

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

BOARD OF REGISTRATION IN PHARMACY
MEETING AGENDA

January 10, 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
 3. 8:40 a.m. APPLICATIONS and Other Notices (no handout/applications on file)
Assoc. Dir. Margaret Cittadino
- Change of Manager (14)
CVS 02200, 1030 Putnam Avenue, Marston Mills (DS2767)
CVS 2125, 137 W. Central Street, Natick (DS2763)
CVS 257, 107 West Street, Pittsfield (DS3331)
CVS 00944, 465 Station Avenue, South Yarmouth (DS3538)
Health First Pharmacy, 1670 Commonwealth Ave, Boston (DS89662)
Sedell Inc., 63 South Main Street, Assonet (DS1625)
Target Pharmacy T-1495, 101 Independence Mall Way, Kingston (DS3202)
UMass Memorial Medical Center, 55 Lake Avenue, Worcester (DS89788)
Walgreens 12589, 1 Wrentham Street, Bellingham (DS89685)
Walgreens 6939, 68 Main Street, Medway (DS3339)
Walgreens 9233, 225 Boston Turnpike, Shrewsbury (DS3407)
Walgreens 10319, 472 Lincoln Street, Worcester (DS3517)
Walmart Pharmacy 10 2021, 36 Paramount Drive, Raynham (DS2733)
West River Pharmacy, 140 Locke Drive, Marlborough (DS3572)
 - Retail Closings (4)
Duvals Pharmacy, 1 Compass Way, East Bridgewater (DS3554) transferred all controlled substances and prescription records to Duvals Pharmacy (DS14942) 581 Washington Street, Whitman effective close of business 12/30/2011
Louis & Clark, 238 Northampton Street, Easthampton (DS89701) transferred all controlled substances and prescription records to CVS 2025 (DS2685) 118 Northampton Street, Easthampton effective close of business 12/29/2012.
Compton Drug, 393 Columbia Road, Dorchester (DS3325) transferred prescription records and controlled and non-controlled substances to Strand, A Walgreens Pharmacy 13806 (DS9712) effective 12/20/2011
Family Pharmacy LTC, 63A Main Street Ashburnham (DS89655) transferred all controlled and non-controlled substances to Ashburnham Family Pharmacy, 63 Main Street Ashburnham (DS3314) effective 12/31/2011.
 - Wholesale Distributor Closings (1)
Pharmarama, Inc., 99 West Street, Medfield (WD483). No pharmaceuticals were in inventory at the time of closing.

- Renovation/Expansion (1)
Rite Aid 10212, 13 Taunton Street, Plainville (DS2429)
4. 8:45 a.m. UPDATES
Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
 - Drug Store Renewals
 - Walgreens TransferSafe
 - Board Dispositions
 5. 8:55 a.m. BOARD MEETING PLANNING/OBJECTIVES
 - Pres. Michael J. Tocco, R.Ph., M.Ed.
 6. 9:05 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
 7. 10:50 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]
 - Matter of Caroline S. Dawson (PT10758) Docket No. PHA-2011-0333
 - Matter of Steven R. Petrillo, R.Ph. (PH23960) Docket No. PHA-2011-0340
 - Matter of Keith N. LaRoche, R.Ph. (PH16881) Docket No. PHA-2011-0255
 - Matters of Bhuren H. Patel, R.Ph. (PH21347) and Pelham Community Pharmacy (DS89647) Docket Nos. PHA-2011-0212, PHA-2011-0211 and PHA-2010-0195
 - Matter of Rebecca Goebel (PT12351) Docket No. PHA-2012-0001
 - Matter of Kelechukwu Uche, R.Ph. (PH27751) Docket No. PHA-2010-0001 (CVS/pharmacy)
 8. 11:30 a.m. NEW COMMUNITY PHARMACY APPLICATION/Second Appearance

PARENTERAL INFUSION ASSOCIATES, LLC DBA CARE POINT PARTNERS
Proposed: 116 Long Pond Road, Suite 3, Plymouth, Massachusetts

Present: Richard E. Wagner, Jr., R.Ph. (PH22708) proposed Manager of Record and Paul Covellone, Regional Manager
 - Applicant for retail pharmacy licensure Schedule II-VI controlled substances.
 - Applicant has submitted petition for waivers (247 CMR 14.00)
 - Review of Plan of Correction related to November 2, 2011, inspection

Investigator: Cheryl Lathum, Pharm.D., R.Ph.

Approve Deny

9. 12:00 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

CITY DRUG, INC.

