

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
UNAPPROVED MINUTES
Meeting of October 22, 2008

1. The meeting was called to order at 9:00 AM.

Members present: Steven M. Vincent, R.Ph., Chairman; Julie A. Eaton, R.Ph., Vice-Chair; Ann Overton, Secretary; Jeffrey P. Firlik, R.Ph.; Earl W. Pease, Pharm.D.; and Emma J. Pudvah. Absent: Larry Labor, R.Ph.

OPR Personnel: Larry S. Novins, Board Counsel; Carla Preston, Unit Administrator; Gregg Meyer, State Prosecuting Attorney; Amy C. Carlson, Chief Investigator; Danie IVincent, Inspector; and Kristy Kemp, Administrative Assistant.

Others present: Anthony Otis, Esq.; Anthony Somaini; John Hollar, Esq.; and Kerri Ryan, R.Ph. with CVS Pharmacies.

2. The Chair called for approval of the Minutes of the September 24th meeting. On page 4, the last paragraph under #19(a), will be deleted. Mr. Firlik made a motion, seconded by Ms. Overton, to approve the Minutes of the September 24, 2008 meeting as corrected. Motion passed unanimously.

3. **Guests:**

Chief Investigator Amy Carlson and Inspector Dan Vincent attended the meeting to present revised forms for reporting drug theft or diversion and for conducting temporary inspections on new facilities.

A. Chief Carlson explained that pharmacies are not reporting drug thefts or diversion in a timely or consistent manner. She said pharmacies that had been recently burglarized had not yet reported their losses. The current procedure is to provide a copy of the DEA Form 106, Theft or Loss of Controlled Substances to the Board. She said this form would be in addition to DEA's reporting requirements. Chief Carlson said the investigative division is not looking to coordinate the investigation, just want to be made aware of the problem. The information would be shared with law enforcement to keep an open line of communication. She said it is part of a statewide initiative to reduce recent deaths from prescription overdoses. The only cases investigated by their unit would be cases involving licensees. She asked the Board to approve the form. Once approved it would be sent to all pharmacies and posted on the Website for easy access.

Ms. Eaton noted that as of April of 2008 the federal government requires notice of thefts or losses within 24 hours. The proposed rule better addresses the issue. After further discussion, the Board concluded that the Office or Email of the theft, losses, suspected diversion, etc. and that the actual completed form would be required within three days (amended from five days).

Anthony Otis agreed that it was important for pharmacists to be aware of areas of robberies and have much information about the incident as could be shared.

Chief Carlson said they hope to set up a blast fax bulletin to notify all pharmacies of warnings and notices of thefts. She said she would contact the police department in the particular town to see what information could be released.

B. Inspector Vincent explained his concerns surrounding initial inspections of new drug outlets. He said the rules do not specifically address what needs to be in place, only mentioned in broad terms related to security and on-hand equipment. He gave examples of his findings when conducting initial inspections. He said they range from a large open building near completion with the exception of product.

3. **Guests** - continued

Inspector Vincent Hesaid the owner has control over the pharmacy. The intent of the form is to set forth the minimum requirements to receive a temporary pharmacy license prior to opening for business. The applicant would not be eligible for a temporary unless all basic requirements are met. A follow-up inspection after the drug outlet opens for business may not occur for 60 days therefore it is very important to ensure that the drugs would be secure from the time they arrive.

The Board mentioned a few concerns and agreed to review the form further for final approval at its December meeting. This information may be included in the drug outlet to provide direction and minimum requirements for a new pharmacy license.

4. **Hearings/Stipulations et al.**

At 9:30 A.M. the Board considered a Stipulation and Consent Order in the matter of *PETNET Solutions, Inc.*, Docket Number APP-RX45-0208. John Hollar, Esq. was present for the Respondent. Larry Novins presided for the Board. Gregg Meyer was present for the State. Chairman Vincent made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order as presented. The question was called and the motion passed. Mr. Firlik, Investigating Member, did not participate in the vote.

5. **Follow-Up Cases :**

6. **Reports:**

7. **Legislation/Rulemaking:**

The Board continued its review and discussion of the proposed changes to the Administrative Rules governing the practice of Pharmacy. Ms. Preston and Mr. Novins will revise this section pertaining to Interns for further clarification. Ms. Preston will work with Inspector Dan Vincent on this section(s) pertaining to inspections and the process. As soon as the updates have been made the latest proposed draft will be posted on the Board's Website.

Ms. Eaton said Mr. Labor and she were recently involved in writing and reviewing questions for Vermont's MPJE. She reported that during this process they noted two sections of the statute that needed revising for clarification, § 2063(a)(2) and § 2072.

8. **COMPLAINTS :**

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

Ms. Overton made a motion, seconded by Mr. Firlik, to approve the following applicants for licensure as pharmacists. The question was called and the motion passed unanimously.

Madhulatha Malireddy (Examination)

Omini Surapaneni (Examination)

Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve **John Szemansco** for reinstatement subject to successful completion of the MPJE. Motion passed unanimously.

10. **Drug Outlets:**

The Board reviewed the following applications for drug outlets and took action as indicated.

