

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
TUESDAY MARCH 31, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114**

Present: James DeVita, R.Ph., Sophia Pasedis, R.Ph., Pharm.D., Kathy Fabiszewski, Ph.D., N.P., Donald Accetta, M.D., Michael Tocco, R.Ph., M.Ed., Stanley Walczyk, R.Ph., Steven Budish, Public Member, Joanne Trifone, R.Ph., William Gouveia, R.Ph., M.S.

Absent: George Cayer, R.Ph.,

Staff: James D. Coffey, R.Ph., Director, Margaret C. Cittadino, Associate Director, Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Admin. Asst., Samuel Penta, R.Ph., Superv., Cheryl Latham, Inv.

1. 8:30 a.m. CALL TO ORDER
Pres. DeVita called meeting to order.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
Motion/DeVita to approve October 21, 2008, November 18, 2008 and December 9, 2008 meeting minutes. Second/Trifone. All in favor.
3. 8:40 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Assoc. Dir. Cittadino

Nuclear Pharmacist

Dean Wahlstrom, R.Ph. (MA Pharmacist Lic. No. 26670)

Change of Manager

Bio-Script Pharmacy, Inc., Boston (Reg. No. 2944)
Coram Healthcare Corporation of Massachusetts, Norwood (Reg. No. 3601)
Critical Care Systems, Braintree (Reg. No. 3327)
Critical Care Systems, Burlington (Reg. No. 3328)
CVS 1234, Westfield (Reg. No. 3496)
CVS 1253, Mashpee (Reg. No. 1961)
CVS 1253, Medford (Reg. No. 2058)
CVS 1852, Medway (Reg. No. 3462)
CVS 457, Salem (Reg. No. 3397)
CVS 1247, East Wareham (Reg. No. 2949)
CVS 1867, Plymouth (Reg. No. 89648)
Integrity Pharmacy, Hopkinton (DS89643)
Rite Aid 10065, Pittsfield (Reg. No. 2426)
Rite Aid 10054, Holyoke (Reg. No. 2396)
Rite Aid 2972, Denssport (Reg. No. 2972)
Walgreens 4967, Holyoke (Reg. No. 2918)
Walgreens 3429, North Easton (Reg. No. 3429)
Walgreens 10401, Worcester (Reg. No. 3553)
Walgreens 1871, Newton Center (Reg. No. 1376)

Wal-Mart 10-2629, Northbridge (Reg. No. 3508)

New Retail Pharmacy

CVS 619, proposed 1150 Saratoga Street, East Boston

Certificate of Fitness

Coram Healthcare Corporation of Massachusetts, Norwood (Reg. No. 3601)

Renovation/Expansion

Target T-1442, Watertown (renovation) (Reg. No. 3186)

Wal-Mart 10-2267, Boylston (renovation - temp location) (Reg. No. 2757)

Closing - Pharmacy

Adams Pharmacy, 254 Commercial Street, Provincetown (Reg. No. 11922)
transfer of records and inventory TO Stop & Shop Pharmacy 2403 56 Shank
Painter Road, Provincetown (Reg. No. 89644)

Shaw's Osco Pharmacy 7444, 82 Worcester Road, Webster (Reg. No. 2859)
transfer of records and inventory TO CVS 498, 112 East Main Street,
Webster (Reg. No. 3349)

Shaw's Osco Pharmacy 7619, 15 State Road, North Dartmouth
(Reg. No. 3388) transfer of records and inventory TO CVS 685,
1145 Kempton Street, New Bedford (Reg. No. 2646)

Shaw's Osco Pharmacy 7648, 134 Water Street, Wakefield (Reg. No. 3465)
transfer of records and inventory TO CVS 119, 376 Main Street, Wakefield
(Reg. No. 16934)

Shaw's Osco Pharmacy 7692, 1108 State Road, South Yarmouth
(Reg. No. 3459) transfer of records and inventory TO CVS 735, 936
Route 28, South Yarmouth (Reg. No. 2841)

