This is Notice of the Regularly Scheduled Board of Registration in Pharmacy Meeting

BOARD OF REGISTRATION IN PHARMACY
MEETING AGENDA
February 8, 2011
239 Causeway Street
2nd Floor, Room 206
Boston, Massachusetts

1. 8:30 a.m. CALL TO ORDER
   President Stanley B. Walczyk, R.Ph.

2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES

3: 8:40 a.m. APPLICATIONS
   Pharmacy/Wholesale Distributor Applications
   (no handout/applications on file) – Assoc. Dir. Margaret Cittadino

- New - Community Pharmacy (1)
  CVS 4313, 438 Route 28, West Yarmouth

- Change of Manager (15)
  CVS 38, 142 Worcester Road, Charlton (DS3510)
  CVS 1011, 311 Newbury Street, Danvers (DS3537)
  CVS 1860, 101 Central Street, Holliston (DS1746)
  CVS 0023, 241 Lincoln Avenue, Haverhill (DS3965)
  CVS 2161, 302 Main Street, Oxford (DS2832)
  CVS 4471, 600 State Street, Springfield (DS3552)
  CVS 657, 400 Park Avenue, Worcester (DS89715)
  Rite Aid 10159, 330 River Street, Cambridge (DS3102)
  Target Pharmacy T 2292, 2121 Cranberry Highway, Wareham (DS3546)
  Wal-Mart Pharmacy 10 2904, 700 Oak Street, Brockton (DS2977)
  Wal-Mart Pharmacy 10 2180, 55 Brooksby Village Way, Danvers (DS2874)
  Wal-Mart Pharmacy 10 2095, 3005 Cranberry Highway , East Wareham (DS2738)
  Wal-Mart Pharmacy 10 3409, 20 Soojian Drive, Leicester (DS3506)
  Wal-Mart Pharmacy 10 2964, 11 Jungle Road, Leominster (DS3588)
  Wal-Mart Pharmacy 10 2640, 440 Highland Avenue, Salem (DS2813)

- Relocation -Community Pharmacy (1)
  CVS 995, 2 Millstones Commons, from 30 Millstones Commons, Millis (DS1665)

- Community Pharmacy Closing (1)
  CVS 1245, 390 Pleasant Street, Brockton, (DS1958)

- Renovation/Expansion (1)
  Diamoto Medical, 159 Memorial Drive, Unit E, Shrewsbury DS89700

4. 8:45 a.m. UPDATES
Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
- Introduction of NEU Board Intern (APPE) Eamonn Murphy
- Board Dispositions

5. 8:55 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)
File Review - Samuel J. Penta, R.Ph., Supervising Investigator; James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph., Investigator, William E. Frisch, Jr., R.Ph., Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

6. 10:00 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

- Matter of **Thomas D. Dunn**, R.Ph. (License No. 19314/ Complaint Nos. PH-05-117 and PH-98-001
- Matter of **Ralph F. Mastriano**, R.Ph. (License No. 19070 / Complaint No. PH-08-027
- Matter of **Peter A. Grujich** - Pharmacist Reciprocal Licensure
- Matters of **Gerald L. Liberfarb, R.Ph. and Bourne Pharmacy** (Complaint Nos. PH-06-011 and DS-06-074)

7. 10:30 a.m. DISCUSSION
- Reinstatement Application Policy (No Handout)

8. 11:00 a.m. INVESTIGATIVE CONFERENCE

Complaint Nos. PHA20100166 / Tura's Pharmacy, Kingston, Pharmacy Registration No. DS8420), PHA20100221 / Paul A. Tura, R.Ph.,(Pharmacist License No. PH16196) and PHA20110006 / Pamela J. Reed (Pharmacy Technician Reg. No. PT7552

Complaint alleges that on or about September 22, 2009, Tura Pharmacy failed to fill a geriatric prescription properly for Oxybutynin 5mg.

Investigator: William E. Frisch, Jr., R.Ph.

9. 11:45 a.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance
INTEGRATED MEDICAL SYSTEMS, INC. – Proposed: 85 Flagship Drive, Unit G, North Andover, Massachusetts.

