

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, JANUARY 13, 2004
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

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

The following Board staff was present: Charles R. Young, R.Ph., Exec. Dir., James D. Coffey, R.Ph., Assoc. Dir., Arthur J. Chaput, R.Ph., Pharm.D., Susan Manning, J.D., Counsel, Carolyn L. Reid, Adm. Asst., James C. Emery, C.Ph.T., Healthcare Investigator, and Leslie S. Doyle, R.Ph., Healthcare Supervisor.

AGENDA ITEMS

1. 9:30 a.m. - Call to Order - The meeting was called to order by Pres. James DeVita.
2. 9:35 a.m. - Review of Board Minutes - No minutes to review.

Board Extern Nicole J. Rocha, Pharm. D. student at Mass. College of Pharmacy, was introduced. Her externship runs from January 5 to February 13, 2004. Nicole will primarily work on Root Cause Analysis Development and Continuing Quality Improvement Project.

3. 9:45 a.m. - Central Admixture Pharmacy Services, Inc. (CAPS) – Application for a new pharmacy department - 55 Sixth Road, Woburn, Massachusetts 01801 - Proposed M.O.R. - Arthur Dahl (License No. 16415).

CAPS has filed a retail application with the Board and a manufacturer application with DPH/DCP. CAPS proposes to dispense patient specific intravenous solutions pursuant to physician prescriptions/orders and register as a "manufacturer" to deliver non-patient specific compounded solutions.

Present: William John Brandon, Dir., Tom Wilverding, Reg. Dir., Arthur Dahl, M.O.R.

CEs: Manager/compliant.

CAPS will provide daily VI admixing, dispensing and delivery to hospitals and home care facilities. CAPS will be licensed in 18 states. CAPS has an integrated CQI for preventing dispensing errors. CAPS will employ six trained staff personnel – three pharmacists and three technicians. CAPS has had complaints filed in Florida, Illinois and Michigan. (1993, 1994 and 1995). CAPS was reprimanded for being licensed as a retail pharmacy when the majority of the business was in homecare and for

recordkeeping. The pharmacy department and manufacturing operation are located in the same facility blueprint. Mr. Dahl stated that the pharmacy department and manufacturing operation will maintain separate records. Mr. Brandon said that CAPS conducts quality assurance random sampling of compounded products to assay sterility and drug concentration and or dose. Brandon said that CAPS will adhere to the new 2004 USP 797 standard.

The Board suggested that CAPS consider both a waiver and CIVAS letter request.

4. 10:15 a.m. - In the matter of PH-04-050, Registrant, Alfred J. Ortolani, Jr., R.Ph. (License No. 16451 / Exp. 12/31/1996). Complaint alleges Registrant failed to complete requisite continuing education and practiced without a current license from 12/31/1996 to 10/27/2003.

CEs: 1995-compliant; 1996-short 4.5 live, 3 law; 1997-no law, no live; 1998-compliant; 1999-short; 2000-compliant; 2001-no CEs; 2002-no CEs, 2003-completed 45 hrs-no law, on two occasions completed more than max. credits allowed in one day.

Present: Alfred J. Ortolani, Jr., R.Ph.

Registrant, licensed by Board for 28 years, admitted that he practiced pharmacy for seven years with an expired license and that he failed to complete the mandatory continuing education. Registrant has not changed his address. Renewal notices were not returned to the Board. Registrant stated that he did not realize his license had expired because he never looked at the expiration date on his license.

Motion/Ryle to take the matter under advisement. Second/Sparr. Motion carried. Re-discussion: Motion/Ryle- formal reprimand and censure, approve reinstatement subject to payment of licensing back fees, pass the MPJE exam, complete modules 1 & 2 of the CT pharmacist retraining program or other program approved by the Board; 5 years probation with documentation of 5 years of compliant CE required for termination of probation. Second/Sparr. Motion carried.

5. 10:30 a.m. - Partners Healthcare - Application for a new pharmacy department - 181 Cedar Hill Road, Marlborough, MA 01752. Proposed M.O.R. -James J. Ryan, R.Ph. (License No. 16753 / Exp. 12/31/2004).

CEs: Manager/compliant

Present: James Ryan, R.Ph., Larry Kososki, Pharmacy Consultant

Partners Healthcare (offices in NJ and MO) has no affiliation with Partners HealthCare System in Massachusetts. Partners proposes to service long-term care Facilities services and provide pain management consulting and infusion services. No technicians are currently employed. Partners will also apply for a clean room

(w/CIVAS) – operations projected to commence March, 2004. The pharmacy will maintain a representative controlled substance inventory.

The Board suggested that Partners apply with waiver request, unless they put a sign in the window (waiver not required if sign w/d.b.a. name posted). Motion/Sparr to take the matter under advisement until the application issues are resolved. Second/Ryle. Motion carried.

6. 11:00 a.m. - Custom Medicine Pharmacenter - Application with waivers for “limited service pharmacy department” specializing in compounding - 25 Cabot Street, Beverly, MA 01915. Proposed M.O.R. - William A. Beckman, R.Ph., (License No. 20126/ Exp. 12/31/2004).

