

Board of Pharmacy
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
Meeting of September 22, 2010

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

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

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

Others present: Anthony Otis, Esq., representing the Vermont Community Retail Pharmacy Coalition; Kerri Ryan with CVS Pharmacies; William Noel with Wal-Mart Pharmacies; Joshua Simonds, Esq; Glenn Myer, R.Ph.; Josh D. Crouse, Complainant.

2. The Chair called for approval of the Minutes of the August 25th meeting. Ms. Pudvah made a motion, seconded by Mr. Pease, to approve the Minutes of the August 25, 2010 meeting as written. Motion passed unanimously.

3. **Guests:**

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

a. A Hearing was held in the matter of Glenn Allen Myer, Docket Number 2009-487. Larry S. Novins presided for the Board. Prosecuting Attorney, Gregg Meyer presided for the State. The Respondent, Glenn Myer, and his Attorney, Joshua Simonds were present. The Board went into deliberative session from 11:34 a.m. to 11:38 a.m., again from 12:50 p.m. to 1:20 p.m. and from 1:45 p.m. to 2:18 p.m. A written decision will be mailed. Jeffrey Firlik was the Investigating Member.

b. The Board considered a Stipulation and Consent Order in the matter of Emery D. Corey, Docket Number 2010-55. Larry S. Novins presided for the Board. Prosecuting Attorney, Gregg Meyer was present for the State. Chairman Vincent made a motion, seconded by Mr. Pease, to accept the Stipulation and Consent Order as written. The question was called and the motion passed. Ms. Eaton, Investigating Member, did not participate in the votes.

c. The Board considered a Stipulation and Consent Order in the matter of Amy L. Haggett, Docket Number 2010-94. Larry S. Novins presided for the Board. Prosecuting Attorney, Gregg Meyer was present for the State. One of the complainants was present. Ms. Eaton made a motion, seconded by Ms. Pudvah, to reject the Stipulation and Consent Order. The Board voted to go into deliberative session at 1:35 p.m. and out at 1:39 p.m. The question was called and the motion passed. Chairman Vincent, Investigating Member, did not participate in the votes.

5. **Reports:**
6. **Follow-up Cases**
7. **Legislation/Rulemaking:**
8. **Complaints/Reports of Concluded Investigations**

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

2010-130 - The Board reviewed the Report of Concluded Investigation. Chairman 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. Labor, Investigating Member, did not participate in the vote.

2010-111 - 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. Mr. Labor, Investigating Member, did not participate in the vote.

2010-127 - The Board reviewed the Report of Concluded Investigation. Mr. Eaton made a motion, seconded by Ms. Wernecke, 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 Pharmacists:**

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

Stephanie R. Clayton, PharmD (Examination)
Kate L. Maxfield, PharmD (Endorsement)
Adam M. Russell, PharmD (Endorsement)
Dennis V. Samuel, PharmD (Examination)
Jeffrey B. Schnoor, PharmD (Endorsement)
Amanda J. Siddon, PharmD (Endorsement)
Brian J. Waldron, PharmD (Examination)

Applications for Registration of Out of State Telepharmacy Pharmacists:

Ms. Pudvah made a motion, seconded by Mr. Labor, to approve the following applicants for registration as Registered Telepharmacy Pharmacists. Motion passed unanimously.

Karen A. Alesch	Sharon A. Brady
Paul T. Concemi	James H. Hamel
Helen A. Lentz	Pauline R. LeVasseur
Edward Reynolds	Derek Sethachutkul

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

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

- a. **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). Initial inspection is required.
- b. Montpelier Pharmacy, Inc., d/b/a **Brattleboro Pharmacy**, 413 Canal Street, Brattleboro, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). A temp license has been issued and is set to expire on October 31, 2010. Additional documentation and a final Inspection are required.
- c. Montpelier Pharmacy, Inc. d/b/a **Montpelier Pharmacy**, located at 69 Main Street, Montpelier, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet) to reflect a change in ownership. An inspection is required.
- d. Montpelier Pharmacy, Inc. d/b/a **Waterbury Pharmacy**, located at 149 South Main Street, Waterbury, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). A temp license has been issued and is set to expire on October 31, 2010. Additional documentation and a final inspection are required.
- e. Vermont CVS Pharmacy, LLC, d/b/a **CVS/Pharmacy #1052**, located at 7 Essex Way, Essex Junction, Vermont, submitted an Application for License to Conduct an In-State Pharmacy (Retail Drug Outlet). A temp license has been issued and is set to expire on October 31, 2010. Additional documentation and a final inspection are required.
- f. Smith & Peck Pharmacy Management Services, Inc., **d/b/a Pete's Pharmacy**, 242 River Street, Unit 9, Springfield, VT, submitted a new retail pharmacy application. Initial inspection is required.

11. **Change in Pharmacist Managers:**

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

- a. **Rite Aid Pharmacy #4159**, (038-3256), located at 4408 US Route 5, Derby, Vermont, submitted an application for change in pharmacist manager from Idona J. Eberhardt to Richard A.M. Coutu.
- b. **Rite Aid Pharmacy #10330**, (038-3376), located at 48 Congress Street, Morrisville, Vermont, submitted an application for change in pharmacist manager from Cheryl H. Smith to Willis J. Breen.
- c. **Rite Aid Pharmacy #10334**, (038-3373), located at 263 Court Street, Middlebury, Vermont, submitted an application for change in pharmacist manager from Farid Rezaei to Jaimi B. Christensen.

