

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
TUESDAY DECEMBER 15, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Board Members Present	James T. DeVita, R.Ph.; Stanley Walczyk, R.Ph.; Joanne Trifone, R.Ph.; George Cayer, R.Ph.; Michael Tocco, R.Ph, M.Ed.; Sophia Pasedis, R.Ph., Pharm.D.; Donald Accetta, M.D., MPH; Kathy Fabiszewski, Ph.D., N.P.; William Gouveia, R.Ph., M.S.
Staff Present	James D. Coffey, R.Ph. Director; Margaret Cittadino, Associate Director, M.Ed.; Leo McKenna, R.Ph., Pharm.D.; Samuel J. Penta R.Ph., Supervising Inspector; Cheryl Lathum, R.Ph., Pharm.D.; James Emery, P.T. and Chris Spitzer, Pharmacy Board Intern.

1. 8:30 a.m. CALL TO ORDER - President James T. DeVita, R.Ph.
2. 8:40 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Associate Director Cittadino

Change of Manager

CVS 315, 451 Centre Street, Ludlow (DS2965)
Hannaford Food and Drug, 10 Washington Street, Norwell (DS3405)
North Shore Pharmacy, 360 Audubon Road, Wakefield (DS3458)

Transfer of Ownership

Strand Pharmacy, Dorchester (DS6313) TO **Strand, A Walgreens Pharmacy**.

Eaton Apothecary 2015, Westwood (DS2503)
Eaton Apothecary 2030, Marblehead (DS2897)
Eaton Apothecary 2075, Weston (DS2716)
Eaton Apothecary 2070, Wellesley (DS14485)
Eaton Apothecary 2045, Woburn (DS3532)
Eaton Apothecary 3070, Sherborn (DS3396)
Eaton Apothecary 2100, Newton (DS3254)
Eaton Apothecary 2010, Danvers (DS2530)

All Eaton Apothecary listed TO **Eaton Apothecary, A Walgreens Pharmacy**

Motion Cayer/Gouveia to approve licensing applications.

Approved.

Recused: Trifone on Walgreens applications; DeVita and Tocco on CVS applications.

3. 8:45 a.m. UPDATES Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
- 2010/2011 Pharmacy Renewals
- Board Dispositions
4. 8:50 a.m. ELECTION OF BOARD OFFICERS (2010)
Results: President Elect - Stanley Walczyk
Secretary - Sophia Pasedis

5. 8:55 a.m. **REPORT OF OFFICE OF INVESTIGATIONS**
File Review - Samuel J. Penta, R.Ph., Supervising Investigator;
 James C. Emery, Investigator; Cheryl Lathum, Pharm.D., R.Ph.,
 Investigator; Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

	DOCKET	BOARD ACTION
1	PHA2009-0179 (DS) PHA2009-0191 (PH) PHA2009-0208 (PH)	<p>Motion Cayer/Gouveia to Dismiss with Advisory Letter to the Pharmacy regarding manual entering of NDC (in place of scanning). Approved. Opposed-Pasedis</p> <p>Motion Cayer/Pasedis to Dismiss with Advisory letter to the verifying pharmacist. Approved</p> <p>Motion Cayer/Pasedis to Dismiss with Advisory Letter to pharmacist for 27 Continuing Education credits (including five Law) within six months. Approved</p>

6. 9:30 a.m. **LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL**
 Pending Legal Matters - Susan Manning, Board Counsel
 MGL c.112, s. 65C and MGL c.30A, s.11A
 Review and Discussion of Complaints and other Matters: Closed Session

9:30 a.m. **Motion** DeVita/Cayer to enter closed session. Approved.

10:00 a.m. **Motion** DeVita/Cayer to end closed session. Approved.

In the matter of **Jeffrey B. Buck** - Complaint Docket No. PHA-2009 0176 (PI155004 and PT10174). Buck's appeal of suspension of Massachusetts College of Pharmacy and Health Sciences (MCPHS) student status related to pending criminal matters (domestic assault) was denied by MCPHS.

Motion DeVita/Tocco to rescind Jeffrey Buck's Intern Registration as not eligible for intern status as he is not currently enrolled in a school of pharmacy.
 Approved.

In the Matter of **Martin S. Siegal**, R.Ph. - Complaint Docket No. PH-07-067 (PH 13033 /Revocation: 02/10/1999). Following Board's November 17, 2009 denial of (1) *NAPLEX/MPJE Examination and Licensure Application* (9/17/09) filed by Martin S. Siegal; and (2) request for additional extension of internship status (initial approved commence date: 4/30/2007 through 8/02/2008); extension requested and approved 12/4/08 to 10/31/2009), Mr. Siegal provided letters to the Board (December 2 and 7, 2009) requesting

reconsideration of the denial of his licensure application.

After consideration of the December 2 and 7, 2009 request letters and enclosures requesting reconsideration, as well as review and discussion of the basis of the November 17, 2009 denial of the licensure application, the Board declined to revise its prior vote denying the licensure application.