- a. Pharmacy Network LLC d/b/a/ **Community Health Pharmacy**, 150 Brentwood Avenue, Colchester, VT submitted a new application for mail order. An initial inspection was conducted on August 26, 2008 and a Temporary Pharmacy License was issued, which is set to expire on November 30, 2008.
- b. JMS Pharmacy Management Inc. d/b/a/ **Castleton Health Center Pharmacy**, 275 Route 30 North, Bomoseen, VT submitted a new application. Awaiting initial inspection.

11. **Change in Pharmacist Manager:**

Mr. Firlik made a motion, seconded by Ms. Eaton, to approve the changes in pharmacist managers as indicated below. Motion passed unanimously.

- a. **Rite Aid Pharmacy #10326**, (038-3382), located at 30 Shelburne Shopping Park, Shelburne, Vermont, changed pharmacist manager from Edward Zawistowski to Rajendra Vaghasiya.
- b. **Rite Aid Pharmacy #10336**, (038-3370), located at 82 Route 15 West, Hardwick, Vermont, changed pharmacist manager from Christopher Hazuda to Philip Hoepfner.
- c. **Rite Aid Pharmacy #4159**, (038-3245) located at 4408 US Route 5, Derby, Vermont, changed pharmacist manager from Melanie Proulx to Idona J. Eberhardt.

12. **Non-Resident Drug Outlets:**

Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the following non-resident drug outlets for licensure. Motion passed unanimously.

- a. CuraScript Infusion Pharmacy, 11403 Bluegrass Parkway, Suite 400, Louisville, KY
- b. UPS Supply Chain Solutions, Inc., 1860 Outer Loop Road, Louisville, KY
- c. USBio Services, 2525 Perimeter Place Drive, Suite 100, Nashville, TN
- d. PetNet Solutions, Inc., 14 Walker Way, Albany, NY (pursuant to approval of Stipulation and Consent Order)

13. **Wholesale Drug Outlets:**

Mr. Firlik made a motion, seconded by Ms. Pudvah, to approve the following wholesale distributors for licensure. Motion passed unanimously.

- a. Alaven Pharmaceutical LLC, 2260 Northwest Parkway, Suite A, Marietta, GA

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

- a. The Board reviewed the notice of change in hours of operation for certain Rite Aid Pharmacies dated September 29, 2008. The Board found the report confusing because it indicated no Sunday hours for some of these pharmacies but members believed that they are open on Sundays. In addition, the Board would like verification that the hours of operation are posted at the front of the stores/pharmacies. An updated list is requested.

15. **Continuing Professional Education Requests:**

Ms. Eaton made a motion, seconded by Ms. Pudvah, to approve the following continuing professional education requests as indicated. Motion passed unanimously.

- a. **“OVHA—DUR Board Meeting(s),”** submitted by Andrew Miller, was approved for three hours of live (didactic) continuing professional education credit for the meeting held on June 10, 2008. The approval number issued is CPE 317(L)-1008.
- b. **“OVHA—DUR Board Meeting(s),”** submitted by Andrew Miller, was approved for two hours of live (didactic) continuing professional education credit for the meeting held on September 9, 2008. The approval number issued is CPE 318(L)-1008.
- c. **“Post Exposure Prophylaxis: What to Do Before It’s Too Late,”** submitted by Clare Coppock with the VtSHP, was approved for one hour of live (didactic) continuing professional education credit offered on November 6, 2008. The approval number issued is CPE 319(L)-1008.

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

Mr. Firlik made a motion, seconded by Ms. Overton, to approve the following applications as indicated. Motion passed unanimously.

- a. Pierre Malki—Application as a Preceptor.
- b. Craig Robbins—Application as a Preceptor.
- c. Michael Omar—Application as a Preceptor.
- d. Lea Sporzynski—Application for Registration of Intern.
- e. Marianne Khalil—Ms. Khalil submitted a letter requesting the Board to reconsider the internship hours she earned in Montreal, Quebec. She graduated from the Albany College of Pharmacy in May of 2008 and needed the additional 500 non-school internship hours. Ms. Khalil also submitted her Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours requesting approval of the 417 hours she earned during the period of August 12, 2008 through October 21, 2008 while working at Rite Aid Pharmacy in St. Albans, Vermont.

The Board acknowledged that it could accept the internship hours earned in Canada when reported directly from the Canadian licensing authorities. It was noted that like many boards in the United States, internship hours are no longer required to be submitted to boards of pharmacy. Ms. Khalil provided evidence of the hours she earned in Canada, and evidence that the pharmacist and her pharmacist preceptor in Canada were licensed in that country. Based on the information provided, the Board voted to accept all of Ms. Khalil’s internship hours. She will be approved to sit for the NAPLEX and MPJE.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,412**.

18. **Newsletter Topics!**

Topics for the December 2008 issue of the Newsletter will include an update on rulemaking, emergency drug kits, prescribing authority for physician assistants, disciplinary actions, etc. Director Christopher Winters’ introduction to OPR’s new licensure system, *eLicense*, will also be included.

19. **Miscellaneous Correspondence**
20. **National Association of Boards of Pharmacy (NABP) Correspondence:**
21. **Public Comment**
22. **Other Business Introduced**
23. The next meeting is scheduled for **Wednesday, December 3, 2008** at 9:00 AM.

Meetings in 2009 are scheduled as follows: **January 28th; February 25th; March 25th; April 22nd; May 27th; June 24th; July 22nd; August 26th; September 23rd; October 28th; and December 2nd.**

24. There being no further business, the meeting was adjourned at 3:16 P.M.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation