This is NOTICE of the regularly scheduled Board of Registration in Pharmacy Meeting

BOARD OF REGISTRATION IN PHARMACY
MEETING AGENDA
September 13, 2011
239 Causeway Street
4th Floor, Rooms 417A and B
Boston, Massachusetts

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

2. 8:35 a.m. APPLICATIONS and Other Notices (no handout/applications on file)
   Assoc. Dir. Margaret Cittadino

- New Community Pharmacy (2)
  Big Y Pharmacy 37, 20 Old Pleasant Street, Lee
  CVS 1878, 12 Queen Anne Road, Chatham

- Change of Manager (18)
  Bio-Script Pharmacy, 21-23 Stanhope Street, Boston (DS2944)
  CVS 260, 155-157 Charles Street, Boston (DS2294)
  CVS 524, 350 Longwood Avenue, Boston (DS2532)
  CVS 619, 1150 Saratoga Street, East Boston (D89660)
  CVS 7232, 65 Depot Street, Easton (DS3461)
  CVS 1899, 102 Boston Street, Lynn (DS2500)
  CVS 75, 200 South Common Street, Lynn (DS3535)
  CVS 9, Northgate Shopping Center, Squire Road, Revere (DS16477)
  Infusion Resource, 69 Hickory Drive, Waltham (DS89704)
  Royal Palm Specialty, 118 Main Street, Webster (DS89765)
  Rite-Aid 10109, 229 North Main Street, Andover (DS2564)
  Rite-Aid 10053, 32 Union Street, Easthampton (DS2383)
  Rite-Aid 10133, 127 Eastern Avenue, Gloucester (DS3109)
  Rite-Aid 10135, 45 Storey Avenue, Newburyport (DS2413)
  Stop & Shop Pharmacy 33, 278 Washington Street, Stoughton (DS1655)
  Walgreens 4538, 60 Springfield Street, Agawam (DS2873)
  Walgreens 3016, 416 Warren Street, Roxbury (DS2277)
  Wal-Mart Pharmacy 10 2122, 30 Memorial Drive, Avon (DS2735)

- Renovation Expansion (5)
  Wal-Mart 10 2103, 550 Providence Highway, Walpole (DS2736)
  CVS 929, 272 East Central Street, Franklin (DS2946)
  CVS 2254, 137 South Main Street, Milford (DS2866)
  Rite Aid 10082, 18 Main Street, Townsend (DS2562)
  Rite Aid 10131, 15 Haverhill Road, Amesbury (DS3095)

3. 8:40 a.m. UPDATES
   Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
   - Expedited Partner Therapy (EPT) regulations eff. Sept. 2, 2011
   - Board Dispositions

4. 8:50 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

5. 9:55 a.m. DISCUSSION
- Matter of Rite Aid Corporation and the 15 Minute Prescription Guarantee
- Matter related to Collaborative Drug Therapy Management (CDTM) and ownership of a pharmacy by a practitioner with prescriptive privileges
- October 20-22, 2011 NABP/AACP District I & II Annual Meeting to be hosted by Massachusetts

6. 10:40 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

CLOSED SESSION – Review/discussion of Complaints and other Legal Matters [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

- Matter of Christina Rizza-Deary (PH19305) Docket Nos. PH-05-051 & PH-05-05-052 – Request for Reinstatement (Walgreens Pharmacy)
- Matter of Michael H. Ouimet (PH17000) Docket No. PH-97-012 – Request for Reinstatement
- Matter of Marco P. Rocha (PH23346) Docket Nos. PH-03-010 & PH-02-115 – Application for Reinstatement (CVS/pharmacy)
- Matter of John P. Bispo – Pharmacy Technician Applicant – Motion for Reconsideration
- Matter of Mona-Lissa Frain, R.Ph. (PH25272) – Review of Complaint Docket No. PHA-2011-0193 (CVS/pharmacy)
- Matter of Paul J. Crebase, R.Ph. (PH18898) – Review of Complaint Docket No. PHA-2011-0233 (CVS/pharmacy)

7. 11:00 a.m. INVESTIGATIVE CONFERENCE

West River Pharmacy, Marlborough (DS3572) – Docket No. PHA-2011-0084
Stephen Seigler, R.Ph. (PH18811) – Docket No PHA-2011-0085

Complaint alleges that Board Investigators inspected West River Pharmacy on or about March 31, 2011, and June 9, 2011, and observed various statutory and regulatory violations pertaining to the practice of pharmacy.