Designated Representative and Regional Director – Dave Gordon
Director of New Business Development – Michael Donahue

Appearance to review new application for wholesale distributor licensure. Applicant proposes to distribute Schedule VI controlled substances

10. 12:15 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

COMPARE QUALITY PHARMACY INC, – Proposed: 664 East Main Street, Worcester, Massachusetts

Present: Proposed Manager Marcia D. Codling, R.Ph, (PH17404), Vice Pres. Alexander Maydan and Atty. Paul M. Garbarini, R.Ph.

- Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances

Approve □ Deny □

11. FLEX DISCUSSION

A. NEW BUSINESS
1) **Monica Leanne Miles** – Reciprocal Pharmacist
Approve/Deny
2) **Ali Salehmohamed** – Pharmacy Intern
Approve/Deny
3) **Mayra A. Ventura** – Pharmacy Technician
Approve/Deny
4) **Michelle Anne LeBlanc** – Pharmacy Technician
Approve/Deny
5) **Patricia A. Row** – Pharmacy Technician (handout at meeting)
Approve/Deny

B. OLD BUSINESS
1) **CVS Caremark** correspondence regarding Pharmacy Care Pilot Project and Request for Pilot Project Extension

12. 12:45 p.m. LUNCH

13. 1:45 p.m. DISCUSSION
- October 2011 NABP/AACP District I & II Annual Meeting to be hosted by Massachusetts: Follow up Re Prospective Speakers for the District I & II Meeting.

14. INFORMATIONAL ITEMS (FYI)

15. 2:30 p.m. ADJOURNMENT

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
February 8, 2011
239 Causeway Street
2nd Floor, Room 206
Boston, Massachusetts

Board Members Present	Stanley Walczyk, R.Ph.; Michael Tocco, R.Ph., M.Ed.; Karen Ryle, R.Ph., M.S.; James T. DeVita, R.Ph.; Sophia Pasedis, R.Ph.; Pharm.D; Donald Accetta, M.D., M.P.H.; Joanne Trifone, R.Ph.
Board Members Absent	George Cayer, R.Ph.; Kathy Fabiszewski, Ph.D, N.P.; Steven Budish
Staff Present	James D. Coffey, R.Ph. Director; Margaret Cittadino, M.Ed., Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Lathum R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; William E. Frisch, Jr., R.Ph., Investigator; Intern Eamonn Murphy, Northeastern University

1. 8:30 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.

2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
Motion Walczyk/Ryle to approve August 2010 and October 2010 Minutes.
Approved

3. 8:40 a.m. APPLICATIONS - Pharmacy/Wholesale Distributor Applications
(no handout/applications on file) – Assoc. Dir. Margaret Cittadino

New - Community Pharmacy
CVS 4313, 438 Route 28, West Yarmouth

Change of Manager
CVS 38, 142 Worcester Road, Charlton (DS3510)
CVS 1011, 311 Newbury Street, Danvers (DS3537)
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Wal-Mart Pharmacy 10 2964, 11 Jungle Road, Leominster (DS3588)
Wal-Mart Pharmacy 10 2640, 440 Highland Avenue, Salem (DS2813)

Relocation -Community Pharmacy
CVS 995, 2 Millstones Commons, Millis from 30 Millstones Commons, Millis (DS1665)

Community Pharmacy Closing
CVS 1245, 390 Pleasant Street, Brockton, (DS1958)

Motion Ryle/Walczyk to approve applications
Recusals DeVita and Tocco for all CVS
Approved

4. 8:45 a.m. UPDATES
Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
- Introduction of NEU Board Intern (APPE) Eamonn Murphy
- Board Dispositions