- d. **Southwestern Vermont Medical Center**, (037-1579), located at 100 Hospital Drive, Bennington, Vermont, submitted an application for change in pharmacist manager from Laurie L. Lincoln to Christina M. Betit.
- e. Community Health Centers of the Rutland Region, inc., **d/b/a Brandon Community Pharmacy**, (038-65120), located at 420 Grove Street, Brandon, Vermont, submitted an application for change in pharmacist manager from Lester G. Peck to Stefanie D. Buffum.
- f. **Kinney Drugs, Inc. #56**, (038-3311), located at 901 Lower Plain, Bradford, Vermont, submitted an application for change in pharmacist manager from Janeen Wernecke to Deborah A. Sleeper.
- g. Shaw's, **d/b/a Osco Pharmacy #7515**, (038-3316), located at 66 Mountain View Drive, Colchester, Vermont, submitted an application for change in pharmacist manager from William D. Noel to Idalia Rychlik.
- h. **Wal-Mart Pharmacy 10-2682**, (038-3298), located at 282 Berlin Mall Road, Berlin, Vermont, submitted an application for change in pharmacist manager from Dennis Wagner to William D. Noel. (This change was approved pending receipt of the outgoing pharmacist manager's signature on the application)

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. Based on the information provided, Ms. Eaton made a motion, seconded by Mr. Pease, to formally approve those non-resident pharmacies for licensure. Motion passed unanimously.

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

Women's International Pharmacy, 2 Marsh Court, Madison, WI

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. Based on the information provided, Chairman Vincent made a motion, seconded by Ms. Pudvah, to formally approve those non-resident pharmacies for licensure. Motion passed unanimously.

The Board reviewed the following application with prior disciplinary action. Based on the information provided, Chairman Vincent made a motion, seconded by Ms. Pudvah, to approve the non-resident wholesaler/manufacturer drug outlet for licensure. Motion passed unanimously

- a. A-S Medication Solutions LLC, 2401 Commerce Drive, Libertyville, IL.
- b. Nephron Pharmaceuticals Corporation, 78 Spruce Street, Murray, KY.

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

The Board reviewed and noted the following:

Wal-Mart Pharmacy 10-2224, (038-3277), located at 863 Harvest Lane, Williston, Vermont, submitted a notification of change to its upcoming remodel. The project will now involve a temporary location that the store will move into on September 28th. The pharmacy plans to move back into their remodeled pharmacy on October 20th.

Springfield Pharmacy Inc., (038-3324), located at 262 River Street, Springfield, Vermont, submitted a notification of change in hours. The pharmacy has extended their hours effective September 11th. It will now be open 9am to 7pm Monday through Friday, 9am to 5pm on Saturday and 9am to 1pm on Sunday.

15. **Continuing Pharmacy Education Requests:**

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

- a. **“Opiate Drug Abuse and Its Impact on our Vermont Community”** submitted by James Marmar, R.Ph., requesting approval for five and one half (5.5) live (didactic) continuing pharmacy education credit. The program was held on September 10, 2010. The Board issued approval number CPE-030(L) – 0910.

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

Melissa A. Lawrence – The Board reviewed Ms. Lawrence’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 502 hours she earned from May 24, 2010 through August 30, 2010, while working at Kelley Pharmacy, Inc., d/b/a Custom Prescription Shoppe located in South Burlington, Vermont, with Scott W. Brown as her Preceptor. Ms. Eaton made a motion, seconded by Chairman Vincent, to approve the **502** internship hours Ms. Lawrence has earned. Motion passed unanimously.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 451** (1340 Resident, 111 Non-Resident).

18. **Newsletter Topics!**

19. **Miscellaneous Correspondence**

- a. The Board reviewed the email received on September 16, 2010 from Audrey McGregor-Reardon regarding the refill limitations on Vermont Medicaid and other programs run by OVHA. The Board will take this suggestion under advisement and will consider it when it works on its Rules re-write.

- b. The Board reviewed the email received on September 1, 2010 from Lindsay Setliff regarding off-site call centers. The Board indicated that the scenario described in the email is acceptable as long as the technicians are only responding to questions that are administrative in nature (hours of operation, directions, etc.) as well as inquiries about the status of a prescription or refill and take refill requests from customers (when the pharmacy has a refill request on file and no changes has been made to the prescription). The Board noted that according to the email, these technicians will be licensed/registered within the state where they are located. The Board also noted that the call center will not be a pharmacy and will not handle, dispense or compound any drugs.
- c. The Board has tabled the review of the summary report regarding the activities at the remote pharmacy located in Plainfield, Vermont submitted by Jennifer Browe with Community Health Pharmacy. This report will be reviewed at its next meeting.
- d. The Board tabled the review of the email received on September 21, 2010 from James S. Heal regarding Collaborative Practice Agreements. This email will be reviewed at its next meeting.

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

21. **Public Comment**

22. **Other Business Introduced**

23. **Election of Officers**

Chairman Vincent nominated Julie A. Eaton as Chairman. Mr. Pease seconded the nomination. Chairman Vincent nominated Jeffrey P. Firlik as Vice-Chair. Mr Pease seconded the nomination. Chairman Vincent nominated Ms. Pudvah as Secretary. Mr. Pease seconded the nomination. The nominations passed.

Chairman Vincent made a motion, seconded by Ms. Eaton, to allow the Chair to grant or deny a stay or continuance on the Board's behalf. Motion passed unanimously.

Chairman Vincent made a motion, seconded by Ms. Eaton to authorize Board Counsel to grant or deny a stay or continuance on the Board's behalf. Motion passed unanimously.

- 23. The next meeting of the Board is scheduled for **Wednesday, October 27, 2010**. Meeting dates for 2010 are as follows: December 1st.
- 24. There being no further business, the meeting was adjourned at 3:42 PM.

Respectfully submitted,

Kristy Kemp, Administrative Assistant
Office of Professional Regulation