

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

BOARD OF REGISTRATION IN PHARMACY
PRELIMINARY MEETING AGENDA

December 11, 2012 – 8:30 am

239 Causeway Street

4th Floor, Rooms 417A and B

Boston, Massachusetts

1. 8:30 a.m. CALL TO ORDER
President James T. DeVita, RPh

2. 8:30 a.m. APPROVAL OF BOARD MINUTES
July 11, 2011
October 18, 2011
November 15, 2011
December 13, 2011
October 9, 2012

3. New Business
 - A. New Community Pharmacy (3)
 1. Southcoast Hospitals Group, Inc., 363 Highland Ave., Fall River
 2. S & S Apothecary, Inc., 568 Main Street, Winchester,

 - B. Change of Manager
 1. Apothecare Pharmacy, 720 Center Street, Brockton (DS89820)
 2. Ciampa Apothecare, Inc, 425 Cambridge Sreet, Cambridge (DS979)
 3. Chelsea Pharmacy, 447 Broadway, Chelsea (DS89744)
 4. Coram Healthcare Corporation, 575 University Avenue, Norwood (DS3601)
 5. Critical Care Systems, 246 Turnpike, Shrewsbury (DS3330)
 6. CVS 0130, 23 Massachusetts Avenue, Arlington (DS2535)
CVS 1860, 101 Central Street, Holliston (DS2079)
CVS 1179, 234 Washington Street, Hudson (DS2983)
CVS 220, 264 East Main Street, Marlboro (DS17722)
CVS 1221, 50 Medway Road, Milford (DS2988)
CVS 301, 107 Main Street, Stoneham (DS89652)
CVS 00944, 465 Station Avenue, South Yarmouth (D3538)
CVS 114, 12 Harvard Street, Waltham (DS2821)
 7. Greater Lawrence Family Health Care, 34 Haverhill Street, Lawrence (DS3364)
 8. Harbor Health Services 398 Neponset Avenue, Dorchester (DS89736)
 9. Medi-Son Solutions, 898 Washington Street, Norwood (DS89749)
 10. Prescription Shoppe, 378 Broadway, Everett (DS89816)
 11. Rite Aid 10175, 1295 Boylston Street, Boston (DS3098)
Rite Aid 10059, 139 West Street, Ware (DS2642)

12. Stop & Shop Pharmacy 11, 40 Furling Drive, Revere (DS89834)
 13. Walmart 10-2227, 777 Brockton Avenue, Abington (DS2754)
Walmart 10-2227, 777 Brockton Avenue, Abington (DS2754) (2nd change in 30 days)
Walmart 10-2797, 100 Carlton Road, Sturbridge (DS2927)
 14. Walgreens 3151, 320 Park Avenue, Worcester (DS2470)
 15. West River Pharmacy, 140 Locke Drive, Marlborough (DS3572)
- C. Relocation of Community Pharmacy
1. CVS Pharmacy, Inc., 246 Mill Street, Leominster
 2. CVS Pharmacy, Inc., 1475 Newman Ave., Seekonk Adjudicatory Session (Closed)
4. Review of Public Comments to Emergency Regulations promulgated on November 1, 2012
 5. Adjudicatory Session (Closed session)
 6. M.G.L. c. 112, § 65C Session (Closed session)
 7. ADJOURNMENT

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY

239 Causeway Street, Fourth Floor ~ Room 417A

Boston, Massachusetts 02114

MINUTES OF THE REGULARLY SCHEDULED MEETING

Tuesday, December 11, 2012

Board Members Present

James T. DeVita, R.Ph.

Karen Ryle, R.Ph., MS

Donald Accetta, MD, MPH

Anita Young, R.Ph., Ed.D
Stanley Walczyk, RPh
Kathy J. Fabiszewski, Ph.D, NP
Steven Budish, Public Member
Joanne Trifone, RPh.
Patrick Gannon, RPh, MS
Edmund Taglieri, RPh, MSM, NHA
Jane Franke, RN, MHA

Board Staff Not Present

Margaret Cittadino, M.Ed.,
Associate Director
Leo McKenna, R.Ph., Pharm.D.,
Quality Assurance (QA) Coordinator
Samuel Penta, R.Ph.,
Investigator Supervisor
Cheryl Latham, R.Ph., Pharm.D.,
Investigator
William E. Frisch, Jr., R.Ph., Investigator

Board Staff Present

Madeleine Biondolillo, M.D.,
Bureau Director, HCS&Q
Joel Kanter, Consultant
Louis Dell'Olio, RPh,
Director, SOPS
Heather Engman J.D., MPH, Board Counsel
Vita P. Berg, assisting Board Counsel
Iyah Romm,
Director of Policy, Health Planning &
Strategic Development, HCS&Q
Carolyn Reid, Adm. Asst.

Board Members Not Present

TOPIC:

1. Call to Order

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 8:30 a.m. J. DeVita, President, called the December 11, 2012, meeting of the Board of Registration in Pharmacy to order.

TOPIC:

2. **Approval of Prior Board Minutes:**

July 11, 2011
October 18, 2011
November 15, 2011
December 13, 2011

DISCUSSION: V. Berg presented minutes from Board meetings in 2011 whose prior approval by the Board was not clearly noted and recommended a vote at this time to approve the same.

ACTION: Motion by S. Walczyk, seconded by D. Accetta, and unanimously voted to approve the minutes from prior Board meetings on July 11, 2011, October 18, 2011, November 15, 2011 and December 13, 2011 without changes.

TOPIC:

2. **Approval of Prior Board Minutes:**

October 9, 2012

DISCUSSION: Board members requested further opportunity to review the minutes.

ACTION: Motion by A. Young, seconded by S. Walczyk, vote failed following abstentions by E. Taglieri, J. Franke, P. Gannon, K. Ryle, D. Accetta, S. Buddish, K. Ryle and J. Trifone.

ACTION: Motion by S. Walczyk, seconded by J. Trifone, and unanimously voted to defer the vote until after further review.

ACTION: After opportunity to review during meeting, motion by J. DeVita, seconded by J. Trifone, with abstentions by E. Taglieri, J. Franke, P. Gannon, J. Trifone and S. Buddish, and voted to approve the proposed draft minutes of the October 9, 2012 regularly scheduled Board meeting.

TOPIC:

3. NEW BUSINESS (Applications and Notices)

3.A.1. Application for a New Community Pharmacy

Southcoast Hospitals Group, Inc., 363 Highland Ave., Fall River

RECUSAL:

P. Gannon exited the room prior to commencement of the discussion of this matter and returned following the vote.

DISCUSSION:

Scott Flannagan, R. Ph., Retail Operations Manager of Record and Karyn Demers, Manager of Record presented their application for a New Community Pharmacy and answered Board members' questions concerning the proposed operations and ability to comply with Board regulations.

ACTION:

Motion by J. Trifone, seconded by A. Young, and unanimously passed to approve the application on the condition that an inspection verifies compliance with applicable regulations.

TOPIC:

3. NEW BUSINESS (Applications and Notices)

3.A.2. Application for a New Community Pharmacy

S&S Apothecary (Winchester Pharmacy), 568 Main Street, Winchester

DISCUSSION:

Steven MacNeill, R. Ph., Pharmacy Manager, presented his application for a New Community Pharmacy and answered Board members' questions concerning the proposed operations and ability to comply with Board regulations.

ACTION:

Motion by S. Walczyk, seconded by K. Ryle, and unanimously passed to approve the application on the condition that an inspection verifies compliance with applicable regulations.

TOPIC:

3. NEW BUSINESS (Applications and Notices)

3.B.6. Notification of Change of Manager of Record

CVS 0130, 23 Massachusetts Avenue, Arlington (DS2535)

CVS 1860, 101 Central Street, Holliston (DS2079)

CVS 1179, 234 Washington Street, Hudson (DS2983)

CVS 220, 264 East Main Street, Marlboro (DS17722)

CVS 1221, 50 Medway Road, Milford (DS2988)

CVS 301, 107 Main Street, Stoneham (DS89652)

CVS 00944, 465 Station Avenue, South Yarmouth (D3538)

CVS 114, 12 Harvard Street, Waltham (DS2821)

3.C.6. Application for Relocation of Community Pharmacy

1. CVS Pharmacy, Inc., 246 Mill Street, Leominster

2. CVS Pharmacy, Inc., 1475 Newman Ave., Seekonk

RECUSAL:

J. Devita exited the room prior to commencement of the discussion of this matter and returned following the vote.

DISCUSSION:

V. Berg recited the list of applications and notices previously determined by Board staff to be in compliance with Board regulations.

ACTION:

Motion by S. Walczyk, seconded by A. Young, and unanimously passed to approve the applications.

TOPIC:

3. NEW BUSINESS (Applications and Notices)

3.B. Notification of Change of Manager of Record

14. **Walgreens** 3151, 320 Park Avenue, Worcester (DS2470)

RECUSAL:

J. Trifone exited the room prior to commencement of the discussion of this matter and returned following the vote.

DISCUSSION:

V. Berg recited the list of applications and notices previously determined by Board staff to be in compliance with Board regulations.

ACTION:

Motion by K. Ryle, seconded by S. Walczyk, and unanimously passed to approve the applications.

TOPIC:

3. NEW BUSINESS (Applications and Notices)

3.B. Notification of Change of Manager of Record

5. **Critical Care Systems**, 246 Turnpike, Shrewsbury (DS3330)

RECUSAL:

E. Taglieri exited the room prior to commencement of the discussion of this matter and returned following the vote.

DISCUSSION:

V. Berg recited the list of applications and notices previously determined by Board staff to be in compliance with Board regulations.

ACTION:

Motion by K. Ryle, seconded by S. Walczyk, and unanimously passed to approve the applications

TOPIC:

3. NEW BUSINESS (Applications and Notices)

3.B. Notification of Change of Manager of Record

1. **Apothecare Pharmacy**, 720 Center Street, Brockton (DS89820)
2. **Ciampa Apothecare, Inc**, 425 Cambridge Sreet, Cambridge (DS979)
3. **Chelsea Pharmacy**, 447 Broadway, Chelsea (DS89744)
4. **Coram Healthcare Corporation**, 575 University Avenue, Norwood (DS3601)
7. **Greater Lawrence Family Health Care**, 34 Haverhill Street, Lawrence (DS3364)
8. **Harbor Health Services** 398 Neponset Avenue, Dorchester (DS89736)
9. **Medi-Son Solutions**, 898 Washington Street, Norwood (DS89749)
10. **Prescription Shoppe**, 378 Broadway, Everett (DS89816)
11. **Rite Aid 10175**, 1295 Boylston Street, Boston (DS3098)
Rite Aid 10059, 139 West Street, Ware (DS2642)
12. **Stop & Shop Pharmacy** 11, 40 Furling Drive, Revere (DS89834)
13. **Walmart 10-2227**, 777 Brockton Avenue, Abington (DS2754)
Walmart 10-2227, 777 Brockton Avenue, Abington (DS2754)
(2nd change in 30 days)
Walmart 10-2797, 100 Carlton Road, Sturbridge (DS2927)
15. b, 140 Locke Drive, Marlborough (DS3572)

DISCUSSION:

V. Berg recited the list of applications and notices previously determined by Board staff to be in compliance with Board regulations.

ACTION:

Motion by S. Walczyk, seconded by J. Trifone, and unanimously passed to approve the applications

BREAK (10:00 – 10:10)

ADJUDICATORY SESSION (10:10 – 11:30)

M.G.L., Ch. 112, § 65C SESSION (11:30 – 11:40)

TOPIC:

Adjournment

DISCUSSION:

None

ACTION:

Motion by J. DeVita, seconded by A. Young, and unanimously passed to adjourn Adjudicatory Session at 11:30 a.m.

Respectfully submitted,

Vita Palazzolo Berg, Assisting Board Counsel

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY

239 Causeway Street, Fourth Floor ~ Room 417A

Boston, Massachusetts 02114

M.G.L., ch.112, §65C SESSION MINUTES

Tuesday, December 11, 2012

Board Members Present

James T. DeVita, R.Ph.

Karen Ryle, R.Ph., MS

Donald Accetta, MD, MPH

Anita Young, R.Ph., Ed.D
Stanley Walczyk, RPh
Kathy J. Fabiszewski, Ph.D, NP
Steven Budish, Public Member
Joanne Trifone, RPh.
Patrick Gannon, RPh, MS
Edmund Taglieri, RPh, MSM, NHA
Jayne Franke, RN, MHA

Board Staff Not Present

Margaret Cittadino, M.Ed.,
Associate Director
Leo McKenna, R.Ph., Pharm.D.,
Quality Assurance (QA) Coordinator
Samuel Penta, R.Ph.,
Investigator Supervisor
Cheryl Latham, R.Ph., Pharm.D.,
Investigator
William E. Frisch, Jr., R.Ph., Investigator

Board Staff Present

Madeleine Biondolillo, M.D.,
Bureau Director, HCS&Q
Joel Kanter, Consultant
Heather Engman J.D., MPH, Board Counsel
Vita P. Berg, assisting Board Counsel
Iyah Romm,
Director of Policy, Health Planning &
Strategic Development, HCS&Q
Louis Dell'Olio, R.Ph.,
Director, Office of Pharm. Services
Carolyn Reid, Adm. Asst.

Board Members Not Present

TOPIC:

A. Call to Order

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 11:31 a.m. J. DeVita, President, called the December 11, 2012, Adjudicatory Session to order.

TOPIC:

B. Approval of the M.G.L., ch.112, §65C Session Agenda

DISCUSSION: None.

ACTION: Motion by S. Walczyk, seconded by S. Budish, and unanimously voted to approve the M.G.L., ch.112, §65C Agenda without changes.

TOPIC:

C1. In the Matter of **Donald E. Agnew**, R.Ph., PH17025, PHA-2012-0208

DISCUSSION:

V. Berg reviewed her memorandum outlining the allegations in the complaint against the Licensee, provided documentation received concerning discipline against the Licensee in Maine and New Hampshire, and provided the Board with her recommendations for Board action.

ACTION:

Motion by S. Budish, seconded by A. Young, and unanimously voted to refer the complaint to the Office of Prosecutions for expedited issuance of an OTSC.

TOPIC:

D. Adjournment of §65C Session Agenda Session

DISCUSSION:

None

ACTION:

Motion by P. Gannon, seconded by S. Walczyk, and unanimously passed to adjourn §65C Session at 11:40 a.m.

Respectfully submitted,

Vita Palazzolo Berg, Assisting Board Counsel

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY

239 Causeway Street, Fourth Floor ~ Room 417A

Boston, Massachusetts 02114

ADJUDICATORY SESSION MINUTES

Tuesday, December 11, 2012

Board Members Present

James T. DeVita, R.Ph.

Karen Ryle, R.Ph., MS

Donald Accetta, MD, MPH

Anita Young, R.Ph., Ed.D
Stanley Walczyk, RPh
Kathy J. Fabiszewski, Ph.D, NP
Steven Budish, Public Member
Joanne Trifone, RPh.
Patrick Gannon, RPh, MS
Edmund Taglieri, RPh, MSM, NHA
Jayne Franke, RN, MHA

Board Staff Not Present

Margaret Cittadino, M.Ed.,
Associate Director
Leo McKenna, R.Ph., Pharm.D.,
Quality Assurance (QA) Coordinator
Samuel Penta, R.Ph.,
Investigator Supervisor
Cheryl Latham, R.Ph., Pharm.D.,
Investigator
William E. Frisch, Jr., R.Ph., Investigator

Board Staff Present

Madeleine Biondolillo, M.D.,
Bureau Director, HCS&Q
Joel Kanter, Consultant
Heather Engman J.D., MPH, Board Counsel
Vita P. Berg, assisting Board Counsel
Iyah Romm,
Director of Policy, Health Planning &
Strategic Development, HCS&Q
Louis Dell'Olio, R.Ph.,
Director, Office of Pharm. Services
Carolyn Reid, Adm. Asst.

Guests

James Lavery, Chief Prosecutor

Board Members Not Present

TOPIC:

A. Call to Order

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 10:10 a.m. J. DeVita, President, called the December 11, 2012, Adjudicatory Session to order.

TOPIC:

B. Approval of the Adjudicatory Session Agenda

DISCUSSION: None.

ACTION: Motion by K. Ryle, seconded by J. Trifone, and unanimously voted to approve the Adjudicatory Agenda without changes.

TOPIC:

C1. Proposed Final Decision and Order by Default

in the matter of **Caitlyn M. Medeiros**, PH-PT 13756, PHA-2012-0128

RECUSAL:

J. Devita exited the room prior to commencement of the discussion of this matter and returned following the vote.

DISCUSSION:

V. Berg reviewed the proposed final decision and order by default with Board members, and her recommendations for Board action.

ACTION:

Motion by S. Walczyk, seconded by A. Young, and unanimously voted to revoke the Respondent's Massachusetts license to practice as a Pharmacy Technician.

TOPIC:

D. Status Update on Cease and Desist Notices Issued to Facilities following inspection.

1. **Oncomed Pharmaceutical Services of Massachusetts, Inc.**,
DS89702, PHA-2012-0236
2. **Pallimed Solutions, Inc.**,
DS3498, PHA-2012-0237
3. **The Whittier Pharmacist, Inc.**,
DS3587, PHA-2012-0238
4. **Western Mass. Compounding Center, Inc.**,
DS89799, PHA-2012-0239

DISCUSSION:

Heather Engman, Board Counsel, gave a verbal report to the Board members concerning the status of proceedings, and Board actions taken to date, with respect to the issuance of cease and desist notices to each of the four pharmacies.

ACTION:

So noted.

TOPIC:

E. Status Update on Cease and Desist Notices Issued to NECC employees

DISCUSSION:

James Lavery, Chief Prosecutor, gave a verbal report to the Board members concerning the current status of proceedings relating to the cease and desist proceedings concerning the pharmacists and pharmacy technicians who are former employees of New England Compounding Center.

ACTION:
So noted.

TOPIC:

Adjournment of Adjudicatory Session

DISCUSSION:
None

ACTION:
Motion by P. Gannon, seconded by S. Walczyk, and unanimously passed to adjourn Adjudicatory Session at 11:30 a.m.

Respectfully submitted,

Vita Palazzolo Berg, Assisting Board Counsel