5. 8:55 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)
File Review - Samuel J. Penta, R.Ph., Supervising Investigator; James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph., Investigator, William E. Frisch, Jr., R.Ph., Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	PHA-20110036 **Michelle Irene Parker** PT12460	**Motion** DeVita/Trifone to issue *Temporary Order of Summary Suspension* if Voluntary Surrender not received **Approved**
2	SA-INV-1462 **Pallimed Solutions** DS3498	**Motion** DeVita/Ryle to Dismiss – No Violation **Approved**
3	PHA-2011-0027 **Lindsay Maloney** PT9074	**Motion** DeVita/Trifone to issue *Temporary Order of Summary Suspension* if Voluntary Surrender not received **Approved**
4	PHA-2011-0016 **Christine Snyder** PT12329	**Motion** Ryle/DeVita to accept Voluntary Surrender **Approved**
5	PHA-2010-0220 **Biogen Idec Inc.** WD464	**Motion** Walczyk/DeVita to Dismiss with Advisory Letter regarding timely renewal **Approved**
6	PHA-2011-0017 **Parth E. Sethi** PT12929	**Motion** Ryle/DeVita to *issue Temporary Order of Summary Suspension* if Voluntary Surrender is not received **Recused:** Trifone not present for vote or discussion **Approved**
7	PHA-2011-0004 **Georgina J. Elbaba** PH24465	**Motion** DeVita/Ryle to Dismiss with Advisory Letter with 2 Continuing Education Credits (CEs) in Medication Error Prevention **Recused:** Trifone not present for vote or discussion **Approved**
8	PHA-2011-0032 **Illusion P. Montanez** PT13218	**Motion** Trifone/Ryle to issue *Temporary Order of Summary Suspension* if Voluntary Surrender not received

		Recused: DeVita and Tocco (not present for vote or discussion) **Approved**
9	PHA-2011-0033 **Page E. Windward** PT 12926	**Motion** Trifone/Walczyk to issue *Temporary Order of Summary Suspension* if Voluntary Surrender not received **Recused:** DeVita and Tocco (not present for vote or discussion) **Approved**
10 Follow-up from previous meeting	PHA-2010-0197 **CVS 2325** DS2850 PHA-2011-0012 **Melissa J. Goulet** PH25820 PHA-2011-0013 **Adalgisa A. Knight** PT2701	**Motion** Ryle/Trifone to Dismiss – No Violation **Recused:** DeVita and Tocco (not present for vote or discussion) **Approved** **Motion** Ryle/Trifone to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention **Recused:** DeVita and Tocco (not present for vote or discussion) **Approved** **Motion** Walczyk/Ryle to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention **Recused:** DeVita and Tocco (not present for vote or discussion) **Approved**
11 Follow-up from previous meeting	PHA-2010-0182 **CVS 736** DS 1039 PHA-2011-0007 **Michael K. Wynne** PH17353	**Motion** Trifone/Walczyk to Dismiss with Advisory Letter **Recused:** DeVita and Tocco (not present for vote or discussion) **Approved** **Motion** Ryle/Trifone to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention **Recused:** DeVita and Tocco (not present for vote or discussion) **Approved**
12	PHA-2010-0137 **CVS 703** DS24412 PHA-2010-0199 **Ange Sibially** PH27285	**Motion** Ryle/Trifone to Dismiss with Advisory Letter **Approved** **Motion** Ryle/Cayer to Dismiss with Advisory Letter with conditions related to CE deficiencies **Recused** Tocco and DeVita (not present in meeting for discussion or vote) **Approved**
13 Continuing	**PHA-2010-0137** CVS 703	**Motion** Pasedis/Ryle to Dismiss with Advisory Letter

discussion from previous meeting	DS24412	**Recused** Tocco/DeVita (not present in meeting for discussion or vote) **Approved**
	PHA-2010-0001 Ange F. Sibailly PH27285	**Motion** Ryle/Trifone to Dismiss with Advisory Letter and 2 CEs in Medication Error Prevention **Recused** Tocco and DeVita (not present in meeting for discussion or vote) **Approved**

6. 9:55 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. 18- Review and Discussion of Complaints and Other Matters: Closed Session

Matters of **Gerald L. Liberfarb, R.Ph.** and **Bourne Pharmacy** (Complaint Nos. PH-06-011 and DS-06-074) – Update provided re: appeal.

9:55 a.m **Motion** Trifone/Accetta to move into closed session. **Approved**

10:45 a.m **Motion** Walczyk/Trifone to end closed session. **Approved**

Reinstatement Inquiry (e-mails dated February 4 and 7, 2011)
Matters of **Margolis Pharmacy** - Docket Nos. DS-07-063
PHA 2010 0010
Steven A. Shraiar - Docket Nos. PH-07-023
PHA-2010-0009
Other docket nos. prior dates

Board reviewed the above-referenced complaints involving Steven Shraiar's personal registration, which resulted in Board orders of revocation in 1983, probation in 2008, and revocation in 2010, as well as the complaint history of the pharmacy he owned and operated commencing in 2000 (surrendered 2010), the Board determined that NO conditions exist pursuant to which the Board would favorably consider an application to again license him as a pharmacist in the Commonwealth, particularly following the Board's two prior revocation orders, at any time in the future.

