

**COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Pharmacy**

**NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN PHARMACY**

February 6, 2025

The regular session is open to the public by video or phone.

Join link:

<https://eohhs.webex.com/eohhs/j.php?MTID=m9e793ebaaf8f537c75d3066a16e0999f>

Webinar number:

2532 554 6415

Webinar password:

BOP123 (267124 from phones and video systems)

Join by phone:

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*If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator **Erin Bartlett**, erin.bartlett2@mass.gov or 857-262-7431 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.*

Agenda

		Item	Page	
8:00	I	CALL TO ORDER		S. Ahmed
8:05	II	APPROVAL OF AGENDA		
8:10	III	APPROVAL OF BOARD MINUTES <ul style="list-style-type: none">• Draft of January 9, 2024, Regular Session Minutes		
8:15	IV	REPORTS <ul style="list-style-type: none">• Applications approved pursuant to Licensure Policy 13-01• Monthly report from Probation• Board Delegated Review pursuant to Licensure Policy 14-02		
8:20	V	FLEX <ul style="list-style-type: none">• 121st NABP Annual Mtg- May 13-16, 2025- Fort Lauderdale, FL• Veterinary References memo		

8:45	VI	POLICIES <ul style="list-style-type: none"> Policy 2021-02: Shared Pharmacy Service Models Including Central Fill, Remote Processing, and Telepharmacy Policy 2023-07: Non-Sterile Compounding Policy 2024-01: Naloxone Dispensing Policy 13-01: Licensure Applications and Notices 		M. Chan			
9:00	VII	APPLICATION <ul style="list-style-type: none"> Martin's Point Health Care Portland Pharmacy-Non-Resident Retail Pharmacy License 					
9:15	VIII	REVIEW OF COMPLIANCE/VIOLATION OF CONSENT AGREEMENT <ul style="list-style-type: none"> Carbone, Domenico PH16514 – Docket No PHA-2023-0142 		K. Fishman			
9:30	IX	FILE REVIEW					
		1	CASE-2024-2318	PHA-2024-0142			Wal-Mart 10-2155, DS2739
		2	CASE-2024-2313	PHA-2024-0141			PharmaHealth Pharmacy, DS90429
		3	CASE-2024-2562	PHA-2024-0158			Walgreens #17980, DS90208
		4	CASE-2024-2560	PHA-2024-0157			Walgreens #17486, DS90149
		5	CASE-2024-2779	PHA-2024-0179			Walgreens #17486, DS90149
		6	CASE-2024-2553	PHA-2024-0154			Injured Workers Pharmacy, DS89727
		7	CASE-2024-2821	PHA-2024-0187			Empower Pharma, NO00019
		8	CASE-2024-2780	PHA-2024-0178			UMass Memorial Medical Center Specialty Pharmacy, DS89822
		9	CASE-2024-2445	PHA-2024-0212			Janice Cohen, PH17856
		10	CASE-2024-2820	INV13616			Dimock Pharmacy, DS100083
		11	CASE-2024-2444	PHA-2024-0218			CVS #155, DS2471

10:30	X	EXECUTIVE SESSION The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, to evaluate the Good Moral Character as required for registration for a pending applicant.		
11:00	XI	ADJUDICATORY SESSION (M.G.L. ch. 30A, §18)		
11:30		LUNCH BREAK		
12:00	XII	M.G.L. c. 112, § 65C SESSION		
3:00	XIII	ADJOURNMENT		

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN PHARMACY**

MINUTES OF THE GENERAL SESSION

Via Remote WebEx Meeting

February 6, 2025

Board Members Present

Sami Ahmed, PharmD., RPh, BCPS, BCSCP, President
Saad Dinno, RPh, FACP/FACA, President-Elect
Mark Sciaraffa, CPhT, Secretary
Katie Thornell, RPh, MBA
John Rocchio, RPh, PharmD
Dr. Richard Lopez, MD
Delilah Barnes, RPh
Rita Morelli, PharmD, BCACP, RPh
Julie Dorgan, RN
Frank Lombardo

