

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

BOARD OF REGISTRATION IN PHARMACY
MEETING AGENDA

April 3, 2012

239 Causeway Street
4th Floor, Rooms 417A and B
Boston, Massachusetts

1. 8:30 a.m. CALL TO ORDER
President Michael J. Tocco, R.Ph., M.Ed.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
 - September 13, 2011
 - February 7, 2012
 - March 6, 2012
3. 8:40 a.m. APPLICATIONS and Other Notices (no handout/applications on file)
Assoc. Dir. Margaret Cittadino
 - New Community Pharmacy (4)
Big Y Pharmacy 22, 740 South Main Street, Great Barrington
CVS 7111, 70 West State Street, Granby
CVS 1786, 266 Broadway, Lawrence
Sam's Club Pharmacy 10-6649, 1 Tobias Boland Way, Worcester
 - Change of Manager (14)
CVS 1848, 264 Trapelo Road, Belmont (DS3374)
CVS 861, 355 Centre Street, Brockton (DS3550)
CVS 5939, 242 Cambridge Street, Burlington (DS3576)
CVS 929, 272 East Central Street, Franklin (DS2946)
CVS 1866, 261 Chauncey Street, Mansfield (DS2956)
CVS 1143, 22 Main Street, North Reading (DS1713)
CVS 1845, 222 Main Street, Wilmington (DS3595)
Pharmahealth Pharmacy, 458 Dartmouth Street, New Bedford (DS3056)
Rite Aid 10052, 577 Meadow Street, Chicopee (DS3414)
Rite Aid 10201, 933 Pleasant Street, Fall River (DS2572)
Rite Aid 10188, 121 Marion Road, Wareham (DS3048)
Target Pharmacy T 1232, 50 Holyoke Street, Holyoke (DS2915)
Walgreens 7063, 583 James Street, Chicopee (DS3238)
Walmart 10 2228, 555 Hubbard Street, Pittsfield (DS2746)
 - Relocation of Wholesale Distributor (1)
Pharmalucence, Inc. 29 Dunham Road, Billerica FROM 10 DeAngelo Drive, Bedford (WD474)
 - Renovation/Expansion (1)
CVS 444, 74 East Main Street, Westborough (DS2704)
 - Transfer of Ownership - Community Pharmacy (1)
Community, A Walgreens Pharmacy 21 Stanhope Street, Boston FROM Bio-Script (DS2944)

4. 8:45 a.m. UPDATES
Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
 - Introduction of MCPHS APPE Extern Brandon Glennon
 - Board Dispositions

5. 8:55 a.m. BOARD MEETING PLANNING/OBJECTIVES
Pres. Michael J. Tocco, R.Ph., M.Ed.
 - Follow up Re. Outreach Ideas
 - Patient Safety Continuing Education

6. 9:30 a.m. APPLICATION/Appearance
Matter of Kristin Austin (PH22235) – Pharmacist Reactivation

7. 9:50 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]

Matters of:
 - Matter of Lauren M. Cohen Rodrigues (PT5296) Docket No. PHA-2011-0156 (CVS Pharmacy)
 - Matter of Raymond J. Bisso (PH16701) Docket No. PHA-2012-0055
 - Matter of Steven R. Petrillo (PH23960) Docket No. PHA-2011-0340
 - Matter of Jeffrey A. Cohen (PH20734) Docket No. PHA-2011-0251
 - Matter of Leo M. Lawless (PH16078) Docket No. PHA-2011-0331

8. 10:15 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

9. 11:15 a.m. PRESENTATION/DISCUSSION
Madeleine Biondolillo, MD, Dir. Bureau of Health Care Safety and Quality, Grant M. Carrow, Ph.D., Dir. Drug Control Program, Adele D. Audet, R.Ph., Asst. Dir. Drug Control Program, Jean Pontikas, Dir. Division of Health Professions Licensure and James D. Coffey, Dir. Board of Registration in Pharmacy
 - Updates Re. Prescription Monitoring Program (PMP) including MA Online PMP
 - Proposed **Joint Policy on Pharmacist Administration of Vaccines**

