

BOARD OF PHARMACY
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
September 28, 2011 at 9:00 A.M.

1. The meeting was called to order at 9:02 a.m.

Members Present: Julie A. Eaton, R.Ph., Chair; Judith Wernecke; Earl W. Pease, Pharm.D.; and Larry Labor, R.Ph. and Steven M. Vincent, R.Ph.

Members Absent: Jeffrey P. Firlik, R.Ph., Vice-Chair.

OPR Personnel Present: Larry S. Novins, Board Counsel; Peter Comart, Licensing Administrator; Carla Preston, Case Manager; Dan Vincent, Inspector; Edward G. Adrian, Prosecuting Attorney and Kristy Pirie, Licensing Board Specialist.

Others Present: Anthony Otis, representing the Vermont Community Retail Pharmacy Coalition and Michael Duteau, Vice President of Kinney Drugs.

2. The Chair called for approval of the Minutes of the August 24th meeting. Mr. Vincent made a motion, seconded by Ms. Wernecke, to approve the minutes of the August 24, 2011 meeting as written. Motion passed unanimously.

3. **Hearings/Stipulations *et al.***

a. The Board considered a Stipulation and Consent Order in the matter of Albert E. Crease, Docket Number 2011-349. Larry S. Novins presided for the Board. Edward G. Adrian was present for the State. The Respondent and his Attorney, Jon D. Valsangiacomo, were present. Mr. Vincent made a motion, seconded by the Chair, to accept the Stipulation and Consent Order. The Board went into deliberative mode at 9:46 A.M. and out at 10:53 A.M. The motion passed. Mr. Labor, Investigating Member, did not participate in the vote.

b. The Board considered a Stipulation and Consent Order in the matter of College Pharmacy, Inc., Docket Number 2011-367. Larry S. Novins presided for the Board. Edward G. Adrian was present for the State. The Respondent and its Attorney were not present. Mr. Labor made a motion, seconded by the Chair, to accept the Stipulation and Consent Order. The question was called and the motion passed. Mr. Vincent, Investigating Member, did not participate in the vote.

c. The Board considered a Stipulation and Consent Order in the matter of Kaylee Perkins, Docket Number 2011-196. Larry S. Novins presided for the Board. Edward G. Adrian was present for the State. The Chair made a motion, seconded by Mr. Vincent, to accept the Stipulation and Consent Order. The question was called and the motion passed. Mr. Firlik was the Investigating Member.

4. **Guests:**

- a. Dan Vincent spoke with the Board about some of the tropical storm Irene. Mr. Vincent mentioned that the Board does not currently provide guidelines for emergency situations such as natural disasters. The Board will consider implementing regulations surrounding this issue during its next Rule re-write.
- b. Michael Duteau, Vice President of Kinney Drugs, Inc. #105 remote pharmacy in Barton, Vermont. Mr. Duteau shared some of their struggles with patient counseling. A lot of patients are refusing the counseling so Kinney's is asking the Board for suggestions on how to resolve this issue. Mr. Duteau mentioned that they have considered placing screens at the window so that the pharmacist could provide the offer for counseling and then direct the patient to the private consultation area. Other alternative options were discussed. Kinney's will consider its options and submit a proposal to the Board for review at a future meeting.

5. **Case Manager's Report :**

Carla Preston, Case Manager, reported on current and follow-up cases. There are currently 86 cases. 10 recommended for closure at this meeting, 39 pending investigation and 13 are pending hearing or charges to be filed.

6. **COMPLAINTS, review of Reports of Concluded Investigation:**

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

2011-353, 2011-354, 2011-355, 2011-356 and 2011-357 - The Board reviewed the Report of Concluded Investigation. The Chair made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Vincent, Investigating Member, did not participate in the vote.

2011-368, 2011-369 and 2011-370 - The Board reviewed the Report of Concluded Investigation. Mr. Labor made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Vincent, Investigating Member, did not participate in the vote.

2011-358 and 2011-359 - The Board reviewed the Report of Concluded Investigation. The Chair made a motion, seconded by Mr. Pease, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Firlik was the Investigating Member.

7. **Reports: (None)**

8. **Legislation/Rulemaking:**

Anthony Otis provided updates on the current issue being discussed at the Legislature. Health care is the current topic of discussion. There are about eight to ten work groups that are currently looking into health care reform at many different levels.

In response to an inquiry from the Vermont Department of Health, the Board voted unanimously to approve the addition of 3,4-methylenedioxy-N-methylcathinone (methylone) to the list of regulated drugs.