Board Members Not Present

Caryn Belisle, RPh, MBA
Sebastian Hamilton, Pharm D, MBA, RPh

Board Staff Present

Michael Godek, Executive Director
Monica Botto, Associate Executive Director
Jacqueline Petrillo, PharmD, RPh, JD, Board Counsel
William Frisch, RPh Director of Pharmacy Compliance
Michelle Chan, RPh, Quality Assurance Pharmacist
Richard Harris, Program Analyst
Joanna Chow, Program Analyst
Taylor Lee, Office Support Specialist
Joanne Trifone, RPh, Director of Investigations
Gregory Melton, JD, PharmD, BCPS, Investigator
Keith Johnstone, Compliance Officer
David Sencabaugh
Susan Kim, Pharmacy Intern
Gayatri Ramasubramanian, Pharmacy Intern

TOPIC I. Attendance by roll call:

CALL TO ORDER 8:01 AM

A quorum of the Board was present, established by roll call. President Sami Ahmed chaired the meeting and explained that the Board of Pharmacy was recording the meeting.

Roll call attendance: S. Dinno, yes; M. Sciaraffa, yes; D. Barnes, yes; J. Dorgan, yes; R. Lopez, yes; R. Morelli, yes; J. Rocchio, yes; K. Thornell, yes; S. Ahmed, yes.

Topic II.

Approval of Agenda

TIME 8:02 AM

Agenda: 02/06/25

DISCUSSION: Defer Carbone, Domenico PH16514 – Docket No PHA-2023-0142

ACTION:

Motion by D. BARNES, seconded by R. MORELLI and voted unanimously by those present to approve the agenda with the noted change by roll call vote.

Topic III

Approval of Board Minutes

TIME: 8:03 AM

Minutes

1. Draft 01/09/25

Change: Correction of the spelling of J. Rocchio's name (page 7 and 8.) Minutes should be for January 2025 not 2004 and D. Barnes was absent.

Action: Motion by R. LOPEZ seconded J. ROCCHIO and voted to approve the regular session minutes of 1/9/25 with THE noted changes by roll call vote. Abstained: R. Morelli

Topic IV.

REPORTS

Applications approved pursuant to Licensure Policy 13-01

TIME: 8:05 AM

PRESENTED BY: R. HARRIS

DISCUSSION: R. Harris reported a total of 36 Change in Manager applications and 8 facility closures that have been approved by Staff Action since the last Board meeting.

So noted.

Topic IV.

REPORTS

Monthly Report from Probation

TIME: 8:05 AM

PRESENTED BY: R. HARRIS

DISCUSSION: R. Harris reported a total of 4 licensees that were given the opportunity to cure and one licensee that was not able to cure within 30 days. In total, there have been 8 successful completions of probation monitoring since the last report. Currently, there are 43 active cases of probation monitoring.

So noted.

Topic IV.

REPORTS

Monthly Report from BDCR pursuant to Policy 14-02

TIME: 8:06 AM

PRESENTED BY: R. HARRIS

DISCUSSION: R. Harris indicated a total of 12 Continuing Education deficiencies that were reported, all of which were closed with no discipline warranted. Since the last report, there has been one issuance of a reprimand for inspectional deficiencies and one reported medication error, which was closed with no discipline warranted. There has been approval of initial and renewal waivers since the last report.

So noted.

TOPIC V

FLEX

121st NABP Annual Mtg; May 13-16, 2025; Fort Lauderdale, FL

TIME: 8:06 AM

Presented by: M. GODEK

Discussion: Board members attending the meeting were requested to notify Board staff. A vote will be held at the March meeting for a delegate and an alternate to represent the Board at the meeting.

So noted.

Veterinary References memo

TIME: 8:06 AM

Presented by: W. FRISCH

Discussion: New regulations at 247 CMR 9.19(1)(d) require pharmacies to have onsite “a current copy or access to electronic version of Plumb's Veterinary Drug Handbook or other veterinary reference approved by the Board”. The request is to allow Board staff to evaluate and approve alternative clinical veterinary references.

