



Board of Pharmacy

Office of Professional Regulation, Vermont Secretary of State

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Approved Minutes

Wednesday, October 25, 2017 at 9:00 a.m.

1. Call to Order

The meeting was called to order at 9:00 a.m., by Ms. Stephanie Ibey, RPh, Chair.

Members Present: Mr. King Milne, RPh; Mr. Robert Carpenter, RPh, Vice Chair; Ms. Stephanie Ibey, RPh, Chair; Mr. Michael Carroll, RPh and Mr. Corey Duteau, RPh and Mr. James Arisman, Esq., public member.

Member(s) Absent: Ms. Judith Wernecke, Secretary, public member

OPR Personnel Present: Aprille Morrison, Licensing Board Specialist; Daniel Vincent, Inspector and Gabriel Gilman, Esq., General Counsel

Guests: Larry Mango, Lynne Mango, Joe Lavino, Heather Shouldice and Krystle Sweetser

2. Approval of minutes from September 27, 2017 meeting

- a. Mr. Carpenter made a motion to approve the minutes as presented. Mr. Arisman seconded the motion. Motion passed.

3. Disciplinary Matters

- a. Closing Reports / Enforcement Report
 - i. Report of Concluded Investigation in the matter of docket #2017-194. Michael Carroll is the Investigative Team member.
 1. Mr. Carpenter made a motion to approve the report as presented. Mr. Duteau seconded the motion. Motion passed. Mr. Carroll did not participate in the vote as he is the Investigative Team member.
 - ii. Report of Concluded Investigation in the matter of docket #2016-514 and 2016-525. Corey Duteau is the Investigative Team member.
 1. Mr. Milne made a motion to approve the report as presented. Mr. Carroll seconded the motion. Motion passed. Mr. Duteau did not participate in the vote as he is the Investigative Team member.
 - iii. Report of Concluded Investigation in the matter of docket #'s 2016-52, 2016-86, 2016-96 and 2016-155. Stephanie Ibey is the Investigative Team member.

1. Mr. Arisman made a motion to approve the report as presented. Mr. Duteau seconded the motion. Motion passed. Ms. Ibey did not participate in the vote as she is the Investigative Team member.
- iv. Report of Concluded Investigation in the matter of docket #'s 2016-116 and 2016-119. Stephanie Ibey is the Investigative Team member.
 1. Mr. Arisman made a motion to approve the report as presented. Mr. Milne seconded the motion. Motion passed. Ms. Ibey did not participate in the vote as she is the Investigative Team member.
- v. Report of Concluded Investigation in the matter of docket #'s 2016-85 and 2016-294. Stephanie Ibey is the Investigative Team member.
 1. Mr. Arisman made a motion to approve the report as presented. Mr. Duteau seconded the motion. Motion passed. Ms. Ibey did not participate in the vote as she is the Investigative Team member.
- vi. Report of Concluded Investigation in the matter of docket #'s 2016-295 and 2016-296. Robert Carpenter is the Investigative Team member.
 1. Mr. Milne made a motion to approve the report as presented. Mr. Duteau seconded the motion. Motion passed. Mr. Carpenter did not participate in the vote as he is the Investigative Team member.
- vii. Report of Concluded Investigation in the matter of docket #'s 2016-383, 2016-450 and 2016-451. Corey Duteau is the Investigative Team member.
 1. Mr. Carpenter made a motion to approve the report as presented. Mr. Arisman seconded the motion. Motion passed. Mr. Duteau did not participate in the vote as he is the Investigative Team member.
- viii. Report of Concluded Investigation in the matter of docket #'s 2016-164, 2016-272 and 2016-537. Stephanie Ibey is the Investigative Team member.
 1. Mr. Carpenter made a motion to approve the report as presented. Mr. Arisman seconded the motion. Motion passed. Ms. Ibey did not participate in the vote as she is the Investigative Team member.
- ix. Report of Concluded Investigation in the matter of docket #'s 2016-662 and 2016-663. Michael Carroll is the Investigative Team member.
 1. Mr. Carpenter made a motion to approve the report as presented. Mr. Duteau seconded the motion. Motion passed. Mr. Carroll did not participate in the vote as he is the Investigative Team member.
- x. Report of Concluded Investigation in the matter of docket # 2017-63. Michael Carroll is the Investigative Team member.

