

**BOARD OF REGISTRATION IN PHARMACY  
MINUTES: PHARMACY BOARD MEETING  
TUESDAY, APRIL 05, 2005  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS 02114**

Present: James T. DeVita, R.Ph., Past Pres., Marilyn Barron, MSW, Public Member arrived @ 9:00 a.m., George Cayer, R.Ph., Kathy J. Fabiszewski, R.N., Ph.D., Steven Budish, Public Member, William A. Gouveia, R.Ph., M.S.

Absent: Karen Ryle, R.Ph., M.S., Pres., Harold Sparr, R.Ph., M.S., Donald Accetta, M.D., MPH, Joel Berman, R.Ph., Sophia Pasedis, R.Ph., Pharm.D.

Staff present: Charles R. Young, R.Ph., Exec. Dir., James Coffey, R.Ph., Assoc. Dir., Susan Manning, Administrative Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Administrative Asst., Sam Penta, R. Ph. Investigative Supervisor and James Emery, C.Ph.T., Investigator

1. 8:30 a.m.

Call to Order - Jim DeVita, Past Pres. called meeting to order @ 8:40 a.m.

New Board Member Kathy Fabisewski, RN, Ph.D., nurse practitioner working in a private practice and an instructor at University of Massachusetts, School of Nursing.

2. 8:35 a.m.

Review of Minutes from a previous meeting - March 22, 2005

DeVita requested a review of a decision to issue an Advisory Letter in the matter of Walgreen's Pharmacy supervisor. Matter will be reviewed by the Board at May 17, 2005 meeting. Motion/Cayer to approve minutes following review of the Walgreen's decision. Second/Budish. Unanimous in favor.

3. 8:40 a.m. Report of Offices

a) File Review

i) Office of Investigations - Healthcare Investigators: James C. Emery and Supervising Investigator Samuel J. Penta

PH-05-058 – James M. Burke, Lic. #16706

Motion/DeVita to seek Voluntary Surrender. Second/Cayer. Unanimous in favor.

PH-05-079 – Brian Beasley, Lic. #20962

Motion/DeVita to seek Voluntary Surrender. Second/Budish. Unanimous in favor.

PH-05-090 – Andrea Holstein, Lic. #20840

Motion/DeVita to seek Voluntary Surrender. Second/Cayer. Unanimous in favor.

4. 9:10 a.m. Report of Offices

a) Board Counsel - Susan Manning

i) Pending legal matters

9:20 a.m. Motion/Budish to enter adjudicatory session. Second/Cayer.  
Unanimous in favor.

9:30 a.m. Motion/DeVita to return to open session. Second/Budish.  
Unanimous in favor.

In the Matter of PH-04-086-Norman Mason, R.Ph. Review of Motion for  
Summary Decision.

Motion/DeVita vote to adopt proposed ruling and grant motion.  
Second/Budish. Unanimous in favor.

Brooks Pharmacy and James Doolittle ( DS-03-023/PH-03-033)– review of  
communication from registrants.

Motion/DeVita to issue Advisory Letter contingent upon participation in CQI  
Survey. Second/Cayer. Unanimous in favor.

5. 9:40 a.m.

New Business for Discussion

a) Education waiver for Alan P. Wiggetman, R.Ph., (Lic. No. 14149).

Motion/DeVita to approve for one-time only and provide information about  
web-based “live” CE. Second/Cayer. Unanimous in favor.

b) Request for advisory opinion regarding 2004 CE deficiency (1/2 credit  
deficient) from Michael T. Berube, R.Ph. (Lic. No. 23923).

Motion/DeVita for require 6 contact hours of law in 2005 in addition to the 2  
required per 247 CMR 4.01. Second/Cayer. Unanimous in favor.

c) Request for pharmacist reinstatement - Deanna S. Michalowicz, R.Ph.  
(Lic. No. 17147 / Exp. 12/31/1992).

Motion/DeVita to require completion of pharmacist retraining program offered  
by MPHA (three modules) in addition to MPJE. Second/Gouveia. Unanimous in  
favor.

