

Board of Pharmacy
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
Meeting of June 24, 2009

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; Ann Overton, Secretary; Larry Labor, R.Ph.; Earl W. Pease, Pharm.D.; Emma J. Pudvah and Jeffrey P. Firlik, R.Ph.

OPR Personnel present: Larry S. Novins, Board Counsel; Gregg Meyer, State Prosecuting Attorney; Daniel Vincent, Inspector; and Carla Preston, Unit Administrator.

Others present: Kerri Ryan with CVS Pharmacies, Anthony Otis, Esq., Margaret A. Caudill-Sloskey, MD, with the Vermont Program for Quality in Health Care, Andy Willett with Hannaford Pharmacies, Mike Fisher with Hannaford Pharmacies, Dr. Robert Hamilton with the Albany College of Pharmacy and Health Sciences (ACPHS) and Owen Foley, student at ACPHS.

Persons present for the Rules Hearing: Anthony Otis, Esq., Kerri Ryan, Matt Byrne, Esq., Audrey McGregor-Reardon, Madeleine Mongan with the Vermont Medical Society, and Inspector Dan Vincent. Participating via phone were Richard Mohall and Amanda Glover with Rite Aid Pharmacies.

2. The Chair called for approval of the Minutes of the May 27th meeting. Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the Minutes of the May 27, 2009 meeting as presented. Motion passed unanimously.

3. **Guests:**

a. 9:15 A.M. - Margaret Caudill-Slosberg, MD, MPH attended the meeting to provide an introduction regarding her role with Critical Access Hospitals. She explained that she works for the Vermont Program for Quality in Health Care and had questions concerning telepharmacy which are addressed in the proposed rules. The information would allow critical access hospitals to explore a relationship with telepharmacy services should they elect to take that path for after hours' service back-up. She said this program supports critical access hospitals. She makes annual reviews. She said she periodically has questions for the Board to bring back to the hospitals.

The Board thanked her and indicated that it was willing to assist as needed.

b. 11:00 A.M. - Dr. Robert A. Hamilton, Associate Dean for the Vermont Campus, Professor, Department of Practice, Albany College of Pharmacy and Health Sciences - Vermont Campus, attended the meeting to provide an update regarding the Vermont Campus. Dr. Hamilton said they reviewed 150 applications and began interviewing students in January. He said the students already have a Baccalaureate Degree and must meet their prerequisites to enter the program. He said they will have about 70 students in the fall. He said the average age of the students is 25 and they are a diverse group from a variety of countries including the United States. He said they were hoping for more Vermont students. He said some Albany students will be transferring to Vermont. They are developing a matriculation with the University of Vermont and Saint Michaels College. He said orientation is on August 29th and classes begin on August 31st. He explained that the four-year program has a standardized set of objectives, training and practical experience.

3. **Guests** - continued

Dr. Hamilton said they have hired father and son As Debellis, Salvatore Moranes and pharmacist Brian Co and third floor of the Bombardier building and is mentioned future plan to build out which would include hall. He said special tables designed for group work data and power. He described the state-of-the-art Vermont and vice versa. They have a conference room

assistant Dean, Ronald A. Debellis and Ronald wles. He said the facility is located on the first about complete. He described the location and lude converting the former library to a lecture rk have been provided and all desks are wired for equipment to provide lectures from Albany to m that will hold 102 people.

In response to the Board's question about continuing off two programs per semester and that live CPEo said they will do mailing to pharmacists in Vermon

ing pharmacy education, Dr. Hamilton said they ffered in Albany would believe in Vermont. He t.

The Board indicated that CPE programs offered on week ends, particularly Sunday afternoons would be great to have in state.

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Dr. Hamilton said the grand opening is during the Board's application and understand that an inspection of the equipment for their mock pharmacy.

week of Labor Day. They are working on the on would be required. Kinney Drugs donated

Inspector Dan Vincents said he needed a few days to new facilities are conducted in two phases, initial Hamilton with a copy of the inspection forms.

ad time for the inspection. He explained that and final after opening. He will provide Dr.

Board members indicated that they are excited about Opening. The Board thanked Dr. Hamilton for attend

the program and hope to attend the Grand ing the meeting and providing an update.

Owen Foley, a student at the Albany College of Pharmacy and Health Sciences, was present. He said he had applied to be an intern and was concerned that his Intern Application was approved at two-month lead time to find out their rotations. He and he was here to represent those concerns as well

rmacy and Health Sciences, was present. He ed that he had not yet received approval. He oday's meeting. He said students have about a esaid other students had also experienced delays .