Investigator: Cheryl Lathum, Pharm.D., R.Ph.

8. 12:00 p.m. PRESENTATION – David E. Seaver, R.Ph., J.D., Risk Manager, Brigham and Women's Hospital, Legislative Comm., Massachusetts Society of Health-System Pharmacists
- Collaborative Drug Therapy Management (CDTM) – Model Agreement for Hospital Pharmacy Practice Settings

9. 12:30 p.m. LUNCH

10. 1:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

TOM'S NEW PLACE , LLC, dba Standard Pharmacy @HealthFirst
Proposed: 387 Quarry Street, Fall River, Massachusetts

Present: Sean J. Williams, R.Ph.(PH27427) proposed Manager of Record; Thomas Cory, R.Ph. (PH17535) owner and proposed President, Treasurer and Clerk.

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

Approve □ Deny □

11. FLEX DISCUSSION

A. NEW BUSINESS

Applications

1. Gretchen Mary Carter – Pharmacy Technician Application
   Approve/Deny

2. Judith M. Hurd – Pharmacy Technician Application
   Approve/Deny

3. Erika Marie Myers – Pharmacy Intern
   Approve/Deny

B. OLD BUSINESS

Decisions related to 8/16/11 Investigative Conferences:

1. (a) CVS/Pharmacy #114, Waltham (DS2821) – Docket No. PHA20110122 – Paul M. Barbaro, R.Ph. (PH21075) and Marta J. Fajardo, Pharmacy Technician (PT3005)

(b) CVS/Pharmacy #114, Waltham (DS2821) – Staff Assignment No. SAINV1582 – Manager of Record, Helen Tengkawan, R.Ph. (PH232560)

12. INFORMATIONAL ITEMS (FYI)

13. 2:30 p.m. ADJOURNMENT

BOARD OF REGISTRATION IN PHARMACY
MINUTES
September 13, 2011
239 Causeway Street
Boston, Massachusetts

Board Members Present	Stanley Walczyk, R.Ph.; Karen Ryle, R.Ph., M.S.; James T. DeVita, R.Ph.; Sophia Pasedis, R.Ph., Pharm.D.; Donald Accetta, M.D.; Joanne Trifone, R.Ph.; Kathy Fabiszewski, Ph.D., NP; George Cayer, R.Ph.; Michael Tocco, R.Ph., M.Ed.
Board Members Absent	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; Andrew Coelho, MCP Intern and Danny Ko, Northeastern University intern

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

2. 8:35 a.m. APPLICATIONS and Other Notices (no handout/applications on file)
Assoc. Dir. Margaret Cittadino

New Community Pharmacy

Big Y Pharmacy 37, 20 Old Pleasant Street, Lee
CVS 1878, 12 Queen Anne Road, Chatham

Change of Manager

Bio-Script Pharmacy, 21-23 Stanhope Street, Boston (DS2944)
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Renovation Expansion

Wal-Mart 10 2103, 550 Providence Highway, Walpole (DS2736)
CVS 929, 272 East Central Street, Franklin (DS2946)
CVS 2254, 137 South Main Street, Milford (DS2866)
Rite Aid 10082, 18 Main Street, Townsend (DS2562)
Rite Aid 10131, 15 Haverhill Road, Amesbury (DS3095)

Motion Ryle/Pasedis to approve applications
Recused DeVita and Tocco for all CVS; Trifone for all Walgreens
Approved

3. 8:45 a.m. UPDATES
Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
- Expedited Partner Therapy (EPT) regulations (eff. Sept. 2, 2011) – DPH regulations 105 CMR 700.003(J) and 105 CMR 721.000.
- Board Dispositions

