

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

BOARD OF REGISTRATION IN PHARMACY
MEETING AGENDA
July 10, 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
 - Introduction of NEU APPE Extern Alex Tapalla
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
 - June 5, 2012 Minutes
3. 8:40 a.m. APPLICATIONS and Other Notices (no handout/applications on file)
Assoc. Dir. Margaret Cittadino
 - New Community Pharmacy (2)
CVS Pharmacy 5464, 1575 Blue Hill Avenue, Mattapan
Greater Lawrence Family Health Center, 70 East Street, Methuen
 - Change of Manager (26)
Azee Pharmacy and Medical Solutions, 25 Marston Street, Lawrence (DS89791)
CVS 00130, Alewife Plaza 23-25 Massachusetts Ave, Arlington (DS2535)
CVS 1875, 414 Union Street, Ashland (DS3348)
CVS 524, 231 Massachusetts Avenue, Boston (DS2532)
CVS 1206, 240 Newbury Street, Boston (DS2033)
CVS 2162, 300 Longwood Ave, Boston (DS2687)
CVS 261, 200 Essex Street, Salem (DS21048)
CVS 301, 107 Main Street, Stoneham (DS89652)
CVS 114, 12 Harvard St, Waltham (DS2821)
Hannaford Supermarket & Pharmacy, 301 Pleasant Street, Dracut (DS89639)
Osco 7588, 1065 Commonwealth Ave, Boston (DS3200)
Pelham Community Pharmacy, 196 Bear Hill Road, Waltham (DS89647)
Prime Pharmacy, 201 Humboldt Ave, Dorchester (DS89781)
Standard Pharmacy, 387 Quarry Street, Fall River (DS89814)
Stop & Shop 776, 905 Massachusetts Avenue, Arlington (DS3478)
Stop & Shop Pharmacy 472, 40 Franklin Village Drive, Franklin (DS1622)
Stop & Shop 407, 164 Main Street, Saugus (DS2213)
Stop & Shop 44, 547 Main Street, Walpole (DS3206)
Rite Aid 10175, 1295 Boylston St, Boston (DS3098)
Rite Aid Pharmacy 10153, 971 Bennington Street, East Boston (DS3613)
Rite Aid 10166, 467 Broadway, Revere (DS3135)
Walgreens Pharmacy 10152, 624 Waverly Street, Framingham (DS3533)
Walmart Pharmacy 10-2683, 337 Russell Street, Dudley (DS2952)
Walmart 10 2901, 180 North King Street, Northampton (DS3015)
Walmart Pharmacy 10-2228, 555 Hubbard Avenue, Pittsfield (DS2746)
West River Pharmacy, 140 Locke Drive Suite C, Marlborough (DS3572)

- Retail Pharmacy Relocation (2)
North Falmouth Pharmacy 111 County Road North Falmouth FROM 17 Academy Lane Falmouth (DS89767)
CVS Pharmacy 400 16 Boston Road, Chelmsford FROM 16 Boston Road, Chelmsford (DS2307)
- Renovation/Expansion (3)
Greater Lawrence Family Health Center, 700 Essex Street, Lawrence (DS89675)
CVS 43, 474 Washington Street, Weymouth (DS3025)
CVS 1866, 267 Chauncy Street, Mansfield (DS2956)
- Retail Closings (1)
Stop & Shop Pharmacy 44, 547 Main Street, Walpole MA (DS3206) transferred all controlled substances and prescription records to CVS Pharmacy 844, 929 Main Street, Walpole MA.(DS1402), effective close of business 6/28/2012
- Transfer of Ownership (1)
UMass Memorial Medical Center Specialty Pharmacy (UMass Medical Center Shields Pharmacy), ACC Building, 55 Lake Avenue North, Worcester)

4. 8:45 a.m. UPDATES

Dir. James D. Coffey

- Update Re. University of Utah School on Alcoholism and Other Drug Dependencies, Joanne M. Trifone
- 2013 Board Meeting Calendar
- Report of Board Dispositions

5. 9:00 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

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

6. 10:10 a.m. TRANSFER OF OWNERSHIP PHARMACY APPLICATION/Appearance
APOTHECARE PHARMACY, LLC. D.B.A APOTHECARE OF SOUTH SHORE

Proposed: 720 Centre Street, Brockton, MA

Present: Proposed Manager of Record, David L. Young, RPh, (PH22919),
Corp. Manager, Rudy Dajie, RPh (PH22919) and Atty. Paul M. Garbarini, RPh

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

Approve Deny

7. 10:30 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

CLOSED SESSION – Review/discussion of Complaints, Applications, Adjudicatory Session and other Legal Matters [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

Matters of:

- Bhuren H. Patel, RPh (PH21347)/Pelham Community Pharmacy (DS89647)
Docket Nos. PHA-2011-0212, PHA-2011-0211 and PHA-2010-0195
- Matter of Jean E. Perez, RPh (PH27757 / Docket No. PHA-2010-0225 –
Reinstatement Inquiry
- Jaime M. Masick – Pharmacy Intern Applicant
- Mary C. Donatelli (PH25010) – Docket No. PH-05-113

Complaints (diversion allegations) to be presented by Investigators:

- Scott Woodman (PT9586) Docket No. PHA-2012-0117 (CVS/pharmacy):
Inv. Emery
- Susan Anhorn (PT 11787) Docket No. PHA-2012-0121 (CVS/pharmacy):

8. 11:00 a.m. INVESTIGATIVE CONFERENCE

Matter of:

CVS/pharmacy #2054, 136 Nahatan Street, Norwood (DS2588) Docket No.
PHA-2011-0230

Jamal D. Liles (Pharmacist No. PH24486) Docket No. PHA-2011-0316

Complaint alleges that on or about August 27, 2011, CVS/pharmacy #2054, 136 Nahatan Street, Norwood, Massachusetts incorrectly dispensed a prescription for Augmentin to a patient with a Penicillin allergy.

Investigator: William E. Frisch, Jr., RPh

9. 11:45 a.m. INVESTIGATIVE CONFERENCE

Matter of:

CVS/pharmacy #117, 1921 Centre Street, West Roxbury (DS3207) Docket No.
PHA-2011-0210

Roby Ramachandran (Pharmacist No. PH25925) Docket No. PHA-2011-0209

Complaint alleges that on or about September 10, 2010, CVS/pharmacy #117, 1921 Centre Street, West Roxbury, Massachusetts incorrectly dispensed a prescription for Oxycodone to the incorrect patient rather than as prescribed.

Investigator: James C. Emery

10. 12:30 p.m. LUNCH

11. 1:30 p.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

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

12. 2:00 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
BAYSTATE MEDICAL CENTER, INC. D.B.A BAYSTATE PHARMACY
Proposed: 3300 Main Street, Springfield, MA

Present: Proposed Manager of Record, Matthew W. Sherriffs, RPh, (PH26934) and

Director of Pharmacy, Gary J. Kerr, RPh, (PH18362).

- Applicant For retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances
Approve Deny

13. 2:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
ERAJ RX. CORP. D.B.A NEIGHBORHOOD HEALTHMART PHARMACY
Proposed: 7-9 Cross Street, Methuen, MA

Present: Proposed Manager of Record and Owner, President and Director, Jitenda G. Patel, RPh, (PH25847)

- Applicant For retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances
Approve Deny

FLEX DISCUSSION

A. NEW BUSINESS

- 1) Sammi Som Yung – Pharmacy Technician Application
Approve/Deny
- 2) Karryn Aileen Lewis – Pharmacist Application
Approve/Deny
- 3) Draft Policy No. 2012-03: Pharmacist License Reactivation After Expiration Beyond One Renewal Cycle – Dir. James D. Coffey

B. OLD BUSINESS

- 1) Matter of Shem M. Gihuchi – Pharmacy Intern Applicant

14. INFORMATIONAL ITEMS and CORRESPONDENCE

- 1) Informational Briefing on Amendments to Regulations Implementing the Controlled Substances Act, 105 CMR 700.000 and 105 CMR 701.000, Concerning the Prescription Monitoring Program

15. 3:00 p.m. ADJOURNMENT

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
JULY 10, 2012
239 CAUSEWAY STREET
BOSTON, MA 02114