Ms. Preston apologized for the delays she and other applications were approved at today's meeting.

interns had experienced. Several Intern

c. Inspector Dan Vincents said he has two issues concerning taking calls from doctors/prescribers. He acknowledged that a Pharmacist Intern may take a call from prescribers provided that the supervising pharmacist allows it. He said these two messages left on the line that the prescriber calls in on and prepare the prescription. The Board indicated that the answer is yes but with consideration. The pharmacist on duty must listen to the order left on the answering machine by the rescriber and review the prescription before dispensing.

ncerning taking calls from doctors/prescribers. He sfrom prescribers provided that the dis issue is can a pharmacy technician take off ble caution. The pharmacist on duty must listen rescriber and review the prescription before

Inspector Vincents said he has been asked if distilled water is needed. The matter was discussed. Ms. Eaton agreed to call a manufacturer and will follow-up with the Inspector. She will report back her findings to the Board at the next meeting.

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3. **Guests** - continued

Inspector Vincent said he has also received questions about immunizations. The Board indicated that pharmacists' ability to administer vaccination s/immunizations has been addressed in much more detail in its proposed rules. The authority has been in the scope of practice for many years but with little guidance. The proposed rules cover training requirements and soon.

4. **Hearings/Stipulation *et al.***

a. At 9:30 AM the Board considered the Stipulation and Consent Order in the matter of John C. Ruggles, Docket Number 2008-146 (RX62-0408). The Respondent was not present. Larry S. Novins presided for the Board. Gregg Meyer was presented for the State. Based on the information presented, Ms. Eaton made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order as presented. Motion passed. Chairman Vincent, Investigating Member, did not participate in the vote.

b. At 9:30 AM the Board considered the Stipulation and Consent Order in the matter of Hannaford Food & Drug #355, Docket Number 2008-109 (RX52-0308). Representatives from Hannaford's Pharmacies were present. Larry S. Novins presided for the Board. Gregg Meyer was present for the State. It was noted that some of the dates mentioned in the Order needed correction. The Hannaford's representatives had no objection to the corrections. Based on the information presented, Chairman Vincent made a motion, seconded by Ms. Overton, to accept the Stipulation and Consent Order as amended. Motion passed. Ms. Eaton, Investigating Member, did not participate in the vote.

5. **Follow-up Cases**

6. **Reports:**

A. Chairman Vincent and Ms. Eaton reported on their presentation at the Vermont Pharmacists' Association Annual Meeting held on June 7, 2009. Amy Carlson, Chief Investigator, also gave a presentation at that meeting. They said it was an excellent program which proved to be very helpful and provided good communication to the pharmacy community. They said attendees were very receptive and found it valuable. They noted that questions were raised about the central fill pharmacy in Colchester, pilot projects, and soon. They said pharmacists were pleased that they would not have to maintain hydrocodone inventories but were receptive to the idea of trend comparison to help avoid diversion.

B. The Board discussed its inability to participate in the most recent Multistate Pharmacy Jurisprudence Examination Item Writing Workshop that was held on June 4th and 5th in Chicago. Ms. Eaton said she attempted to email the contact person at the National Association of Boards of Pharmacy but it was returned. She said she will follow-up by phone to determine alternatives. The Board discussed the NABP's proposed change in the process to have pharmacists review questions at home versus attending a conference where board members of participating states are present. In the past two members of the Board attended the three-day conference for an intense review of 2200 questions. The NABP is now asking board members to do it on their own at home. Members agreed that it would be very difficult to review or create examination questions at home on their own and preferred the conferences setting. Members also found that the net working among other states' representatives at such a conference was very valuable and beneficial. Members will send in comments to the NABP that process and state their preference of the conferences setting. The Board was mindful that a handful of states have financial or travel restrictions which may have to use alternate methods.

6. **Reports** - continued

The Board was concerned that its new questions base on the new rules would not be incorporated timely. Questions need to be written to go into the question pool at the end of September or the beginning of October. The exam questions have been cleaned up over the past few years which have been evident from an increased pass rate and higher passing scores. The Board acknowledged that it is very important to keep the examination questions up-to-date.

7. **Legislation/Rulemaking:**

1:00 P.M.—A public hearing regarding the Final Proposed Administrative Rules was held. Larry Novins explained the procedure and noted that the Board would discuss the comments and that its decision about a comment would be included in the cover page to the Legislative Committee on Administrative Rules. He asked attendees to also submit their comments in writing.

