

VERMONT BOARD OF PHARMACY– Approved Minutes
Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402
July 26, 2017 at 9:00 AM

1. The meeting was called to order at 9:02 a.m., by Ms. Stephanie Ibey, RPh, Chair.

Members Present: Mr. King Milne, RPh; Mr. Robert Carpenter, RPh, Vice Chair; Mr. Corey Duteau, RPh; Ms. Stephanie Ibey, RPh, Chair; Mr. Michael Carroll, RPh and Mr. James Arisman, Esq., public member

Member(s) Absent: Ms. Judith Wernecke, Secretary, public member

OPR Personnel Present: Aprille Morrison, Licensing Board Specialist and Gabriel Gilman, Esq., General Counsel

Guests: Joe Lavino, Mike Fish, Luca Pompei and Jeff Veronneau

2. The Chair called for approval of the Minutes of the June 28, 2017 meeting. Mr. Carpenter made a motion to approve the minutes as presented. Mr. Milne seconded the motion. Motion passed.

3. **Case Manager's Report:** There are currently one hundred and eighty-seven (187) cases. One hundred and forty-six (146) are in the status of pending investigative team meeting (most of these are the out of state discipline cases), fourteen (14) cases the Investigative Team has recommended closing and those reports are pending, twelve (12) cases are under investigation, nine (9) are pending charges being filed and six (6) are pending a hearing.

4. **Continuing Education Requests:** None

5. **Hearings/Stipulations/Reports of Concluded Investigation:**

Stipulation and Consent Order in the matter of KeySource Acquisition, LLC, docket #2016-608. The Board reviewed the stipulation and consent order presented. Mr. Carpenter made a motion for the Board to go into deliberative session at 9:53 am. Ms. Ibey seconded the motion. Motion passed. The Board exited the deliberative session at 10:20 am. The Board rejected the stipulation and consent order requesting additional information be added and presented to the Board at a later meeting.

Review of Default Order in the matter of Sarah Dunbar, docket #2016-536. Mr. Arisman made a motion to accept the order as presented. Mr. Duteau seconded the motion. Motion passed. Mr. Carpenter did not participate in the vote as he was the Investigative Team member.

Review of Default Order in the matter of Bernadette Lourie, docket #2017-22. Mr. Duteau made a motion to accept the order as presented. Mr. Carroll seconded the motion. Motion passed. Mr. Boardman did not participate in the vote as he was the Investigative Team member.

6. **Discussion Items:**

Notch Pharmacy Communication. Mr. Gilman and Mr. Vincent addressed the Board regarding Notch Pharmacy's request to transport non-narcotic prescriptions to patients. Mr. Gilman, with the assistance of Mr. Vincent, will respond with the additional questions the Board and counsel have as well as inform Notch Pharmacy of the procedures to request the Board make a declaratory judgment.

Remote Pharmacy services to Veterans. Mr. Gilman reviewed a question he received from the Veterans Administration regarding non-resident pharmacists providing counseling services to Vermont patients in their home and whose jurisdiction this would fall under for licensing purposes. After discussion from the Board, Mr. Gilman will request additional information from the Veterans Administration.

Jessica Remillard communication. The Office received a communication from Jessica Remillard regarding a NH facility providing prescriptions to Vermont residents through a Pixys machine located in Vermont and questioning whether the NH facility could bill for the Vermont patients. The Board felt that with the information presented Ms. Remillard should review the remote pharmacy rules and Mr. Gilman will also respond with the procedures to request the Board make a declaratory judgment, should they wish to do so.

Opioid Rules. The Board discussed with Mr. Gilman their concerns with the Opioid Rules that became effective July 1, 2017. Mr. Gilman will reach out to the Vermont Department of Health requesting clarification on policing procedures and invite a representative to a future Board meeting for further clarification.

7. The next meeting is scheduled for Wednesday, August 23, 2017, at 9:00 a.m.
8. Mr. Arisman made a motion to adjourn the meeting at 11:10 am. Mr. Duteau seconded the motion. Motion passed.