

**BOARD OF REGISTRATION IN PHARMACY  
PHARMACY BOARD MEETING MINUTES  
TUESDAY, MARCH 12, 2002  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS  
02114**

The meeting was called to order by President Harold B. Sparr at 9:30 a.m.

The following Board members were present: Harold B. Sparr, R.Ph., MS, President, Donna M. Horn, R.Ph., Secretary, Karen M. Ryle, R.Ph., MS, James T. DeVita, R.Ph., and Marilyn M. Barron, MSW, Public Member.

The following Board staff were present: Charles R. Young, R.Ph., Executive Director, Susan Manning, J.D., Administrative Board Counsel, James D. Coffey, R.Ph., Associate Director, Daniel E. Warren, Board Agent, James C. Emery, C.Ph.T., Healthcare Investigator, Alan Van Tassel, Healthcare Investigator, and Leslie S. Doyle, R.Ph., Healthcare Supervisor and Investigator.

**AGENDA ITEMS**

**1. 9:30 a.m.**

**Call to order: Business Meeting.**

Minutes for December 18, 2001:      approve \_\_\_\_\_ amend \_\_\_\_\_  
Vote: Tabled  
Minutes for January 08, 2002:      approve \_\_\_\_\_ amend \_\_\_\_\_  
Vote: Tabled  
Minutes for January 22, 2002:      approve \_\_\_\_\_ amend \_\_\_\_\_  
Vote: Tabled  
Minutes: February 05, 2002:      approve \_\_\_\_\_ amend \_\_\_\_\_  
Vote: Tabled

**2. 9:40 a.m. - 10:15 a.m.**

**Meeting with officers of the Western MA Chapter of the American Association of Pharmacy Technicians (AAPT).**

The purpose of the meeting was to provide the Board with an opportunity to meet with officers of AAPT to include Jaimye Ingraham, C.Ph.T, President, and Amy Manegre, C.Ph.T, Vice President and to discuss issues specific to the pharmacy technician registration process.

Present for discussion: Jaimye Ingraham, Amy Manegre, Shelley Jacobs,

AAPT Secretary, and Helen Rodak, AAPT Co-Treasurer.

Jayne Ingraham provided the Board with an overview of the structure and function of the American Association of Pharmacy Technicians.

Chuck Young described the Board's pharmacy technician registration process to AAPT members in attendance. Mr. Young advised AAPT members that the Board would be registering rather than licensing pharmacy technicians. Mr. Young also informed AAPT members that pharmacy technician registration fees were directed to the Commonwealths general fund rather to the Board.

The Board suggested that AAPT members consider contacting state pharmacy associations with regard to networking opportunities.

James D. Coffey informed AAPT members that the pharmacy technician renewal process was biennial specific to the birth-date of any technician.

Carmen Cinqueonce, Vice President of MPHA, stated that the Pharmacists Mutual company does offer a pharmacy technician liability policy.

Chuck Young said that the Board review and approval process for pharmacy technician training programs and pharmacy technician assessment examinations was variable because the intended reviewer of such submissions, the position of Board Quality Assurance Surveyor, had not been re-placed to date.

**3. 10:15 a.m. - 11:15 a.m.**

**Pharmacy Technician Registration Discussion.**

The purpose of the meeting was to update the Board regarding Pharmacy Technician Registration processes. Thereafter, the Board will discuss pharmacy technician regulatory issues with representatives from the Department of Public Health, Drug Control Program (DPH/DCP).

Present for discussion: Dr. Grant Carrow, Adele Audet and Michael Mozzer.

Dr. Carrow provided the Board with an overview of DPH/DCP January 28, 2002 "Draft Memorandum" regarding the role of pharmacy technicians in hospitals and clinics pursuant to DPH/DCP policy.

Following DPH/DCP and Board discussion regarding the implications of the Board's new pharmacy technician regulations in retail, hospital, clinic and health system pharmacies both parties agreed that a task force and or working group needed to be established to establish "joint best practice pharmacy technician guidelines" concerning controlled handling and accountability, the definition of "dispense" in then hospital setting,

compounding, sterile product preparation, supervision, and the concept of "tech check tech" in the checking and or verification process.

Harold Sparr stated that ultimately the pharmacist on duty is responsible for the appropriateness of medications dispensed.

Dr. Carrow commented that the Board should be mindful that in institutional pharmacy settings there is an additional final prescription check by means of the registered nurse that administers the medication to the patient.

