacists were only approved to give vaccine immunizations. Aprille will respond.
- f. Jessica Erwin E-mail – Ratio of Pharmacists to Technicians. Ms. Erwin was questioning if there was a law or rule stating how many pharmacy technicians could be under a pharmacist. Vermont does not have a Law or Rule stating a limit or requirement. Aprille will respond.
- g. Emily Rourk E-Mail – Compounding Pharmacies and Central Fill. Ms. Rourk questioned if compounding pharmacies were allowed to participate in central fill practices. The Board stated there is no restriction to prevent compounding pharmacies to participate in central fill practices. However she should reference the FDA rules regarding compounding pharmacies. For example the medicines should be for specific patients not warehoused. Aprille will respond.
- h. Mahnaz Khorrami E-mail – Vermont rules for high school students interested in community services experience in the pharmacy field. Ms. Khorrami wanted to know if high school students would need a Pharmacy Tech license to perform community service at a pharmacy. The Board stated that, yes, these students would be required to have a tech license to perform community service within a pharmacy. Aprille will respond.
- i. Mohawagih E-mail – Pharmacist intern hours outside the United States. This individual questions whether the required hours could be waived or reduced due to out of country experience. The Board stated that the individual would only need 500 hours of experience as they have been licensed out of the country for over 14 years and suggested showing practical experience as well as any intern school hours that were completed. Aprille will respond.

- 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, June 27, 2012** at 9:00 A.M.

The meeting dates for 2012 are as follows: July 25th, August 22nd, September 26th, October 24th and December 5th.

25. There being no further business, the meeting was adjourned at 2:46 P.M.

Respectfully submitted,



Judith Wernecke, Secretary
Vermont Board of Pharmacy