

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

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

December 1, 2015
239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

Agenda

Time	#	Item	Exhibits	Contact
8:30	I	CALL TO ORDER		P. Gannon
8:35	II	APPROVAL OF AGENDA		
8:40	III	APPROVAL OF BOARD MINUTES • Draft Minutes November 24, 2015 meeting		
8:45	IV	APPLICATIONS • Apothecare Pharmacy – Transfer of Ownership		
9:15	V	REPORTS • Applications approved pursuant to Licensure Policy 13-01 • Monthly Report from Probation	Reports	R. Harris K. Fishman
9:20	VI	FLEX SESSION • Introduction of Dr. Ali Raja, New Board Member • Updating prescription filing requirements to reflect electronic prescribing and imaging • Public Hearing Update: December 10, 2015, 1pm – 4 pm 247 CMR 11.00: Controlled Substance Act – Revision 247 CM 21.00: Outsourcing Facilities – New • Election of Board Officers		M. Godek D. Sencabaugh

10:00	VII	<p>REGULATIONS</p> <ul style="list-style-type: none"> Proposed amendments to 247 CMR 10.00: Disciplinary Proceedings Proposed new regulation, 247 CMR 20.00: Mandated Reporting. 	<p>V. Berg D. Sencabaugh;</p>
	VIII	<p>Request for Early Termination of Probation</p> <ul style="list-style-type: none"> Village Fertility Pharmacy –PHA-2013-0020, DS89658 Stuart Levine, R. Ph. – PHA-2013-0051, PH16082 	
11:00	IX	<p>FILE REVIEW</p> <ol style="list-style-type: none"> PHA-2015-0128, Rite Aid #10066, DS2427 PHA-2015-0079, Rite Aid #10064, DS2228 PHA-2015-0078, CVS #1230, DS2023 PHA-2015-0067, CVS #1868, DS3518 PHA-2015-0044, CVS #1848, DS3374 PHA-2015-0154, Family Health Mart Pharmacy, DS3480 PHA-2015-0098, Saigon Pharmacy, DS2696 PHA-2015-0143, Kiet T. Ngo, PH19274 PHA-2015-0050 Diversified Specialty Pharmacy, DS89871 PHA-2015-0132, Fidelis Fynn, PH27655 PHA-2015-0764, Trung Tran, PT14950 PHA-2015-0107, Mark Hatfield, PT15445 SA-INV-6994, Randolph Pharmacy, DS89864 PHA-2015-0119, Triet Ngo, PH27476 PHA-2015-0024, Walgreens #3548, DS2713 PHA-2015-0082, Alexander’s Pharmacy, DS6349 PHA-2015-0083, George J. Kontos, PH18605 SA-INV-7203, Yulia Murray, PH27204 SA-INV-7140, David Bell, PH27542 SA-INV-7375, Debra Genawese, PH23255 	

12:00		Lunch Break	
1:00	X	<p>EXECUTIVE SESSION</p> <p>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.</p> <p>Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> as required for registration for pending applicants, petition for reinstatement, early termination of probation and notice of probation violation.</p>	CLOSED SESSION
2:30	XI	ADJUDICATORY SESSION (M.G.L. c. 30A, § 18)	CLOSED SESSION
3:00	XII	M.G.L. c. 112, § 65C SESSION	CLOSED SESSION
5:00	XIV	ADJOURNMENT	

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

**MINUTES OF THE REGULARLY SCHEDULED MEETING
239 Causeway Street, Fourth Floor Room 417A
Boston Massachusetts, 02114**

December 1, 2015

Board Members Present

Patrick Gannon, RPh, MS, President
Edmund Taglieri Jr., RPh, MSM, NHA
President-elect
Richard Tinsley, MBA, MEd., Secretary
Catherine Basile, Pharm D, RPh
Garrett Cavanaugh, RPh
Karen Conley, RN, DNP
Susan Cornacchio, JD
William Cox CPht
Timothy Fensky, RPh, FACA
Michael Godek, RPh
Dr. Ali Raja, MD, M.B.A., MPH.
Andrew Stein, Pharm D, R.Ph.
Phillippe Bouvier, R.Ph.

