

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, AUGUST 10, 2004
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

Board members present: James T. DeVita, R.Ph., President, Karen Ryle, R.Ph., M.S., Secretary, Harold Sparr, R.Ph., M.S., Marilyn M. Barron, MSW, Public Member, Steven Budish, Public Member, George A. Cayer, R.Ph., Sophia Pasedis, R.Ph., Pharm.D., and William A. Gouveia, R.Ph., M.S. (excused 2:30 p.m.)

Board members absent: Dr. Donald D. Accetta, M.D., Joel R. Berman, R.Ph.

Board staff present: Charles R. Young, R.Ph., Exec. Dir., James D. Coffey, R.Ph., Assoc. Dir., Susan Manning, J.D., Counsel, Leslie Doyle, Healthcare Supervisor, and James Emery, Healthcare Investigator and Samuel J. Penta, Healthcare Investigator.

AGENDA ITEMS

1. 9:30 a.m.

Pres. James T. DeVita, R.Ph. called the meeting to order.

Discussion regarding amending the Board meeting start time. Motion/Sparr to start Board meetings at 8:30 a.m. beginning in October, 2004. Second/Cayer. Motion carried.

2. 9:35 a.m.

Introduction / Announcement of new Board Members and Investigator

Board member George A. Cayer, R.Ph. (appointed 6/18/2004 / expiration 12/01/2008) and Investigator Samuel J. Penta were introduced to the Board by staff.

3. 9:40 a.m. Review of Minutes from a previous meeting

Motion/Budish to table review of the June 22, 2004 draft minutes until the September 14, 2004 meeting. Second/DeVita. The motion carried.

4. 9:45 a.m.

Report of Offices

a) Office of Investigations

i) File Review - Healthcare Investigators Leslie S. Doyle and James C. Emery.

In the matter of PH-04-086 / Registrant Norman N. Mason, R.Ph. (Lic. No. 16296):

Recused- Cayer.

Investigator Doyle provided an overview of the complaint to include the alleged diversion of controlled substances. Tim McCarthy, DHPL MPRS Coordinator, advised the Board that Mr. Mason signed an MPRS contract and complied with the program requirements to date. In addition, McCarthy stated that Mason voluntarily surrendered his license to MPRS.

Motion/Sparr to suspend the Registrant's license for 5 years concurrent with the MPRS contract. The Registrant may petition the Board for reinstatement after five years and at a minimum shall be required to satisfactorily complete NAPLEX, MPJE and an experiential apprenticeship. Second/Ryle. Discussion. Vote: unanimous
Recused - Cayer. The motion carried.

In the matter of PH-04-076 / Registrant Dana Shore, R.Ph. (Lic. No. 16944): Investigator Doyle provided an overview of the complaint.

Motion/DeVita to offer the Registrant a voluntary surrender agreement to include a provision wherein the pharmacy must be closed and or sold within 30 days. Second/ Sparr. The motion carried unanimously.

Assoc. Dir. James D. Coffey noted that all file reviews should include a review of related complaint history.

b) Board counsel – pending legal matters.

In the matter of PH-04-030: Registrant Christopher Wilcox, R.Ph. Lic. No. 21858 – review of proposed amendments to consent agreement. The Board agreed to change the language in the agreement but not the terms of discipline.

5. 10:15 a.m.

Pharmacist Reinstatement Conference

In the matter of PH-97-068: Karl F. Hilse, Jr., R.Ph., (Lic. No. 21660) – Final Decision & Order – license revoked 01/16/1998.

CEs: Mr. Hilse brought his CEs to the Board. The Board did not review the CEs.

NH license status – license not reinstated

Mr. Hilse stated that his history of substance abuse is related to a knee replacement. Hilse said that NCPS (1998) and his personal physician have monitored him since he lost his pharmacy license. He stated he is involved in AA and NA meetings and is employed as a machinist where he purportedly has a good record of attendance and performance. Hilse said he was assessed by the MPRS (1997) program but was not accepted. Hilse said he is not currently being prescribed any controlled substances and has not been prescribed controlled substances for about a year now following a car accident. He said he experienced one recent positive drug test for Phenobarbital (test under review) due to systemic absorption / cross contamination as a result of crushing the medication for his dog to be placed in a sandwich.

Motion/Sparr to take the matter under advisement. Second/Cayer. The motion carried. Motion for re-discussion. Second/Barron. Motion carried.

Motion/Sparr for MPRS assessment and further review by the Board.

Second/Ryle. Motion carried unanimously.

6. 10:30 a.m.

Report of Committees

- a) Strategic Planning / Grid Management – updated grid was distributed to the Board for review over the next 30 days. Pres. DeVita provided an overview of the plan.
 - i) Regulation update - Board counsel stated that draft regulations are being by DPH reviewed for comment.
 - ii) Pharmacist immunization program update (Adult Immunization Training Program for Pharmacists – October 17, 2004 - Northeastern University School of Pharmacy and MPHA)- ACPE Accredited Program - Exec. Dir. Chuck Young
- b) Newsletter update “August 2004” - Exec. Dir. Chuck Young stated the August 2004 Newsletter is published on the Boards website. Mr. Young said that the deadline for new material to be submitted to the Board for publication in the next newsletter is September 01, 2004. Possible newsletter topics include – pharmacist renewals & CE, CII perpetual inventory (must include expired medications), new Board member listings, DPH/HCQ guidance for institutional practice settings regarding USP 795& 797, prescription transfer policy is approved, “what does a pharmacy does when a

mistake is identified”, and DATA 2000.

