

**BOARD OF REGISTRATION IN PHARMACY  
PHARMACY BOARD MEETING MINUTES  
TUESDAY, JANUARY 25, 2005  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS 02114**

Present: James T. DeVita, R.Ph., Past Pres., Donald Accetta, M.D., M.Ph., Harold Sparr, R.Ph., M.S., Marilyn M. Barron, MSW, Public Member, Joel Berman, R.Ph., Steven Budish, Public Member, George A. Cayer, R.Ph., Pres. Elect, R.Ph., and William Gouveia, R.Ph., M.S.

Absent: Karen Ryle, R.Ph., M.S., Pres., Sophia Pasedis, R.Ph., Pharm.D, Secy.

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

1. 8:30 a.m. - Call to Order – Past Pres. DeVita
2. 8:35 a.m. - Review of minutes from a previous meeting - Tabled
3. 8:40 a.m. to 9:15 a.m. - File Review  
Office of Investigations: Investigators Emery and Penta
4. 9:15 a.m. to 9:30 a.m. - Report of Offices  
Pending Legal matters - Susan Manning, Board Counsel  
In the matter of PH-04-084 - Fadi A. Zakaria, R.Ph. (Lic. No. 21362).  
Review of response to proposed agreement.  
Recused - DeVita (exited meeting room)

Motion/Sparr to enter into Executive Session. Second/Cayer.

Vote: Unanimous in favor.

Motion/Sparr to return to open session. Second/Cayer.

Vote: Unanimous in favor.

Motion/Berman to affirm original consent agreement terms.

Second/Sparr. Vote: In favor: DeVita, Sparr, Barron, Accetta, Berman, Budish, Gouveia. Opposed: Cayer.

5. 9:30 a.m. to 10:10 a.m. - Investigative Conference-WD-05-001 –  
In the matter of Valcour Dental Supply, 89 Pine Street, Woburn, MA  
01801 (Permit No. 382).

Complaint alleged that on or about August 26, 2004, during a controlled premises inspection, multiple deficiencies were discovered by Inv. Emery and, during a follow-up joint inspection conducted by Inv. Emery and DPH/DCP Insp. Sandra McMahon, on or about September 07, 2004, the deficiencies remained uncorrected. McMahon placed all of the prescription drugs/devices under embargo. Valcour Dental Supply is authorized to distribute Schedule VI controlled substances only.

Present: Jay Freeley

Freeley stated business located in cluttered residence. They sell basic dental supplies, track inventory by computer, store needles and medications in locked file cabinet. No outdated materials. Purchased new fire alarm, motion detection and deadbolt locks. Inspectors said they would return in one month, but they came back 1½ week later.

Motion/Sparr to take matter under advisement. Second/Berman.

Vote: Unanimous in favor.

Motion/DeVita notify licensee must comply with CMR within 60 days subject to reinspection. Second/Sparr. Vote: Unanimous in favor.

6. 10:10 a.m. to 10:50 a.m. - Investigative Conference: DS-05-021 &  
PH-05-026. In the matter of Walgreens Pharmacy #2709, 989 Main  
Street, Weymouth, MA (Permit No. 2158) and Registrant Robert  
S. Blake, R.Ph., (License #12756).

Complaint alleged that on or about July 24, 2004,  
Blake dispensed Zantac Syrup rather than Zyrtec Syrup as  
prescribed while employed at Walgreens Pharmacy #2709.

Present: Complainant, Registrant, Patricia Folan, Manager of Record;  
Petrece Palmese, Pharmacy Supervisor; Gary Peters

CEs: Registrant - compliant

Complainant stated daughter took the wrong medication for three days. Walgreens did not provide information regarding the medication dispensed, telling her the bottle was being sent out to be tested. Complainant said she called DEA and Weymouth Police Dept. to get the bottle tested.

Registrant apologized for the medication error and stated that he doesn't recall how the error occurred. On this day, he worked alone without the assistance of a pharmacy technician.

Manager of Record apologized to the complainant for the error. She said that when the complainant came to the store with the bottle in question, she smelled and shook the bottle and knew it was Zantac but wanted the bottle to be tested for definite answer.

Pharmacist: Motion/Sparr issue an Advisory Letter, two CEs in Medication Error Prevention. Second/DeVita. Vote: Unanimous in favor.

Drugstore: Motion/Sparr issue an Advisory Letter, 6 weeks to submit revised policy to Board specifying timeframe for unidentified substance urgency and file a USP Medication Error Report. Second/Gouveia. Vote: Unanimous in favor.

5. 11:00 a.m. to 11:40 p.m. - Investigative Conference: PH-05-051  
In the matter of Registrant, Christina M. Rizza-Deary, R.Ph. (No. 19305/exp. 12/31/2006).

Complaint alleged controlled substance violations while the Registrant was employed at Walgreens Pharmacy #4535, 170 North Main Street, Randolph, MA and Walgreens Pharmacy #6470, 750 Washington Street, Weymouth, MA.

CEs: 2003 at Mass College of Pharmacy, Enrolled in Masters Program and Drug Management Thesis Program; 2004 CEs at Walgreens.

Present: Registrant

Registrant stated that inv. summary incorrect stating she took Adipex not Phentermine from pharmacy. Registrant said that she ordered prescription via Internet, had planned to return

medication to the pharmacy stock bottle when she received her ordered prescription. She signed letter stating that she took medication because she was very intimidated by Loss Prevention. She is not currently working. She stated she will apply to MPRS program.