In the Matter of **David Jenkins**, R.Ph. (No. 17062) - Docket No. PHA-2009-017.
Licensee requested to resume employment sooner than MPRS recommended period.
Board declined to revise proposed Consent Agreement term of one year surrender.

In the Matter of **Nicholas Creanza**, R.Ph. (No. 162229) – Docket No. PH-08-043.
Adjudicatory hearing scheduled for January 2010.

In the Matter of **James Gagnon**, R.Ph. (No. 20659) – Docket Nos. PH-03-01 and PH-05-131. Inquiry regarding surrender term. Board to advise reinstatement terms will be reviewed in November 2010, in accord with surrender statement.

7. 10:15 a.m. PHARMACIST APPLICATION/Appearance – **Annette Iannucci, R.Ph., J.D.**

Motion Cayer/ Pasedis to approve application for reciprocal pharmacist licensure. Approved.
Recused: DeVita and Tocco (exited meeting room)

8. 10:25 a.m. DISCUSSION

Collaborative Drug Therapy Management (CDTM)

Board approved CDTM draft regulations (247 CMR 16.00) to be forwarded to DPH/Office of General Counsel, EOHS Secy. JudyAnn Bigby, and Executive Office of Administration and Finance; public hearing to be scheduled with Board of Registration in Medicine and DPH/Drug Control Program after approval.

9. 10:40 a.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

HARVARD NEIGHBORHOOD PHARMACY, INC.

Proposed Location: 632 Blue Hill Avenue, Dorchester, MA
Present: Proposed MOR Ameesh P. Morjaria, R.Ph. (MA 23803), Jonas Okoye, and Managing Director, Laretta Okoye, R.Ph. (No. 23572)

Applicant proposes to dispense Schedule II-VI controlled substances.

Motion Tocco/Pasedis to approve application.
Approved.

10. 11:15 a.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance

SPECTRA MEDICAL DEVICES, INC.

Proposed location: 260 F&H Fordham Road, Wilmington, MA

Wholesale distributor licensure applicant proposes to distribute devices and Schedule VI controlled substances, including legend 0.9% Sodium Chloride Injections USP.

Present: Designated Representative Anthony C. Arrigo, Augustine Turizza, Quality Assurance Manager and David Rosen, Consultant.

Motion Tocco/Pasedis to approve application.
Approved

11. 12:05 p.m. INTERNSHIP APPLICATION/Appearance – **Nicholas M. Simonich**

Motion DeVita/Cayer to approve Pharmacy Intern application.
Approved

12. 12:15 p.m. FLEX DISCUSSION

NEW BUSINESS

a) **Jaqueline P. Parker**, R.Ph. (No. 24509/ Exp.12/31/2002) – Reinstatement application.

Motion DeVita/Walczyk to approve reinstatement application.

b) DPH/Drug Control Program – Medical Review Group (MRG)
Adele D. Audet, R.Ph., Assistant Director, DPH/Drug Control
Program advised Board of MRG candidates.

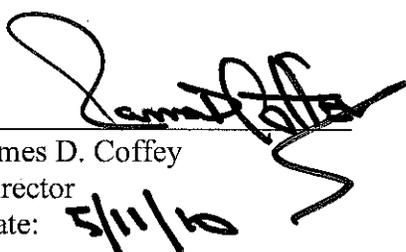
Motion Cayer/Walczyk to approve all candidates.
Approved.

13. 12:25 p.m. INFORMATIONAL ITEMS (FYI)

12:30 **Motion** Cayer/Walczyk to adjourn meeting.

ADJOURNED

Respectfully submitted by:



James D. Coffey

Director

Date: 5/11/10

Reviewed by Counsel: April 12, 2010

Draft approved: April 12, 2010

Board approved: May 11, 2010

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
DECEMBER 15, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 11A (Adjudicatory)
Policy Development

9:30 a.m. **Motion** DeVita/Cayer to enter closed session. Approved.

Board reviewed and discussed the following matters:

Matter of **Jeffrey B. Buck** - Complaint Docket No. PHA-2009 0176 (PI155004 and PT10174). Buck's appeal of suspension of Massachusetts College of Pharmacy and Health Sciences (MCPHS) student status related to pending criminal matters (domestic assault) was denied by MCPHS.

Matter of **Martin S. Siegal**, R.Ph. - Complaint Docket No. PH-07-067 (PH 13033 /Revocation: 02/10/1999). Applicant requested reconsideration of the Board's November 17, 2009 denial of his licensure application (by letters dated December 2 and 7, 2009) and request for additional extension of internship status (initial approved commence date: 4/30/2007 through 8/02/2008); extension requested and approved 12/4/08 to 10/31/2009), Board reviewed and discussed applicant's basis for requesting reconsideration (December 2 and 7, 2009 request letters and enclosures); Board file documents relating to applicant's license revocation; and documents applicant provided to the Board since the discipline of his pharmacist registration.

10:00 a.m. **Motion** DeVita/Cayer to end closed session. Approved.