9. **Review Applications for licensure as a Pharmacist:**

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

Joshua A. Blomgren, PharmD (Examination)
Wesley W. Crockett, PharmD (Endorsement)
Richard S. Kowalczyk, PharmD (Examination)
Robert Lana, PharmD (Endorsement)
Maura K. O'Keefe, PharmD (Endorsement)

Peter G. Youssef, PharmD (Examination)—The Board reviewed the Canadian internship hours provided, Mr. Vincent made a motion, Dr. Youssef submitted. Based on the information provided, Mr. Vincent made a motion, seconded by Mr. Pease to accept the 500 internship hours submitted as meeting the Board's non-school internship hour requirement. Motion passed unanimously. Dr. Youssef will be approved to sit for the MPJE for Vermont.

Review Applications for licensure as an Out-of-State Registered Pharmacist (Telepharmacy):

The Board reviewed the list of Out-of-State Registered Telepharmacists that were granted a registration certificate since the August 24th meeting. The Board found no issues.

Mr. Laborn made a motion, seconded by Mr. Pease, to approve the following application for registration as an Out-of-State Registered Telepharmacist. Motion passed unanimously.

Matthew J. Kolb

10. **In-State Drug Outlets (pharmacies, wholesalers, manufacturers, etc.):**

The following In-State Drug Outlets were discussed. The Board took action as indicated.

- a. Pharmacy Network, LLC, d/b/a Community Health Pharmacy, 4 Slapp Hill, Hardwick, VT, submitted an application for a new remote pharmacy pilot project. The facility has successfully passed its initial inspection. A temporary license has been issued and is set to expire on August 31, 2011. Final inspection performed on June 14, 2011. Affidavit of adequate drug supply and proof of DEA registration is required. The Board has requested

that the consultation area be moved to a more private location. A letter has been sent to Community Health Pharmacy inquiring about the status of the improvements for the consultation area and equipment. The Board is awaiting its reply.

- b. Kinney Drugs, Inc., **d/b/a Kinney Drugs, Inc. #103**, 10212 Route 116, Hinesburg, VT, submitted an application for a new retail pharmacy. Passed initial inspection on September 22, 2011. A temporary license has been issued and is set to expire on November 22, 2011. Further documentation and final inspection are required.

11. Change in Pharmacist Manager:

Mr. Vincent made a motion, seconded by Mr. Pease, to approve the following changes in pharmacist managers. Motion passed unanimously.

- a. **Costco Pharmacy #314**, (038-3117), located at 218 Lower Mountain View Drive, Colchester, Vermont, submitted an application for change in pharmacist manager from Marcie Beth Jorgensen to Jill M. Lowrey.
- b. **Kinney Drugs Inc. #55**, (038-3310), located at 1653 Williston Road, South Burlington, Vermont, submitted an application for change in pharmacist manager from Matthew S. Covich to Thomas French.
- c. **Rite Aid Pharmacy #10311**, (038-3359), located at 112 Rockingham Street, Belongs Falls, Vermont, submitted an application for change in pharmacist manager from Jane C. Kirkpatrick to Craig Robbins. This change was approved pending receipt of the application with both managers original signatures as well as the application fee and signed inventory.
- d. **Rite Aid Pharmacy #10310**, (038-3386), located at 52 Main Street, Windsor, Vermont, submitted an application for change in pharmacist manager from Craig Robbins to Omini Surapaneni.
- e. **Rite Aid Pharmacy #4159**, (038-3256), located at 4408 US Route 5, Derby, Vermont, submitted an application for change in pharmacist manager from Richard A. Coutut to Dona J. Eberhardt.

12. Non-Resident Pharmacies:

The Board reviewed the non-resident pharmacy applications with no record of prior disciplinary action that were approved since the last meeting based on their completed applications. The Board found no issues.

The Board reviewed the following applications for licensure as a non-resident drug outlet. Based on the information provided, Mr. Pease made a motion, seconded by Mr. Vincent, to approve the following applications for licensure. Motion passed unanimously.

- a. **AmeriPharm, Inc., D/b/a MedVantx Pharmacy Services** – 2503 E. 54th Street N., Sioux Falls, SD.
- b. **Portland Professional Pharmacy Associates, D/b/a Ascend Specialty Rx.** – 53 Darling Avenue, South Portland, ME.

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

The Board reviewed the non-resident wholesaler/manufacturer applications with no record of prior disciplinary action that were approved since the last meeting based on their completed applications. The Board found no issues.

