

**BOARD OF REGISTRATION IN PHARMACY
MINUTES: PHARMACY BOARD MEETING
TUESDAY, SEPTEMBER 27, 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., Marilyn Barron, M.S.W., Public Member, Harold Sparr, R.Ph., Kathy Fabiszewski R.Ph. (until 12:30 p.m.), Joel Berman, R.Ph., William Gouveia, R.Ph., M.S., Donald Accetta, M.D. (until 12:30 p.m.), Steve Budish, Public Member.

Absent: Sophia Pasedis, R.Ph., Pharm.D.

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 Previous Meeting(s)
Motion/Gouveia to adopt minutes of July 19, 2005 meeting. Second/Barron.
Unanimous in favor.
Motion/Sparr to adopt minutes of August 9, 2005 meeting. Second/DeVita.
Unanimous in favor.
3. 8:40 a.m. to 9:15 a.m. - File Review
Office of Investigations: Healthcare Investigators James C. Emery
Samuel J. Penta, R.Ph.
4. 9:15 a.m. to 9:30 a.m. - Report of Offices
Board counsel Susan Manning
5. 9:30 a.m. to 10:10 a.m.
Investigative Conference – Docket No. PH-05-112
In the matter of Brockton Hospital Pharmacy, 680 Centre Street, Brockton, MA
02302 (Controlled Substance Reg. No. 14) and Registrant Emmanuel C.
Timothy, R.Ph. (License No. 23726).

Complaint alleges that on April 09, 2005, Registrant dispensed

Librium 300mg rather than the prescribed Lithium 300mg while employed at Brockton Hospital Pharmacy. A hospital nurse allegedly administered one dose of Librium 300mg to the patient prior to incident reconciliation.

Recused – Accetta (exit meeting room)

Present: Registrant; Susan Hathaway, Director of Pharmacy, Brockton Hospital; Pam Stelman, Director of Risk Management, Brockton Hospital; Investigator James C. Emery

CEs: compliant

Registrant admitted to dispensing Librium 300mg instead of the prescribed medication Lithium 300mg. Registrant stated that handwriting on prescription order and name of physician were not legible. Registrant said he called nurse for clarification and, while waiting for clarification, he entered medication order in system as Librium, thinking the dosage was too high. Registrant stated that he was not aware system safeguards were inactive. Registrant stated that he should not have entered order in system without clarification from nurse since he could not read the doctor's handwriting.

Dir. of Pharmacy stated that hospital pharmacists were informed by email of the disabled safeguards and knew it was their responsibility to monitor medication orders. The high dosage alert system was not working due to the new system.

Dir. of Quality Resources stated that a Critical Analysis investigation was conducted and a corrective action plan was developed.

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

Motion/Ryle offer consent agreement with reprimand, filing of USP Medication Error Report, and completion of root cause analysis to improve corrective action plan. Second/Berman. Unanimous in favor.

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

Investigative Conference: Docket No. DS-05-076

In the matter of Brooks Pharmacy #320, 1047 Thorndike Street, Palmer, MA 01069 (Permit No. 3255).

Complaint alleged failure to maintain adequate pharmacy department security of controlled substances to prevent diversion. Paul Lussier, R.Ph. (Lic. No. 13230) surrendered license to Board (Docket No. PH-05-091), effective June 5, 2005.

Present: Bob Corado, Loss Prevention, Kevin Miller, Pharmacy Supervisor, Mark Natario, R.Ph., Manager of Record, Felise Feingold, Esq., Investigator Samuel J. Penta

CEs: compliant

Natario stated that Lussier worked as a floater at this location. He was not aware of the drug thefts since perpetual inventory did not indicate shortage/diversion of drugs.

Miller stated his role was to ensure weekly inventories were in compliance and that he never observed anything out of the ordinary.

Corado stated that a thorough investigation was conducted.

Motion/Ryle to dismiss. Second/DeVita. Unanimous in favor.

7. 11:00 a.m. to 11:15 a.m.

Request for provisional pharmacist licensure - Melissa J. Mattison, R.Ph., Pharm.D., (Louisiana Lic. No. 16129 - Exp. 12/31/2005).

Mattison is in the process of relocating to MA following Hurricane Katrina.

Present: Melissa Mattison

Board reviewed personal circumstances and licensure history. Ryle suggested Mattison review 247 CMR.

Motion/Gouveia issue temporary license effective through December 31, 2005, require intitial supervision period and permanent licensure contingent on compliance with all licensure requirements.

Second/Sparr. Unanimous in favor.

8. 11:15 a.m. to 11:45 a.m.

Investigative Conference: Docket Nos. DS-06-074 and PH-06-011.