Proposed: 22 State Street, Lynn, Massachusetts

Present: Oleg Urim, R.Ph.(PH23827) President, Director and proposed Manager of Record; and Atty. Paul M. Garbarini.

- Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances.

Approve Deny

10. 12:30 p.m. LUNCH

11. 1:30 p.m. APPLICATION/Appearance

Matter of Brian C. Lavery – Pharmacy Technician Applicant

12. 2:00 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

BOSTON GENERAL PHARMACY

Proposed: 180 Everett Avenue, Chelsea, Massachusetts

Present: Jillian R. Rooks, R.Ph.(PH232579) proposed Manager of Record;
Vashkar Karim, R.Ph.(PH22444) Corporate Manager and Robert M. DiLorenzo
R.Ph.(PH25307) Corporate Manager.

- Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances.

Approve Deny

13. 2:30 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

14. INFORMATIONAL ITEMS (FYI)

15. 3:00 p.m. ADJOURNMENT

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES

January 10, 2012

239 Causeway Street

Boston, Massachusetts

**Board Members
Present**

Michael Tocco, R.Ph., M.Ed.; Karen Ryle, R.Ph, M.S; James T. DeVita, R.Ph.; Joanne Trifone, R.Ph.; Kathy Fabiszewski, Ph.D., N.P.; Steven Budish; Stanley Walczyk, R.Ph.

**Board Members
Absent**

Donald Accetta, M.D., M.P.H.; George Cayer, R.Ph.; Sophia Pasedis, R.Ph., Pharm.D.

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; Cheryl Latham R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; Samuel Penta, R.Ph., Supervising Investigator

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
Motion Walczyk/Trifone to approve June 7, 2011 Board Minutes
Approved
3. 8:40 a.m. APPLICATIONS and Other Notices (no handout/applications on file)
Assoc. Dir. Margaret Cittadino

Change of Manager

CVS 02200, 1030 Putnam Avenue, Marston Mills (DS2767)
CVS 2125, 137 W. Central Street, Natick (DS2763)
CVS 257, 107 West Street, Pittsfield (DS3331)
CVS 00944, 465 Station Avenue, South Yarmouth (DS3538)
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UMass Memorial Medical Center, 55 Lake Avenue, Worcester (DS89788)
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Walgreens 6939, 68 Main Street, Medway (DS3339)
Walgreens 9233, 225 Boston Turnpike, Shrewsbury (DS3407)
Walgreens 10319, 472 Lincoln Street, Worcester (DS3517)
Walmart Pharmacy 10 2021, 36 Paramount Drive, Raynham (DS2733)
West River Pharmacy, 140 Locke Drive, Marlborough (DS3572)

Retail Closings

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Louis & Clark, 238 Northampton Street, Easthampton (DS89701) transferred all controlled substances and prescription records to CVS 2025 (DS2685), 118 Northampton Street, Easthampton, effective close of business 12/29/2012

Compton Drug, 393 Columbia Road, Dorchester (DS3325) transferred all controlled substances and prescription records to Strand, A Walgreens Pharmacy 13806 (DS9712), 533 Columbia Road, Dorchester, effective 12/20/2011

Family Pharmacy LTC, 63A Main Street Ashburnham (DS89655) transferred all controlled substances and prescription records to Ashburnham Family Pharmacy, 63 Main Street Ashburnham (DS3314) effective 12/31/2011.

Wholesale Distributor Closings

Pharmarama, Inc., 99 West Street, Medfield (WD483). No pharmaceuticals were in inventory at closing.

Renovation/Expansion

Rite Aid 10212, 13 Taunton Street, Plainville (DS2429)

Motion Walczyk/Budish to approve applications

Recused: Trifone for Walgreens and DeVita and Tocco for CVS

Approved

4. 8:45 a.m. UPDATES

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

- Joint Policy 2012-01: Permitted Prescription Changes and Additions After Consultation with Prescriber

Board reviewed proposed revisions to policy (previously approved).

Motion Walczyk/Ryle to adopt policy as revised.

Approved

- Walgreens *TransferSafe* - related to patient directed prescription information transfers between pharmacies.

