

**BOARD OF PHARMACY**  
Secretary of State, Office of Professional Regulation  
89 Main Street, 3<sup>rd</sup> Floor, Montpelier, VT  
**Approved Minutes**  
**January 28, 2015**

1. Larry Labor called the meeting to order at 9:03 a.m.

Members Present: Mr. Larry Labor, RPh, Chair; Mr. King Milne, RPh, Vice Chair; Ms. Judith Wernecke, Public Member, RPh; Ms. Stephanie Ibey, RPh; Mr. Robert Carpenter, RPh; Corey Duteau, RPh; and Mr. James Arisman, Esq., Public Member.

OPR Personnel Present: Larry Novins, Board Counsel; Carla Preston, Case Manager; Gabriel Gilman, former Prosecutor, currently Board Counsel; Lauren Hibbert, Chief Prosecutor; Daniel Vincent, OPR Inspector; Colin Benjamin, Director; Christopher Winters, Deputy Secretary of State; and Peter Comart, Licensing Administrator.

Guests: Lisa Brouillette Hurteau; Silene Thivierge; David Englander, Senior Policy and Legal Advisor, DOH; Sarah Vose, Toxicologist, DOH.

2. Larry Labor moved to approve the minutes of the December 17, 2014 Board meeting. After hearing no objections the Chair approved the minutes.
3. Rob Carpenter moved and Stephanie Ibey seconded a motion per 1 V.S.A. § 313(3) to go into executive session with Board counsel, the Director of OPR, the Deputy Secretary of State, and Carla Preston to discuss the appointment or employment or evaluation of a public officer or employee. The Board approved the motion 7-0. When the Board concluded the executive session, Larry Labor and King Milne made a motion asking the Director of OPR to report to the Board and present a proposal of how the Executive Director duties may be handled in the future. The motion was adopted 7-0.

4. **Hearings/Stipulations:**

Motion to vacate the order in the matter of Kenneth R. Krauss, Docket No. 2014-706  
Corey Duteau and Robert Carpenter recused themselves.

Lauren Hibbert was present to represent the State, joined by former Prosecutor, Gabriel Gilman.

The Chair moved to go into deliberative session. After hearing no objection the Board went into deliberative session.

At the conclusion of the deliberative session Larry Novins stated that a written decision of the Board will be issued.

5. **Report of Concluded Investigation/Order for Removal of Conditions:** None

6. **Guests:**

10:30 am – David Horton – VPMS request for DEA numbers

David Horton was unable to attend. Larry Novins informed the Board that he had discussions with Mr. Horton and VPMS is trying to determine who has not registered. They have requested a list of licensees with DEA numbers. Since OPR does not have a complete list at this time, OPR is changing the initial licensure process and the renewal licensure process to capture this information. Pharmacies will be required to provide OPR their DEA number before they open. They will also have to provide their DEA number upon renewal.

11:00 am – Dawn Philibert – Department of Health – Amendment to Regulated Drug Rule

Dawn Philibert was unable to attend. David Englander, Senior Policy and Legal Advisor for the Department of Health and Sarah Vose, Toxicologist for the Department of Health came in her stead to discuss the Regulated Drug Rule. Every year, January 1st, the Department of Health will amend the list

of regulated drugs. Otherwise, the Department of Health will use the emergency rule procedures if the Regulated Drug Rule needs to be amended. The Department of Health has come to the Board for consultation and approval of the list of regulated drugs.

Robert Carpenter moved and James Arisman seconded a motion to approve the list of regulated drugs presented to the Board.

Naloxone Update. Larry Novins informed the Board that he and David Englander have been working on a proposal. Larry Novins proposed specific language that he and David Englander discussed that would allow Pharmacist to be considered as a health care professional under statute. Larry Novins read the proposed language for the Board.

James Arisman moved and Robert Carpenter seconded a motion to accept proposed changes.

Larry Novins and David Englander also informed the Board about their work on a specific dispensing protocol. One of the provisions would allow a Pharmacist to dispense a kit to any individual 12 years of age or older.

7. **Case Manager's Report:** Carla Preston, Case Manager, to report on current cases.

Carla Preston presented the current status of cases:

34 total pending cases

9 – are ready for an Investigative Team  
18 – are with the Investigators  
4 – are pending charges  
2 – charges have been filed  
1 – is on hold

8. **Legislation/Rulemaking:**

Pharmacy Technician Rules Draft Review and Approval – Larry Novins

Larry Novins and Dan Vincent proposed some changes to the Rule for the inspection process to make the Rules more consistent with practice and ensure that OPR gets the DEA number for a pharmacy before it can open.

Rule 7.2 (h) would now be its own rule 7.3. Rule 7.4 will require a pharmacy to submit their DEA number before it can open.

The Board revised section 10.8 to read: “may be communicated in written, oral or electronic form...” As permitted by fed law as long as the pharmacy has the correct software”

Rule 9.16. The inspections should occur bi-annually.

James Arisman moved and Larry Labor seconded a motion to approve the above Rule changes.

9. **Review Applications:** None

10. **Continuing Education Requests:**

“**Breathe Easier: A COPD Review**” – Submitted by Lisa Jackman, University of Vermont Medical Center. Requesting one half (.05) hour of live (didactic) continuing pharmacy technician education credits. The lecture was held January 22, 2015.

“**Vermont Geriatrics Conference**” – Submitted by Michele Morin, UVM Continuing Medical Education. Requesting seven and a quarter (7.25) hours of live (didactic) continuing pharmacy education credits. The lecture will be held April 14, 2015.

Larry Labor moved and Robert Carpenter seconded a motion to approve the above continuing education requests.

11. **Newsletter Topics:**

Larry Labor informed the Board that February is the deadline for the March newsletter.

The Board would like to get the proposed rule changes regarding electronic prescribing in newsletter.

12. **Discussion Item:**

GAO Report and Teleconference – Colin Benjamin

The Board reviewed the questions the GAO asked and Larry Novins will communicate with the GAO with the answers.

13. **Correspondence:**

Uzo Onwuchekwa – Regulation of Sales Offices - No, a sales office is not required to have a license.

Christine Forgues Schlenker – Question about prescription device samples. Board does not regulate medical devices.

Brendan Carroll – Licensing for Reverse Distributors – A reverse distributor is not required to be licensed as a wholesale distributor in Vermont.

Ji Chen – Question regarding medical marijuana use in a hospital setting. It is not within the authority of the Board to set hospital policy.

Ji Chen – Remote pharmacy support question – It is not within the authority of the Board to set hospital policy or specify procedures that involve quality of care. The Board suggests consultation with your legal counsel.

Adam Christophe – transfer coupons – No, the Board does not have any rules on this subject.

Tom Lopac – Prescription medical device licensure – The Board does not regulate medical devices.

Dawn Philibert – Amendment to Regulated Drug Rule. This was approved by the Board earlier.

Heather Shouldice – CII – amendments to rules – The proposed Rule changes discussed earlier will address this.

Joanne Ryan – The Board has never addressed this question. This issue is not within the jurisdiction of the Board, so the Grace Cottage Hospital might want to consult legal counsel.

14. **Public Comment - None**

15. The next meeting is scheduled for **Wednesday, February 25, 2015**, at 9:00 a.m.

16. Adjourn

The Chair called for the meeting to adjourn at 1:28 p.m.

**2015 Meeting Dates**

February 25, March 25, April 22, May 27, June 24, July 22, August 26, September 23, October 28, and  
December 16