The Board reviewed the following applications for licensure as a non-resident drug outlet. Based on the information provided, The Chair made a motion, seconded by Mr. Vincent, to approve the following applications for licensure. Motion passed unanimously.

- a. **Mediscal Inc.**— 8300 Esters Blvd, Irving, TX.
- b. **Patterson Logistics Services, Inc.**— 101 Wales Ave., Tonawanda, NY.
- c. **Patterson Medical Supply, Inc., D/b/a Medco Supply Company, Inc.**— 500 Fillmore Ave. Tonawanda, NY.
- d. **CVS Pharmacy, Inc.** —3 Berry Drive, Lumberton, NJ.
- e. **CVS Rx Services, Inc., D/b/a CVS/Pharmacy Distribution Center** —White Wagon Road @ Route 17, Chemung, NY.

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

The Board reviewed several notifications from pharmacies that had to close due to damages caused by tropical storm Irene.

15. **Continuing Pharmacy Education Requests:**

Mr. Vincent made a motion, seconded by Mr. Labor, to approve the following continuing pharmacy education requests. Motion passed unanimously.

- a. **“AS Morgasbord of Clinical Pharmacology”** submitted by Peter Taylor with the Vermont State Dental Society, requesting approval for six (6) live (didactic) continuing pharmacy education credit. The lecture was held on September 16, 2011. The Board issued approval number CPE-008(L)-0911.
- b. **“New Drugs and Drug News: 2011 Update”** submitted by Clare Coppock with the Rutland Regional Medical Center, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture will be held on October 5, 2011. The Board issued approval number CPE-009(L)-0911.
- c. **“TSP Fall Seminar: Maximizing Healthcare Technology Investments in the 21st Century”** submitted by Dennis Aman with Central Vermont Medical Center, requesting approval for three (3) live (didactic) continuing pharmacy education credits. The Seminar will be held on October 13, 2011. The Board issued approval number CPE-010(L)-0911.
- d. **“Chronic Myeloid Leukemia: An Update”** submitted by Clare Coppock with Rutland Regional Medical Center, requesting approval for one (1) live (didactic) continuing pharmacy education credit. The lecture will be held on November 9, 2011. The Board issued approval number CPE-011(L)-0911.

16. **Intern/Preceptor application(s):** (None)

17. **Pharmacy Technicians:** Total number of Active Registered Technicians is **1,177** (1,103 Resident, 74 Non-Resident).

18. **Newsletter Topics!**

The following topics will be discussed in the December Newsletter:

- Rule 6.3(h) regarding notification of discipline taken against a pharmacist, pharmacy technician and/or pharmacy intern by its employer.
- The Board to create regulations regarding emergency situations.
- 8 V.S.A. 4089(j) regarding retail pharmacies and filling of prescriptions.

19. **Miscellaneous Correspondence:**

- a. The Board reviewed the September 27, 2011 letter regarding different ways to fill compounds. She asked if it is acceptable to have a choice of a compound build into the system that lists each ingredient versus inputting each ingredient of a compound separately. The Board indicated that this was acceptable. Heather also inquired about the understanding of expiration date on a prescription. The Board confirmed that her understanding was correct. from Heather with Notch Pharmacy
- b. The Board reviewed the September 13, 2011 email from Kristant. Norris with Norris Cotton Cancer Center regarding home infusion. Mr. Labor will issue a response to Mr. Norris.
- c. The Board reviewed the August 29, 2011 email from Chelsey McIntyre with the Children's Hospital of Philadelphia regarding shipping investigational drugs to study patients. The Board has referred Ms. McIntyre to her institutions Investigational Review Board (IRB). The Board does not require additional licensure for the situation described in Ms. McIntyre's email.

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

- a. The Board reviewed various documents from the NABP.

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

22. **Other Business Introduced**

- a. The Board was informed that the OPRR Retreat will be held on Tuesday, November 15, 2011 at the Stowe Lake Resort. A formal invitation and tentative agenda will be sent to all Boards.
- b. The Board reviewed the CE Audit Responses.

23. Election of Officers for 2012:

The Election of Officers for 2012 will be tabled until the October meeting.

24. The next meeting is scheduled for **Wednesday, October 26, 2011** at 9:00 A.M.

The remaining meeting dates for 2011 are as follows: December 7th.

25. There being no further business, the meeting was adjourned at 2:19 P.M.

Respectfully submitted,

Kristy Pirie, Licensing Board Specialist
Vermont Secretary of State
Office of Professional Regulation