Action: Motion by D. BARNES, seconded by J. ROCCHIO, and voted unanimously by roll call of those present, to approve the memo.

TOPIC VI

POLICIES

TIME: 8:09 AM

Policy 2021-02: Shared Pharmacy Service Models Including Central Fill, Remote Processing, and Telepharmacy

Presented by: M. CHAN

Discussion: Many language updates were made to be consistent with the new non-resident pharmacy licensing. The only substantive change is that the requirement for central fill pharmacies to petition for approval is no longer required.

Action: Motion by J. ROCCHIO, seconded by J. DORGAN, and voted unanimously by roll call of those present, to approve the updates to the policy.

Policy 2023-07: Non-Sterile Compounding

TIME: 8:11 AM

Presented by: M. CHAN

Discussion: The language in section IID was changed to require the pharmacist's sound clinical judgement rather than refer to evidence-based practice.

Action: Motion by D. BARNES, seconded by M. SCIARAFFA, and voted unanimously by roll call of those present, to approve the edits to the policy.

Policy 2024-01: Naloxone Dispensing

TIME: 8:12 AM

Presented by: M. CHAN

Discussion: The new statutory requirement to offer to dispense naloxone whenever a Schedule II opioid is dispensed was added. Other new statutory requirements regarding opioid risk education are being added to the Opioid Fact Sheet that will be presented at a later time.

Action: Motion by K. THORNELL, seconded by R. MORELLI, and voted unanimously by roll call of those present, to approve the edits to the policy.

Policy 13-01: Licensure Applications and Notices

TIME: 8:13 AM

Presented by: M. CHAN

Discussion: Changes remove the requirement that a non-resident compounding pharmacy license be approved before the retail pharmacy license is. Programming requires that the opposite must occur. Additionally, the central fill approval language has been removed since approval is no longer required.

Action: Motion by D. BARNES, seconded by R. LOPEZ, and voted unanimously by roll call of those present, to approve edits to the policy.

Topic VII.

APPLICATION

TIME: 8:54 AM

1. Martin’s Point Health Care Portland Pharmacy Non-Resident Retail Pharmacy License

REPRESENTED BY: Jayne Hohulin- Director of Pharmacy Operations (Mail Order and Health Plan), Jessica Keen- Manager (Mail-Order Pharmacy)

RECUSAL: NONE

DISCUSSION: Members of Martin’s Point Health Care Portland Pharmacy, a mail-order pharmacy, addressed some concerns regarding the ownership of the proposed facility. It was made unclear whether the owners have prescriptive privileges, which would present a conflict of interest. J. Hohulin stated that the response to the application implying that the owners held prescriptive privileges was entered in error. W. Frisch has requested the Articles of Organization and an organizational chart clarifying the ownership structure to be submitted before the Board can move forward with the application.

ACTION: Motion by M. SCIARAFFA, seconded by F. LOMBARDO, voted unanimously by those present to defer action on the submitted application to a later date.

Topic VIII.

REVIEW OF COMPLIANCE/VIOLATION OF CONSENT AGREEMENT

TIME: N/A

- **Carbone, Domenico PH16514 – Docket No PHA-2023-0142**

Presented by:

Recusals:

Discussion: **DEFERRED**

TOPIC IX

FILE REVIEW

Case #1/CASE-2024-2318

PHA-2024-0142

Wal-Mart 10-2155, DS2739

Time: 08:15 AM

RECUSAL: NONE

DISCUSSION: J. TRIFONE presented and summarized the investigative report that pertained to this matter.

- During a retail inspection on 07/22/2024, Investigator Seed observed unlicensed staff Glendalis Torres counting prescription medications in a tray. She also had a name tag that stated, “pharmacy technician”.
- After the inspection, on 07/26/2024 Glendalis Torres obtained a pharmacy technician-in training registration PTT105432, followed by a pharmacy technician registration PT104932 on 11/14/2024.

