

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, AUGUST 09, 2005
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

Present: Karen Ryle, R.Ph., M.S., James T. DeVita, R.Ph., George Cayer, R.Ph., Sophia Pasedis, R.Ph., Pharm.D., Marilyn Barron, M.S.W., Public Member, Harold Sparr, R.Ph., M.S. (until 12:20 p.m.),

Absent: Kathy Fabiszewski, Ph.D., R.N., Donald Accetta, M.D., Steve Budish, Public Member, Joel Berman, R.Ph., William Gouveia, R.Ph., M.S.

Board Staff: Charles R. Young, R.Ph., Exec. Dir., James D. Coffey, R.Ph., Assoc. Dir., Susan Manning, Counsel, Carolyn Reid, Admin. Asst., Leo McKenna, R.Ph., Pharm.D., Sam Penta, R.Ph., Investigator Supervisor, James Emery, C.Ph.T.

1. 8:30 a.m. - Call to Order – Pres. Ryle called meeting to order at 8:35 a.m.
2. 8:35 a.m. - Review of minutes from a previous meeting.
Motion/Sparr to adopt minutes from June 28, 2005 meeting. Second/Pasedis.
Unanimous in favor.
3. 8:40 a.m. to 9:15 a.m. - File Review
Office of Investigations: Healthcare Investigators James C. Emery and Samuel J. Penta.

PH-06-003 – Roland E. Sergio, License #13941
Motion/Ryle to accept voluntary surrender. Second/Sparr. Unanimous in favor.

DS-06-002 – Michael J. Major, License #20678
Motion/Ryle to accept voluntary surrender. Second/Sparr. Unanimous in favor.
4. 9:15 a.m. to 9:30 a.m. - Report of Offices
Susan Manning, Board counsel
5. 9:30 a.m. to 10:10 a.m.
Investigative Conference: DS-05-073, PH-05-123 and-05-124

In the matter of Somerville Hospital Pharmacy, 230 Highland Avenue, Somerville, MA, 02143 (Permit No. 119), Thu Thuy Nguyen, R.Ph.

(License No. 25993) and Rose Marie Harrington, R.Ph. (License No. 16064).

Complaint alleged that Nguyen (TN) and Harrington (RH) dispensed Liquefied Phenol 89% rather than the prescribed Phenol 6% while employed at Somerville Hospital Pharmacy. The patient allegedly received 2mL of 89% Phenol by nerve injection on October 27, 2004 resulting in adverse effects which required immediate medical attention.

Present: TN, RH, Rita N. Stefanelli, Dir. of Pharmacy, John Puleo, Esq.

CEs: compliant

Dir. of Pharmacy apologized and stated a lack of critical thinking occurred between pharmacists and staff. Corrective actions put in place include: retrained staff for sterile compounding, reviewed policies, outsourced high risk level medications to New England Compounding Center, prescription requests must be in writing.

RH stated she was only familiar with 6.1 Phenol, unaware of any other strength of Phenol. RH told TN not to put on "For External Use Only" label on bottle as it might alarm patient.

TN admitted to dispensing Liquefied Phenol 6.1, stating nurse called to request Phenol 6.5. TN said she was only familiar with Phenol 6.1. TN called RH to discuss order.

Motion/Sparr take matters under advisement. Second/Pasedis. Unanimous in favor.

Pharmacists: Motion/DeVita to seek Censure of pharmacists to include one year probation with evidence of retraining in USP standards 795 and 797. Second/Ryle. Unanimous in favor.

Drugstore: Motion/Cayer issue Advisory letter including policy and procedure, training manual, training staff, root cause analysis, corrective action, USP Medication Error Report. Second/Pasedis. Unanimous in favor.

6. 10:15 a.m. to 10:50 a.m.

Wal-Mart Pharmacy/Sam's Club, Bentonville, AR. Jerry Moore, R.Ph., J.D., Director, Pharmacy Professional Services and Government Relations,

presented proposal to utilize central fill technologies in MA.

7. 11:00 a.m. to 11:40 a.m. - Investigative Conference: DS-05-068
In the matter of CVS Pharmacy #009, Northgate Shopping Center, Squire Road – Route 60, Revere, MA 02151 (Permit No. 16477). Manager of Record, Gurinderpal “Rick” S. Sandhu, R.Ph. (Lic. No. 25762).

Complaint related to alleged regulatory deficiencies noted during a February 18, 2005 pharmacy department inspection.

DeVita – recused (exited meeting room)

Present: Sandhu, Diane Signori (Supervisor), Susan Delmonico, Dir.,
Regulatory Affairs

CEs: compliant

Manager of Record admitted to his failure to adhere to proper standards of pharmacy practice. Corrective actions were implemented to resolve problems: vials placed in basket should be appropriately labeled and returned back to the machine; a new refrigerator was purchased to store foods and beverages; Schedule II drugs have been returned and shall be accounted for in the log; biennial inventory records were found in the pharmacy and faxed to Investigator.