1. Mr. Carpenter made a motion to approve the report as presented. Mr. Duteau seconded the motion. Motion passed. Mr. Carroll did not participate in the vote as he is the Investigative Team member.
- xi. Report of Concluded Investigation in the matter of docket # 2016-634. Michael Carroll is the Investigative Team member.
 1. Mr. Carpenter made a motion to approve the report as presented. Mr. Milne seconded the motion. Motion passed. Mr. Carroll did not participate in the vote as he is the Investigative Team member.
- xii. Report of Concluded Investigation in the matter of docket #'s 2016-410 and 2016-610. Michael Carroll is the Investigative Team member.
 1. Mr. Carpenter made a motion to approve the report as presented. Mr. Duteau seconded the motion. Mr. Arisman opposed the motion. Mr. Duteau, Ms. Ibey, Mr. Carpenter and Mr. Milne approved the motion. Motion passed. Mr. Carroll did not participate in the vote as he is the Investigative Team member.
- xiii. Report of Concluded Investigation in the matter of docket #2016-268. Corey Duteau is the Investigative Team member.
 1. Mr. Arisman made a motion to approve the report as presented. Mr. Milne seconded the motion. Motion passed. Mr. Duteau did not participate in the vote as he is the Investigative Team member.
- xiv. Ms. Preston was unable to give a case report due to limitations with reports in the new licensing system, however did confirm that the case load from the September meeting is still the same, minus the reports of concluded investigation presented at today's meeting.
- b. Stipulation and Consent Order Review
 - i. 9:30 am - In the matter of Daniel Brouwer, docket #2016-680. King Milne is the Investigative Team member.
 1. The Board went into deliberative session from 9:42 am to 9:53 am. The Board requested Ms. St. James contact Mr. Brouwer's attorney to request approval for additional information to be added to the stipulation and consent order. The Board agreed to review the matter again before adjournment. Ms. St. James was unable to connect with Mr. Brouwer's attorney prior to adjournment. Mr. Carpenter made a motion to table a decision on the stipulation and consent order until the December 12th meeting. Mr. Arisman seconded the motion. Motion passed. Mr. Milne did not participate in the vote as he is the Investigative Team member.

4. Correspondence

- i. Request for Information: *Nationwide Research Participation request form Natalie Young, PharmD, FACVP, Gigi Davidson, BSPH, DICVP and Kenneth Royal, PhD, MSED*

1. Mr. Gilman discussed with the Board the types of communications being received regarding licensee request for information. Mr. Gilman will respond to the Nationwide Research Participation request.

5. Topics for Discussion

- a. NABP recommendation that States adopt USP General Chapter <800>
 - i. Discussion of outreach options and the USP “active” date delay options.
 1. The Board discussed the delay of implementation for USP 797 and USP 800 being delayed until December 2019. While USP compliance will be expected, it will not be required prior to implementation by USP. The Board will review communications outreach once the deadline gets closer.
- b. Election of Officers
 - i. Mr. Milne made a motion to keep the slate of officers as is. Mr. Arisman seconded the motion. Motion passed. Vermont Board of Pharmacy officers are as follows:
 1. Chair – Stephanie Ibey, RPh
 2. Vice Chair – Robert Carpenter, RPh
 3. Secretary – Judith Wernecke, Public Member
- c. Death with Dignity medications.
 - i. Ms. Ibey spoke to the Board regarding the current wording in the bill passed by Legislature in 2016. The law mandates specific drugs that can be used, which Ms. Ibey has found to be very expensive. Mr. Gilman will draft a letter for the Health Committee chairs requesting a modification to the law.
- d. The MPJE exam questions need to be reviewed. The Board has agreed that the professional members will do a remote review of the exam questions for this year. Mr. Carpenter and Ms. Ibey will assist new members with the process.
- e. Mr. Carpenter informed members present that District One will be sponsoring a pharmacy school team in a poster contest for attendance at the NABP National Meeting next year.
- f. Mr. Gilman spoke to the Board regarding a common question that has been coming to himself and Ms. Phillips for response. When a prescriber is no longer able to practice or leaves a practice, can a pharmacist continue to fill remaining refills on a prescription. Administrative Rule 10.3 states: *“If a practitioner as defined in 26 V.S.A. § 2022(15) ceases to practice for any reason, a pharmacist may, pursuant to a prescription written by that practitioner, dispense all remaining refills up to a 90-day supply of the drug prescribed, to enable the patient to obtain the services of another practitioner.”*

6. Administrative Updates

- a. Licensing Platform and Board Member Portal training – Lauren Hibbert
 - i. Ms. Hibbert updated Board members present on the status of the new licensing platform and the Board Member enforcement portals. A communication will be coming from the office by the end of the week with detailed instructions on access. Future trainings will be available and communicated to Board members as soon as possible.

7. Education Course Review:

- a. None

8. Other Business

- a. None

9. Public Comment

- a. Joe Lavino addressed the Board on his interpretation of the Administrative Rules regarding the prescriber leaving a practice questions.

10. Adjournment

- a. Mr. Carpenter made a motion to adjourn the meeting at 11:43 am. Mr. Milne seconded the motion. Motion passed.

Next Scheduled Meeting – Tuesday, December 12, 2017
Please check the office [website](#) for updates