



# **Board of Pharmacy**

## **Office of Professional Regulation, Vermont Secretary of State**

89 Main Street, 3<sup>rd</sup> Floor • Montpelier, VT 05620-3402

<https://sos.vermont.gov/opr/>

### **Meeting Minutes**

#### **\*Remote Meeting\***

**Wednesday, October 26<sup>th</sup>, 2022 at 9:00 a.m.**

#### **Call to Order**

The meeting was called to order at 9:04 A.M., by Michael Carroll, RPh, Chair.

**Members Present:** Stephanie Ibey, RPh, Secretary (via web); Robert Carpenter, RPh, Vice Chair (via web); Corey Duteau, RPh (via web-left prior to adjournment); Catherine Haraden, CPhT (via web); James Arisman, Esq., public member (via web); Wendy Magee, public member (via web), and Michael Carroll, RPh, Chair (via web).

**Members Absent:** Olivia Sprague, Rph.

**OPR Personnel Present:** Carrie Phillips, Executive Officer (via web); Gabriel Gilman, General Counsel (via web); Julie Bowen, Docket Clerk (via web); Derek Everett, Chief OPR Inspector (via web), and Corey Young, Licensing Administrator II (via web).

**Guests:** Grace Sesi (via web), Kenna Hausler (via web), Jason Springham (via web), Julie MacDougall (via web), Jessica Adams (via web), Abdullah Rifai (via web), Sarah Everingham (via web), Mike Fish (via web), and Amy Yanicak Stoll (via web).

#### **1. Changes to the Agenda:** None

#### **2. Approval of previous minutes:**

The Chair called for approval of the minutes for August 24<sup>th</sup>, 2022 as presented. Without objection, the minutes were approved.

#### **3. Discipline:**

- 9:30am – *In re: Tammy L. Small*, Docket no. 2022-36; Default Order

Mr. Carpenter moved to adopt the default order as presented. Ms. Haraden seconded the motion. Motion passed unanimously. Ms. Ibey recuses from the vote.

#### **4. Executive Officer Update**

- The Board had no questions about the EO report or recent license approvals.

#### **5. Quarterly Inspection Report** – Inspector Everett presented his quarterly inspection report to the Board.

- **Investigative and Research Project Licensees**

- OPR will draft language for the Board to review on Inspector expectations associated with the very small number of outstanding Investigative and Research Project licensees. This language will be presented at the next Board meeting.

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- **Information Collection by Inspectors re DEA Biannual Inventory Requirements**

- Mr. Everett asked for clarification as to whether inspectors can ask for a time stamp for inventory counts. After discussion with counsel, the Board opined that it is within the authority of the inspector to request reasonable documentation tending to confirm or disconfirm compliance with the regulation—in this case, a regulation requiring that an inventory be done

at the beginning or end of the day. Failure to time-stamp inventory documentation is unlikely to be an independent basis for discipline, but may lend itself to negative inferences if an inventory is discrepant.

## 6. Topics for discussion:

- **Officer Elections:**

- **Chair: Michael Carroll** - Mr. Arisman & Mr. Carpenter nominated Michael Carroll for Chair. All Present Board members approved the nomination.

**Vice Chair – Robert Carpenter** - Mr. Carroll nominated Robert Carpenter as Vice Chair. All Present Board members approved the nomination.

**Secretary – James Arisman** - Mr. Carpenter nominated James Arisman as Secretary. All present Board members approved the nomination.

- **Act 131 “an act relating to pharmacy benefit management,” sec.5(a)(4)**

- Act 131 called for the Department of Financial Regulation to consult with the Board to determine whether administrative rule amendments creating new license categories or restrictions would be necessary as a result of its provisions. The matter was discussed and debated, among members and counsel, after which Mr. Carpenter moved that the Board adopt the following consensus statement:

*The Board of Pharmacy is aware of Act 131 of 2022 and grateful for the Legislature's invitation to consult with the Department of Financial Regulation on regulatory needs that may flow from the Act. Fortunately, the Act coincides with a strike-and-rewrite update to the Board's administrative rules. The Board does not believe any new license type or regulated category of pharmacy practice is made necessary by the Act. We are confident the rulemaking process actively underway will afford opportunity for further discussion and public input informed by awareness of the new legislation.*

Mr. Duteau seconded the motion. Motion carried unanimously. The statement will be shared with DFR.

- **Review First Consolidated Draft of Administrative Rule**

- Ms. Phillips, Mr. Gilman, and the Board finished reviewing and amending the draft administrative rules.

## 7. Other Business

- Ms. Phillips updated the Board on recent NABP emails about changes to Schedule II prescriptions after oral consultation with the prescriber and NABP's Interoperability system for assisting licensees with that requirement of the DSCSA
- Mr. Carpenter gave an overview of the NABP district meeting.

## 8. Public Comment

- Amy Stoll had questions on the collaborative practice portion of the draft rules.
- Jessica Adams asked for a copy of the draft rules and inquired about public comment on the rules.

## 9. Next Meeting topics:

- Investigative and Research Project Licensees – Inspection Expectations
- Newly published revisions of USP General Chapters <795> and <797>

**10. Adjournment:**

Mr. Carpenter moved to adjourn the meeting at 12:52pm. Mr. Duteau seconded the motion. The motion passed unanimously.

Next Scheduled Meeting –Wednesday December 7<sup>th</sup>, 2022

Please check the [OPR Meeting Calendar](#) for updates