Motion/DeVita take matter under advisement until result of MPRS assessment. Second/Sparr. Vote: Unanimous in favor.

Drugstore: Motion/DeVita to open complaints cases for both pharmacy locations and issue Advisory Letters to each for failure to file loss report. Second/Cayer. Vote: Unanimous in favor.

6. 11:40 a.m. to 12:20 p.m. - Investigative Conference: DS-05-036  
In the matter of Shaws Pharmacy #540, 43 State Street, Lynn, MA  
(Permit No. 3039).

Complaint alleged failure to comply with pharmacy technician registration requirements. Also, an August 24, 2004, loss report on 15,000 dosage units of hydrocodone products and 3,500 dosage units of alprazolam products during the time period of 05/01/03 – 08/20/04. Manager of Record at time was John W. Murphy III, R.Ph. (No. 22855). Current Manager of Record is Sabino Russo (Lic. No. 21198).

Present: Murphy; Russo, Jim McGrath, Supervisor

Murphy stated that pharmacy tech. worked one year with him and was an excellent worker. Murphy stated he did not know of diversion.

Russo stated no background check was done at the time of hire. Loss prevention installed cameras in pharmacy and observed pharmacy tech. putting medications in pants pocket.

McGrath stated that new computer systems will be installed in next two months to track, monitor and control medication inventory. Background check will be conducted on all employees.

Drugstore: Motion/DeVita issue an Advisory Letter. Second/Berman.  
Vote: Unanimous in favor.

7. 12:20 p.m. to 1:20 p.m. - Lunch
8. 1:20 p.m. to 2:00 p.m. - Investigative Conference: DS-05-015 &

PH-05-036. In the matter of CVS Pharmacy #114, 12 Harvard Street, Waltham, MA (Permit No. 2821) and Registrant, Rebecca W. Yee, R.Ph. (License #21807).

Complaint alleged that on or about July 05, 2004, Registrant dispensed Fluoxetine 40mg rather than Protonix 40mg as prescribed and labeled while employed at CVS Pharmacy #114, 12 Harvard Street, Waltham, MA.

Recused – Devita (exit meeting room)

Present: Yee, James Scanlon, Erica Shepard

CEs: compliant

Registrant admitted to dispensing Fluoxetine 40mg instead of the prescribed medication Protonix. Prescription was interpreted as Fluoxetine. She apologized for the medication error. Registrant said that she performed data entry, verification and dispensing of the order. Registrant stated that she always offered counseling to all patients. Motion/Budish to take matter under advisement. Second/Gouveia. Motion carried.

Pharmacist: Motion/Sparr issue Advisory Letter, complete 2 CEs in Medication Error Prevention and file USP report. Second/Berman. Vote: Unanimous in favor.

Drugstore: Motion/Sparr Dismiss. Second/Cayer. Vote: Unanimous in favor.

9. 2:00 p.m. to 2:40 p.m. - Investigative Conference: DS-05-035 and PH-05-047 In the matter of South Shore Hospital Pharmacy, 55 Fogg Road, Weymouth, MA (Controlled Substance Reg. No. 134) and Bonnie Loos, R.Ph, (Respondent), License No. 25725, of 34 Highland Circle, Halifax, MA.

Complaint alleged failure to maintain effective security to prevent theft and diversion of controlled substances in violation of 21 CFR § 1301.71 and 247 CMR § 9.01(1). Joint inspection (October 25, 2004) by Board (Penta and Emery) and DPH/ Drug Control Division Supervisor Nancy O'Leary with follow-up inspection was conducted on December 06, 2004 indicating policies and procedures had been implemented to correct the

security violations.

Present: Respondent: Bonnie Loos, R.Ph., represented by Martin Foster, Esq., Kathleen Hefferman, Dir., Janet Risko, Dir., Christopher Hughes, Edward Hinchey, Esq., Brian Mansfield, Robert Fairney,

CEs: compliant

Registrant stated that in August 2002, she assumed the position of Interim Pharmacy Director at South Shore Hospital, however, she was not licensed as a Mass. Registered Pharmacist until August 11, 2003. Registrant said that she was not given authority to order medications and she was not familiar or trained on the Pyxis system. She assumed that Pharmacy Operations Manager conducted all required medication counts and documented them in the Pyxis system. Registrant said that she was not aware of problems relating to the ordering, security and record keeping of controlled substances.

Hefferman stated that as a result of the incident McTiernan, V.P. was terminated. Two consultants were hired to conduct audit on controlled substances in vault, instituted competency training, daily perpetual inventory tracking system for outdated and returned merchandises. Audit has been completed indicating no diversion of medications.

Drugstore: Motion/DeVita issue Advisory Letter. Second/Berman. Vote: Unanimous in favor.

Pharmacist: (Loos): Motion/Gouveia Censure. Second/Sparr. Vote: Unanimous in favor.

10. 2:40 p.m. Motion/DeVita to adjourn meeting. Second/Cayer. Vote: Unanimous in favor.

Respectfully submitted by:



Charles R. Young, R.Ph.  
Executive Director

Date: \_\_\_\_\_

Reviewed by counsel: March 8, 2005

Draft approved: March 8, 2005

Board approved: March 15, 2005