Matters of **Gerald L. Liberfarb, R.Ph.** and **Bourne Pharmacy**
Complaint Nos. PH-06-011 and DS-06-074 – appeal update.

7. 10:30 a.m. DISCUSSION - Draft Policy related to Reinstatement Applications
- Dir. Coffey provided overview, Board will discuss at future Board meeting.

8. 11:00 a.m. INVESTIGATIVE CONFERENCE

Complaint Nos. PHA20100166 - Tura's Pharmacy, Kingston (DS8420)
PHA20100221 - Paul A. Tura, R.Ph. (PH16196)
PHA20110006 - Pamela J. Reed, Pharmacy Technician (PT7552)

Complaint alleges Tura Pharmacy failed to properly fill a geriatric prescription for Oxybutynin 5mg. on September 22, 2009.

Appearance: Paul A. Tura, R.Ph., Co-Owner; Donald Gibson, Esq., patient's representative (daughter) and Pamela Reed, Pharmacy Technician

Investigator: William E. Frisch, Jr., R.Ph.

PHA-2010-0221 **Paul Tura** PH16196	**Motion** Pasedis/DeVita to Dismiss with Advisory Letter and 5 live CEs, with 3 hours related to medication error prevention and 2 hours law (may not be used for license renewal) **Approved**
PHA-2010-0166 **Tura's Pharmacy** DS8420	**Motion** Trifone/DeVita to propose Reprimand with Conditions (implement barcode technology, add "shelf talkers" and include NDC# and description on labels) **Approved**
PHA-2011-0006 **Pamela Reed** PT7552	**Motion** DeVita/Pasedis to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention **Approved**

9. 12:00 a.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance
INTEGRATED MEDICAL SYSTEMS, INC.
Proposed: 85 Flagship Drive, Unit G, North Andover, Massachusetts

Present: Designated Representative and Regional Director – David Gordon; Director of New Business Development – Michael Donahue

Applicant for wholesale licensure proposes to distribute Schedule VI controlled Substances.

Motion Tocco/Pasedis to approve application pending compliant inspection.
Approved

10. 12:15 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

COMPARE QUALITY PHARMACY INC.
Proposed: 664 East Main Street, Worcester, Massachusetts

Present: Proposed Manager Marcia D. Codling, R.Ph., Alexander Maydan, V.P. and Atty. Paul M. Garbarini, R.Ph.

Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances

Motion DeVita/Pasedis to approve application pending compliant inspection.
Approved

11. 12: 45 p.m. FLEX DISCUSSION

A. NEW BUSINESS

Applications and Petitions

1) **Monica Leanne Miles** – Reciprocal Pharmacist
   Motion Pasedis/Tocco to approve application
   Recused: Trifone (not present for vote or discussion)
   Approved

2) **Ali Salehmohamed** – Pharmacy Intern
   Motion DeVita/Pasedis to approve application
   Approved

3) **Mayra A. Ventura** – Pharmacy Technician
   Motion Trifone/DeVita to approve application but issue registration with *Reprimand* for unlicensed practice and completion of 2 law CEs.
   Approved

4) **Michelle Anne LeBlanc** – Pharmacy Technician
   Motion DeVita/Tocco to approve application
   Approved

1:00 p.m. DeVita and Tocco exit meeting

5) **Patricia A. Row** – Pharmacy Technician
   Motion Trifone/Pasedis to approve application
   Approved

6) **Shaun Hammond, R.Ph.** – Docket No. PHA-2009-0196
   Petition to terminate suspension.
   Motion Pasedis/Trifone to terminate suspension and place on probation
   Approved

12. 1:10 p.m. REPORT OF OFFICE OF INVESTIGATIONS - Continued

13	PHA-2010-0138 **CVS 632** DS24183 PHA-2010-0172 **Roberta O'Leary** PH15447	**Motion** Trifone/Walczyk to Dismiss – No Violation **Approved** **Motion** Trifone/Walczyk to propose Reprimand and MPJE for CE deficiencies **Approved**
14	SA-INV-1475 **CVS 2200** DS2767 PHA-2010-0147 **Roderick B. Mackay** PH13354	**Motion** Trifone/Walczyk to Dismiss – No Violation **Approved** **Motion** Trifone/Walczyk to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention **Approved**