- Former MOR Paine responded that he had not hired any new associates since 2016 and made an “honest mistake” and missed the trainee license application requirement.
- Glendalis Torres did not have access to the computer system, did not perform data entry, or access any patient profiles until her PTT license was issued.
- Former MOR Paine stated that he will ensure any new associate is appropriately licensed, created his own onboarding checklist for any new associates, and will check all staff licenses quarterly.
- Former MOR Paine attested to reviewing the current technician training program guidelines.

ACTION: Motion by R. LOPEZ, seconded by S. DINNO, and voted unanimously by those present, to refer the matter (PHA-2024-0142), to the Office of Prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for REPRIMAND.

Case #2/CASE-2024-2313

PHA-2024-0141

PharmaHealth Pharmacy, DS90429

Time: 08:18 AM

RECUSAL: NONE

DISCUSSION: J. TRIFONE presented and summarized the investigative report that pertained to this matter.

- On 07/23/2024, Investigator Horn conducted an inspection and cited deficiencies in refrigeration, allowing Haseeb Javid to work as a PTT with a license that expired on 10/17/2023, and for completing a renovation/expansion without Board approval.
- Investigator Horn noted that one of the refrigerators was at 56 degrees and had been since 07/14/2024. The electronic temperature monitoring had not alarmed. The other two refrigerators were in range during the inspection, but the historical temperature monitoring did not display if there were any excursions. Investigator Horn was also unable to determine if the Govee thermometers in use were certified.
- Products were quarantined. New NIST certified thermometers obtained with text and email alerts initiated. Manual logs used as backup. Additional units added to alleviate overcrowding. Staff were retrained in proper medication storage and temperature monitoring policies.
- PTT Javid submitted a renewal application on 07/23/2024 which was approved on 07/24/2024.
- The Owner and MOR were unaware a renovation/expansion required Board approval.
- New alarm system, motion sensors, and armed door contacts on all exterior and interior doors added. Blueprints and risk mitigation strategy provided.
- A full Certificate of Occupancy has not been provided.

ACTION: Motion by J. ROCCHIO, seconded by D. BARNES, and voted unanimously by those present, to refer the matter (PHA-2024-0141), to the Office of Prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for PROBATION for a period of 3 to 6 months, with special terms to include PharmaHealth obtaining and submitting a full Certificate of Occupancy to the Board.

Case #3/CASE-2024-2562
PHA-2024-0158

Walgreens #17980, DS90208

Time: 08:21 AM

RECUSAL: NONE

DISCUSSION: J. TRIFONE presented and summarized the investigative report that pertained to this matter.

- An unknown loss of #30 diazepam 5mg tablets discovered on 06/11/2024 during the physical inventory audit.
- The licensee also failed to submit a final loss report within 21 days.
- After the loss of diazepam was discovered, an item movement report was reviewed, which revealed that the inventory system auto-adjusted the diazepam count by 30 tablets. The addition was triggered by the system automatically rather than by a specific user. As a result, the Pharmacy sent a retraction letter to the DEA as this was not a reportable loss but failed to submit the final report to OPP in error.
- On 09/06/2024, the Pharmacy submitted the missing final report to OPP.
- MOR Yeung has reviewed the process of reporting a loss to BORP again.

ACTION: Motion by R. MORELLI, seconded by R. LOPEZ, and voted unanimously by those present, to DISMISS the matter (PHA-2024-0158), No Discipline Warranted, Remediation Complete.

Case #4/ CASE-2024-2560
PHA-2024-0157

Walgreens #17486, DS90149

Time: 08:23 AM

RECUSAL: NONE

DISCUSSION: J. TRIFONE presented and summarized the investigative report that pertained to this matter.

