

Board of Pharmacy
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Approved Minutes
Meeting of February 23, 2011

1. The meeting was called to order at 9:05 A.M.

Members present: Jeffrey P. Firlik, R.Ph., Vice-Chair; Emma J. Pudvah; Judith Wernecke; Larry Labor, R.Ph.; Earl W. Pease, Pharm.D. and Steven M. Vincent, R.Ph.

Members absent: Julie A. Eaton, R.Ph, Chair.

OPR Personnel present: Larry S. Novins, Board Counsel; Peter Comart, Unit Administrator; Carla Preston, Case Manager and Kristy Kemp, Administrative Assistant.

Others present: Kerri Ryan with CVS Pharmacies; Susan DeLeo with Walgreens; Robert A. Hamilton, Pharm.D., Associate Dean for the Vermont Albany College of Pharmacy and Health Sciences (ACPHS) and Sarah L. Scarpace, Pharm.D., BCOP, ACPHS Assistant Dean for Pharmacy Professional Affairs.

Others present by phone: Joshua M. Bolin, National Association of Boards of Pharmacy (NABP) Government Affairs Director.

2. The Chair called for approval of the Minutes of the January 26th meeting. Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the Minutes of the January 26, 2011 meeting as written. Motion passed unanimously.

3. **Guests:**

- a. The Board spoke with Joshua Bolin, Consultant from the National Association of Boards of Pharmacy (NABP).

Mr. Bolin and Ms. Scotti Russell conducted an on-site analysis of OPR and the Board's processes and procedures January 25th through January 26th of 2011. The purpose of the analysis was to help the Board increase its productivity and assist it in reaching its overall goals as a regulatory body.

The NABP Consultants drafted a report of their findings and recommendations which were shared and discussed with the Board. The Office will consider the recommendations and discuss what the next steps will be.

- b. Dr. Robert Hamilton, Associate Dean for the Vermont Albany College of Pharmacy and Health Sciences, and Dr. Sarah Scarpace, Assistant Dean for Professional Affairs attended the meeting.

Dr. Hamilton provided an update on the college and its success thus far. Dr. Scapace explained that the students are performing very well and are taking an active role in the community.

Dr. Hamilton expressed an interest in having some of the students attend a Board meeting. The Board agreed that this would be beneficial to the students and are looking forward to hearing feedback from them. Dr. Hamilton will contact the Office to make arrangements.

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

a. At 9:30 A.M. The Board considered a Stipulation and Consent Order in the matter of Steven Simpson, Docket Number 2010-132, and Kinney Drugs Inc. #11, Docket Number 2009-458. Larry S. Novins presided for the Board. The Prosecuting Attorney was not present. The Board voted to go into deliberative session at 9:38 A.M. and out at 9:42 A.M. Mr. Labor made a motion, seconded by Ms. Pudvah, to reject the Stipulation and Consent Order due to errors on the first page. An amended first page was presented and reconsidered at 1:25 P.M. Mr. Labor made a motion, seconded by Ms. Pudvah to accept the amended Stipulation and Consent Order. The question was called and the motion passed.

5. **Reports:** (None)

6. **Follow-up Cases**

Carla Preston, Case Manager, provided updates on current and follow-up cases. There are currently 53 pending cases.

7. **Legislation/Rulemaking:** (None)

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

The Board reviewed the following Reports of Concluded Investigations and took action as indicated.

2010-122 and 2010-175 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Julie Eaton was the Investigating Member on this case.

2010-475 and 2010-476 - The Board reviewed the Report of Concluded Investigation. Mr. Vincent made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Julie Eaton was the Investigating Member on this case.

9. **Applications for Licensure as Pharmacists:**

Mr. Labor made a motion, seconded by Mr. Pease, to approve the following applicants for licensure as a pharmacist. Motion passed unanimously.

Valerie A. Hall, PharmD (Score Transfer)
James M. Hudlin, R.Ph. (Endorsement)
Janelle M. Lazzaro, R.Ph. (Endorsement)
Pei-Yu P. Lin, PharmD (Endorsement)

Applications for Registration of Out of State Telepharmacy Pharmacists:

One Out of State Registered Pharmacist application with no record of prior disciplinary actions was approved for licensure since the last meeting based on their completed application. The Board was provided with necessary information about the applicant and found no issues.

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

The Board reviewed the following applications for in-state pharmacies. Further action was not necessary at this time.

- a. Ludlow Pharmacy, Inc., **d/b/a Ludlow Pharmacy**, 57 Pond Street, Ludlow, VT, submitted a new retail pharmacy application. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on April 1, 2011. Further documentation and a final initial inspection are required.
- b. Pharmacy Network, LLC, **d/b/a Community Health Pharmacy**, 4 Slapp Hill, Hardwick, VT, submitted an application for a new remote location. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on April 12, 2011. Further documentation and a final initial inspection are required.
- c. Walgreen Eastern Co., Inc., **d/b/a Walgreens #11526**, 514 Farrell Street, South Burlington, VT, submitted a new retail pharmacy application. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on April 19, 2011. Further documentation and a final initial inspection are required.

11. **Change in Pharmacist Managers:**

Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the following changes in pharmacist managers. The question was called and the motion passed unanimously.

- a. **Equinox Compounding Pharmacy LLC**, (038-3389), located at 34 Ways Lane, Manchester Center, Vermont, submitted an application for change in pharmacist manager from David J. Little to Robert H. Stack.
- b. **Rite Aid Pharmacy #4272**, (038-3278), located at 1024 North Avenue, Burlington, Vermont, submitted an application for change in pharmacist manager from Mahnaz M. Khorrami to Samuel Mashiah.