In the Matters of Bourne Pharmacy Inc., 131 Main Street, Buzzards Bay, MA 02532 (Permit No. 3078), and Registrant Gerald L. Lieberfarb, R.Ph. (License No.15152).

Complaint alleges multiple controlled substance violations at Bourne Pharmacy Inc., Gerald Lieberfarb is owner and manager of record of Bourne Pharmacy.

Present: Gerald L. Lieberfarb, R.Ph. and David Duncan, Esq.
Investigator: Samuel J. Penta

CEs: noncompliant

Investigator Penta presented investigative summary of September 21, 2005 inspection, including photographs (54) of pharmacy premises.

In response to questions from Board members, Registrant declined to answer citing fifth amendment privilege.

Decision:

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

Motion/ Sparr to offer opportunity to surrender personal and pharmacy registrations and, if not surrendered within 48 hours or such alternate date as may be agreed to by the parties, summarily suspend personal and pharmacy registrations. Second/Gouveia. Unanimous in favor.

9. 11:45 a.m. to 12:20 p.m. - Investigative Conference: Docket No. PH-05-102. In the matter of David S. Bloomberg, R.Ph. (License No. 15457)

Complaint alleged controlled substance violations while the Registrant was employed at Wal-Mart Pharmacy #10-2174, 141 Springfield Road, Westfield, MA 01086 (Permit No. 2748).

Present: Registrant: David S. Bloomberg, R.Ph.
Investigator: James Emery

CEs: compliant

Registrant stated he did take six Allegra tablets, but denied theft of Oxycontin.

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

Motion/Sparr to dismiss. Second/Gouveia. Unanimous in favor.

10. 12:20 p.m. to 1:20 p.m. Lunch

11. 1:20 p.m. to 2:00 p.m. - Application for New Pharmacy/ Pharmacy Dept. In the Matter of Sedell Inc., D.B.A. Sedell's Pharmacy, 622 N. Main, St., Raynham, MA 02767. Proposed Manager of Record, Christopher C. Sedell, R.Ph. (Lic. No. 24364 - Exp. 12/31/2006)

Present: Christopher C. Sedell, R.Ph.

Proposal consists of 380 sq. ft. with separate counseling area, 12 hour operation, and alarm system. No waivers sought.

Motion/Ryle approve pending inspection. Second/Cayer. Unanimous in favor.

12. 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).

Complaint alleges that on November 13, 2004, Registrant dispensed Wal-phed 15mg/5ml (Sudafed 15mg/5ml) rather than the prescribed Orapred 15mg/5ml while employed at Walgreens. The prescription was phoned in by the prescriber and was received by sixth-year pharmacy intern Le, who wrote the prescription as Wal-phed 15mg/5ml.

Present: Registrant: Thuy T. Huynh, R.Ph., Lauren Ling Lau, Pharmacy Manager, David Le, Pharmacy Intern, Patricese Palmese, Walgreens Rep., Bernard F. Shadrawy, Jr. Esq., Complainant
Investigator: James Emery

CEs: compliant

Registrant admitted to dispensing Wal-phed 15mg instead of the prescribed Orapred. Registrant stated that Pharmacy Intern wrote the prescription as Wal-phed 15mg and passed medication to Registrant for verification and dispensing. Registrant stated they called the patient's parents to apologize for the error.

Pharmacy Intern admitted to receiving call from physician and writing prescription as Wal-phed, as he said he heard the order. He did not request physician to spell out the name of prescription. He stated he has passed verbal and written sections of English competency test at Mass. College of Pharmacy and has enrolled in a 12 week intensive English course at Boston University.

Complainant stated her belief that language proficiency was a contributing factor to the medication error. She is dissatisfied with the response from Mass. College of Pharmacy but believed Walgreens took the incident seriously and had apologized.

Ms. Palmese expressed Walgreens concern and apology and stated they had conducted an internal investigation.

Decision:

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

Le: Motion/Ryle to propose consent agreement, including Test of Spoken English (TSE®), NAPLEX® and MPJE® exams. No license issued until Test of Spoken English (TSE®) with a total score of 50 or higher and above is achieved. Second/Sparr. Unanimous in favor.

Huynh: Motion/Ryle issue an Advisory Letter, with completion of two hours of continuing education in Pediatric, file USP Medication Error Report Form. Unanimous in favor.

Drugstore: Motion/Gouveia issue an Advisory Letter, with direction to develop/disseminate policy on pediatric dosage and mandatory counseling. Second/Berman. Unanimous in favor.

13. 2:40 p.m. Motion/ Ryle meeting to adjourn. Second/ Sparr.
Meeting adjourned.

Respectfully submitted by:



Charles R. Young, R.Ph.

Executive Director

Date: 11/15/2005

Reviewed by counsel: November 7, 2005

Draft approved: November 7, 2005

Board approved: November 15, 2005