Shaw's Osco Pharmacy 7440, 35 Columbia Road, Hanover (Reg. No. 3490)
transfer of records and inventory TO Shaws Osco Pharmacy 7409, 476
Liberty Street, Hanson (Reg. No. 2854)

Wal-Mart 10-2128, 295 Plymouth Street, Halifax (Reg. No. 2830) transfer of
prescription files TO Wal-Mart 10-2336, 300 Colony Place, Plymouth
(Reg. No. 3400)

Relocation – Wholesale Distributor

Asaman Incorporated FROM 409 Pond Street, Suite 8, Braintree
(WD Reg. No 427) TO 258 Bodwell Street, Avon (pending)

Relocation – Retail Pharmacy

Village Pharmacy West FROM 40 Second Street, Waltham (Reg No. 2930)
TO 335 Bear Hill Road, Waltham (pending)

Motion/Walczyk to approve above applications, subject to compliant
inspections and noted conditions. Second/Budish. All in favor.

DeVita and Tocco recused from all above CVS applications.

Trifone recused from all above Walgreens applications.

4. 8:45 a.m. UPDATES - Dir. Coffey

Fee Increases

5. 8:50 a.m. REPORT OF OFFICE OF INVESTIGATIONS
 File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator;
 James C. Emery, Investigator; Cheryl Lathum, Pharm.D., R.Ph.,
 Investigator; Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	PHA 2009-0038	Voluntary Surrender Accepted
2	PHA 2009-008	Voluntary Surrender Accepted
3	PHA 2009-0027	Voluntary Surrender Accepted
4	20080916DS017 PHA 2009-0001	Investigative Conference
5	20081023DS025 PHA 2009-0005	Investigative Conference
6	PHA 2008-0019 PHA 2008-0014 PHT 2008-0006	Investigative Conference
7	PHA 2008DS0017 PHA 2009-0018	Dismiss Advisory Letter
8	PHA 2008DS0034	Dismiss
9	PHA 2008DS0035	Dismiss
10	PHA 2009DS0010	Advisory Letter
11	PHA2008DS0018 PHA 209-0026	Dismiss Advisory Letter
12	PHA2008-0038 Drugstore Pharmacist Technician	Dismiss Advisory Letter Advisory Letter

6. 10:15 a.m. INVESTIGATIVE CONFERENCE

West River Pharmacy Inc., Marlborough (Drug Store Permit No. 3572)
 Complaint Docket Nos. PHA-2009-0022, PHA-2009-0020 and
 PHA-2009-0021

Complaint alleged that on January 2, 2008 the pharmacy failed to fill a
 prescription/order properly for a long term care facility patient by dispensing
 Oxcarbazepine 150mg tablets (blister card) rather than the prescribed

Oxybutynin 10mg ER tablets.

Present: Jason Murzycki, Pharmacy Technician; Henry J. Pfeifer, R.Ph.,
Verifying Pharmacist; Richard K. Ploude Jr., R.Ph., Manager of Record

Pharmacy Technician admitted to not checking individual bottles with the
labels on each card.

Motion/DeVita to take matter under advisement. Second/Tocco. All in favor.
Pharmacy Technician (Murzycki): Motion/DeVita to Dismiss with Advisory
letter. Second/Tocco. All in favor.

Pharmacist (Pfeifer): Motion/Tocco to Dismiss with Advisory Letter with
continuing educations. Second/Gouveia. All in favor.