10. 12:30 p.m. LUNCH

11. 1:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
UMASS MEMORIAL SHIELDS PHARMACY, LLC. – Proposed: 55 Lake Avenue North – ACC Building 1st Floor, Worcester, Massachusetts

Present: Proposed Manager of Record, Brian S. Smith, R.Ph., (PH23717) and Director Ambulatory Care Pharmacy Services, Kevin T. Miller, R.Ph., (PH22850)

- Applicant with waivers for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances
Approve Deny

12. 2:00 p.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

FLEX DISCUSSION

A. NEW BUSINESS

- 1) **Adam James Fee** – Pharmacy Technician
Approve/Deny
- 2) Announcement Re Opioid Management Program
- 3) NABP Resolutions

13. INFORMATIONAL ITEMS (FYI)

14. 3:00 p.m. ADJOURNMENT

BOARD OF REGISTRATION IN PHARMACY

April 3, 2012

239 Causeway Street

Boston, Massachusetts

Board Members

Present

Michael Tocco, R.Ph., M.Ed.; Steven Budish, Stanley Walczyk, R.Ph.;
Karen Ryle, R.Ph., M.S.; Sophia Pasedis, R.Ph., Pharm.D.; Joanne
Trifone, R.Ph.; Kathy Fabiszewski, Ph.D., N.P.;
George Cayer, R.Ph.; Donald Acceffa, M.D., M.P.H.

Board Members Absent

James T. DeVita, R.Ph.; 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 Latham R.Ph.,
Pharm.D., Investigator; William E. Frisch, Jr., R.Ph., Investigator;
James Emery, Pharmacy Technician, Investigator; Jessica Shaver,
Northeastern University Intern

1. 8:40 a.m. CALL TO ORDER
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2. 8:45 a.m. REVIEW/ADOPTION OF BOARD MINUTES
 - September 13, 2011
 - February 7, 2012
 - March 6, 2012

Motion Walczyk/Ryle to approve all minutes
Approved

3. 8:45 a.m. APPLICATIONS and Other Notices
Assoc. Dir. Margaret Cittadino

New Community Pharmacy

Big Y Pharmacy 22, 740 South Main Street, Great Barrington
CVS 7111, 70 West State Street, Granby
CVS 1786, 266 Broadway, Lawrence
Sam's Club Pharmacy 10-6649, 1 Tobias Boland Way, Worcester

Change of Manager

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Relocation of Wholesale Distributor

Pharmalucence, Inc. 29 Dunham Road, Billerica
FROM 10 DeAngelo Drive, Bedford (WD474)

Renovation/Expansion

CVS 444, 74 East Main Street, Westborough (DS2704)

Transfer of Ownership - Community Pharmacy

Community, A Walgreens Pharmacy 21 Stanhope Street, Boston
FROM Bio-Scrip, 21 Stanhope Street Boston, MA 02116 (DS2944)

Motion Walczyk/Pasedis to approve applications
Recused Tocco for CVS and Trifone for Walgreens

4. 8:50 a.m. UPDATES

Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino

- Introduction of MCPHS APPE Extern Brandon Glennon
- Board Dispositions

- Board members fondly remembered Marilyn M. Barron who recently passed away at the age of 88. Marilyn served for nearly a decade as a designated Public Member representative to the Board. With a wonderful zest for living Marilyn traveled the world throughout her life. Her contributions to the citizens of the Commonwealth in her oversight of the practice of pharmacy was significant and her contributions to the Board were much appreciated by Board members and staff.

5. 9:00 a.m. BOARD MEETING PLANNING/OBJECTIVES

Pres. Michael J. Tocco, R.Ph., M.Ed.