4. 8:50 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

	PHA-2011-0241 Tara K. Sieder PT11290	**Motion** Pasedis/Cayer to summarily suspend registration if not surrendered to Board. **Recused** Tocco/DeVita (not present in room for discussion or vote) **Approved**
1	PHA-2011-0115 **Critical Care Systems** DS3330	**Motion** Accetta/Pasedis to Dismiss with Advisory Letter with USP 797 GAP analysis to be completed and policies and procedures for compliance monitoring system to be provided to Board, both within 30 days **Approved**
2	PHA-2011-0076 **Rite Aid 10141** DS3119 PHA-2011-0178 **Marc Brown** PH23597	**Motion** Trifone/Cayer to Dismiss with Advisory Letter and report to Board Re. Corrective Action Plan and pharmacy staff retraining and report to ISMP Re. medication error **Approved** **Motion** Trifone/Cayer for Reprimand to include 90 remedial CEs and successful completion of MPJE Approved
3	PHA-2011-0075 **Eaton Apothecary** DS89730 **PHA-2011-0268** Sandra Brenenville PH 22632	**Motion** Ryle/Trifone to Dismiss – No Violation **Approved** **Motion** Ryle/Trifone to Dismiss with Advisory Letter and 2 Continuing Education (CE) credits in medication error prevention **Approved**

5. 9:55 a.m. DISCUSSION

- **Rite Aid Corporation** "15 Minute Prescription Guarantee"
  Board reviewed "15 Minute Prescription Guarantee" promoted by Rite Aid and recent communication between NABP and Institute for Safe Medication Practices (ISMP). Board to continue review of guarantee when additional information is provided by ISMP to NABP.

- **Collaborative Drug Therapy Management** (CDTM) - review of correspondence from Mass. Independent Pharmacists Assoc. regarding practitioners with prescribing privileges. No regulation revision contemplated by Board at this time.

- October 20-22, 2011 NABP/AACP District I & II Annual Meeting to be hosted by Board. Final subcommittee meeting to be scheduled.

6. 11:05 a.m. INVESTIGATIVE CONFERENCE

West River Pharmacy, Marlborough (DS3572) – Docket No. PHA-2011-0084
Stephen Seigler, R.Ph. (PH18811) – Docket No. PHA-2011-0085

Present: Stephen Seigler, Dir. of Pharmacy, Jennifer Chin, R.Ph., current MOR, Peter DePaola, COO.

Complaint alleges that Board inspected West River Pharmacy (March 31 and June 9, 2011) and observed various statutory and regulatory violations.

Investigator: Cheryl Lathum, Pharm.D., R.Ph. presented complaint review.

1	PHA-2011-0084 **West River Pharmacy** DS3572	**Motion** Cayer/Tocco to propose resolution by Consent Agreement with two year probation period; reports to Board every 90 days for the first year; every 180 days for the second year; certification statement by new MOR of corrective action implementation and retraining of employees. **Recused** Ryle (not present in room for discussion or vote) **Approved**
2	PHA-2011-0085 **Stephen Seigler** PH18811	**Motion** Tocco/Trifone to propose resolution by Consent Agreement with Reprimand, no MOR for one year period, and MPJE. **Recused** Ryle (not present in room for discussion or vote) **Approved**

7. 11:50 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

CLOSED SESSION – Review/discussion of Complaints and other Legal Matters [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

11:50 a.m. Motion Ryle/Tocco to enter Closed Session. Approved

12:05 p.m. Fabiszewski and Accetta exit meeting.

12:15 p.m. Motion Cayer/Trifone to return to Open Session. Approved

8. 12:15 p.m. PRESENTATION – David E. Seaver, R.Ph., J.D., Risk Manager, Brigham and Women's Hospital, Legislative Comm., Massachusetts Society of Health-System Pharmacists

- Collaborative Drug Therapy Management (CDTM) – Model Agreement for Hospital Pharmacy Practice Settings

Board provided general comments regarding Model Agreement.

9. 12:30 p.m. LUNCH

10. 1:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

TOM'S NEW PLACE , LLC, dba Standard Pharmacy @HealthFirst
Proposed: 387 Quarry Street, Fall River, Massachusetts

Present: Sean J. Williams, R.Ph.(PH27427) proposed Manager of Record; Thomas Cory, R.Ph. (PH17535) owner and proposed President, Treasurer and Clerk, and Paul Garbarini, Esq.