- An unconfirmed dispensing error resulting in the loss of #28 Oxycodone 10mg tablets and failure to timely submit a final loss report within 21 days.
- Former MOR Bertoli noted that on 06/12/2024, there were two Schedule II prescriptions prescribed for the same patient. One prescription was for oxycodone 5mg tablets #56 and the other prescription for oxycodone 10mg tablets #28. As a result, Current MOR Sordillo counted both prescriptions for 56 tablets.
- On 06/15/2024, Current MOR Sordillo discovered the error during a weekly physical inventory. He attempted to contact the patient and the doctor 3 times without any response. Video footage was not provided.
- MOR Bertoli indicated that corrective action included counting the dispensing amount and back counting the remaining pills in the stock bottle. Additionally, Current MOR Sordillo will "... follow SOP for filling prescriptions, counting and placing one prescription in bin" for the pharmacist to check.

ACTION: Motion by D. BARNES, seconded by M. SCIARAFFA, and voted unanimously by those present, to CONSOLIDATE (PHA-2024-0157) with PHA-2024-0179. A second motion was made by R. LOPEZ, seconded by R. MORELLI, and voted unanimously by those present, to refer the matters, to the Office of

Prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for REPRIMAND.

Case #5/ CASE-2024-2779

PHA-2024-0179

Walgreens #17486, DS90149

Time: 08:25 AM

RECUSAL: NONE

DISCUSSION: J. TRIFONE presented and summarized the investigative report that pertained to this matter.

- Unknown loss of #30 Lisdexamphetamine 20mg capsules attributed to a missing prescription. The licensee also failed to timely submit a final loss report within 21 days of the initial loss report.
- On 07/31/2024, a prescription for #30 Lisdexamphetamine 20mg capsules was filled and placed in the waiting bin. On 08/02/2024, during a Bin Reconciliation, the prescription could not be located. The patient was contacted but the Pharmacy received no response. It is believed that the patient received the medication, and it was not scanned at the POS.
- On 10/17/2024 the Pharmacy submitted the overdue final loss report. The Pharmacy failed to include a DEA 106 form as required by regulation.
- Former MOR Bertoli indicated that the entire staff was retrained on POS procedures using the internal CQI system.

ACTION: Motion by D. BARNES, seconded by M. SCIARAFFA, and voted unanimously by those present, to CONSOLIDATE (PHA-2024-0179) with PHA-2024-0157. A second motion was made by R. LOPEZ, seconded by R. MORELLI, and voted unanimously by those present, to refer the matters to the Office of Prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for REPRIMAND.

Case #6/ CASE-2024-2553

PHA-2024-0154

Injured Workers Pharmacy, DS89727

Time: 08:30 AM

RECUSAL: B. FRISCH recused and was not present for the vote or discussion in this matter.

DISCUSSION: J. TRIFONE presented and summarized the investigative report that pertained to this matter.

- Failure to submit a final report within 21 days regarding a loss of #30 Pregabalin 100mg capsules on or about 05/16/2024 as a result of a loss in transit.
- MOR McNulty indicated that 05/16/2024, the medication was prepared and shipped to the patient. On 05/28/2024, the patient confirmed that their medication did not arrive. On 05/29/2024, the MOR requested an investigation with the common carrier. On 06/06/2024, the item was located and sent back to the Pharmacy.
- On 01/16/2025, the Pharmacy submitted an untimely final loss report and documentation that the DEA 106 form was withdrawn.
- The MOR noted that the Pharmacy's internal process has been updated to include an additional step of notifying the Board of Pharmacy in the event of a DEA 106 withdrawal.

ACTION: Motion by M. SCIARAFFA, seconded by K. THORNELL, and voted unanimously by those present, to REFER the matter (PHA-2024-0154), to the Office of Prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for REPRIMAND.

Case #7/ CASE-2024-2821

PHA-2024-0187

Empower Pharma, NO00019

Time: 08:32 AM

RECUSAL: NONE

DISCUSSION: G. MELTON presented and summarized the investigative report that pertained to this matter.