- Pres. Tocco spoke at Reed Conference and encouraged pharmacists to review regulations; proposes Board consider holding Board meeting at Western New England College School of Pharmacy in Springfield.
- Karen Ryle proposes Board consider requiring patient safety related continuing education (CE) credit(s) as part of CE renewal requirements (revise 247. CMR 4.00); discussion to continue at future meeting

6. 9:15 a.m. APPLICATION/Appearance

Kristin Austin (PH22235/ Exp. 12/31/06) -- Petition for Renewal of Pharmacist License

Petitioner's ME Pharmacist registration was subject to discipline in
Petitioner responded to Board inquiries regarding the ME MOR position that resulted in discipline for supervision (including while on maternity leave) of unlicensed (expired) technicians.

Motion Cayer/Walczyk to approve applicant for renewal of expired registration.
Approved

7. 9:30 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]

9:30 a.m. **Motion Pasedis/Walczyk to enter Closed Session.**
Approved

10:45 a.m. **Motion Walczyk/Cayer to return to Open Session.**
Approved

8. 10:45 a.m. **REPORT OF OFFICE OF INVESTIGATIONS**

File Review - Samuel J. Penta, R.Ph., Supervising Investigator; James C. Emery, Investigator; Cheryl Latham, Pharm.D., R.Ph., Investigator; William E. Frisch, Jr., R.Ph., Investigator; Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	PHA-2011-0145 Richmond Pharmacy DS1650	Motion Cayer/Walczyk regarding two DS and two Frassica PH complaints (below) to Dismiss with Advisory Letter with MOR and to complete Self-Inspections bi-annually for next year. Approved
	PHA-2011-0267 Richmond Pharmacy DS1650	
	PHA-2011-0266 Peter Frassica PH17218	
	PHA-2011-0269 Peter Frassica PH17218	
	PHA-2011-0270 Babak Bakhtitari PH22275	
		Motion Cayer/Pasedis to Dismiss with Advisory Letter with 2 continuing education (CE) credits in medication error prevention and co-signature of above-referenced MOR Self-Inspections. Recused Ryle (not present in meeting room during discussion or vote) Approved

9. 11:15 a.m. **PRESENTATION/DISCUSSION**

▪ **Prescription Monitoring Program (PMP)**

Madeleine Biondolillo, M.D., Dir., Bureau of Health Care Safety and Quality; Grant M. Carrow, Ph.D., Dir., Drug Control Program; Adele D. Audet, R.Ph., Asst. Dir., Drug Control Program; Jean Pontikas, Dir., Division of Health Professions Licensure; and James D. Coffey, Dir., Board of Registration in Pharmacy

Bureau Dir. Dr. Biondolillo, DCP Dir. Carrow and Asst. Dir. Audet presented an overview of the PMP; with updates relating to MA Online PMP registration and participation and future enhancements, and responded to Board member questions.

12:00 p.m. Accetta and Fabiszewski exit meeting

▪ **Proposed Joint Policy 2012-02 on Pharmacist Administration of Vaccines**

Dir. Coffey presented proposed Joint Policy (with DCP) authorizing pharmacists to administer certain vaccines to individuals 18 years of age or older in accordance with a prescription, physician directive or standing order, as set forth in the policy.

Motion Pasedis/Ryle to approve Joint Policy with proposed revisions, effective as of date issued by DPH.

Approved

12:40 p.m. Ryle exits meeting.

10. 12:40 p.m. LUNCH

11. 1:40 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
Applicant: **UMASS MEMORIAL SHIELDS PHARMACY, LLC**
Proposed location: 55 Lake Avenue North – ACC Bldg., 1st Floor, Worcester, MA

Present: Proposed Manager of Record Brian S. Smith, R.Ph., (PH23717) and
Director Ambulatory Care Pharmacy Services Kevin T. Miller, R.Ph. (PH22850)

Pharmacy applicant with waivers proposes to dispense Schedules II-VI substances.

