

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 27, 2011

1. The meeting was called to order at 9:05 A.M.

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

Members absent: Larry Labor, R.Ph.

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

2. The Chair called for approval of the Minutes of the March 23rd meeting. Ms. Pudvah made a motion, seconded by Mr. Pease, to approve the Minutes of the March 23, 2011 meeting as written. Motion passed unanimously.

3. **Guests:**

- a. Inspector Daniel Vincent met with the Board regarding pharmacy inspections. Inspector Vincent informed the Board that he is currently working with NABP to develop an inspection process for institutional pharmacies.

Inspector Vincent also asked the Board for guidance on how to handle questions, specifically practice related, when they come up during inspections? He explained that he is often asked questions during the inspection process that he is sometimes unable to answer. He asked the Board how they would like to receive such questions. The Board advised Inspector Vincent to have the individuals submit their questions in writing for the Board to review at its next meeting. Questions should be directed to the Licensing Board Administrative Assistant.

- b. Michael Carroll, R.Ph, with Wilcox Home Infusion attended to discuss renovations to the clean room at their facility located at 250 Stratton Road, Rutland, Vermont. Mr. Carroll inquired about the possibility of re-opening their Williston location as a temporary location until the renovations are completed. The Board explained that this situation was possible; however Wilcox Home Infusion would have to submit a new application for the Williston facility and pay the applicable application fees. The facility would also require an initial inspection prior to opening.

Mr. Carroll asked what requirements and fees would be associated with moving the current clean room to a temporary location within their current facility. The Board explained that written notification would need to be submitted along with a scaled drawing, and the temporary site would require an inspection prior to operating.

Mr. Carroll will submit the appropriate documentation once a decision has been made by the company.

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

b. The Board considered a Stipulation and Consent Order in the matter of Grant Nolan, Docket Number 2010-438 and Rite Aid Pharmacy #10317, Docket Number 2010-437. Larry S. Novins presided for the Board. Prosecuting Attorney, Gregg Meyer was present for the State. Mr. Vincent made a motion, seconded by Mr. Firlik, to accept the Stipulation and Consent Order. The question was called and the motion passed. Ms. Pudvah, Investigating Member, did not participate in the vote.

a. The Board considered a Stipulation and Consent Order in the matter of Frederick W. Doltz, Docket Number 2009-408 and Rite Aid Pharmacy #1174, Docket Number 2009-468. Larry S. Novins presided for the Board. Prosecuting Attorney, Gregg Meyer was present for the State. Mr. Vincent made a motion, seconded by Mr. Firlik, to accept the Stipulation and Consent Order. The Board voted to go into deliberative session at 9:40 A.M. and out at 9:48 A.M. The question was called and the motion passed. The Chair, Investigating Member, did not participate in the votes.

5. **Reports:** (None)

6. **Follow-up Cases**

Carla Preston, Case Manager, provided updates on current and follow-up cases. There are currently 55 pending cases.

7. **Legislation/Rulemaking:**

Attorney Novins provided the Board with the current status of the OPR Bill, H.420.

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

2010-341 and 2010-421 - The Board reviewed the Report of Concluded Investigation. Mr. Firlik made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation. Motion passed unanimously. Mr. Vincent, Investigating Member, did not participate in the vote.

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

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

Linda L. Bhatia, R.Ph. (Endorsement)
Fadi N. Hamad, PharmD (Endorsement)
Nadine Kanyana, PharmD (Endorsement)
Suzanna L. Lunsford, PharmD (Endorsement)
Manu Malik, R.Ph. (Examination)
Robert A. Meyer, R.Ph. (Endorsement)
Luca Pompei, R.Ph. (Endorsement)
Susan E. Yerry, R.Ph. (Endorsement)

Michael J. Laubach, R.Ph. (Endorsement) – The Board reviewed Mr. Laubach's application, documentation of out of state disciplinary history, and Mr. Laubach's explanation of how the

disciplinary matters have been dealt with. The Board was satisfied that Mr. Laubach can be issued a license without restrictions and voted to approve issuing him a license. The Board directed that Mr. Laubach's file be "flagged" so that the prior disciplinary documents may be considered, if necessary, in the future.

George L. Demetroulakos, R.Ph. (Endorsement) – The Board reviewed Mr. Demetroulakos' Application for Licensure as a Pharmacist. Based on the information provided, Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve Mr. Demetroulakos' application for licensure pending passage of the MPJE for Vermont. Motion passed unanimously.

Applications for Registration of Out of State Telepharmacy Pharmacists:

One Out of State Registered Pharmacist application with no record of prior disciplinary actions was approved for licensure since the last meeting based on their completed application. The Board was provided with necessary information about the applicant and found no issues.

10. In-State Drug Outlets:

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

- a. Pharmacy Network, LLC, **d/b/a Community Health Pharmacy**, 4 Slapp Hill, Hardwick, VT, submitted an application for a new remote location. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on April 12, 2011. Further documentation and a final initial inspection are required. Based on the information provided, Mr. Vincent made a motion, seconded by Mr. Firlik, to extend the applicant's temporary permit to May 31, 2011. Motion passed unanimously.
- b. **AADCO Medical Inc.**, 2279 Vermont Route 66, Randolph, VT, submitted an Application for Licensure for Wholesale Distribution of Drugs. Further documentation and an inspection are required. The Board tabled review of the application until further documentation is submitted.