Supervisor stated she met with Registrant and staff pharmacists regarding policy and procedures. New procedure provides for double count of medications and confirming initial for count.

Motion/Sparr take matter under advisement. Second/Pasedis. Unanimous in favor.

Pharmacist: Motion/Cayer issue an Advisory Letter including 5 hours live law and self assessment survey letter. Second/Barron. Unanimous in favor.

8. 11:45 a.m. to 12:20 - Reinstatement Conference: Andrew C. Ryan, R.Ph., Esq.

(Lic. No. 21836 / Exp. 12/31/2000).

Ryan stated that he has not practiced pharmacy since 1998 (now attorney).
Motion/Ryle to require Module I and II of retraining program and MPJE

exam. Second/Sparr.

In favor: Ryle, DeVita, Cayer, Barron, Sparr, Gouveia

Opposed: Pasedis

9. 12:20 p.m. to 1:20 p.m. Lunch
10. 1:20 p.m. to 2:00 p.m. - Investigative Conference: DS-05-046, PH-05-011 and PH-05-011. In the matter of Medi-Rite Pharmacy and James M. Burke, R.Ph., (Lic. No. 16706 / Exp. 12/31/2004).

Burke seeks reinstatement of his expired pharmacist license. Complaints (2) that were closed without prejudice pending agreement not to renew and complaint that was subject of Consent Agreement were reviewed.

Present: Burke, Allan Dambrov, Esq.

Regarding Consent Agreement CE requirements, Registrant presented diskette of CEs to Board (no hard copies) and noted he misunderstood requirements regarding live CEs (he thought 5 live for 2004, 5 live for 2005). He now seeks to schedule MPJE examination.

Registrant reviewed his medical and personal circumstances with the Board. He stated that due to lack of personnel staff, he neglected to perform record keeping and inventory.

Motion/Pasedis to take matter under advisement. Second/Cayer. Unanimous in favor.

Motion/Pasedis to seek comprehensive medical and psychological evaluation, and MPRS assessment. Second/Cayer.

In favor: Pasedis, Cayer, Barron, Gouveia

Opposed: DeVita, Ryle

11. 2:00 p.m. to 2:40 p.m. - Investigative Conference: DS-05-047 & PH-05-061. In the matter of Walgreens Pharmacy #2945, 16 Beacon Street, Somerville, MA 02143 (Permit No. 2251), Registrant Thuy T. Huynh, R.Ph. (License No. 23345), and Pharmacy Intern David Le (License No. 49302).

Walgreens - Requested to reschedule.

12. 2:40 p.m. to 3:20 p.m. Investigative Conference: DS-05-064 & PH-05-076. In the matter of Ciampa Apothecary, 425 Cambridge Street, Cambridge, MA

02141 (Permit No. 979), and Registrant Walter J. Ciampa Jr., R.Ph. (License No. 13101).

Complaint alleged that on or about December 4, 2004, Registrant altered a Paxil 40mg prescription to Paxil 30mg based on the patient's concern of high dose, without first discussing the change with the prescriber.

Present: Registrant, Walter Ciampa, Sr.

CEs: compliant

Registrant admitted to the alteration and dispensing of Paxil 30mg instead of the prescribed prescription Paxil 40mg, without authorization from physician, and that his action was wrong. He stated should had given the patient a couple of pills until he spoke with physician. He did called the physician who called him back a week later. Registrant said he will wait until doctor provides authorization in the future.

Motion/Cayer to take matter under advisement. Second/DeVita. Unanimous in favor.

Motion/Ryle to seek reprimand and two hours (additional) law. Second/Cayer.

In favor: Ryle, DeVita, Pasedis, Cayer, Sparr, Gouveia

Opposed: Barron.

13. 3:30 p.m. - New Business

a) In the matter of Earl C. Webber Jr., R.Ph. (Lic. No. 16135) – Request for reconsideration (Lic. No. 16135/Revoked: 9/22/04)

Motion/Ryle to deny request. Second/DeVita. Unanimous in favor.

b) Board of Registration in Medicine request for Board member appointment to the Patient Care Assessment Committee.

Motion/DeVita to nominate Karen Ryle. Second/Cayer. Unanimous in favor.

c) In the matter of Robert L. Shapiro, R.Ph., (Lic. No.

22269/Exp. 12/31/98) - Request for pharmacist reinstatement.

Motion/DeVita - Retraining program Modules I and II; MPJE.

Second/Pasedis. Unanimous in favor.

14. 4:00 p.m. Motion/Ryle to adjourn meeting. Second/DeVita. Meeting adjourned.

Respectfully submitted by:



Charles R. Young, R.Ph.

Executive Director

Date: 9/27/05

Reviewed by counsel: September 25, 2005

Draft approved: September 25, 2005

Board approved: September 27, 2005