

VERMONT BOARD OF PHARMACY–Approved Minutes
Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402
June 25, 2014 at 9:00 AM

1. The meeting was called to order at 9:03 AM, by Larry Labor, Vice Chair.

Members Present: Mr. Larry Labor, RPh, Vice Chair; Ms. Judith Wernecke, Public Member, Secretary; Mr. King Milne, RPh; Ms. Stephanie Ibey, RPh, and Mr. Robert Carpenter, RPh.

Members Absent: Mr. Jeffrey Firlik, RPh, Chair; and Mr. James Arisman, Esq., Public Member

OPR Personnel Present: Mr. Ronald Klein, RPh, Executive Officer; Mr. Larry Novins, Board Counsel; and Ms. Aprille Morrison, Licensing Board Specialist.

Guests: Judy Barone, Esq., John Walters, Brandon Cigana, Theo Kennedy, Esq. and Heather Shouldice.

2. The Chair called for approval of the Minutes of the May 28, 2014 meeting. Mr. Carpenter made a motion to approve the minutes as amended. Ms. Ibey seconded the motion. Motion passed.

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

Summary Suspension – Brandon Cigana, docket #'s 2013-435 and 2014-165. The Board voted to summarily suspend Mr. Cigana's pharmacist license. A status conference will be held with Mr. Cigana or his attorney in October, 2014.

Hearing – John Walters, docket # 2013-13. The Board voted to indefinitely suspend Mr. Walters' privilege to seek reinstatement of his pharmacist license which has expired.

Review of proposed order for Jeff Cohen. The Board issued a decision setting forth reinstatement prerequisites and conditions should Mr. Cohen's pharmacist license be reinstated.

4. **Report of Concluded Investigation:**

Report of Concluded Investigation 2014-33 and 2014-116. Mr. Carpenter made a motion to accept the report as presented. Mr. Milne seconded the motion. Motion passed. Mr. Labor did not participate in the vote as he was the Investigative Team member.

Report of Concluded Investigation 2014-61. Mr. Carpenter made a motion to accept the report as presented. Mr. Milne seconded the motion. Motion passed. Ms. Ibey did not participate in the vote as she was the Investigative Team member.

Report of Concluded Investigation 2014-43. Mr. Carpenter made a motion to accept the report as presented. Mr. Milne seconded the motion. Motion passed. Ms. Wernecke did not participate in the vote as she was the Investigative Team member.

5. Guests:

10:00 am – Theo Kennedy, Esq. addressed the Board regarding the statutes relating to pharmacy audits by pharmacy benefit managers. Mr. Kennedy related various portions of the statutes which address this issue, and limitations due to federal law. Mr. Kennedy also addressed reimbursement issues, and third party benefits contracts.

6. Case Manager's Report: There are currently 27 active cases. Ten (10) are under investigation, Four (4) are pending closing report (reviewed at today's meeting), one (1) is pending hearing, four (4) are pending investigative team meetings, four (4) have had charges filed and four (4) are in the intake process.**7. Legislation/Rulemaking:**

Pharmacy Technician Discussion – Mr. Carpenter asked this be added as an agenda item for the next meeting as he was still compiling information.

Emergency Contraception Legislation – Mr. Novins will be checking with Legislature and the VT Department of Health to see if the current language can be repealed as the drugs in question are now over the counter medications.


8. Review Applications for licensure: None**9. Executive Officer Report:**

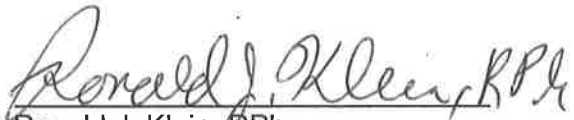
Mr. Klein gave the Board information on reporting for Prescription Monitoring Programs. This was an FYI for the Board.

Mr. Klein spoke to the Board about implementing a Board policy for discipline on drug losses. The Board feels that there are too many of these happening and there are not enough consequences. Mr. Klein will draft a policy and forward it to the Board before the next meeting.

10. Discussion Items: None**11. Mr. Carpenter made a motion to adjourn at 11:52 am. The motion was seconded by Ms. Ibey. Motion Passed.**

Respectfully Submitted:


Judith Wernecke, Secretary
Vermont Board of Pharmacy


Ronald J. Klein, RPh
Executive Officer
Vermont Board of Pharmacy