11. Change in Pharmacist Managers:

Mr. Firlik 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 #8398**, (038-3275), located at 78 Marshall Avenue, Williston, Vermont, submitted an application for change in pharmacist manager from Patricia A. Fogg to Melinda S. Malone. (Need copy of signed inventory)
- b. **Hannaford Food & Drug #8121**, (038-3342), located at 260 Court Street, Middlebury, Vermont, submitted an application for change in pharmacist manager from Jack R. Anderson to Patricia Fogg. (Cannot be approved without approval of previous manager change for store #8398)
- c. **Kinney Drugs Inc. #58**, (038-3314), located at 55 Shattuck Hill Road, Newport, Vermont, submitted an application for change in pharmacist manager from Robert C. Ianni, Jr. to Melanie Proulx.

- d. **Kinney Drugs Inc. #93**, (038-3356), located at 957 Memorial Drive, Saint Johnsbury, Vermont, submitted an application for change in pharmacist manager from Brian J. Chapin to Stephanie Ibey.
- e. **Rite Aid Pharmacy #10334**, (038-3373), located at 263 Court Street, Middlebury, Vermont, submitted an application for change in pharmacist manager from Jaimi Christensen Ryan to Shane M. Louis.

12. **Non-Resident Pharmacies:** (None)

13. **Non-Resident Wholesaler/Manufacturer Drug Outlets:** (None)

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

- a. **Price Chopper Pharmacy #171**, (038-3317), located at 214 Northside Drive, Bennington, Vermont, submitted notification of a change in hours. Effective May 2, 2011 the stores hours of operation will be as follows:

Monday through Friday – 8:00 A.M. to 8:00 P.M.
Saturday – 9:00 A.M. to 6:00 P.M.
Sunday – 9:00 A.M. to 3:00 P.M.

15. **Continuing Pharmacy Education Requests:**

Mr. Firlik made a motion, seconded by Mr. Vincent, to approve the following continuing pharmacy education requests. The question was called and the motion passed unanimously.

- a. **“New Ways to Utilize Pharmacy Technicians”** submitted by Lisa Jackman with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture meeting will be held on May 18, 2011. The Board issued approval number CPE-052(L)-0411
- b. **“Gout Treatment Approaches: Reexamined and Updated”** submitted by Lisa Jackman with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The program will be held on May 31, 2011. The Board issued approval number CPE-053(L)-0411

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

Abirami V. Murugavel – The Board reviewed Ms. Murugavel’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 604.62 hours she earned from July 9, 2010 through February 26, 2011, while working at Rite Aid Pharmacy #10321, located in Colchester, Vermont, with Danielle Landry-Fougere as her Preceptor. Mr. Pease made a motion, seconded by Ms. Pudvah, to approve the **604.62** internship hours Ms. Murugavel has earned. Motion passed unanimously.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 600** (1,476 Resident, 124 Non-Resident).

18. Newsletter Topics!

The Board discussed its June Newsletter. Ms. Kemp has drafted an article regarding the upcoming online renewal. Mr. Vincent will work on an article reminding pharmacists to use their independent judgment and not to allow supervisors and/or corporate to pressure them. Mr. Firlik will draft an article regarding patients returning medications to a pharmacy. The deadline is May 2nd.

19. Miscellaneous Correspondence

- a. The Board reviewed the letter from Suzette Burton from Aditya Birla Minacs Worldwide Inc. regarding licensure requirements for a Utilization Review Agent. Based on the information provided the Board has determined that registration for Aditya Birla Minacs Worldwide Inc. is not required at this time.
- b. The Board reviewed the letter from Morgan Belling. Ms. Belling had several questions about Immunization guidelines in the State of Vermont. A response will be sent to Ms. Belling.
- c. The Board reviewed the March 25, 2011 email from Kenneth C. Campbell regarding automatic dispensing in a hospital setting. Mr. Campbell asked if there was a rule that requires 100% final check of dispensed medication by a pharmacist. The Board's response is that the pharmacist is responsible for all functions that occur within the hospital pharmacy.
- d. The Board reviewed the March 25, 2011 email from James S. Heal seeking clarification on who in the State of Vermont is authorized to administer medication. The Board does not regulate the administration of medication beyond immunizations.
- e. The Board reviewed the April 7, 2011 email from Isaac J. Roang. Mr. Roang had several questions about Narcotic Addiction DEA numbers and Suboxone/Subutex. A response will be sent to Mr. Roang.
- f. The Board reviewed the April 11, 2011 email from Isaac J. Roang. Mr. Roang had several questions regarding partial fills of controlled substances. A response will be sent to Mr. Roang and he will be referred to Federal Regulations.
- g. The Board reviewed the April 14, 2011 email from Jaime Mitrani. Mr. Mitrani inquired about the licensure requirements for in-state and out-of-state companies (both entity's being the same company) that ship drugs to each other. The Board referred Mr. Mitrani 26 V.S.A. §2022(17)(A) regarding intracompany sales. Mr. Mitrani also inquired about the licensure requirements for an in-state registered pharmacy that wishes to repackage (convert bulk packages into smaller blister packs), and then ship them to its pharmacies in other states. Based on the information provided, the Board determined that the in-state registered pharmacy would also need to register as a manufacturer.

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

The Board reviewed various documents from the NABP.

21. Public Comment: (None)

22. **Other Business Introduced**

- a. Mr. Comart asked the Board if it had any changes for the draft Consultant job description. The Board saw no issues with the drafted description but wanted to clarify that it prefers that the applicant holds a license to practice as a pharmacist.

23. The next meeting of the Board is scheduled for **Wednesday, May 18, 2011 at 9:00 A.M.**

Meeting dates for 2011 are as follows: June 22nd, July 27th, August 24th, September 28th, October 26th and December 7th.

24. There being no further business, the meeting was adjourned at 1:51 P.M.

Respectfully submitted,

Kristy Kemp, Administrative Assistant
Office of Professional Regulation