

VERMONT BOARD OF PHARMACY–Approved Minutes
Secretary of State, Office of Professional Regulation
89 Main Street, 3rd Floor, Montpelier, VT 05620-3402
August 27, 2014 at 9:00 AM

1. The meeting was called to order at 9:02 AM, by Jeff Firlik, Chair.

Members Present: Mr. Jeffrey Firlik, RPh, Chair; Mr. Larry Labor, RPh, Vice Chair; Ms. Judith Wernecke, Public Member, Secretary; Mr. King Milne, RPh; Ms. Stephanie Ibey, RPh; Mr. Robert Carpenter, RPh; 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: Jason To, Michael Leyden, Anthony Otis, Rebecca Ramos, Tom Dalton and Heather Shouldice.

2. The Chair called for approval of the Minutes of the June 25, 2014 meeting. There being no objection to the minutes as presented they were unanimously approved by the Board.

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

Order for Removal of Conditions – 2012-72 – Mary Catherine Pion. Mr. Carpenter made a motion to accept the order as presented. Mr. Milne seconded the motion. Motion passed. Mr. Labor did not participate in the vote as he was the Investigative Team member.

Order for Removal of Conditions – 2013-381 – Advantage Pharmacy, LLC. Ms. Wernecke made a motion to accept the order as presented. Mr. Arisman seconded the motion. Motion passed. Mr. Firlik did not participate in the vote as he was the Investigative Team member.

Report of Concluded Investigation for 2014-381. Mr. Firlik made a motion to accept the report as presented. Mr. Arisman seconded the motion. Motion passed. Ms. Wernecke did not participate in the vote as she was the Investigative Team member.

Report of Concluded Investigation for 2013-502. Mr. Labor made a motion to accept the report as presented. Mr. Arisman seconded the motion. Motion passed. Mr. Firlik did not participate in the vote as he was the Investigative Team member.

4. **Guests:**

9:30 am – Michael Leyden, Deputy Commissioner of the EMS division from VT Department of Health, came to speak with the Board about Naloxone distribution in Vermont. The Board was also presented with Act 195 and drafts for a memo to licensees, collaborative agreement and standing order by Mr. Klein. The act requires the Vermont Board of Pharmacy to adopt protocols for licensed pharmacists to dispense or otherwise furnish naloxone hydrochloride to patients who do not hold an individual prescription for naloxone hydrochloride. Mr. Leyden explained to the Board and those present what Naloxone is and the benefits of this drug. Mr. Tom Dalton from The Howard Center also joined the discussion with the Board. Mr. Dalton informed the Board that the Howard Center and four other facilities have been part of the VT Department of Health pilot project where they have currently distributed 700 kits of Naloxone. Mr. Leyden informed the Board that currently a minimum of 50 kits have been successfully used in prevention of drug overdoses. The Board reviewed the documentation presented by Mr. Klein and edited the documents. Mr. Klein will amend the documentation and distribute them to the

Board members prior to the September Board meeting. The Board will discuss and vote on the adoption of these documents in September.

Prosecuting Attorney, Gabriel Gilman, addressed the Board regarding the previously presented Administrative Rules changes that the OPR Prosecuting Unit presented in March 2014. Mr. Gilman wanted to clarify with the Board what the Prosecuting Unit interprets the Rules to mean and that for future orders, until the Rules could possibly be amended, there will need to be specific references or exclusions of certain Rules in order for the disciplinary orders to be upheld as the Board intends for them to be.

6. **Case Manager's Report:** There are currently 30 active cases. Nine (9) are under investigation, two (2) are pending closing report (reviewed at today's meeting), four (4) are pending hearing, eleven (11) are pending investigative team meetings, and four (4) are in the intake process.

7. **Legislation/Rulemaking:**

Pharmacy Technician Discussion – Mr. Carpenter distributed information to the Board members prior to the meeting. This information was redistributed to them at the meeting and the Board held a substantial discussion as to where they should go from here regarding the possible requirement for national certification for pharmacy technicians. The Board will review the NABP model rules regarding this and keep this as a discussion topic for the September Board meeting.

8. **Review Applications for licensure:** None

9. **Executive Officer Report:**

Automated Dispensing Units in Nursing Homes. Mr. Klein informed the Board that he has recently received several notifications regarding automated dispensing units being placed in nursing homes in Vermont. The Board reviewed the Administrative Rules for this and found that we will need an explanation from the out-of-state companies showing how they are going to comply with Rules 6.3 e & f and 12.8 through 12.16.

Mr. Klein informed the Board that the pharmacology examination for Naturopathic physicians (ND) will be available shortly for the ND's to begin testing to obtain the prescriptive authority endorsement.

Mr. Klein informed the Board that he and Mr. Vincent attended training for inspection of sterile compounding facilities. He also informed them that he and Mr. Vincent will be headed to Chicago in September for additional training at the NABP facility regarding inspections of sterile compounding facilities.

Mr. Klein reminded the Board members that there is a NABP executive Officer forum in October that he will be attending. There is also the NABP District 1 & 2 meeting, held October 5-7, and he will check with Director Winters to see if the office will cover two members attendance.

Mr. Klein reminded board members of the May 2015 NABP annual meeting. He requested the Board select their delegates at the January, 2015 meeting.

Mr. Firlik reminded members that his term expires in December 2014. Mr. Klein knows of at least one application that has been submitted to the Governor's office and encourages members that if they know of anyone interested to have them complete the application.

Mr. Klein has a conflict for the October Board meeting and requested that the members change the currently schedule date of October 22nd to October 29th. The Board agreed to this change.

10. **Discussion Items:**

Mr. Vincent informed the Board that he will be sending a reminder notice to district managers of chain drug stores and other known pharmacy owners regarding the January, 2015 requirement to have all computer systems updated for the patient information and data collection requirements.

11. Mr. Arisman made a motion to adjourn at 12:47 pm. The motion was seconded by Mr. Labor. Motion Passed.

Respectfully Submitted:



Judith Wernecke, Secretary
Vermont Board of Pharmacy



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