**Board Members
Present**

Stanley Walczyk, RPh; Karen Ryle, RPh, MS; Sophia Pasedis, RPh, PharmD; Joanne Trifone, RPh; Kathy Fabiszewski, PhD, NP; Donald Accetta, MD, MPH; James T. DeVita, RPh; George Cayer, RPh; Anita Young, EdD, RPh; Steven Budish

Staff Present

James D. Coffey, RPh, Director; Margaret Cittadino, MEd, Associate Director; Susan Manning, Board Counsel; Leo McKenna, RPh, PharmD, Quality Assurance (QA) Coordinator; Samuel J. Penta, RPh, Supervising Investigator; Cheryl Latham RPh, PharmD, Investigator; William Frisch, Jr., RPh, Investigator; James Emery, Pharmacy Technician, Investigator; Alexandra Tapalla, Northeastern University School of Pharmacy Extern

1. 8:30 a.m. CALL TO ORDER
President James T. DeVita, RPh
- Introduction of NEU APPE Extern Alex Tapalla
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES

Motion Walczyk/Young to approve June 5, 2012 minutes.
Approved
3. 8:40 a.m. APPLICATIONS and Other Notices - Assoc. Dir. Margaret Cittadino

New Community Pharmacy

CVS Pharmacy 5464, 1575 Blue Hill Avenue, Mattapan
Greater Lawrence Family Health Center, 70 East Street, Methuen

Change of Manager

Azee Pharmacy and Medical Solutions, 25 Marston Street, Lawrence (DS89791)
CVS 00130, Alewife Plaza 23-25 Massachusetts Ave, Arlington (DS2535)
CVS 1875, 414 Union Street, Ashland (DS3348)
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 Walmart Pharmacy 10-2228, 555 Hubbard Avenue, Pittsfield (DS2746)
 West River Pharmacy, 140 Locke Drive Suite C, Marlborough (DS3572)

Retail Pharmacy Relocation

North Falmouth Pharmacy 111 County Road, North Falmouth FROM 17 Academy Lane, Falmouth (DS89767)
 CVS Pharmacy 400 16 Boston Road, Chelmsford FROM 16 Boston Road, Chelmsford (DS2307)

Renovation/Expansion

Greater Lawrence Family Health Center, 700 Essex Street, Lawrence (DS89675)
 CVS 43, 474 Washington Street, Weymouth (DS3025)
 CVS 1866, 267 Chauncy Street, Mansfield (DS2956)

Retail Closings

Stop & Shop Pharmacy 44, 547 Main Street, Walpole MA (DS3206) transferred all controlled substances and prescription records TO CVS Pharmacy 844, 929 Main Street, Walpole (DS1402), effective close of business 6/28/2012.

Transfer of Ownership

UMass Memorial Medical Center Specialty Pharmacy FROM UMass Medical Center Shields Pharmacy, ACC Building, 55 Lake Avenue North, Worcester

Motion Walczyk/Budish to approve applications
 Recused Trifone for Walgreens and DeVita for CVS
 Approved

4. 8:45 a.m. UPDATES - Dir. James D. Coffey

- 2013 projected Board Meeting Calendar
- Report of Board Dispositions
- NABP District I & II Meeting, Skytop, PA, October 14 - 16, 2012
- Joanne Trifone provided an update of the *University of Utah School on Alcoholism and Other Drug Dependencies* Program, Salt Lake City UT, June 17-22, 2012

5. 9:00 a.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review - Samuel J. Penta, James C. Emery, Cheryl Lathun, William E. Frisch, Jr. and Leo A. McKenna

1.	PHA- 2011-0309 Royal Palm Specialty Pharmacy DS89765	Motion Cayer/Trifone for pharmacy to cease compounding until demonstration of USP 795 compliance; terms re: USP 797 Gap Analysis and certification to be determined after review of complaint files Approved
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PHA-2011-0004 Karen A. Blakely PH21868	Motion Ryle/Walczyk to schedule investigative conference for related complaints Approved
PHA-2011-0005 Mark J. Rubin PH233459	
PHA-2011-0006 Agnes Rubin PH25022	
PHA-2012-0060 Joanne M. Blain PT315	
PHA-2012-0061 Angel Figueroa PT13937	
PHA-2012-0065 Gina M. Franconeri PT1568	

6. 10:15 a.m. TRANSFER OF OWNERSHIP PHARMACY APPLICATION/Appearance

APOTHECARE PHARMACY, LLC. D.B.A APOTHECARE OF SOUTH SHORE (DS89659), 720 Centre Street, Brockton, MA

Present: Proposed MOR David L. Young, RPh, (PH22919), proposed owner Rudy Dajie, RPh (PH22919) and Paul M. Garbarini, RPh, Esq.