Comments to the proposed rules included but not limited to changing basic life support back to CPR, collaborative practice, the age limit on immunizations, definitions for institutional and long term care pharmacies, generic equivalent and formulary, definitions and roles of technicians, telepharmacy, signage, and the inspection requirement for wholesalers. Details about the questions/comments and the Board's responses will be included in the final documents with LCAR. The Board also reviewed and discussed a few written comments received today. Attorney Novins indicated that the written new rules are in effect and a hard copy of them will be sent to licensees and posted on the Board's Web site.

The Board discussed the new law (S. 48) regarding Therapeutic Equivalent and the new board to be established consisting of members from the Office of Vermont Health Access-Drug Utilization Review Board, the Vermont Pharmacists' Association and the Board of Medical Practice. The list of drugs to be approved by Board of Medical Practice and the Board of Pharmacy. The new board has until January 15, 2010 to submit its first draft. The Board indicated that therapeutic substitution is very different than generic substitution. The Board noted that it will change how they practice pharmacy.

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

9. **Applications for Licensure as a Pharmacist :**

Ms. Eaton made a motion, seconded by Ms. Pudvah, to take action as indicated regarding the following applicants for licensure as pharmacists. Motion passed unanimously.

Helena Ann Scheffel, PharmD (Score Transfer)—Approved for licensure.
William T. Watts, R.Ph., N.Ph. (Endorsement)—Approved to sit for the MPJE.

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

11. **Change in Pharmacist Manager:**

Staff contacted the pharmacy listed below and asked for a copy of the signed inventory which was later faxed to the Board. Chairman Vincent made a motion, seconded by Ms. Overton, to approve the change in pharmacist manager indicated below. The question was called and the motion passed unanimously.

a. **Rite Aid Pharmacy #10338**, (038-3377), located at 59 Waterfront Plaza, Newport, Vermont, changed pharmacist managers from Melissa Frizzell to Stephen Grant.

12. Non-Resident Pharmacies:

Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the non-resident pharmacies (b) through (e) for licensure. The Board found (a) Apothecary Holdings, Inc. to be incomplete. Motion passed unanimously.

- a. **Apothecary Holdings, Inc. dba Apothecary Shop of Deer Valley**, 23620 N. 20th Dr. #12, Phoenix, AZ. The application did not include its DEA number and did not provide the license number of the pharmacist manager. They will be notified.
- b. **Corporate Pharmacy Services**, 319 Broad Street, Gadsden, AL.
- c. **IVP Care Northeast, Inc.**, 260-D Fordham Road, Wilmington, MA.
- d. **PETNETS Solutions, Inc.**, 268 W Cummings Park, Woburn, MA.
- e. **Positudes, Inc.**, 1757 Merrick Avenue, Merrick, NY.

13. Non-Resident Wholesaler/Manufacturer Drug Outlets:

Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the following non-resident wholesale distributors and/or manufacturers for licensure based on their completed applications. Motion passed unanimously.

- a. **Ace Surgical Supply Company, Inc.**, 1034 Pearl Street, Brockton, MA
- b. **Allergan USA, Inc.**, 1800 Waters Ridge Drive, Lewisville, TX.
- c. **Apac KY LLC dba Apac Packaging LLC**, 12954 Fountain Run Road, Fountain Run, KY.
- d. **C.R. Bard, Inc.**, 14201 Lochridge Blvd., Covington, GA.
- e. **Corporate Services, Inc.**, 5681 West Cleveland Road, South Bend, IN.
- f. **Cypress Pharmaceutical, Inc./Hawthorn Pharmaceuticals**, 135 Industrial Blvd., Madison, MS.
- g. **IVP Care, Inc.**, 7164 Technology Drive, Suite 100, Frisco, TX.
- h. **Keuhne+Nagle, Inc.**, 4575 Lake Mirror Place, Forest Park, GA.
- i. **Reckitt Benckiser, Inc.**, 14801 Sovereign Road, Fort Worth, TX.
- j. **3M SPEDental Products**, 2501 SE Otis Corley Drive, Bentonville, AR.

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

- a. The Board reviewed and noted the June 12, 2009 letter stating that Anazao Health Amarillo, Tampa, FL has closed.

15. Continuing Pharmacy Education Requests:

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

- a. The Board approved the following Continuing Pharmacy Education Requests submitted by Karen McBride, R.Ph. with Fletcher Allen Health Care.
 - **“Hot Topics for Pharmacy Practice: A Year Long Review of Significant Trials,”** offered on June 16, 2009 was approved for one hour of didactic CPE credit. The number issued is CPE 339(L)-0609.
 - **“Academic Detailing—the Vermont Experience,”** offered on May 19, 2009 was approved for one hour of didactic CPE credit. The number issued is CPE 340(L)-0609.