1:55 p.m. Pasedis exits meeting

Motion Walczyk/Trifone to take application under advisement pending review of:
(1) confirmation that counsel has reviewed the proposed operations and determined compliance with state and federal laws and regulations; and
(2) a description of the method(s) by which patients will be informed of the right to choose pharmacy services.

Approved

12. 2:00 p.m. REPORT OF OFFICE OF INVESTIGATIONS - Continued

2	PHA-2011-0312 Rite Aid 10207 DS2411 PHA-2012-0012 Sandra Almeida PH23916 PHA-2012-0016 Veronica Arruda PT2843	Motion Cayer/Trifone to schedule Investigative Conference for involved parties Approved
3	SA-INV-2493 Rite Aid 10101 DS2397	Motion Cayer/Trifone to Dismiss –No Violation Approved

13. FLEX DISCUSSION
A. NEW BUSINESS

- 1) Adam James Fee – Pharmacy Technician applicant

Motion Cayer/Trifone to schedule conference with applicant at May meeting
Recused Tocco (not present in room for discussion or vote)
Approved

- 2) Nicole Devin Wilson - Pharmacy Technician applicant

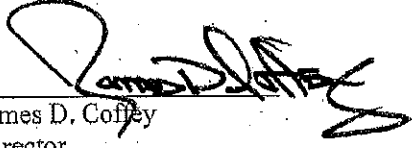
Motion Trifone/Cayer to approve application
Approved

- 4) NABP Resolutions
Tabled until May 8, 2012 meeting

3:20 p.m. Motion Cayer/Walczyk to adjourn.

3:20 p.m. ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: May 8, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
APRIL 3, 2012
239 CAUSEWAY STREET
BOSTON, MA 02114

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]

9:30 a.m. **Motion** Pasedis/Walczyk to enter Closed Session

Matters of:

- **Lauren M. Cohen Rodrigues** (PT5296) - Docket No. PHA-2011-0156

Board reviewed previous vote in matter of Docket No. PHA-2011-0156 and considered Registrant's surrender of pharmacy technician registration (March 15, 2012) in resolution of Complaint Docket No. PHA-2012-0039 (admitted diversion).

Motion Cayer /Walczyk to revise prior vote and Dismiss without Prejudice with Board to notify Registrant that Board will open complaint if any request for reinstatement is submitted in the future.

Recused Tocco and DeVita (not present in meeting room during discussion or vote)

Approved

- **Raymond J. Bisso** (PH16701) - Docket No. PHA-2012-0055

Board updated on summary suspension (eff. March 23, 2012), based on *Consent Agreement* executed by Respondent's MA pharmacist license and the State of Maine Board of Pharmacy Board (February 2, 2012) effectuating the **revocation** of Respondent's Maine pharmacist license (No. PR3858), following the **summary suspension** of Respondent's Maine pharmacist license on January 5, 2012, related to Respondent's admitted conduct of (1) five prescription dispensing errors over a two day period (May 11-12, 2011); and (2) overriding of prescriptions for Oxycodone IR 10 mg with Oxycontin 10 mg on two dates (March 3 and 17, 2011). Respondent did not request necessity hearing. Board issued *Final Order of Summary Suspension* (eff. March 30, 2012). Matter was referred to OPP.

- **Steven R. Petrillo** (PH23960) - Docket No. PHA-2011-0340

Board updated on summary suspension (eff. March 19, 2012) related to Vicodin (Hydrocodone/Acetaminophen) prescription Respondent presented at Rite Aid Pharmacy #10117, 525 Turnpike St., North Andover, Massachusetts (Rite Aid) on or about October 12, 2011; which prescription was rejected for filling after it was

determined that Respondent had filled a prescription for the same medication (Vicodin (Hydrocodone/Acetaminophen) 5mg/500mg Tablet; Patient: Petrillo, Steven R; Prescriber: Mark E. Allara, M.D.) earlier on the same day at Walgreens Pharmacy #10940, 225 South Main Street, Middleton, Massachusetts). Respondent also alleged to have obtained multiple prescriptions from prescriber's office under false pretenses.

Matter has been assigned to Prosecuting Counsel, Office of Public Protection and Administrative Hearings Counsel. Board will be advised of adjudicatory proceedings when scheduled.

- **Jeffrey A. Cohen** (PH20734) - Docket No, PHA-2011-0251

Board updated on summary suspension (eff. March 19, 2012) related to relating to an alleged fraudulent prescription Respondent presented for filling (Rite Aid Pharmacy #10185, 80 River St., Waltham, Massachusetts) on or about March 15, 2011 (Valium 5mg tablet 5 refills Date: 1/27/11; Patient: Diane Lewis; Prescriber: Wang-Dohlman, Ann; Prescription form: Newton-Wellesley Hospital, 2014 Washington St., Newton, MA), which prescription was filled by Rite Aid Pharmacy #10185 and picked up by Respondent on or about March 15, 2011.

Matter has been assigned to Prosecuting Counsel, Office of Public Protection and Administrative Hearings Counsel. Board will be advised of adjudicatory proceedings when scheduled.

- Matter of **Leo M. Lawless** (PH16078) - Docket No, PHA-2011-0331

Board reviewed proposed *Final Decision and Order by Default*.

Motion Cayer/Walczyk to adopt proposed decision and REVOKE pharmacist registration. Respondent may request Board to review a petition to establish reinstatement terms, if any, after two years (24 contiguous months) of Board-approved: (1) monitoring screens; and (2) individual counseling and psychopharmacological treatment.
Approved

- Matter of **Jake P. Nichols, R.Ph.** (PH 24752) - Docket Nos, PHA-2010-0050 and PHA-2010-0115

Recused Tocco (not present in meeting room for discussion or vote)

Investigator Latham presented complaints regarding diversion of prescription medication by Respondent; criminal matters pending in several MA courts. Respondent previously surrendered registration (4/1/10) pending resolution of Docket No. PHA-2010-0050.

Motion Cayer/Acetta to refer to Office of Public Protection.
Approved

▪ Matters related to **Shore Drug (DS 1285)**

Investigator Lathum presented complaints related to individuals employed at Shore Drug, formerly located at 297 Belmont St, in Belmont MA. A complaints (Docket No. PHA-2011-0120) is currently pending before DHPL Administrative Hearings Counsel Beverly Kogut regarding MOR Bruce Zippin (PH 16477/Exp, 12/31/12; Summarily Suspended May 10, 2011).

<p>PHA-2011-0124 Linda Mills PH20660</p> <p>PHA-2012-0003 Linda Mills PH20660 (CE)</p>	<p>Motion Cayer/Walczyk to propose Consent Agreement, one year Suspension followed by 5 years Probation. During suspension attend Charter Oaks Moduels 1 & 2, complete MPJE and 40 remedial CEs. At the start of probation complete a minimum 750 internship hours in a pharmacy setting where there is no prior personal or professional relationship with any owner, manager or pharmacy employee. Approved</p>
<p>PHA-2011-0123 Shams Rafiq Karimi PH232829</p>	<p>Motion Ryle/Pasedis to propose Consent Agreement for Reprimand and 2 CEs in law and 2 CEs in Medication Error Prevention/Patient Safety Approved</p>
<p>PHA-2012-0002 Shams Rafiq Karimi PH232829 (CE)</p>	<p>Motion Ryle/Accetta to Dismiss – no violation</p>
<p>PHA-2011-0125 Themba Nyath PT4351</p>	<p>Motion Ryle/Pasedis to Dismiss with Advisory Letter with 2 CEs in law and 2 CEs in Medication Error Prevention/Patient Safety Approved</p>

10:45 a.m. **Motion** Walczyk/Cayer to return to Open Session