Concerning the issuance of "electronic prescriptions", Dr. Carrow stated that the DPH/DCP currently treats such as defined oral prescription authorizations. However, Dr. Carrow said that as soon as DEA finalizes the PKI report into regulatory format, DPH/DCP would convene a taskforce with the Board to develop responsible standards for electronic prescription transmission.

With regard "indication for use" designation on prescriptions and or physicians orders, Dr. Carrow stated that DPH/DCP would be happy to work with the Board, the Massachusetts Coalition for the Prevention of Medication Errors and other regulatory stakeholders to evaluate the matter. Dr. Carrow said that he is aware of no regulations that prohibit the indication designation but such is not currently a mandatory prescription requirement.

**4. 1:15 a.m. - 11:45 a.m.**

**ZGA Governmental Affairs, d.b.a. fzWickham consultants  
Franklin Z. Wickham, D. Pharm., M.S., R.Ph.**

The purpose of the meeting was to provide President Frank Wickham with an opportunity to present information to the Board specific to the development of educational programs for pharmacists concerning biotech drug products.

Mr. Wickham and his associate conducted a power-point presentation for the Board regarding an overview of biotech drug regulatory developments. Mr. Wickham informed the Board that he would forward a related biotech CE program for Board reference.

**5. 11:45 a.m. – 12:30 p.m.**

**Awards Presentation.**

The Board and Executive Director Chuck Young recognized the distinguished investigative services of retiring Board Agent, Daniel E. Warren. Mr. Warren was presented with both a mahogany plaque signed by all the board members and a citation signed by the Senate President and Ways & Means Chairman.

**6. 12:30 p.m. - 1:30 p.m.**

**Lunch.**

**7. 1:30 p.m. - 2:30 p.m.  
Strategic Planning.**

The purpose of the meeting is to provide the Board with an opportunity to further discussions related to strategic planning initiatives. The agenda item was tabled for discussion at a subsequent Board meeting in April, 2002.

**8. 2:30 p.m. - 3:00 p.m. (Cancelled)  
Reserved: Wholesale distributor applicant; pending confirmation.**

The wholesaler distributor applicant requested a meeting postponement.

**9. 3:00 p.m.  
Administrative Business Meeting: included Board Counsel update, requests for advisory opinion and monthly correspondences. Charles R. Young, Executive Director, Susan Manning, Board Counsel and James D. Coffey, Associate Director.**

The purpose of the meeting was to address the following items with the Board:

- a) In the matter of DS-01-077 & PH001-080: Board Decision as such relates to alleged pharmacists (Carol McCue & Mary Miller) involvement (re-discussion).  
Discussion and Decision related to pharmacist responsibility:  
**Recusal:** Board member Jim DeVita recused himself from the discussion.  
**Discussion:** Investigator Jay Emery reviewed his summary of investigation with the Board  
**Decision:** Motion by DH to issue advisory letter stating inadequate policies resulting in insufficient evidence to identify dispensing pharmacist and therefore, requiring an improved policy to ensure there is not a recurrence in the future and distributed to Quality First Coordinator Barry Jasilli, seconded by DS, motion carried. Must demonstrate reconstitutable drugs are handled properly and each party involved is tracked up to time of handing to patient.
- b) Newday Home Healthcare Association Newsletter: page 2 "HIPPA Teleconferences Scheduled": FYI.
- c) In the matter of DS-99-089: correspondence from Sunscript Pharmacy specific to Board consent agreement: FYI.
- d) NCCMERP Medication Error Index: FYI.
- e) Registrant, Vincent R. Scandurra, License Number 1095: request for "Live" CE Waiver based on personal circumstances described in correspondence.  
**Vote:** Approve \_\_X\_\_ Deny \_\_\_.  
A **Motion** was made by Karen Ryle to approve the live CE waiver request for Scandurra. The motion was seconded by Harold Sparr. The motion carried.
- f) New England Regulatory Review: Volume III, Issue 1 Winter 2002: FYI.

- g) NABP Election of Delegates for NABP's 98<sup>th</sup> Annual Meeting, May 18-22, 2002, Phoenix, Arizona:

Delegate Nominations:

Alternate Delegate Nominations:

\*If not previously submitted, Board Members attending the conference should bring their NABP registrations forms to the meeting so that Board staff can submit them for a group discount rate.

A **Motion** was made by Karen Ryle to nominate Jim DeVita as Board delegate to the NABP Annual Meeting. The motion was not seconded but rather related discussion took place.

A **Motion** was made by Bob Paone to nominate Harold Sparr as Board delegate to the NABP Annual Meeting. The motion was seconded by Marilyn Barron. The motion carried.