- On September 16, 2024, Empower notified BORP that the facility received an FDA Form 483 on August 28, 2024 in violation of requirements to notify BORP within 14 days, after an FDA inspection conducted between August 1, 2024 to August 28, 2024. Of note, FDA noted nine observations of objectionable conditions during the inspection.
- Empower explained, “Following FDA’s inspection, Empower was issued a Form 483 before the start of a long holiday weekend. Empower’s focus following receipt of the Form 483 was ensuring that a fulsome and complete response was submitted to FDA within the required timeframe. As a result, Empower unfortunately reported its receipt of the Form 483 five days late to BORP—again, this reporting time frame included a long holiday weekend in which a lot of Empower’s personnel were out.”
- Next, Empower apologized for the late notification. Empower then argued that “there is no public health impact from this slightly late notification that would justify discipline. As BORP is aware, FDA rarely conducts an inspection without issuing a Form 483 and since BORP was timely notified that an inspection was ongoing, there is no substantive impact caused by the few days’ late notification. Further, the brief delay did not impact the time in which BORP received notice of FDA’s observation as BORP’s regulation does not require the actual submission of the Form 483—the regulation merely requires written submission that a Form 483 has been received.” However, Empower submitted the FDA Form 483 “in an effort to work collaboratively and transparently with the BORP”

ACTION: Motion by R. LOPEZ, seconded by D. BARNES, and voted unanimously by those present, to REFER the matter (PHA-2024-0187), to the Office of Prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for REPRIMAND.

Case #8/ CASE-2024-2780

PHA-2024-0178

UMass Memorial Medical Center Specialty Pharmacy,
DS89822

Time: 08:43 AM

RECUSAL: NONE

DISCUSSION: G. MELTON presented and summarized the investigative report that pertained to this matter.

- 09/03/2024, UMASS submitted a final report of losses of 60 lacosamide 50mg tablets, 60 lacosamide 200mg tablets, 1 box(2 units) Nayzilam 5mg nasal spray, and 60 Onfi 20mg tablets discovered missing

on August 16, 2024. UMASS explained that a courier service contracted to deliver prescriptions to patients reported that a patient's prescription package was missing. Of note, the package also included 180 zonisamide 100mg capsules.

- At that time, UMASS searched the pharmacy for the package over the next few days without success. In addition, UMASS continued to track the package in case the wrong driver picked up the package or the package was found at the end of day by the courier service. UMASS also confirmed that the package was "queued, checked for accuracy and sealed." In addition, surveillance video was reviewed but did not reveal any conclusive evidence of what happened to the package.
- Ultimately, UMASS contacted the patient on Monday, 08/19/2024, and confirmed the package was not received. UMASS also learned at that time that the patient only possessed a one day stock of drugs. In turn, UMASS expedited shipment of replacement package to the patient on the same day.
- MOR Patel indicated that "Working on getting pharmacy scan device from courier service. Until then RPh to print report of controls to be shipped, to keep a log of orders filled, sorted and picked up; keep on file for 2 months. Driver to pick up their own order and scan package in the pharmacy. Pharmacy to keep a log of orders filled, sorted and picked up; keep on file for 2 months."

ACTION: Motion by M. SCIARAFFA, seconded by R. MORELLI, and voted unanimously by those present, to REFER the matter (PHA-2024-0178), to the Office of Prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for REPRIMAND

Case #9/ CASE-2024-2445

PHA-2024-0212

Janice Cohen, PH17856

Time: 08:46 AM

RECUSAL: NONE

DISCUSSION: G. MELTON presented and summarized the investigative report that pertained to this matter.

- BORP opened a complaint during the 11/07/2024 Board meeting after review of a SAINV in which Pharmacist Cohen self-reported on 08/03/2024 that she was unable to complete annual CE for 2023. Pharmacist Cohen later indicated that she was required to complete topic specific CE in sterile compounding and complex non-sterile compounding during 2021, 2022, and 2023. Consequently, Pharmacist Cohen was deficient 25 contact hours including 5 contact hours in live format, 6 contact hours in sterile compounding, and 5 contact hours in non-sterile compounding from 2021 through 2023. Of note, Pharmacy Cohen previously self-reported a 2015 CE deficiency resulting in the opening of an SAINV which was closed after she completed remedial CE on a 1:1 basis.
- Pharmacist Cohen wrote in her response to the SAINV, "My explanation for the reason I was deficient in ceu's is that the past couple of years I've had a lot going on in my life and I lost track of my completing my ce requirements. I sincerely apologize, Please do not suspend my license to practice."
- CA: In addition, Pharmacist Cohen remediated her CE deficiencies on a 1:1 basis in 2024 and acknowledged that remedial CE cannot be used to satisfy any other CE requirements including 2024 annual requirements.