- d) Lori Bender, R.Ph. – request for review of decision requiring NAPLEX for reinstatement of license (exp. 1980).  
Motion/DeVita for referral to the MPHA pharmacist retraining program (Modules 1-3 as well as MPJE). Second/Budish. Unanimous in favor.
- e) In the matter of Joao Depina – Applicant for pharmacy technician registration – Review of conviction. The Board does not find sufficient time has elapsed since the conviction to warrant registration at this time.  
Motion/DeVita to advise Depina that he may not apply for registration (though he may be employed in non –registered support personnel position) until January 1, 2009. Second/Budish. Unanimous in favor.
- f) In the matter of Louis and Clark Pharmacy – continued discussion of previously waiver petition to be located at Massachusetts Mutual, 1295 State Street, Springfield, MA.  
Motion/DeVita to request Board members Sparr and Budish to conduct an on site visit for report to Board in May 2005.
- g) The rd reviewed proposed revision to Best Practice Recommendation #23 “Non-Emergency Product Identification” drafted by Leo McKenna, Pharm.D.  
Motion/DeVita to approve. Second/Gouveia. Unanimous in favor.
- h) Leo McKenna provided overview of draft legislative report regarding preventable medical errors which resulted in patient harm. The Board requested to be kept informed of the progress of the report.

7. 10:00 a.m.

Strategic Planning Workgroup Session - Dr. E. Wallace Coyle, President of E. Wallace Coyle Associates, Norwell, MA. A follow up strategic planning work group session is scheduled for May of 2005. An updated strategic plan will be forwarded to the Board prior to such meeting. Next meeting to establish Activities/ Time Frames / Responsible Persons / Date to be completed by and related Prioritization Schedule. Matrix to be drafted for Board review.

8. 12:15 p.m.

Lunch

9. 1:20 p.m. Application for a New Pharmacy / Pharmacy Department

In the matter of Highland Chemist, Inc., located at 1681 Washington Street,

Braintree, Massachusetts 02184. Present: Marcia A. Walker-Guy, R.Ph. (Lic. No. 23177 Exp. 12/31/2006), and Paul M. Garbarini, Esq.

CEs: compliant

Highland Chemist, Inc. will be located at 1681 Washington Street, Braintree, MA. The pharmacy is designed with two intravenous hoods (one certified) with sufficient space for compounding (PCCA designed pharmacy). The pharmacy will have a separate alarm, security system, and cameras from other premises occupants and a panic button. Walker-Guy will post 1-800 number on the pharmacy door to make herself available to the patients at all times.

Motion/Budish to approve application, pending inspection. Second/Cayer.  
Unanimous in favor.

10. 2:00 p.m. Application for a Wholesale Distributor License.

In the matter of Alpha Tech Vet, Inc. D.B.A. Vetchemosupply.com, located at 789 Massachusetts Avenue, Lexington, MA 02420.

Present: Dr. Shawn E. Seitz (Veterinarian Lic. No. 3602 Exp. 02/28/2006).

Applicant seeks approval to distribute Schedule VI controlled substances only.

Dr. Seitz stated that he owns two veterinary clinics. He seeks licensure to carry and distribute chemotherapy drugs to veterinarians. They will provide the customers with guarantee overnight federal express delivery shipments. His office suite will be used as the quarantine room and an alarm will be installed in the room. He has nine employees and he will decide who will have access to the room.

Ex. Dir. Young made various suggestions, including reviewing NABP website. Motion/DeVita to approve application, pending installment of quarantine area and alarm system. Second/Cayer. Unanimous in favor.

11. 2:30 p.m. Continuous Quality Improvement Programs Update - Leo McKenna, Pharm.D.

CDTM update from the Face of Pharmacy Meeting - March 29, 2005

McKenna provided update on the face of pharmacy meeting at State House where the Board had a booth that presented brochures and handouts pertaining to recent regulatory changes.

12. 3:00 p.m. Motion/DeVita to adjourn meeting. Second/Cayer. Motion Meeting adjourned.

Respectfully submitted by:

  
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Charles R. Young, R.Ph.  
Executive Director  
Date: 8-9-05

Reviewed by counsel: May 27, 2005  
Draft approved: May 27, 2005  
Board Approved: June 28, 2005

BOARD OF REGISTRATION IN PHARMACY  
ADJUDICATORY SESSION MINUTES  
TUESDAY, APRIL 5, 2005  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS 02114

In the Matter of Norman Mason, R.Ph., Docket No. PH-04-086.

Review of Motion for Summary Decision.

Motion/DeVita vote to adopt proposed ruling and grant motion. Second/  
Budish. Unanimous in favor.

Motion/DeVita to return to open session. Second/Budish. Unanimous in favor.