Board Members Not Present

Board Staff Present

David Sencabaugh, RPh, Executive Director
David Dunn, RPh, Associate Executive Director
Heather Engman, JD, MPH Board Counsel
Richard Harris, Program Analyst
Monica Vasquez, Compliance Officer
Colleen Collins, PharmD, RPh. Pharmacy Investigator

TOPIC I

CALL TO ORDER

DISCUSSION: A quorum of the Board was present. President P.GANNON chaired the meeting and asked if anyone in the audience was recording the meeting; no one indicated that they were recording the meeting. P. GANNON also announced that the Board was recording the meeting.

ACTION: AT 8:33AM P.GANNON, called the December 1, 2015, meeting of the Board of Registration in Pharmacy to order. Quorum was established by roll call, P. GANNON; yes, E.TAGLIERI; yes, R. TINSLEY; yes, C.BASILE; yes, P. BOUVIER; yes, G.CAVANAUGH; yes, K. CONLEY; yes, S. CORNACCHIO; yes, W. COX; yes, T.FENSKY; yes, M. GODEK; yes, A.RAJA; yes, A. STEIN; yes.

TOPIC II

APPROVAL OF AGENDA

DISCUSSION: None

ACTION: Motion by C. BASILE, seconded by T. FENSKY, and voted unanimously to approve the agenda with the noted changes.

TOPIC III

APPROVAL OF BOARD MINUTES

1. Draft November 24, 2015, Regular Session Minutes

DISCUSSION: None

ACTION: Motion by E.TAGLIERI, seconded by P. BOUVIER and voted unanimously to approve the Draft November 24, 2015, Regular Session Minutes. A. RAJA abstained.

TOPIC VII:

REGULATIONS

TIME: 9:10AM

Draft new section to 247 CMR 20.00: Mandatory Reporting.

DISCUSSION: D. SENCABAUGH, provided the Board with an overview of proposed new section 247 CMR 20.00: Mandatory Reporting. D SECANBAUGH informed the Board that this new section would be reviewed at a future meeting. The proposed new section would seek to consolidate all reporting requirements required by 247 CMR into a single section. The new sections would streamline and modernized the reporting requirements with the goal of making easier for the licensees to comply.

TOPIC IV.

IV. APPLICATIONS

1. Apothecare Pharmacy DS3066, Transfer of Ownership

9:17AM

DISCUSSION: Apothecare Pharmacy was represented by Owner/ MOR James Garvey and Attorney Paul Garbarini. NME LLC was represented by. Attorney Garbarini indicated that there proposed sale of Apothecare LLC would take place pending board approvable and closing expected to be December 18, 2015. Attorney Garbarini indicated that MOR Garvey would continue on as MOR for a brief period of time to allow for time for the new MOR to reciprocate their pharmacy license. Mr. Wasep indicated that he is a pharmacist in CT owning a pharmacy in CT. Mr. Wasep indicated that his daughter a pharmacist c\licensed in CT will serve as the MOR. Mr Wasep able to satisfy all the board member concerns including enrolling and the utilization of the PMP. Mr WASEP indicated that Apothecare would offer immunization. The Board also encouraged the incoming MOR to utilize the Self Inspection located on the Board's website.

1. ACTION: Motion by P. BOUVIER, seconded by, K. CONLEY, and voted unanimously, to approve the transfer of ownership for this community pharmacy, receipt of all necessary paper work, attestation of compounding, and pending successful inspection.

2.

TOPIC V.

REPORTS

Applications Approved Pursuant to Licensure Policy 13-01

DISCUSSION: R HARRIS noted that during the past month there have been eleven (24) change of managers.

ACTION: So noted

Report of activities Probation Monitor

DISCUSSION: P. GANNON provided the December, 2015, Board of Pharmacy Statistics Report for the Probation monitor the report noted that: sixty two (62) licensees on probation, four (4) satisfactorily completed probation, one (1) licensee did not cure within 30 days, and two (2) violations of probation.

ACTION: So noted

TOPIC VII:

REGULATIONS

TIME: 9:29AM

Proposed amendments to 247 CMR 10.00: Disciplinary Proceedings

DISCUSSION: V. BERG led the discussion regarding the proposed changes to 247 CMR 10.00. V. BERG noted that as part of regulatory reform the proposed changes would seek to bring efficiency and uniformity to all the DHPL boards. V. BERG noted that the proposed changes sought to bring the best of each board to the regulation. The proposed changes would codify investigations and complaints process by division staff, updates and reorganizes grounds for discipline, informs on the impacts of discipline. V. BERG noted there were not many changes to the 247 CMR 10.00 as pharmacy had robust regulations in place.

ACTION: Motion by M. GODEK, seconded by W. COX, and voted unanimous to approve the proposed new section 247 CMR 10.00: Disciplinary Proceedings and proceed with the EO562 process and if substantive changes are not required by the EO562 process, send the proposed amendments to 247 CMR 10.00: Disciplinary Proceedings out for public comment and hearing.

TOPIC VIII.

Request for Early Termination of Probation

Village Fertility Pharmacy	DS89658	PHA-2013-0020
Stuart Levine, R. Ph	Ph. PH16082	PHA-2013-0051

DISCUSSION: K FISHMAN presented and summarized the facts of the cases. The pharmacy and pharmacist were placed on three years probations in 2013. K FISHMAN noted that the licensees had complied with the terms and conditions of the probations. It was noted that Village Fertility is no longer engaged in High Risk compounding which resulted in the probation. The licensee is seeking early termination of probation in order to provide care for all Village Fertility patients as some insurers have disallowed pharmacy claims due to the probationary status of the drug store license. The Board members were empathetic to the licensee and wanted additional information from the registrant. The Board was also concerned about the precedent that would be set by terminating the probation early. T.FENSKY noted that Village Fertility was becoming URAC certified informing the members that this certification is difficult to obtain. A. STEIN was concerned that the compounding landscape has changed and that by decreasing the options to patients will force patients out of the state to facilities not under the jurisdiction of the board. The board noted that if the licensee had a compelling reason the board would review the issue at a future date.

ACTION: Motion by M. GODEK, seconded by P. BOUVIER and voted by majority to deny the request by Village Fertility Pharmacy to shorten the probationary period. T. FENSKY and A. STEIN OPPOSED.

ACTION: Motion by E. TAGLIERI, seconded by M. GODEK and voted by majority to deny the request by Stuart Levine to shorten the probationary period. T. FENSKY opposed.

TOPIC VII.

OPEN FILE REVIEW

1. PHA-2015-0128, Rite Aid #10066 DS2427 9:10AM

RECUSAL: G. CAVANAUGH and W. COX recused themselves and were not present for the discussion or vote on this matter.

DISCUSSION: M. VASQUEZ presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted repeat inspectional deficiencies during unannounced compliance inspections conducted in May & June of 2015. The repeat deficiencies included; discrepancies in perpetual inventory, improper labeling of compounded preparations, refrigeration temp logs not properly recorded or not within range. A compliance inspection conducted in October of 2015 was satisfactory.

ACTION: Motion by C. BASILE, seconded by M.GODEK and voted unanimously to dismiss the complaint against Rite Aid #10066, no discipline warranted complete.

2. PHA-2015-0079, Rite Aid #10064 DS2228 TIME: 9:16AM

RECUSAL: G. CAVANAUGH and W. COX recused themselves and were not present for the discussion or vote on this matter.

DISCUSSION: C. LATHUM presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted repeat inspectional deficiencies during unannounced compliance inspections conducted in May & April of 2015. The repeat deficiencies included; supervisory ratios were non-compliant. Supervisory ratios were corrected in June of 2015 by the incorporation of and overlap pharmacist and the performance of weekly self-audits.

ACTION: Motion by E. TAGLIERI, seconded by C. BASILE and voted unanimously to refer the matter to the office of prosecution and authorize the resolution of this matter with a consent agreement for a reprimand of Rite Aid #10064 drugstore license and to issue an advisory letter regarding Supervisory Ratios.

3. PHA-2015-0078, CVS Pharmacy #1230, DS2023 TIME: 9:40AM

RECUSAL: S. CORNACCHIO recused herself and was not present for the discussion or vote on this matter.

DISCUSSION: C. COLLINS The evidence indicates that presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted repeat inspectional deficiencies during unannounced compliance inspections conducted in October 2014 & April of 2015. Multiple inspectional deficiencies were noted on each visit; the repeat deficiencies included lack of refrigeration and freezer monitoring.

ACTION: Motion by E. TAGLIERI, seconded by A. STEIN and voted unanimously to refer the matter to the office of the prosecution and to authorize resolution of the matter with a consent agreement for a non-disciplinary stayed probation with terms to include that the MOR and all pharmacist staff attest to the reading of 247 CMR sections (6) "Registration Operation, and Management of a Pharmacy or Pharmacy Department", (9) "Code of Professional Conduct; Professional Standards, for Registered Pharmacists, Pharmacies, and Pharmacy Departments," and (15) "Continuous Quality Improvement.

4. PHA-2015-0067, CVS Pharmacy #1868, DS3518 TIME: 9:45AM

RECUSAL: S. CORNACCHIO recused herself and was not present for the discussion or vote on this matter.

DISCUSSION: C. LATHUM presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted repeat inspectional deficiencies during unannounced compliance inspections conducted in June 2014 & January of 2015. Multiple inspectional deficiencies were noted on each visit; the repeat deficiencies included non-compliance with supervisory ratios. It was also noted that there had been multiple MOR changes of this location during the inspection and compliant investigation.

ACTION: Motion by E. TAGLIERI, seconded by M. GODEK, and voted unanimously to refer this matter to office of the prosecution and to authorize resolution of this matter with a consent agreement for a reprimand of CVS Pharmacy # 1868's drugstore license precondition on the receipt of a Plan of Correction, MOR perform of self-inspection using the Board's compliance inspection. Board Staff were instructed to issue the advisory letters on supervisory ratios and to draft an advisory letter for approval regarding compliance with perpetual inventory requirements.

5. PHA-2015-0044, CVS Pharmacy # 1848, DS3374 TIME: 9:47

RECUSAL: S. CORNACCHIO recused herself and was not present for the discussion or vote on this matter.

DISCUSSION: C. LATHUM presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted repeat inspectional deficiencies during unannounced compliance inspections conducted in April 2014 & January of 2015. Multiple inspectional deficiencies were noted on each visit; the repeat deficiencies included refrigerators not within proper range. An extensive POC was submitted and a November 2015 compliance inspection revealed no deficiencies.

ACTION: Motion by T. FENSKY , seconded by K. CONLEY and voted unanimously to dismiss complaint PHA-2015-0044, no further discipline, with remediation complete.

6. PHA-2015-0154, Family Health Mart Pharmacy, DS3480

DISCUSSION: V. YOON presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted repeat inspectional deficiencies during unannounced compliance inspections conducted in April & July of 2015. The repeat deficiencies included; and unlicensed technician trainee that had worked in excess of 1000 hours without obtaining a license. Technician trainee was estimated at having worked in excess of 2800 hours.

ACTION: Motion by E. TAGLIERI, seconded by C. BASILE and voted unanimously to refer the matter to the office of the prosecution and to authorize resolution of the matter with a consent agreement for a reprimand of Family Health Mart Pharmacy's drugstore license.

7. PHA-2015-0098; Saigon Pharmacy, DS2696
8. PHA-2015-0143; Kiet T. Ngo, PH19275

DISCUSSION: C. Collins presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted repeat inspectional deficiencies during unannounced compliance inspections conducted in June & August of 2015. The repeat deficiencies included; record keeping and refrigerator temperature maintenance. It was noted that the pharmacy was very cluttered and that maintaining sanitary conditions was a challenge for the pharmacy and MOR. The board wanted the OPP staff to keep continue to inspect in order to keep the pharmacy in compliance.

ACTION: Motion by T. FENSKY, seconded by C. BASILE and voted unanimously to refer the matter to the office of the prosecution and to authorize resolution of the matter with a consent agreement for probation of Saigon Pharmacy's drugstore license for a period of one (1) year.

ACTION: Motion by T. FENSKY, seconded by C. BASILE and voted unanimously to refer the matter to the office of the prosecution and to authorize resolution of the matter with a consent agreement for a reprimand precondition on the receipt of (a) attest to the reading of 247 CMR sections (6) "Registration Operation, and Management of a Pharmacy or Pharmacy Department", (9) "Code of Professional Conduct; Professional Standards, for Registered Pharmacists, Pharmacies, and Pharmacy Departments," and (15) "Continuous Quality Improvement. (b) and the completion of two (2) contact hours of pharmacist continuing education in the area of pharmacy law.

9. PHA-2015-0050; Diversified Specialty Pharmacy, DS89871
10. PHA-2015-0132; Fidelis Fynn, PH27655

DISCUSSION: C. COLLINS presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted that the staff was compounding insulin syringes with a Board inspected cleanroom. MOR indicated that they performed the compounding to assist patients unable to draw up insulin syringes themselves. MOR indicated that the practice cease on July 4, 2015 and patients were transitioned appropriately. It was noted that the pharmacy has since closed.

ACTION: Motion by E. TAGLIERI, seconded by G. CAVANUAGH and voted unanimously to dismiss the complaint with discipline not warranted.

ACTION: Motion by E. TAGLIERI, seconded by T. FENSKY and voted unanimously to dismiss the complaint on Fidelis Fynn with discipline not warranted and to issue a Board advisory letter regarding Pre-Filled Insulin Syringes.

11. PHA-2015-0764; Trung Tran PT14950

DISCUSSION: M. VASQUEZ presented and summarized the investigation report that pertained to this matter. The evidence indicates that technician Tran license had expired in November of 2014 and was not renewed until June 2015.

ACTION: Motion by M. GODEK, seconded by E. TAGLIERI and voted unanimously to refer the matter to the office of the prosecution and to authorize resolution of the matter with a consent agreement for a non-disciplinary stayed probation with terms to include: (a) attest to reading 247 CMR 8.0 " Pharmacy Intern and Technician", (b) complete two (2) contact hours of pharmacy technician continuing education in the area of pharmacy law.

12. PHA-2015-0107;**Mark Hatfield****PT15445**

DISCUSSION: M. VASQUEZ presented and summarized the investigation report that pertained to this matter. The evidence indicates that technician Tran license had expired in November of 2014 and was not renewed until June 2015. K. CONLEY was concerned that this was not being addressed with the hospital pharmacy. It was noted that the facility was not under the Board's jurisdiction. P. GANNON the facility should be more proactive and recommended that Board staff refer the matter to the Bureau of Health Care Quality. It was noted for the board that the technician license was currently expired and the licensee had been non responsive to multiple attempts to provide a response to this matter.

ACTION: Motion by T. FENSKY, seconded by C. BASILE and voted unanimously to refer the matter to the office of the prosecution and to authorize resolution of the matter with a consent agreement for a non-disciplinary stayed probation with terms to include: (a) attest to reading 247 CMR 8.0 "Pharmacy Intern and Technician", (b) complete two (2) contact hours of pharmacy technician continuing education in the area of pharmacy law.

13. SA-INV-6994; Randolph Pharmacy DS89864**14. PHA-2015-0119; Triet Ngo, PH27476**

DISCUSSION: C. LATHUM presented and summarized the investigation report that pertained to this matter. The evidence indicates that pharmacist left the pharmacy unattended, technician on duty, to attend to a medical emergency. It was noted that two compliance inspections resulted in no deficiencies.

ACTION: Motion by G. CAVANAUGH, seconded by C, BASILE; and voted unanimously to close staff assignment SA-INV-6994, no discipline warranted.

ACTION: Motion by T. FENSKY, seconded by G. CAVANAUGH, and voted unanimously to refer the matter to the office of the prosecution and to authorize resolution of the matter with a consent agreement for a non-disciplinary stayed probation terms to include: (a) attest to the reading of 247 CMR sections (6) "Registration Operation, and Management of a Pharmacy or Pharmacy Department", (9) "Code of Professional Conduct; Professional Standards, for Registered Pharmacists, Pharmacies, and Pharmacy Departments," (b) two (2) contact hours of pharmacist continuing education in the area of pharmacy law.

15. PHA-2015-0024;**Walgreens 3548****DS2713**

RECUSAL: M. GODEK, recused himself and was not present for the discussion or vote on this matter.

DISCUSSION: C. LATHUM presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted repeat inspectional deficiencies during unannounced compliance inspections conducted in June of 2014 and January 2015. The repeat deficiencies included; BUD in exceeding <795> limits without supporting documentation, refrigeration temp logs not properly recorded or not within range. A compliance inspection conducted in April of 2015 was satisfactory. The board displayed concern over the lack of compliance with <795> BUD usage and the possible impacts that could have on patient safety, and the six prior complaints against the store.

ACTION: Motion by E. TAGLIERI, seconded by C. BASILE and voted unanimously to dismiss complaint PHA-2015-0024, with remediation complete.

16. PHA-2015-0082; Alexander's Pharmacy DS6349**17. PHA-2015-0083; George J. Kontos, PH18605**

DISCUSSION: C. Collins presented and summarized the investigation report that pertained to this matter. The evidence indicates that OPP compliance investigated noted repeat inspectional deficiencies during unannounced compliance inspections conducted in June & November of 2015. The repeat deficiencies included; improper security of controlled substances, improper use of pharmacy technician, recording keeping practices improper dispensing of controlled substances without valid DEA numbers. The MOR had not responded to request for a POC, during the investigation it was discovered that the MOR was deficient four (4) contact hours of pharmacist continuing education for 2013 and eight (8) contact hours of pharmacist continuing education for 2015. The board was concerned if the owner/ MOR should remain in that position. H ENGMAN noted that this has been a hardship in the past for the independent owner operator.

ACTION: Motion by M. GODEK, seconded by G. CAVANAUGH and voted unanimously to refer the matter to the office of the prosecution and to authorize resolution of the matter with a consent agreement for probation of Alexanders Pharmacy's drugstore license for a period of one (1) year with terms to include: (a) submission of policy and procedures for technician roles and responsibilities for the handling of controlled substances.

ACTION: Motion by G. CAVANAUGH, seconded by M. GODEK, and voted unanimously to refer this matter to the office of the prosecution and to authorize resolution of this matter with a consent agreement for one (1) year probation of G. Kontos's pharmacist license with terms to include: (a) completion of thirty-six (36) contact hours of pharmacist continuing education within ninety-days (90), (b) MOR to complete a Board of Pharmacy Self Compliance Inspection, (c) attest to reading 247 CMR 2.0 et sec., (d) staff attest to reading 247 CMR et sec., (d) Licensee cannot act as a preceptor during the probationary period.

18. SA-INV-7203; Yulia Murray, PH27204

DISCUSSION: M. VASQUEZ presented and summarized the investigation report that pertained to this matter. The evidence indicates that the licensee self-reported a CE deficiency of two live contact hours and one contact hour of pharmacy law. Licensee has remediated and submitted proof of 6 contact hours.

ACTION: Motion by E. TAGLIERI, seconded by K. CONLEY, and voted unanimously to close staff assignment SA-INV-7203, discipline not warranted, remediation complete.

19. SA-INV-7140; David Bell, PH27542

DISCUSSION: M. VASQUEZ presented and summarized the investigation report that pertained to this matter. The evidence indicates that the licensee self-reported a CE deficiency of fifteen contact hours for 2013 and 2014. The licensee notes that he is a pharmacist working in the UK and is compliant with educational requirements there.

ACTION: Motion by G. CAVANAUGH, seconded by T. FENSKY, and voted unanimously to close staff assignment SA-INV-7140, and place David Bell's pharmacist license on hold and not permitting renewal until the CE deficiency is rectified.

20. SA-INV-7375; Debra Genawese, PH23255

RECUSAL: M. GODEK, recused himself and was not present for the discussion or vote on this matter.

DISCUSSION: M. VASQUEZ presented and summarized the investigation report that pertained to this matter. The evidence indicates that the licensee self-reported a CE deficiency of four live contact hours for 2014 and two live contact hours for 2013. The licensee submitted proof of seven live contact hours.

ACTION: Motion by C. BASILE, seconded by R. TINSLEY, and voted unanimously to close staff assignment SA-INV-7375, no discipline warranted, remediation complete.

TOPIC VI.

Flex Session

1. Introduction of Dr. Ali Raja, new board member. D. SENCABAUGH introduced and welcomed Dr. Ali Raja to the Board. D. SENCABAUGH noted that all Board seats were now satisfied.

2. Updating prescription filing requirements to reflect electronic prescribing and imaging. M. GODEK posed that the board consider drafting regulation to allow for prescription filing requirements to be modernized reflecting the current electronic prescribing practices. M. GODEK informed the board that 24 states and the District of Columbia have regulation that allow for the electronic filing of prescriptions. M. GODEK noted there would be no changes to the filing requirements for CII prescriptions. M. GODEK informed the board that software system need to satisfy all the requirements of the "back tag sticker" filing the prescription by scan date, and keeping an electronic record of the individual involved with all processing involved with the electronic image. M. GODEK was thanked for his presentation. The Board thought this topic was worth exploring at a future meeting with the goal of keeping the regulations current with industry advances.

3. Public Hearing Update 247 CMR 21.00 and 247 CMR 11.00

DISCUSSION: D SENCABAUGH informed the Board that a public hearing on each section would be held on December 10, 2015 from 1:00 to 4:00PM at 239 Causeway Street. P. GANNON thought it would be interesting to see the process and asked if a small number of board members could attend the meeting to represent the board. G. CAVANAUGH volunteered to attend the meeting on behalf of the board.

4. Election of Board Officers:

DISCUSSION: H. ENGMAN informed the board that the election of members would be a roll call vote.
President E. TAGLIERI

President – Elect T. FENSKY unopposed

DISCUSSION: None

ACTION: Motion by E. TAGLIERI, seconded by C. BASILE, and voted unanimously by roll call vote to elect T. FENSKY as President Elect to the Board of Pharmacy for 2016.

P. GANNON; yes, E.TAGLIERI; yes, R. TINSLEY; yes, C.BASILE; yes, P. BOUVIER; yes, G.CAVANAUGH; yes, K. CONLEY; yes, S. CORNACCHIO; yes, W. COX; yes, T.FENSKY; yes, M. GODEK; yes, A.RAJA; yes, A. STEIN; yes.

Secretary

DISCUSSION: nominees M. GODEK and S. CORNACCHIO

ACTION:

M. GODEK:

E.TAGLIERI; yes, R. TINSLEY; yes, G.CAVANAUGH; yes, W. COX; yes, T.FENSKY; yes, M. GODEK; yes, A. STEIN; yes.

S. CORNACCHIO:

P. GANNON; yes, C.BASILE; yes, P. BOUVIER; yes, K. CONLEY; yes, S. CORNACCHIO; yes,

M. GODEK elected Secretary to the Board of Pharmacy for calendar 2016 seven (7) to five (5). A RAJA abstained.

TOPIC IX.

EXECUTIVE SESSION:

DISCUSSION: None

ACTION: at 1:00PM motion by T. FENSKY, seconded by C.BASILE, and voted unanimously by roll call to enter into Executive Session, P. GANNON; yes, E.TAGLIERI; yes, R. TINSLEY; yes, C.BASILE; yes, P. BOUVIER; yes, G.CAVANAUGH; yes, K. CONLEY; yes, S. CORNACCHIO; yes, W. COX; yes, T.FENSKY; yes, M. GODEK; yes, A.RAJA; yes, A. STEIN; yes.

TOPIC XI.

Return to M.G.L. c. 65C Session

DISCUSSION: None

ACTION: At 2:00PM motion by R. TINSLEY, seconded by C. BASILE and voted unanimously to enter into M.G.L. c. 65C Session

TOPIC XI.

ADJUDICATORY SESSION

DISCUSSION: NONE

ACTION: at 11:15AM motion by W. COX, seconded by E.TAGLIERI, and voted unanimously to enter into Adjudicatory session.

TOPIC XIII.

ADJOURNMENT OF MEETING

DISCUSSION: NONE

ACTION: At 2:33PM motion by T. FENSKY, seconded by R. TINSLEY, and voted unanimously to adjourn the meeting.

LIST OF EXHIBITS USED DURING THE OPEN SESSION OF THE MEETING

3. Draft Agenda for the December 1, 2015, regularly scheduled meeting of the Board of Registration in Pharmacy.
4. Draft November 24, 2015, Open Session Minutes.
5. Application for Transfer of Ownership of a Pharmacy or Pharmacy Department NFGM, LLC of Apothecare Cape Cod
6. Report of Applications approved pursuant to Licensure Policy 13-01.
7. Report from the Probation Monitor
8. Draft proposed amendments to 247 CMR 10.00: Disciplinary Proceedings
9. Draft proposed amendments to 247 CMR 10.00: Disciplinary Proceedings, with track changes.
10. Memo of proposed new regulation, 247 CMR 20.00: Mandatory Reporting.
11. Memo Village Pharmacy, DS89658, Docket No. PHA-2013-0020; Stuart Levine, PH16082, Docket No. PHA-2013-0051, Request for Termination of Probation.
12. Investigative Report in the matter of, Rite Aid Pharmacy # 10066, DS2427, PHA-2015-0128.
13. Investigative Report in the matter of, Rite Aid Pharmacy #10064, DS2228. PHA-2015-0079.
14. Investigative Report in the matter of, CVS Pharmacy #1230, DS2023, PHA-2015-0078.
15. Investigative Report in the matter of, CVS Pharmacy # 1868, DS3518, PHA-2015-0067.
16. Investigative Report in the matter of, CVS Pharmacy #1848, DS3374, PHA-2015-0044.
17. Investigative Report in the matter of, Family Health Mart Pharmacy, DS3480, PHA-2015-0154.
18. Investigative Report in the matter of, Saigon Pharmacy, DS2696, PHA-2015-0098.
19. Investigative Report in the matter of, Kiet T. Ngo, PH19274, PHA-2015-0143.
20. Investigative Report in the matter of, Diversified Specialty Pharmacy, DS89871, PHA-2015-0050.
21. Investigative Report in the matter of, Fidelis Fynn, PH27655, PHA-2015-0132.
22. Investigative Report in the matter of, Trung Tran, PT14950, PHA-2015-0764.
23. Investigative Report in the matter of, Mark Hatfield, PT15445, PHA-2015-0107.
24. Investigative Report in the matter of, Randolph Pharmacy, DS89864, SA-INV-6694.
25. Investigative Report in the matter of, Triet Ngo, PH27476, PHA-2015-0119.
26. Investigative Report in the matter of, Walgreens #3548. DS2713, PHA-2015-0024.
27. Investigative Report in the matter of, Alexander's Pharmacy, DS6349, PHA-2015-0082.
28. Investigative Report in the matter of, George J. Kontos, PH18605, PHA-2015-0083.
29. Investigative Report in the matter of, Yulia Murray, PH27204, SA-INV-7203.
30. Investigative Report in the matter of, David Bell, PH27542, SA-INV-7140.
31. Investigative Report in the matter of, Debra Genawese, PH23255, SA-INV-7375.

Respectfully submitted by:

R. Tinsley, R.Ph.