15. **Continuing Pharmacy Education Requests** - continued

- **“Highlights from PICAT 2008 (Pharmacy Invitational Conference on Antithrombotic Therapy),”** offered February 19, 2009 was approved for one hour of didactic CPE credit. The number issued is CPE 341(L)-0609.
- b. **“7th Annual Northern New England Critical Care Conference,”** submitted by the University of Vermont, was approved for 13.75 CPE didactic credit to be held on October 22-24, 2009. The approval number issued is CPE 342(L)-0609.
- c. The Board reviewed the following Continuing Pharmacy Education Requests submitted by Kevin Dempsey, R.Ph. The Board noted that these programs have been approved by the New Hampshire and Maine Boards of Pharmacy, thus do not require Board approval (Part D of the Rules).
 - **“Pharmacy Regulations in Maine: Who is Looking at What?”** held on April 30, 2008 was approved for 1 hour of didactic CPE credit. The approval number issued is CPE 344(L)-0609
 - **“Antimicrobial Stewardship”**– held on June 6, 2008 was approved for 2 hours of didactic CPE credit. The approval number issued is CPE 345(L)-0609
 - **“Pharmacy Distribution: Insider Info You Need to Know”**– held on September 15, 2008 was approved for 2 hours of didactic CPE credit. The approval number issued is CPE 346(L)-0609
- d. **“Vermont DUR Meeting,”** submitted by Lynne C. Vezina, requested approval for two and a half hours of live (didactic) continuing pharmacy education credit for her participation in the Office of Vermont Health Access (OVHA)-DUR Board meetings. After some discussion, the Board concluded that separate CPE numbers would not be required for different DUR Board members participating in the same meeting. Each meeting must be submitted for approval and will receive its own CPE number. DUR Board members attending the same meeting need not each request separate approval. The Board also concluded that CPE approval would not be extended to attendees or staff, only to DUR Board members. The Board noted that with the exception of the February 12, 2008 meeting, the meetings Ms. Vezina requested have already been submitted and previously approved for didactic (live) continuing pharmacy education credits.
 - February 12, 2008–OVHA–DUR Board Meeting, (2.5 hours), No. issued: CPE 343(L)-0609
 - April 1, 2008 –OVHA–DUR Board Meeting, (2.5 hours), No. issued: CPE 307(L)-0508
 - May 13, 2008–OVHA–DUR Board Meeting, (2.5 hours), No. issued: CPE 309(L)-0608
 - June 10, 2008–OVHA–DUR Board Meeting, (3 hours), No. issued: CPE 317(L)-1008
 - September 9, 2008–OVHA–DUR Board Meeting, (2.5 hours), No. issued: CPE 318(L)-1008
 - January 13, 2009–OVHA–DUR Board Meeting, (2.5 hours), No. issued: CPE 326(L)-0209
 - February 10, 2009–OVHA–DUR Board Meeting, (2.5 hours), No. issued: CPE 335(L)-0409
 - March 24, 2009–OVHA–DUR Board Meeting, (2 hours), No. issued: CPE 337(L)-0509
- f. **“Vermont DUR Meeting,”** submitted by Andrew Miller, was approved for two hours of live (didactic) continuing pharmacy education credit for his participation in the Office of Vermont Health Access (OVHA)-DUR Board meeting which was held on May 12, 2009. The approval number issued is CPE 347(L)-0609.

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

Ms. Pudvah made a motion, seconded by Ms. Overton, to approve the following Intern and Preceptor applications as indicated. The Board noted that although more than one preceptor may be approved for an Intern, only one preceptor per Intern per location is required. The approved Preceptor must accept responsibility for the Intern and sign off on his or her internship hours. The Intern application must be updated to indicate whether the internship is part of the Intern's school rotation hours or part of the non-school hours required. The question was called and the motion passed unanimously.