Pharmacy: Motion/ Tocco to Dismiss with Advisory letter to include the
following conditions; a Continuous Quality Improvement Survey shall be
completed by the Board and the Pharmacy shall assess/implement the
following Board recommendations for improvement:

- a. evaluate the appropriateness of pharmacy staff/pharmacist
scheduling practices to include review of daily volume of
prescriptions filled and/or dispensed
- b. conduct periodic reviews of pharmacy staffing to insure
compliance with 247 CMR 8.06
- c. evaluate equipment and physical space needs
- d. address "work flow" issues related to simultaneous fill orders
(stock bottle follow pre-packed product "basket system")
- e. implement medication separation system at medication filling
station (to be verified)
- f. limit pharmacist distractions during verification;
- g. incorporate medication identification software (technology)
capability into final verification processes; and

Second/ Gouveia. All in favor.

7. 10:45 a.m. REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel
Closed Session (G.L. c. 112, s. 65C and G.L. c. 30A, s. 11A)

10:45 a.m. Motion/DeVita to enter into Closed Session. Second/Trifone.
All in favor.

11:15 a.m. Motion/Trifone to return to Open Session. Second/DeVita.
All in favor.

DeVita and Tocco – Recused (exit meeting room)

- a) In the Matter of 2008-0912-PH-037/Elizabeth Schlosser-Bennett
(Pharmacy Technician Reg. No. 6495)
Motion/Trifone to adopt *Proposed Final Decision and Order by Default*
and revoke technician registration. Second/Gouveia. All in favor.

- b) In the matter of CVS/pharmacy #220, Marlboro (Pharmacy Reg. No.

17722) Complaint Docket Nos. DS-08-009 and DS-07-055 - Request for termination of Probation.

Motion/Trifone tabled for future meeting. Second/Walczyk. All in favor.

DeVita and Tocco returned to meeting room.

- c) North Shore Pharmacy Services, Inc. – Omnicare Inc., Wakefield (Drug Store Permit No. 3009) - Complaint Docket Nos. DS-0729-006, DS-08-0, DS-08-014, DS-08-019, DS-08-042, DS-08-043, DS-08-093, 20080818DS010 and 20080818DS010 - Review of 2/24/09 Investigative Conference.

Motion/DeVita tabled for future meeting. Second/Walczyk. All in favor.

- d) Review of *Collaborative Drug Therapy Management* legislation (c. 528 of the Acts of 2008) – Board staff has communicated with DPH/Drug Control Program and Board of Registration in Medicine and all have agreed that Pharmacy Board will prepare initial version of regulations and coordinate review with BORIM and DCP.

- e) Review of IMPROPER DRUG DISPENSING REPORT regulations (247 CMR 6.14 and 15.05) mandated by new G.L. c. 112, s. 39D will be scheduled for June 2, 2009 Public Hearing.

8. 11:30 a.m. DISCUSSION - PHARMACY INTERNSHIP Requirements
247 CMR 3.01 (3) and 8.01)

Present: MCPHS School of Pharmacy representatives Dennis Lyons, R.Ph., VP for Alumni & Professional Affairs and Dean Douglas J. Pisano, Ph.D., R.Ph.

MCPHS School of Pharmacy presented information to the Board related to MCPHS request for Board review of policy requiring students to obtain 500 internship hours in addition to the 1740 curriculum rotation hours reported by MCPHS.

Motion/Tocco to review regulations and Board requirements for applicants. Second/Pasedis. All in favor

9. 12:30 p.m. LUNCH

10. 1:30 p.m. Continuation of DISCUSSION - proposed Policy on the Appropriate and Effective Management of Pain
Cheryl Lathum, Pharm.D., R.Ph., Investigator and Carol Silveira, MS, RN, Asst. Dir. , Board of Registration in Nursing provided an overview of the advisory ruling on pain management. Board reviewed March 4, 2009 letter from MPHA and MIPA commenting on proposed policy.

Motion/Tocco adopt with revisions as discussed. Second/DeVita. All in favor.

11. 2:00 p.m. NEW PHARMACY APPLICATION/Appearance

Greater Lawrence Family Health Center, Inc. – Proposed: 150 Park Street, Lawrence, MA 01841.