	PHA-2010-0146 **Samantha Anne Ruth** PT10543	**Motion** Trifone/Walczyk to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention **Approved**
15	PHA-2010-0089 **CVS 1871** DS3286 PHA-2010-0155 **Michelle Monson** PT7484 PHA-2010-0156 **Maryam Kermani** PH23281	**Motion** Trifone/Walczyk to Dismiss – No Violation **Approved** **Motion** Trifone/Walczyk to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention **Approved** **Motion** Walczyk/Trifone Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention **Approved**
16	SA-INV-1474 **CVS 2054** DS2588 PHA-2011- 0041 **Natalia Kaplan** PH23418	**Motion** Walczyk/Pasedis to Dismiss – No Violation **Approved** **Motion** Pasedis/Trifone to Dismiss with Advisory Letter and 6 Law CEs for CE deficiencies **Approved**
17	SA-INV-1478 **CVS 1206** DS2033	**Motion** Walczyk/Trifone to Dismiss– Insufficient Evidence **Approved**

13. 1:45 p.m. DISCUSSION
October 2011 NABP/AACP District I & II Annual Meeting to be hosted by Massachusetts: Follow up Re Prospective Speakers for the District I & II Meeting.

Rescheduled to later date

14. 2:30 p.m. ADJOURNMENT
Motion Trifone/Pasedis to adjourn meeting. **Approved**

Respectfully submitted by:

James D. Coffey
Director
Date:

Board approved: July 12, 2011

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
FEBRUARY 8, 2011
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. 18A (Adjudicatory)

9:55 a.m **Motion** Trifone/Accetta to move into Closed Session. Approved

Matter of **Thomas D. Dunn,** R.Ph. (License No. 19314/Complaint Nos. PH-05-117 and PH-98-001 (Voluntary Surrender Agreement 11/5/05)

Board reviewed January 26, 2011 inquiry and two prior complaints involving practice as a pharmacist in the Commonwealth (Docket Nos. PH-05-112 and PH-98-001). Board to advise that complaint history and particular medical profile indicate it not would be in the best interest of the public health and welfare to again be licensed as a pharmacist in the Commonwealth.

Matter of **Ralph F. Mastriano**, R.Ph. (PH 19070) - Complaint No. PH-08-027

Board reviewed letter from Atty. Garbarini requesting change to Consent Agreement terms. Board declined to revise terms.

Matter of **Peter A. Grujich** - Pharmacist Reciprocal Licensure
Motion Trifone/Accetta to approve application.
Approved

Matter of **Joseph Gagnon,** R.Ph. (PH20659/Exp. 12/31/04)
Voluntary Surrender Agreement (Effective Date: November 14, 2005)
Complaint Nos. PH-03-063, PH-05-131 and PH-96-091

Board reviewed January 21, 2011 inquiry regarding pharmacist license reinstatement following the surrender of license. Board to advise that complaint history does not indicate that it would be in the best interest of the public health and welfare to again be licensed as a pharmacist in the Commonwealth

Samuel Penta, Supervising Investigator – Updates

Matter of **Toni Joy Burke** (PH2586) – Docket No. PHA-2009-0190

Board reviewed complaint and *Surrender Statement* (11/13/09).
Motion Pasedis/Tocco to accept surrender and advise no application review prior to five years from surrender (11/17/09) and no conditions envisioned for relicensure.
Approved

Matter of **Nicole A. Bombardier** (PH26088)- Docket Nos. PHA-2009-0130 and 20080916-PH-039

Board reviewed complaint and *Surrender Statement* (10/5/08).
Motion DeVita/Pasedis to accept surrender and advise no application review prior to five years from surrender (10/05/08) and no conditions envisioned for relicensure.
Approved

Matter of **Jake P. Nichols**, R.Ph. (PH24752) – Docket No. PHA-2010-0050

Board reviewed complaint and *Surrender Statement* (4/1/2010).
Motion Accetta/Pasedis to refer file to Office of Prosecutions with information updated regarding pending court matters.

10:45 a.m **Motion** Walczyk/Trifone to end Closed Session. Approved