- Board Dispositions

5. 8:55 a.m. BOARD MEETING PLANNING/OBJECTIVES - President Tocco

President Tocco identified three areas for Board focus in 2012:

1. "Back to Basics" Mass Pharmacy Law for Pharmacists and Technicians"

2. Approachability of Board

3. Pro-Active Board Projects

6. 9:15 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

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-2011-0301 Rite-Aid 10188 DS 3048	Motion DeVita/Walczyk to Dismiss – No Violation Approved
	PHA-2011-0300 Rebecca Carchidi PH19978	Motion Ryle/Walczyk to Dismiss with Advisory Letter with conditions related to self-inspections and 2 CEs in live law. Approved
2.	PHA-2011-0240 Price Chopper 140 DS 2526	Motion Ryle/Walczyk to Dismiss – No Violation Approved

	PHA-2011-0315 Dave Showalter PH22707	Motion Ryle/Budish to Dismiss with Advisory letter with 2 Continuing Education credits (CE) in Medication Error Prevention Approved
	PHA-2011-0314 Tanya Holden PT 10908	Motion Ryle/Trifone to Dismiss – No Violation Approved Opposed DeVita
3.	PHA-2011-0102 CVS 447 DS 3251	Motion Trifone/Walczyk to Dismiss – Lack of Evidence Recused Tocco and DeVita not present in meeting for discussion or vote Approved
4.	PHA-2011-0077 CVS 1888 DS 2293	Motion Walczyk/Budish to Dismiss – No Violation Approved
5.	PHA-2011-0079 CVS 730 DS 1048	Motion Walczyk/Budish to Dismiss with Advisory Letter recommending counseling focus on new prescriptions Recused Tocco and DeVita not present in meeting for discussion or vote Approved
	PHA-2011-0263 Kristyn Howes PH 19966	Motion Walczyk/Budish to Dismiss with Advisory Letter and 2 CEs in pediatric dosing and recommendation counseling on new prescriptions Recused Tocco and DeVita not present in meeting for discussion or vote Approved
	PHA-2011-0264 Rachel Jennifer Winn PT 12702	Motion Walczyk/Budish to Dismiss with Advisory Letter and 2 CEs in pediatric dosing Recused Tocco and DeVita not present in meeting for discussion or vote Approved

7. 10:55 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]

10:55 Motion Walczyk/Budish to enter closed session

11:30 Motion Walczyk/Trifone to end closed session

8. 11:30 a.m. NEW COMMUNITY PHARMACY APPLICATION/Second Appearance

PARENTERAL INFUSION ASSOCIATES, LLC DBA CARE POINT PARTNERS

Proposed: 116 Long Pond Road, Suite 3, Plymouth, Massachusetts

Present: Richard E. Wagner, Jr., R.Ph. (PH22708) proposed Manager of Record and Paul Covellone, Regional Manager

- Applicant for retail pharmacy licensure Schedule II-VI controlled substances.
- Applicant has submitted petition for waivers (247 CMR 14.00)
- Review of Plan of Correction related to November 2, 2011, inspection with

Review of Compliance Inspection results and follow-up -- Investigator Latham

Board advised applicant that sink and shelving upgrades required for USP and Board regulation compliance.

Motion Ryle/Walczyk to approve application with waivers (247 CMR 14.00) pending a second inspection which documents compliance with all previous inspectional deficiencies.

Approved

12:00 p.m. Fabiszewski exits meeting

9. 12:00 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

CITY DRUG, INC.

Proposed: 22 State Street, Lynn, Massachusetts

Present: Oleg Urim, R.Ph.(PH23827) President, Director and proposed Manager of Record; and Atty. Paul M. Garbarini

Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances.

Motion DeVita /Walczyk to approve application pending compliant inspection.

Approved

12:15 p.m. Ryle and Budish exit meeting

10. 12:15 p.m. LUNCH

11. 1:15 p.m. APPLICATION/Appearance

Matter of Brian C. Lavery -- Pharmacy Technician Applicant

Motion Walczyk/DeVita to approve application

Approved

1:35 p.m. Tocco exits meeting

12. 1:35 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

BOSTON GENERAL PHARMACY

Proposed: 180 Everett Avenue, Chelsea, Massachusetts

Present: Jillian R. Rooks, R.Ph.(PH232579) proposed Manager of Record;

Vashkar Karim, R.Ph.(PH22444) Corporate Manager and Robert M. DiLorenzo
R.Ph. (PH25307) Corporate Manager

Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances. Board will confirm proposed name with health facility proximate to applicant location to avoid patient confusion.