7. 11:00 a.m. to 12:00 p.m.
Electronic Data Transmission

The purpose of the meeting was to discuss draft regulations related to the electronic data transmission of Schedule II prescription information. Dr. Grant Carrow, Deputy Dir., Center for Quality Assurance and Control, and Adele Audet, Asst. Dir. of the Drug Control Program presented an overview of the proposed amendments.

Pres. DeVita advised Board members to send related comments to Exec. Dir. Chuck Young for consolidation and forwarding to Dr. Carrow office for consideration.

8. 12:00 p.m.
Lunch

9. 1:00 p.m.
Old Business for discussion

a) Board decisions in the matter of DS-04-079 & PH-04-084: CVS Pharmacy #2680, 106 Boston Road, Groton, MA, 10450 (Permit No. 2960) and Registrant, Fadi A. Zakaria, R.Ph. (License No. 21362) – July 13, 2004 Investigative Conference.

Recused - Jim DeVita (exited meeting room)

PH-04-084: Motion/Sparr to propose a three month suspension followed by one year probation (must write to the Board after one year to request that probation be removed) to include completion of a Board-approved course in professional ethics in one year following date of effective agreement for both a medication error and unprofessional conduct. Second/Gouveia. Motion carried.

DS-04-079: Motion/Sparr to issue an Advisory Letter to the pharmacy to include training for pharmacy employees on the proper means to identify medications and the use of other related drug information sources. Second/Barron. Motion carried.

b) Board decisions in the matter of DS-04-046 & PH-04-052: CVS Pharmacy #1085, 64 Swan Street, Methuen, MA, 01844 (Permit No. 1724) and Registrant, Gerald F. Fichera, R.Ph. (License No. 16459) – July 13, 2004 Investigative Conference.

Recused – Jim DeVita (exited meeting room)

PH-04-052: Motion/Sparr to issue an Advisory Letter to the Registrant to include completion of 2 CE's in Medication Error Prevention. Second/Cayer. Motion carried.

DS-04-046: Motion/Sparr to issue the pharmacy an Advisory Letter to include completion a USP Medication Error Report Form. Second/Cayer. Motion carried.

- c) MPHA 123rd Annual Convention, Boxborough, Sunday, September 12, 2004
 - Discussion regarding “Board of Pharmacy Law Update (to include panel discussion)” – Exec. Dir Chuck Young provided an overview of the proposed program. Discussion topics to include – DATA 2000 (Karen Ryle – 15 minutes), CQI/RCA/Culture of Safety/Accountability (Jim DeVita),
 - MPRS/Counterfeit Best Practice/Board Initiatives (Chuck Young) and a consumers expectation of pharmacist responsibility following a medication error (Marilyn Barron).
- d) Draft Policy related to the Transfer of “Schedule VI” Prescription information from one pharmacy to another for a prescription not filled by the original pharmacy Pres. DeVita provided an overview of the draft policy. Pres. DeVita will revise the draft policy for future re-discussion. Vote to adopt policy: Approve / Oppose / Amend – tabled by Pres. DeVita.

10. 1:45 p.m. New Business for discussion

- a) Pharmacist Reciprocal Licensure Application for Catherine L. Day – review of CT disciplinary action related to medication errors. Motion/DeVita to approve the application subject to compliance with other standard Board conditions of licensure. Second/Sparr. Motion carried.
- b) 2005 proposed Board of Pharmacy meeting dates – the proposed dates were accepted however, the Board requested that two meetings be scheduled every other month except for the months of July, August and December.
- c) Accredo Health Group – request for Advisory Opinion regarding prescriptions and labeling. Pres. DeVita provided an overview of the proposal. Motion/Sparr that the proposal is acceptable. Second/DeVita. Motion carried.
- d) TriPharma Communications “Trissel’s 2 Clinical Pharmaceutics Database” – request for Board approval of pharmacy reference source. Exec. Dir. Young provided an overview of the request. The Board requests that a letter be forwarded to TriPharma Communications advising the Co. that the Boards proposed regulations will not require specific reference sources but rather enable a pharmacy to utilize those reference sources that are specific to the patient population it services.
- e) Coram Healthcare Corporation of Massachusetts and SoluNet Pharmacy

Services Outsourcing Pilot Project Update – request for extension of pilot project. Exec. Dir. Young provided an overview of the project. Mr. Young stated that Coram was informed that the proposed activity required patient specific prescriptions/orders and need comply with DPH regulations. Motion/Sparr to reiterate to Coram/Solunet that the proposed activity must continue to be based upon patient specific prescriptions/orders, shall comply with 795 & 797 USP compounding standards, is subject to Board inspection and requires the approval of DPH. Second/Ryle. Motion carried.

- f) Tura's Pharmacy Inc., Kingston, MA - request for advisory opinion regarding unit dose packaging, return for destruction and re-packaging of prescriptions. George Cayer provided an overview of related packaging standards. Motion/Sparr that a portion of the proposal is not permissible unless compliant with long term care pharmacy return and re-use requirements. The described medication cannot be re-distributed to another patient. Second/Cayer. Motion carried.
- g) Policy 2000-02: Policy on Canadian Colleges / Universities of Pharmacy Education – License Policy on Canadian Graduates – discussion related to licensure requirements being that FPGEC waiver expired on June 30, 2004. Exec. Dir. Young provided the background details specific to the policy. Young stated that the subject matter will be discussed in a town hall meeting format at the District I Meeting in St. Johns, New Brunswick in October. NABP Pres. Donna Horn also noted that NABP will be convening a committee in December of 2004 to discuss the topic.

11. 3:45 p.m.

Motion/Sparr to adjourn the meeting. Second/Ryle. Meeting adjourned.

Respectfully submitted by:


Executive Director _____ Date 10/12/04

Reviewed by counsel: September 10, 2004

Draft approved: September 10, 2004

Board approved: September 21, 2004