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

Motion Tocco/Ryle to approve application pending compliant inspection
Approved

11. 2:00 p.m. FLEX DISCUSSION

A. NEW BUSINESS

Applications

1) Gretchen Mary Carter – Pharmacy Technician
Motion Trifone/Pasedis to approve
Approved

2) Judith M. Hurd – Pharmacy Technician
Motion Trifone/Pasedis to approve
Approved

3) Erika Marie Myers – Pharmacy Intern
Motion Trifone/Cayer to approve
Approved

B. OLD BUSINESS
Discussion of pending complaints related to 8/16/11 Investigative Conferences

1	SA-INV-CVS 1582; PHA-2011-0122 and PHA-2011-0197 **CVS 114** DS 2821	**Motion** Trifone/Cayer to propose resolution by Consent Agreement with one year Probation period; quarterly self-inspections by MOR **Recused** DeVita and Tocco (not present in room for discussion or vote) **Approved**
2	PHA-2011-0160 **Paul Barbaro** PH21075	**Motion** Cayer/Trifone to Dismiss with Advisory Letter and 2 CEs in medication error prevention **Recused** DeVita and Tocco (not present in room for discussion or vote) **Approved**
3	PHA-2011-0161 **Marta Fayardo** PT3005	**Motion** Cayer/Trifone to Dismiss with Advisory Letter and 2 CEs in medication error prevention **Recused** DeVita and Tocco (not present in room for discussion or vote) **Approved**
4	PHA-2011-0164 **Brenda Wagoner** PH233825 PHA-2011-0167 **Emily Guerrieri** PH233359 PHA-2011-0182 **Paul Barbaro** PH21075	**Motion** Cayer/Trifone to Dismiss with Advisory Letter and required credits for CE deficiencies for all pharmacist complaints. **Recused** DeVita and Tocco (not present in room for discussion or vote) **Approved**

12. 2:30 p.m. ADJOURNMENT

Respectfully submitted by:

James D. Coffey
Director

Board approved: April 3, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
SEPTEMBER 13, 2011
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

CLOSED SESSION – Review/discussion of Complaints and other Legal Matter
[MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

11:50 a.m. Motion Ryle/Tocco to enter Closed Session. Approved

Matters of:
Christina Rizza-Deary (PH19305) Docket Nos. PH-05-051 and PH-05-05-052 – Request for Reinstatement (Walgreens Pharmacy)
Recused Trifone (not present in room for discussion or vote)
Board reviewed August 5, 2011 letter requesting advisement regarding reinstatement (*suspended* eff. 12/2/05).
Motion Ryle/Pasedis to advise standard reinstatement conditions; one year MPRS participation; with conditions to be met within two years of notice (9/20/13).
Approved

Michael H. Ouimet (PH17000) Docket No. PH-97-012 – Request for Reinstatement
Board reviewed May 8, 2011 letter requesting advisement regarding reinstatement (*suspended* eff. 09/12/96).
Motion Cayer/Accetta to advise standard reinstatement conditions; five year MPRS completion; with conditions to be met within five years of notice (9/14/16).
Approved

Marco P. Rocha (PH23346) Docket Nos. PH-03-010 and PH-02-115 – Application for Reinstatement (CVS/pharmacy)
Recused DeVita and Tocco (not present in room for discussion or vote)
Motion Cayer/Trifone to approve application.
Approved

John P. Bispo – Pharmacy Technician Applicant
Request for reconsideration of application denial (received August 26, 2011).
Board reviewed letter (undated) requesting reconsideration of August 16, 2011 denial of application.
Board did not revise prior vote. Board to advise employer of application denial.

12:05 p.m. Fabiszewski and Accetta exit meeting.

Mona-Lissa Frain, R.Ph. (PH25272) - Complaint Docket No. PHA-2011-0193 (CVS/Pharmacy)
Board reviewed complaint and response.
Recused DeVita and Tocco (not present in room for discussion or vote)
Motion Trifone/Pasedis to propose resolution by Consent Agreement with one year suspension and three year probation period thereafter.
Approved

Paul Crebase, R.Ph. (PH18898) - Complaint Docket PHA-2011-0233 (CVS/Pharmacy)
Recused DeVita and Tocco (not present in room for discussion or vote)
Board reviewed New Hampshire *Settlement Agreement* and prior discipline.
Motion Cayer/Pasedis to seek Voluntary surrender with MPRS evaluation results to be reviewed by Board if desires reinstatement in Massachusetts in the future.
Approved

12:15 p.m. Motion Cayer/Trifone to return to Open Session. Approved