Motion Walczyk/Trifone to approve application pending compliant inspection.
Recused Tocco not present in meeting for discussion or vote
Approved

13. 1:55 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

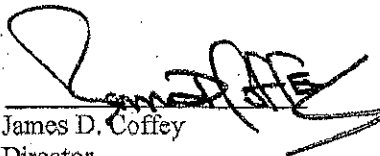
1.	SA-INV-2382 Steven Stone PH18822	Motion DeVita/Trifone to open PH complaint; Dismiss with Advisory Letter and 2 CEs in law Approved
2.	PHA-2011-0078 Rite-Aid 10160 DS 3143	Motion Trifone/DeVita to Dismiss with Advisory letter with recommendations Approved
	PHA-2011-0275 Rhiannon Hatton PH 27064	Motion Trifone/Walczyk to Dismiss with Advisory Letter and 2 CEs in medication error prevention Approved
	PHA-2011-0074 Brian Hoffman PH 232539	Motion Trifone/Walczyk to Dismiss with Advisory Letter and 2 CEs in medication error prevention Approved
3.	PHA-2011-0254 Willie G. Foxworth PT 4660	Motion Walczyk/DeVita to Dismiss without Prejudice Approved

14. INFORMATIONAL ITEMS (FYI)

Board Member Joanne Trifone will be presenting at the Northeastern Alumni Continuing Education event on April 8, 2012.

15. 3:00 p.m. ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: February 7, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
JANUARY 10, 2012
239 CAUSEWAY STREET
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 18-21 (Adjudicatory and Executive)

REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

10:55 Motion Walczyk/Budish to enter closed session

- Matter of **Caroline S. Dawson** (PT10758) - Docket No. PHA-2011-0333
Board reviewed complaint regarding December 9, 2011 arrest and admission to diversion (since August 2010) from Stop and Shop Pharmacy, Plymouth.

Motion Walczyk / DeVita to issue *Temporary Order of Summary Suspension* and accept surrender of registration if tendered.

Approved

- Matter of **Steven R. Petrillo, R.Ph.** (PH23960) - Docket No. PHA-2011-0340
Board reviewed complaint regarding December 29, 2011 for passing two prescriptions on October 10, 2011 from same provider (second not filled after second pharmacy contacted law enforcement); licensee has been terminated from NH VA facility. Board to notify licensee not to practice while complaint is pending and that Board may consider summary suspension on completion of investigation.

- Matter of **Keith N. LaRoche, R.Ph.** (PH16881) - Docket No. PHA-2011-0255
Board reviewed December 21, 2011 letter from Atty. Fradette requesting reconsideration of Consent Agreement suspension period. Board declined to revise proposed Consent Agreement terms.

- Matters of **Bhuren H. Patel, R.Ph.** (PH21347) and **Pelham Community Pharmacy** (DS8964) - Docket Nos. PHA-2011-0212, PHA-2011-0211, PHA-2010-0195

Board reviewed January 4, 2012 letter from Atty. Fradette responding to proposed Consent Agreement and directive to appoint new manager of record. Board to convey concern regarding delay in appointing new manager of record and advise matters will be referred to the Office of Public Protection if licensee opposes any probation periods in each complaint, as stated by counsel.

- Matter of **Rebecca Goebel** (PT12351) Docket No. PHA-2012-0001
Board reviewed complaint regarding November 29, 2011 plea (Four charges/ Central Berkshire County) following arrest for diversion from Stop and Shop Pharmacy, Pittsfield.

Motion Budish/Walczyk to issue *Temporary Order of Summary Suspension* and accept surrender of registration if tendered.

Approved

- Matter of **Kelechukwu Uche, R.Ph.** (PH27751) - Docket No. PHA-2010-0001
Board reviewed proposed *Final Decision and Order after Sanction Hearing* and exhibits presented at hearing in this matter. After discussion:

Motion Ryle/Walczyk to REVOKE license based on activity in multiple pharmacies (NC and MA). Board will review application filed not sooner than five years from date of suspension of license and successful completion of MPRS, examinations and supervised experience also required.

Recused Tocco and DeVita not present in meeting for discussion or vote

Approved

- Matter of **Leo M. Lawless** (PH 16078) - Docket No. PHA-2011-0331
Board updated regarding December 22, 2011 vote to issue *Temporary Order of Summary Suspension* following notification of termination of employment at Hansom AFB in Ayer, Massachusetts related to various performance issues which increased since the Summer of 2011. Licensee waived summary suspension necessity hearing. Licensee will complete MPRS evaluation and submit additional medical/psychological evaluation information. Board will review and advise what additional information may be required to assess fitness to resume practice.

11:30 Motion Walczyk/Trifone to end Closed Session