- c. **Rite Aid Pharmacy #10329**, (038-3358), located at 355 North Main Street, Barre, Vermont, submitted an application for change in pharmacist manager from Stephanie A. Ibey to Waldemar Z. Wierzbicki.

12. **Non-Resident Pharmacies:**

Several non-resident pharmacy applications with no record of prior disciplinary actions were approved for licensure since the last meeting based on their completed applications. The Board was provided with a list of these facilities and found no issues.

13. **Non-Resident Wholesaler/Manufacturer Drug Outlets:**

Several non-resident wholesale distributor applications with no record of prior disciplinary actions were approved since the last meeting based on their completed applications. The Board was provided with a list of these facilities and found no issues.

The Board reviewed the following application with prior disciplinary action. Based on the information provided, Mr. Vincent made a motion, seconded by Ms. Pudvah, to approve the non-resident Wholesaler/Manufacturer for licensure. Motion passed unanimously.

- a. **Superior Medical Supply, Inc.**, 398 Depot Street, Franklin, NC.

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

(None)

15. **Continuing Pharmacy Education Requests:**

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

- a. **“OVHA Pharmacy Benefit Management Program DUR Board Meeting”** submitted by Lynne C. Vezina, requesting approval for three (3) live (didactic) continuing pharmacy education credits. The meeting was held on January 12, 2010. The Board issued approval number CPE-042(L)-0211.
- b. **“OVHA Pharmacy Benefit Management Program DUR Board Meeting”** submitted by Lynne C. Vezina, requesting approval for two and one half (2.5) live (didactic) continuing pharmacy education credits. The meeting was held on June 29, 2010. The Board issued approval number CPE-043(L)-0211.
- c. **“OVHA Pharmacy Benefit Management Program DUR Board Meeting”** submitted by Lynne C. Vezina, requesting approval for one and one half (1.5) live (didactic) continuing pharmacy education credits. The meeting was held on September 14, 2010. The Board issued approval number CPE-044(L)-0211.

- d. **“Northeast Kingdom Community Summit - Diverted Prescription Drugs: Reducing Risk & Improving Outcomes”** submitted by Robert F. Swartz with Northeastern Vermont Area Health Education Center, requesting approval for four (4) live (didactic) continuing pharmacy education credits. The meeting will be held on March 15, 2011. The Board issued approval number CPE-045(L)-0211.
- e. **“Vermont Geriatrics Conference”** submitted by Sheila Dooley with University of Vermont, requesting approval for seven and one half (7.5) live (didactic) continuing pharmacy education credit. The conference will be held on April 12, 2011. The Board issued approval number CPE-046(L)-0211.
- f. **“Newer Anticoagulants”** submitted by Lisa Jackman with Fletcher Allen Health Care, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture was held on February 15, 2011. The Board issued approval number CPE-047(L)-0211.

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

- a. Amir Mohammadaghaei – The Board reviewed Mr. Mohammadaghaei’s Intern’s Evaluation of Internship Period and Preceptor’s Affidavit of Internship Hours regarding the 30.21 hours he earned from November 21, 2010 through December 04, 2010, while working at Rite Aid Pharmacy #4272, located in Burlington, Vermont, with Mahnaz Khorrami as his Preceptor. Mr. Labor made a motion, seconded by Ms. Pudvah, to approve the **30.21** internship hours Mr. Mohammadaghaei has earned. Motion passed unanimously.

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1, 558** (1,438 Resident, 120 Non-Resident).

18. **Newsletter Topics!** (None)

19. **Miscellaneous Correspondence**

- a. The Board reviewed the February 16, 2011 email from Mike Duteau updating the Board with their progress regarding Telepharmacy and the Barton, Vermont site. The Board looks forward to meeting with Mr. Duteau at is March 23rd meeting.
- b. The Board reviewed the February 16, 2011 email from David Martinez regarding whether or not a Vermont pharmacy can fill a prescription for a pet and mail it to the pet owner in Canada. The Board advised Mr. Martinez to contact the regulatory agency in Canada.
- c. The Board reviewed the February 18, 2011 email from Matt Del Favero, regarding the regulations around faxing Schedule II Prescriptions. The Board advised Mr. Del Favero to review its Rules which are available via its Web site.
- d. The Board reviewed the letter from Marcie Jorgensen with Costco Pharmacy #314 regarding the requirement for pharmacies to maintain Facts and Comparisons as a reference. Ms. Jorgensen explained that it has become a national Costco Pharmacy policy to drop the

current subscription to Drug Facts and Comparisons. Ms. Jorgensen asked if the Board would accept Clinical Pharmacology in lieu of Drug Facts and Comparisons. The Board considers Clinical Pharmacology an acceptable replacement.

- e. The Board reviewed the February 7, 2011 email from Beth Tereno regarding regulations around placing multiple prescriptions on the same prescription blank. The Board confirmed that this is allowable.
- f. The Board reviewed the February 8, 2011 email from Judy Morton regarding whether or not it is allowable to have pxyxis machines in a skilled nursing facility. The Board confirmed that this is allowable.
- g. The Board reviewed the February 11, 2011 email from Jessica Moreno regarding pharmacy guidelines on office use of compounded products. Ms. Moreno asked several questions regarding office stocks of compounded drugs. A response will be sent to Ms. Moreno.

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

The Board reviewed various documents from the NABP.

21. **Public Comment:** (None)

22. **Other Business Introduced**

23. The next meeting of the Board is scheduled for **Wednesday, March 23, 2011 at 9:00 A.M.**

Meeting dates for 2011 are as follows: April 27th, May 18th, June 22nd, July 27th, August 24th, September 28th, October 26th and December 7th.

24. There being no further business, the meeting was adjourned at 1:47 P.M.

Respectfully submitted,

Kristy Kemp, Administrative Assistant
Office of Professional Regulation