- a. **Bousquet, Marc D.**— submitted an Application for Registration of Intern
- b. **Carelli, Traci E.**— submitted an Application for Registration of Intern
- c. **Clayton, Stephanie R.**— submitted an Application for Registration of Intern
- d. **Egan, Allison R.**— submitted an Application for Registration of Intern
- e. **Foley, Owen E.**— submitted an Application for Registration of Intern
- f. **Gagne, Andrew M.**— submitted an Application for Registration of Intern
- g. **McCormack, Katherine C.**— submitted an Application for Registration of Intern
- h. **Poulin, Kristin M.**— submitted an Application for Registration of Intern
- i. **Tipper, Kayla M.**— submitted an Application for Registration of Intern
- j. **Vadehra, Sabrina**— submitted an Application for Registration of Intern
- k. **Irons, Martin J.**— submitted an Application for Registration as a Preceptor
- l. **Simpson, Steven A.**— submitted an Application for Registration as a Preceptor
- m. **Brewer, Eric**— submitted an Application for Registration as a Preceptor
- n. **Smith, Ethan J.**— submitted an Application for Registration of Intern
- o. **Covich, Matthew**— submitted an Application for Registration of Intern
- p. **Gupton, Raina E.**— submitted an Application for Registration as a Preceptor
- q. **Buffum, Stefanie D.**— submitted Intern's Evaluation and Preceptor's Affidavit of Internship Hours and was approved for the 259 hours she earned at Waikanae in Rutland during the period of May 9, 2008 through June 19, 2009. The total number of hours she has earned is 503.3 hrs.
- r. **Frank, Katherine S.**— submitted Intern's Evaluation and Preceptor's Affidavit of Internship Hours and was approved for the 500 hours she earned at Kinnelburg in Bradford during the period of March 26, 2009 through June 12, 2009. The total number of hours she has earned is 500 hrs.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,556** (1305 Resident, 251 Non-Resident).

18. **Newsletter Topics!**

Topics for the next issue of the Newsletter and will include a reminder to check OPR's Website when hiring pharmacists, technicians, etc. to verify license and good standing. The Board will also highlight the mandatory reporting requirement and other important changes in its Administrative Rules to be effective October 1, 2009. The Board agreed that one sign is sufficient to cover controlled substances and disclosure, counseling, and telepharmacy. A sample sign will be included in the newsletter if possible and will be posted on the Board's Website.

The Board will also mention the new law regarding therapeutic equivalent and the new board to be established consisting of members from the OVHA-DUR, the VPA and the Medical Board.

19. **Miscellaneous Correspondence**

- a. The Board reviewed and approved the updated Preceptor Application. As mentioned in earlier meetings, at renewal time the Board will ask all pharmacists who are recurrently registered Preceptor or interested in becoming Preceptor to complete the new application. A Preceptor credential will be added to their pharmacist licensure which must be renewed every two years along with their pharmacist credential.
- b. The Board reviewed the June 15, 2009 email from Sue Forrest regarding her difficulty in having her prescription from a Canadian physician filled by a pharmacy in Vermont. The Board noted that the Canadian physician must have a US DEA to write a prescription for a controlled drug. Non-controlled prescriptions may be filled at any Vermont pharmacy.
- c. The Board reviewed the June 1, 2009 email from Brian Krauss, Marketing Tally located in Bellevue, WA, concerning pharmaceutical waste disposal at correctional institutions and long term care facilities. The disposal of pharmaceutical waste is taken care of through contracted facilities.
- d. The Board reviewed the June 16, 2009 email from Paulette O'Bryan with Capital Connections, LLC, Montpelier, VT, regarding S. 48 Therapeutic Equivalent Drug Group. The Board discussed this new statute earlier. The newly created Therapeutic Equivalent Drug Group would consist of two physicians, two pharmacists chosen by the VPA, and three representatives from the Drug Utilization Review Board. The Board understood that its role is to review the final report submitted by this newly created board.
- e. The Board reviewed the June 12, 2009 email from Lisa Tardi with Express Scripts concerning consolidation of refills. It is permitted as long as it is not a controlled substance.
- f. The Board reviewed the June 7, 2009 letter and supporting documentation from Technician Cristiana Bach-Sartorello requesting approval of the pharmacy technician continuing education. The Board noted that technicians certified with the PCTB need CE but it does not require Board approval. Continuing education is not required by the Board for technicians.
- g. The Board suggested creating a form for Mandatory Reporting of Unprofessional Conduct similar to the Vermont Board of Nursing's form and posting it on its Website. Ms. Preston will draft a form for the Board's review.

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

- a. The Board reviewed and noted miscellaneous NABP correspondence.

21. **Public Comment**

Comments from guests were addressed above.

22. **Other Business Introduced**

23. The next meeting is scheduled for **Wednesday, July 22, 2009** at ~1:00 PM.

24. There being no further business, the meeting was adjourned at 3:20 PM.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation