

COMMONWEALTH OF MASSACHUSETTS

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

December 20, 2012
239 Causeway Street ~ Room 417A
Boston, Massachusetts 02114

AGENDA

Time	#	Item	Exhibits	Staff Contact
9:00	I.	CALL TO ORDER		
	II.	APPROVAL OF AGENDA		
	III.	APPROVAL OF BOARD MINUTES 1. November 1, 2012 Emergency Meeting 2. December 11, 2012 Regularly Scheduled Meeting 3. December 11, 2012 Adjudicatory Session 4. December 11, 2012 MGL c.112, s.65C Session	Minutes	V. Berg
9:05	IV.	APPLICATIONS A. Relocation of Community Pharmacy 1. Winchendon Family Pharmacy, 55 Hospital Drive, Winchendon (DS89679)	Application	J. Kantor
9:30	V.	PRESENTATIONS 1. Open Meeting Law (MGL c.30A, ss18-25) 2. Conflict of Interest Law (MGL c.268A)	Power Point Power Point	J. Sclarsic S. Stein
11:45	VI.	EXECUTIVE SESSION PURPOSE: M.G.L. chh.30A, §21(a)(1) - To discuss 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.	CLOSED SESSION	
12:30	VI.	REGULATIONS 1. Review of Public Comments to Emergency Regulations at 247 CMR promulgated November 1, 2012		I. Romm

1:00	VII.	PRACTICE 1. Chapter 244 of the Acts of 2012 (Senate Bill 2125) An Act Relative to Prescription Drug Diversion, Abuse and Addiction: guidance on continuing education requirements and update on DPH pamphlet distribution/availability.		I. Romm
1:15	VIII.	ANNUAL ELECTION OF BOARD OFFICERS	None	
1:30	IX.	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
Thursday, December 20, 2012

Board Members Present

James T. DeVita, R.Ph.
Karen Ryle, R.Ph., MS, arrived 9:15 am
Anita Young, R.Ph., Ed.D
Stanley Walczyk, RPh
Joanne Trifone, RPh.
Patrick Gannon, RPh, MS, departed 2:00 pm
Edmund Taglieri, RPh, MSM, NHA
Jayne Franke, RN, MHA

Board Members Not Present

Donald Accetta, MD, MPH
Steven Budish, Public Member
Kathy J. Fabiszewski, Ph.D, NP

Board Staff Present

Madeleine Biondolillo, M.D.,
Bureau Director, HCS&Q
Margaret Cittadino, M.Ed.,
Associate Director
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
Joseph Sceppa, Consultant

Board Staff Not Present

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

TOPIC:

I. Call to Order

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:05 a.m. J. DEVITA, President, called the December 20, 2012, meeting of the Board of Registration in Pharmacy to order.

TOPIC:

II. Approval of Agenda

DISCUSSION: None

ACTION: Motion by S. WALCZYK, seconded by A. YOUNG, and voted unanimously to approve the agenda.

TOPIC:

III. Approval of Prior Board Minutes:

November 1, 2012 Emergency Meeting
December 11, 2012 Regularly Scheduled Meeting
December 11, 2012 Adjudicatory Session
December 11, 2012 M.G.L. c. 112, § 65C Session

DISCUSSION: V. Berg presented minutes from Board meetings of November 1, 2012 and December 11, 2012.

ACTION: Motion by J. TRIFONE, seconded by A. YOUNG, and voted unanimously to defer action on all minutes to the January 8, 2013 meeting, with recommendation for approval as to minutes of the November 1, 2012 Emergency Meeting.

ACTION (following presentation on Open Meeting Law): Motion by J. TRIFONE, seconded by A. YOUNG, and voted unanimously to approve the minutes November 1, 2012 Emergency Meeting.

TOPIC:

IV. Applications and Notices

IV.A.1. Relocation of Community Pharmacy

Winchendon Family Pharmacy, 55 Hospital Drive, Winchendon (DS 89679)

DISCUSSION:

M. Cittadino presented the application to relocate a Community Pharmacy submitted by Kevin Merk, R. Ph., Retail Operations Manager of Record.

ACTION:

Motion by J. TRIFONE seconded by P. GANNON, and unanimously passed to approve the application, with no waivers, and on the condition that an inspection verifies compliance with applicable regulations.

TOPIC:

Board meeting dates for 2013

DISCUSSION:

M. Cittadino distributed Board Meeting schedule for 2013.

ACTION:

So noted.

TOPIC:

V. PRESENTATIONS

V.A.1. Open Meeting Law (M.G.L. c. 30A, §§ 18-25)

Jonathan Sclarsic from the Office of the Attorney General gave a presentation in which he described the nuances of the Open Meeting Law, balancing government transparency with government efficiency.

V.A.2. Conflict of Interest Law (M.G.L. c. 268A)

Susan Stein, First Deputy General Counsel for the Department of Public Health presented the MA Conflict of Interest Law, pointing out the various rules and penalties, and strategies to avoid even the appearance of a conflict of interest.

TOPIC:

VI. Executive Session

DISCUSSION:

None

ACTION:

Unanimous roll call vote to enter Executive Session at 11:22.

EXECUTIVE SESSION (11:22 – 12:00)

LUNCH BREAK (12:00 – 12:30)

TOPIC:

VII. Review of Public Comments to Emergency Regulations at 247 CMR promulgated

November 1, 2012

DISCUSSION:

I. Romm presented a summary of public comments on the Emergency Regulations at 247 CMR received, together with proposed revisions. Board members discussed the proposed revisions and suggested additional changes.

ACTION:

Motion by J. DEVITA, seconded by A. YOUNG, and unanimously passed to defer action on the Emergency Regulations until January 8, 2013 to allow further review of public comments and production of a final draft.

TOPIC:

VIII. PRACTICE

1. **Chapter 244 of the Acts of 2012** (Senate Bill 2125) An Act Relative to Prescription Drug Diversion, Abuse and Addiction: guidance on continuing education requirements and update on DPH pamphlet distribution/availability.

DISCUSSION:

I. Romm presented a summary of provisions of Chapter 244 of the Acts of 2012 that affect pharmacy practice and require Board action.

ACTION:

So noted.

TOPIC:

IX. ANNUAL ELECTION OF OFFICERS

DISCUSSION:

None

ACTION:

Motion by K. RYLE, seconded by S. WALCZYK, to nominate Anita Young as Board Secretary and unanimously passed by roll call vote to elect Anita Young as Board Secretary for calendar year 2013.

ACTION:

Motion by J. TRIFONE, seconded by A. YOUNG, to nominate Karen Ryle as President-Elect and unanimously passed by roll call vote to elect Karen Ryle as President-Elect for calendar year 2014.

TOPIC:

Adjournment

DISCUSSION:

None

ACTION:

Motion by E. TAGLIERI, seconded by A. YOUNG, and unanimously passed to adjourn at 3:30.

Respectfully submitted,

Vita Palazzolo Berg, Assisting Board Counsel

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BOARD OF REGISTRATION IN PHARMACY
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EXECUTIVE SESSION MINUTES
Thursday, December 20, 2012

Board Members Present

James T. DeVita, R.Ph.
Karen Ryle, R.Ph., MS
Anita Young, R.Ph., Ed.D
Stanley Walczyk, RPh
Joanne Trifone, RPh.
Patrick Gannon, RPh, MS
Edmund Taglieri, RPh, MSM, NHA
Jayne Franke, RN, MHA

Board Staff Present

Madeleine Biondolillo, M.D.,
 Bureau Director, HCS&Q
Joel Kanter, Consultant
Margaret Cittadino, M.Ed.,
 Associate Director
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

Donald Accetta, MD, MPH
Kathy J. Fabiszewski, Ph.D, NP
Steven Budish, Public Member

Board Staff Not Present

Leo McKenna, R.Ph., Pharm.D.,
 Quality Assurance (QA) Coordinator
Samuel Penta, R.Ph.,
 Investigator Supervisor
Cheryl Lathum, R.Ph., Pharm.D.,
 Investigator
William E. Frisch, Jr., R.Ph., Investigator

TOPIC:

A. Call to Order

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 11:22 a.m. J. DEVITA, President, called the December 20, 2012, Executive Session to order.

TOPIC:

Open Meeting Law Complaints

DISCUSSION:

H. Engman presented a memorandum summarizing the application of the Open Meeting Law to the facts concerning Board meetings on October 22, 2012 and November 1, 2012. Board counsel requested authorization from the Board to respond to the complaints with information as follows: (1) that on October 22, 2012, the Board acted within the scope of MGL ch.112, § 65C and MGL ch. 30A, §18 and did not violation of Open Meeting Law, (2) that on November 1, 2012, the the Board acted within the scope of Open Meeting Law provisions for emergency meetings and did not violation of Open Meeting Law, and (3) the November 1, 2012 emergency meeting minutes and invitation to the complainant that he subscribe to the Board's distribution list.

ACTION:

Motion by P. GANNON, seconded by S. WALCZYK, and unanimously passed by roll call vote, to authorize the response to the Open Meeting Law Complaints as requested and further including in the response the information that the Board has on this date participated in a training session on the Open Meeting Law.

TOPIC:

D. Adjournment of Executive Session Session

DISCUSSION:

None

ACTION:

Motion by J. DEVITA, seconded by K. RYLE, and unanimously passed to adjourn Executive Session at 12:00 p.m.

Respectfully submitted,

Vita Palazzolo Berg, Assisting Board Counsel