CEs: compliant

Present: Mary Beckman and William A. Beckman, R.Ph.

Applicants provided overview of the proposed operations. The pharmacy will provide specialized compounding services to physicians, dentists, veterinarians. Discussion of name of pharmacy-Board noted the word “pharmacy” implies to the public that general prescription services are offered at site. Mr. Beckman represented that the proposed pharmacy department would comply with the 2004 USP 797 Standard. Motion/Sparr to take under advisement. Second/Ryle . Motion carried.
Re-discussion: Motion/Sparr to approve the limited service pharmacy application with name “Custom Medicine Pharmacenter”. Second/Ryle. Motion carried.

7. 11:30 a.m. – Regulation Revisions – Electronic Prescriptions

Board Counsel provided update of proposed revisions to 247 CMR 5.02 and 2.00, amending definition of electronically transmitted prescriptions and facilitating electronically transmitted prescriptions. The public comment period ends February 12, 2004.

8. 11:40 a.m. - Adjudicatory Session - Motion/Sparr to enter adjudicatory session to discuss pending adjudicatory matters. Second/Barron. Motion carried.
9. 12:00 p.m. – Return to Open Meeting - Motion/Sparr to return to open session. Second/Barron. Motion carried.

In the Matter of Dennis J. O’Boyle, R.Ph. (Lic. No. 17449), Docket No. PH-00-104. Motion/Sparr to adopt Proposed Final Decision and Order with Order of Censure and renewal/reinstatement of license after completion of MPJE exam, payment of licensing back fees, completion of modules 1 & 2 of the CT pharmacist “retraining” program or other Board approved program – reinstatement on probationary status for five year period – termination of probation on demonstration of completion required CEs during probationary period. Motion/Sparr. Second /Barron. Motion carried.

10. 12:15 a.m. – Discussion – Dispensing Guidance for pharmacists.

Young to provide report of workgroup continued discussion.

11. 12:30 p.m.-1:45 p.m. Lunch

12. 1:45 p.m. File Review

13. 2:15 p.m. Continuous Quality Improvement – Report of Quality Assurance
Surveyor: Arthur J. Chaput, R.Ph., Pharm.D./Nicole Rocha - status of root cause
analysis project.

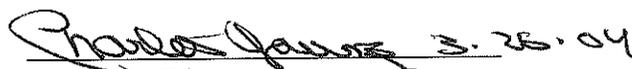
Nicole Rocha reported on status of research project to develop root cause analysis
model for community pharmacists/pharmacies.

14. 2:30 p.m. - Administrative Business Items

- a. Request for CE Waiver - William Berkowitz, R.Ph., License No. 25653. Licensee graduated in 2002, but did not obtain a license until 2003 and believed that 247CMR 4.03(9) allowed waiver for "year of license", not "year of graduation". Mr. Berkowitz self reported his deficiency to the Board.
Motion/DeVita complete 30 CEs for 2004. Second/Ryle. Motion carried.
- b. Request for Reinstatement - Soterios Hantzis, R.Ph. (exp. 12/31/1994).
Motion/DeVita take MPJE exam, pay licensing back fees. Second/Sparr. Motion carried.
- c. Update on Automation in Pharmacies - DeVita will revise and report to Board.
- d. Request for Reinstatement - James G. Troy, R.Ph., License No. 16195 (exp. 12/31/86).
Motion/DeVita to approve reinstatement subject to completion of the following conditions: pass both the NAPLEX & MPJE exams, pay licensing back fees, enroll in modules 1 & 2 of the CT pharmacist retraining program or other Board approved program and 500 externship hours OR complete 1500 hours of externship. Second/Sparr. Motion carried.
- e. University of Connecticut - Robert McCarthy appointed Dean of the School of Pharmacy. Board to send congratulations letter.
- f. Registrant, Cecile E. Bianco, R.Ph., (License No. 25560 / Exp. 12/31/2004) request for advisory opinion regarding live CE.
Motion/DeVita granted one time waiver for no live CEs for 2003. Second/Sparr. Motion carried.

15. 4:00 p.m. Motion/Sparr to adjourn. Second/Barron. The motion carried.
Meeting adjourned.

Respectfully submitted by:


Executive Director Date

Reviewed by counsel: January 30, 2004
Draft approved: February 10, 2004
Board adopted: February 10, 2004

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ADJUDICATORY SESSION MINUTES
TUESDAY, JANUARY 13, 2004
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Review of Proposed Final Decision and Order and determination of sanction -
In the Matter of Dennis J. O'Boyle, R.Ph. (Lic. No. 17449), Docket No. PH-00-104.

Vote to be taken in open session after agreement to adopt proposed decision of administrative hearing counsel (V. Bendix) and decision to order Censure with renewal/reinstatement of license after completion of MPJE exam, payment of licensing back fees, completion of modules 1 & 2 of the CT pharmacist "retraining" program or other Board approved program – reinstatement on probationary status for five year period – termination of probation on demonstration of completion required CEs during probationary period.