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

Motion Cayer/Pasedis to approve application
Recused Trifone (not present for discussion or vote)
Approved

7. 10:35 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Counsel

CLOSED SESSION – Review/discussion of Complaints, Applications, Adjudicatory Session and other Legal Matters [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

10:35 a.m. **Motion Walczyk/Accetta to enter Closed Session**
Approved

10:55 a.m. **Motion Walczyk/Ryle to return to Open Session**
Approved

Matters of:

Scott Woodman (PT9586) - Docket No. PHA-2012-0117

Board reviewed complaint file regarding admitted diversion.

Motion Walczyk/Ryle for issuance of *Temporary Order of Summary Suspension* if surrender not submitted

Recused DeVita (not present for discussion or vote)

Approved

Susan Anhorn (PT 11787) - Docket No. PHA-2012-0121

Board reviewed complaint file regarding admitted diversion.

Motion Ryle/Pasedis for issuance of *Temporary Order of Summary Suspension* if surrender not submitted

Recused DeVita (not present for discussion or vote)

Approved

8. 11:00 a.m. INVESTIGATIVE CONFERENCE

Matters of:

CVS/pharmacy 2054, 136 Nahatan Street, Norwood (DS2588)

Docket PHA-2011-0230; **Jamal D. Liles** (PH24486) Docket No. PHA-2011-0316

Complaint alleges that on or about August 27, 2011, CVS/pharmacy 2054, incorrectly dispensed Augmentin to patient with penicillin allergy.

Present: Jamal Liles, RPh, Linda Luongo, MOR; Susan Delmonico, CVS, Dir. Regulatory Affairs; David Miller, Pharmacy Supervisor, and Steven Arruda, Pharmacy Supervisor

Investigator: William E. Frisch, Jr., RPh

Recused DeVita (not present for discussion or vote)

Not present for vote Accetta and Fabizewski (exit 11:50 a.m.)

1	PHA- 2011-0230 CVS Pharmacy 2054 DS2588	Motion Budish/Young to Dismiss with Advisory Letter recommending implementation of "hold" policy in all pharmacies with training for all staff Approved
2	PHA- 2011-0316 Jamal D. Liles PH24486	Motion Cayer/Budish for Consent Agreement with Reprimand and 2 continuing education (CEs) in medication error prevention and 2 CE in patient counseling Approved

9. 11:50 a.m. INVESTIGATIVE CONFERENCE

Matters of:

CVS/pharmacy 117, 1921 Centre Street, W. Roxbury (DS3207)
Docket No. PHA-2011-0210; Roby Ramachandran (PH25925) Docket No.
PHA-2011-0209.

Complaint alleged that on or about September 10, 2010, CVS/pharmacy 117,
incorrectly dispensed a prescription (Oxycodone) to the wrong patient.

Present: Roby Ramachandran, RPh; Manish Ghardi, Pharmacy Intern; Sam Watkins,
CVS Pharmacy Supervisor; Kristopher Getzik, MOR; Susan DeMonico, CVS Dir,
Regulatory Affairs

Investigator: James C. Emery

Recused DeVita (not present for discussion or vote)

1	PHA- 2011-0210 CVS Pharmacy 117 DS3207	Motion Trifone/Walczyk to Dismiss with Advisory Letter regarding unlicensed pharmacy technician oversight Approved
2	PHA- 2011-0209 Roby Ramachandran PH25925	Motion Young/Cayer to Dismiss with Advisory letter and 2 CEs in medication error prevention and 2 CEs in pharmacy law Approved
3	PHA-2011-0208 Firdosa Hassan PH24969	Motion Cayer/Ryle to Dismiss with Advisory Letter with conditions related to CE deficiencies Approved