Present: Trinh K. Huynh, R.Ph., Proposed MOR, Diane Gatchell, R.Ph., Director

Motion/DeVita to approve application. Second/Walczyk. All in favor.

12. 2:30 p.m. NEW WHOLESALE DISTRIBUTOR APPLICATION
Fisher Scientific Company, LLC – Proposed: 325 Bowles Road,
Agawam, MA. 01001.

Motion/DeVita tabled for May 12, 2009 meeting. Second/Tocco. All in favor.

13. FLEX DISCUSSION

New Business

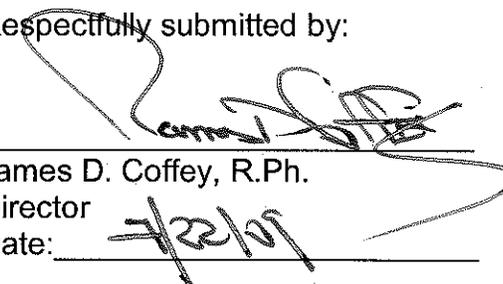
- a) In the matter of Complaint Docket No. PH-07-100 / Heather M. Wunschel, R.Ph., Pharmacist Lic. No. 23381/Exp. 12/31/2008) – Petition for termination of Suspension and conversion to probation. Motion/DeVita to approve petition. Second/Walczyk. All in favor. Trifone – Recused (exited room)

Old Business

- a) Discussion related plans to recognize former Board member Marilyn Barron
- b) In the matter of Brandon E. Glennon, Pharmacy Intern Applicant
Motion/Tocco to approve application. Second/Cayer. All in favor.

14. 3:30 p.m. Motion/ DeVita to adjourn meeting. Second/Trifone. All in favor.

Respectfully submitted by:


James D. Coffey, R.Ph.

Director

Date: 7/22/09

Reviewed by Counsel: July 7, 2009
Draft approved: July 9, 2009
Board approved: July 14, 2009

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
(G.L. c. 112, s. 65C and G.L. c. 30A, s. 11A)
TUESDAY March 31, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

10:45 a.m. Motion/DeVita to enter Closed Session. Second/Trifone. All in favor.

Tocco and DeVita recused – exited meeting room.

In the Matter of 2008-0912-PH-037/Elizabeth Schlosser-Bennett (Pharmacy Technician Reg. No. 6495) - Motion/Trifone to adopt *Proposed Final Decision and Order by Default* and revoke technician registration. Second/Gouveia. All in favor.

Nicholas Pariaros (Docket no. PHA 2008-0041)- MA (Intern Registration No. 131144) and FL registered Pharmacy Intern was arrested in Florida (fraudulent script). Board to notify him and Counsel that intern registration has been rescinded.

Tocco and DeVita returned to meeting room.

Michael Mentus, R.Ph. (Complaint Docket No. PHA-2009-0029) - ME Pharmacist license suspended. MA license (No. 15354) expired 12/31/08. Board will notify him he will not be permitted to renew pending Maine reinstatement and propose surrender MA registration.

Harry Bruner, R.Ph. (SA-20081010-PH-005) - DHPL was notified by EO Elder Affairs that licensee has not practiced for 20 years (current MA license) and retains registration to attend CEs. Counsel will review letter from Licensee's counsel and confirm no practice without prior Board approval.

Updates: Matters of Meetinghouse Pharmacy/Baldwin Ihenacho, R.Ph. (Docket Nos. 2008 1023 DS 024 and 2008 1023 PH 054); Nicholas Creanza, R.Ph. (Docket No. PH-08-043) (hearing scheduled on dates requested by licensee counsel); Monty Schwartz, R.Ph./Shoppers Drug (six docket nos.) (has been released; now resides in FL).

11:15 a.m. Motion/Trifone to exit Closed Session. Second/Walczyk.
All in favor.

Reviewed by Counsel: July 7, 2009
Draft approved: July 9, 2009
Board approved: July 14, 2009