A **Motion** was made by Karen Ryle to nominate Jim DeVita as Board alternate delegate to the NABP Annual Meeting. The motion was seconded by Harold Sparr. The motion carried.

- h) MIPA correspondence from Attorney, Robert C. Pavlan, Jr. regarding a request for appearance before the Board to discuss corresponding responsibility and refusals to dispense prescriptions: for Discussion.

**Discussion:** The Board reviewed the correspondence and entertained discussion on the matter.

A **Motion** was made by Harold Sparr to approve MIPA's request to appear before the Board. The motion was seconded by Donna Horn. The motion carried. The Board advised staff to schedule the meeting for May 07, 2002.

- i) NABP memorandum regarding "Initiative with Pharmacy Technician Certification Board (PTCB)": for Discussion.
- j) Pharmacy Technician Certification Board (PTCB) correspondence regarding joint agreement with NABP for National Certification for Pharmacy Technicians: for Discussion.
- Discussion: Harold Sparr provided the Board with an update specific to the new partnership between NABP and PTCB. Sparr commented that NABP will become a 1/5<sup>th</sup> partner with PTCB and is likely to become more involved with regard to PTCB examination development.

- k) FDA Bulletin regarding new lifesaving toll-free hotline that connects  
l) Americans to poison treatment and prevention experts 24 hours a day, seven days a week: **1-800-222-1222**: FYI.

- m) NABP memorandum regarding "New Thresholds for Retail and Mail Order Sales of Pseudoephedrine and Phenylpropanolamine (PPA) Drug Products": FYI.

- n) Draft Policy on Return for Re-dispensing of Medications from Long term Care Facilities: for Vote.

**Discussion:** The Board reviewed the draft policy and entertained discussion on the matter.

**Vote:** A Motion was made by Donna Horn to approve the draft policy. The motion was seconded by Marilyn Barron. The motion carried.

Dr. Grant Carrow Director of DPH/DCP recognized both the Executive Director and Board's role in the joint development of the policy.

- o) Grand Rounds Presentation (Hospital / Industry consortium): June 12, 2002: for Discussion.

**Discussion:** The Board discussed the request to participate in the Grand Rounds Presentation on June 12, 2002. The Board advised Board staff that all Board members would like to participate in the presentation.

The Board authorized the following administrative business agenda items to be added to the March 12, 2002 agenda for related discussion:

- p) A Motion was made by Harold Sparr to cancel the Board's April 09, 2002 business meeting because Karen Ryle, Donna Horn, Marilyn Barron and Jim DeVita would be out of town attending an NACDS conference. The motion was seconded by Karen Ryle. The motion carried. The Board advised Board staff to schedule the April 23, 2002 Board meeting as ½ administrative business items and ½ investigative conferences based upon priority standing.

**q) OxyContin® Discussion:**

Karen Ryle provided the Board with an overview of recent testimony (CVS Pharmacy & William Bliss of the Virginia State Police) heard before a Senate subcommittee in Washington on or about February 12, 2002. According to the testimony, a significant percentage of OxyContin® armed robberies have occurred at chain pharmacies and such stores have been robbed on multiple occasions. Ms. Ryle suggested that Massachusetts pharmacies with safety concerns related to the stocking of OxyContin® should consider writing to the Board to seek a waiver related to Board regulations set forth at 247 CMR, Section 6.02(4).

The following Board minutes notes by Chuck Young: The Board requested that Board counsel develop language for a moratorium on enforcing Board regulations set forth at 247 CMR, Section 6.02(4) for related consideration at the April 23, 2002 Board meeting. In addition, the Board requested Board staff to extend an invitation to Faulkner Hospital Addiction Specialist Dr. Alan Wartenburg to address the Board on April 23, 2002 regarding the patient impact specific to any proposed OxyContin stocking moratorium.

- r) Dave Scencabaugh, Brooks Pharmacy Specialist, recognized the efforts of Chuck Young and James D. Coffey to facilitate the transfer of ownership application process specific to Brooks Pharmacy acquisition of Albertson's Inc. (Osco Drug).

**10. 4:00 p.m.**

A Motion was made by Karen Ryle to adjourn the meeting. The motion was seconded by Marilyn Barron. The motion carried. Meeting Adjourned.

Respectfully submitted by:

 6-13-02  
Executive Director Date

  
Printed Name

Reviewed by counsel: June 05, 2002  
Draft approved: June 06, 2002  
Board adopted: June 11, 2002