ACTION: Motion by R. MORELLI, seconded by R. LOPEZ, and voted unanimously by those present, to REFER the matter (PHA-2024-0212), to the Office of Prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for REPRIMAND

RECUSAL: NONE

DISCUSSION: G. MELTON presented and summarized the investigative report that pertained to this matter.

- On September 16, 2024, BORP received an application for change in manager of record from Dimock. According to the application, Former MOR El Khoury's end date as MOR was August 8, 2024 and Current Than's start date as MOR was September 3, 2024. Accordingly, Dimock was required to appoint an interim MOR. In addition, Dimock did not promptly notify BORP about the change as required.
- Current MOR Than confirmed that Former MOR El Khoury's end date as MOR was August 8, 2024 and was permanent. Current MOR Than next clarified that her start date as MOR was August 08, 2024. She indicated that "due to the same-day change of MOR, there was no need for an interim MOR to be appointed." Current MOR Than provided a copy of a change in manager inventory dated August 8, 2024 signed by her and Former MOR El Khoury to support her assertion. In addition, Current MOR Than provided a copy of Dimock's biennial inventory dated August 8, 2024.

ACTION: Motion by D. BARNES, seconded by K. THORNELL, to CLOSE the matter (INV13616), No Discipline Warranted, Remediation Complete.

RECUSAL: J. ROCCHIO recused and was not present for the vote or discussion in this matter.

DISCUSSION: G. MELTON presented and summarized the investigative report that pertained to this matter.

- On July 22, 2024, CVS 155 submitted a final report of loss of a 100-count manufacturer stock bottle of oxycodone 5mg tablets during transit on July 2, 2024. CVS 1035 indicated that the drug was expected in the delivery but not found upon opening a sealed tote. However, CVS 155's "check-in delivery" details documented that the oxycodone was received. Furthermore, the wholesale druggist did not have any discrepancies.
- In addition, CVS 155 failed to provide surveillance video which purportedly confirmed that "the order remained on camera throughout the check-in process and was placed in the safe after being checked in."
- CA: "The pharmacy will continue to follow CVS protocol when receiving controlled substance orders to ensure we receive all drugs that are on the receiving paperwork. If tampering is identified the pharmacist will refuse the order."

EXHIBITS USED DURING THE OPEN SESSION OF THE MEETING

1. February 6, 2025 Agenda
2. January 9, 2025 Board Minutes
3. Licensure Policy 13-01 Report
4. Monthly Probation Report
5. BDR Licensure Policy 14-02
6. Veterinary References memo
7. Policy 2021-02: Shared Pharmacy Service Models
8. Policy 2023-07: Non-Sterile Compounding
9. Policy 2024-01: Naloxone Dispensing
10. Policy 12-01: Licensure Applications and Notices
11. Martin's Point Health Care Portland Pharmacy – Non-Resident Pharmacy
12. PHA-2024-00142: Wal-Mart 10-2155
13. PHA-2024-0141: PharmaHealth
14. PHA-2024-0158: Walgreens 17980
15. PHA-2024-0157: Walgreens 17486
16. PHBA-2024-0179: Walgreens 17489
17. PHA-2024-0154: Injured Workers Pharmacy
18. PHA-2024-0187: Empower Pharma
19. PHA-2024-00178: UMass Memorial Medical Center Specialty Pharmacy
20. PHA-2024-0212: Janice Cohen
21. INV13616: Dimock Pharmacy
22. PHA-2024-0218: CVS 155