10. 12:30 p.m. LUNCH

11. 1:30 p.m. REPORT OF OFFICE OF INVESTIGATIONS - File Review Continued

SA-INV-2644 Perotta's Super Drug DS1200	Motion DeVita/Trifone regarding SA-INV-2644 and related DS complaint PHA-2012-0093 to review additional information regarding CMS certified home health care agency and pharmacy ownership Approved
PHA-2012-0093 Azee Pharmacy & Medical Solutions LLC DS89791	

12. 2:00 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
BAYSTATE MEDICAL CENTER, INC. D.B.A BAYSTATE PHARMACY
Proposed: 3300 Main Street, Springfield, MA

Present: Proposed MOR Matthew W. Sherriffs, RPh (PH26934), Director of

Pharmacy, Gary J. Kerr, RPh (PH18362)

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

**Motion Cayer/Ryle to approve application pending compliant inspection
Approved**

13. 2:30 p.m.

**NEW COMMUNITY PHARMACY APPLICATION/Appearance
ERAJ RX CORP. DBA NEIGHBORHOOD HEALTHMART PHARMACY
Proposed: 7-9 Cross Street, Methuen, MA**

Present: Proposed MOR and Owner Jitenda G. Patel, RPh (PH25847)

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

**Motion Pasedis/Ryle to approve application pending compliant inspection
Approved**

FLEX DISCUSSION

A. NEW BUSINESS

- 1) **Sammi Som Yung – Pharmacy Technician Applicant
Motion Walczyk/Pasedis to approve application
Approved**
- 2) **Karryn Aileen Lewis – Pharmacist Applicant
Motion Walczyk/Pasedis to approve application
Approved**
- 3) **Draft Policy No. 2012-03: *Pharmacist License Reactivation After
Expiration Beyond One Renewal Cycle* – Dir. Coffey
Motion DeVita/Young to approve policy with revisions
Approved**

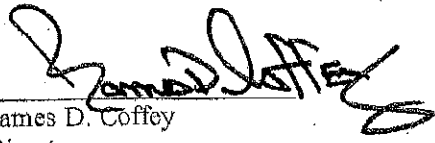
B. OLD BUSINESS

Matter of **Shem M. Gichuhi** – Pharmacy Intern Applicant
Board reviewed MCPHS academic standing confirmation (probation).
MCPHS confirmed applicant is eligible to commence rotation.

**Motion Cayer/Trifone to approve application with conditions (June 5, 2012)
Approved**

14. 3:00 p.m. ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: August 7, 2012

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

REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel
Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 18-21 (Adjudicatory and Executive)

10:35 a.m. **Motion Walczyk/Acchetta to enter Closed Session**
Approved

Matters of:

Bhuren H. Patel, RPh (PH21347)/Pelham Community Pharmacy
(DS89647) Docket Nos. PHA-2011-0212, PHA-2011-0211 and PHA-2010-0195

Board reviewed June 29, 2012 letter from Atty. Richard Fradette regarding pharmacy sale discussions regarding pharmacy. Board to advise current owner that proposed purchaser will be scheduled to appear at August 7 meeting and if no intent to purchase OR Consent Agreement has been executed by Mr. Patel by August 1, 2012, Board will refer matters for the initiation of adjudicatory proceedings.

Jean E. Perez, RPh (PH27757) Docket No. PHA-2010-0225

Motion DeVita/Walczyk to terminate approve petition and terminate suspension on Receipt of compliant MPRS report
Recused Trifone (not present for discussion or vote)
Approved

Jaime M. Masick – Pharmacy Intern Applicant

Board reviewed and approved job description for proposed position.

Mary C. Donatelli (PH25010) – Docket No. PH-05-113

Board reviewed and discussed reinstatement inquiry communications, letters (3) from treating professionals and other (NY program), related complaint file, MPRS information including recent evaluation, and *MPRS Contingent Surrender Agreement* (effective September 22, 2006) executed pursuant to the *Final Decision and Order* dated April 4, 2006 and prior MPRS Contract dated September 15, 2006.

Motion Walczyk/Young to advise that *MPRS Contingent Surrender Agreement* terms of 5 year MPRS participation and two years of screens prior to reinstatement petition apply after consideration of her history and particular circumstances.
Approved

10:55 a.m. **Motion Walczyk/Ryle to return to Open Session**
Approved