

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

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

March 5, 2021

Webex Information

Call in Number: 1-203-607-0564 or toll free 1-866-692-3580

Access Code: 178 321 6261

Attendee: #

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator, Phone: 617-624-5848 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.

Agenda

Time	#	Item	Page	Contact
8:00	I	CALL TO ORDER		J. Lanza
	II	APPROVAL OF AGENDA		
8:05	III	APPROVAL OF BOARD MINUTES <ul style="list-style-type: none">Draft of February 19, 2021 Regular Session Minutes		
8:10	IV	REPORTS <ul style="list-style-type: none">Applications approved pursuant to Licensure Policy 13-01Monthly report from probationBoard Delegated Review pursuant to Licensure Policy 14-02Above Action Levels approved by Staff Action 16-04PSUD Report-Policy 17-03		
8:20	V	APPLICATIONS <ul style="list-style-type: none">Anthony Biscotti; PH20426/NP20426(expired 2018) – Waiver		

8:30	VI	FLEX <ul style="list-style-type: none"> • Pharmacy issues related to Covid-19 and the state of emergency • NABP <ul style="list-style-type: none"> ○ NABP Interactive Forum Jan-2021 Update ○ Review of resolutions for the NABP Annual Meeting ○ Selection of Delegate and Alternate” for Annual Meeting 								
9:00	VII	REGULATIONS <ul style="list-style-type: none"> • Regulations status update 								
9:30	VIII	VIOLATION OF STAYED PROBATION <ul style="list-style-type: none"> • CVS #669; DS2846;TRG 17394 								
9:45	IX	FILE REVIEW <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">1</td> <td style="width: 30%;">SA-INV-17339</td> <td>Margaret Henderson, PH237214</td> </tr> <tr> <td style="text-align: center;">2</td> <td>PHA-2020-0090</td> <td>Ricky Chambers, DS237310</td> </tr> </table>	1	SA-INV-17339	Margaret Henderson, PH237214	2	PHA-2020-0090	Ricky Chambers, DS237310		
1	SA-INV-17339	Margaret Henderson, PH237214								
2	PHA-2020-0090	Ricky Chambers, DS237310								
10:00	X	ADJUDICATORY SESSION (M.G.L. ch. 30A, §18)								
10:15	XI	M.G.L. c. 112, § 65C SESSION		CLOSED SESSION						
10:45	XII	ADJOURNMENT								

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

MINUTES OF THE GENERAL SESSION

Via Remote WebEx Meeting

March 5, 2021

Board Members Present

Julie Lanza, CPhT, President
Sebastian Hamilton, Pharm D, RPh President-elect
Carly Jean-Francois, RN, NP Secretary
Dr. Richard Lopez, MD
Susan Cornacchio, JD, RN (Leaves meeting 9:51 AM)
Timothy Fensky, RPh
Andrew Stein, PharmD
Caryn Belisle, RPh, MBA
Jennifer Chin, RPh
Katie Thornell, RPh, MBA
Dawn Perry, JD (leaves meeting 9:00 AM)
Leah Giambarresi, Pharm D, RPh

Board Members Not Present

Board Staff Present

David Sencabaugh, RPh, Executive Director
Heather Engman, JD, Board Counsel
William Frisch, RPh Director of Pharmacy Compliance
Michelle Chan, RPh Quality Assurance Pharmacist
Richard Harris, Program Analyst
Ed Taglieri, MSM, NHA, RPh, PSUD Supervisor
Joanna Chow, Office Support Specialist
Joanne Trifone, RPh, Director of Investigator
Julienne Tran, PharmD RPh, Investigator
Gregory Melton, PharmD, JD, Investigator
Christina Mogni, RPh, Investigator

TOPIC I. Attendance by roll call:

CALL TO ORDER 8:01 AM

A quorum of the Board was present, established by roll call. President J. Lanza chaired the meeting and she explained that the Board of Pharmacy was recording the meeting.

Roll call attendance: J. Lanza, yes; Dr. Lopez, yes; S. Hamilton, yes; S. Cornacchio, yes; T. Fensky, yes; C. Belisle, yes; A. Stein; K. Thornell, yes; J. Chin, yes, D. Perry, yes; C. Jean-Francois, yes, L. Giambarresi, yes.

Topic II.

Approval of Agenda

TIME 8:02 AM

Agenda 3/5/21

DISCUSSION:

Change to Agenda:

No changes

ACTION:

Motion by L. Giambarresi, seconded by C. Belisle and voted unanimously by those present to approve the agenda with no noted changes by roll call vote.

Topic III

Approval of Board Minutes

TIME: 8:02AM

Minutes

1. Draft 2/19/21

Change: Update credentials on C. Belisle to RPh, MBA.

Action:

Motion by C. Belisle, seconded T. Fensky, and voted unanimously to approve the regular session minutes of 2/19/21 with noted change by roll call vote. Abstain: C. Jean-Francois, D. Perry, L. Giambarresi

Topic IV

Reports:

Applications approved pursuant to Licensure Policy 13-01

Time: 8:04 AM

Discussion: R. HARRIS noted Change of Managers applications and 2 Renovation applications approved pursuant to Licensure Policy 13-01.

So noted.

TOPIC IV

REPORTS

Monthly Report from Probation

Time: 8:04 AM

Discussion: R. HARRIS provided the February 4, 2021 – February 28, 2021 Board of Pharmacy Statistics Report for the Probation monitor, which noted that one (1) licensee was given the opportunity to cure; two (2) licensees satisfactorily completed probations and there are currently eighteen (18) licensees on probation.

So noted.

TOPIC IV
Monthly Report from BDR pursuant to Policy 14-02

REPORTS

Time: 8:04 AM

Discussion: D. SENCABAUGH noted that there were three (3) Board Delegated Review cases heard on February 18, 2021. All three (3) staff assignments were CE self-disclosures which were closed with discipline not warranted and remediation complete. The Board Delegated Review session was attended by Julie Lanza as the Board President, W. FRISCH Director of Pharmacy Compliance, H. ENGMAN as Board Counsel, and Executive Director D. SENCABAUGH.

So noted.

TOPIC IV
Above Action Levels Approved by Staff Action 16-04

REPORTS

Time: 8:05 AM

Discussion: N. ALEID noted that there was one (1) above action level report that has been remediated and closed since the last Board meeting pursuant to Licensure Policy 16-04.

So noted.

TOPIC IV
PSUD Report by Staff Action 17-03

REPORTS

Time: 8:05 AM

Discussion: E. TAGLIERI noted that there were twelve (12) active participants and no pending applications. Four Pharmacists have been reemployed to help with vaccinations.

So noted.

Topic V
1. Anthony Biscotti; PH20426/NP20426(expired 2018)

Applications:

Waiver

TIME: 8:10 AM

REPRESENTED BY: Anthony Biscotti; Paul Garbarini, Attorney
RECUSAL: None

DISCUSSION: Anthony Biscotti is requesting a waiver for the requirement to take the MPJE to reactivate his license. His Pharmacist and Nuclear Pharmacist license has not been renewed since 2018. Paul Garbarini stated his client was not able to renew by December 2020 due to losing his business and other catastrophic events; missing the renewal deadline by 28 days. He stated he has completed the required CE's.

D. Sencabaugh informed Anthony that he is able to temporarily reactivate his license using the Emergency Reactivation application under the Governors Order.

J. Lanza confirmed with Mr. Biscotti that he has not been practicing pharmacy in the last two years. For the past two years, he has been running a medical device company.

ACTION: Motion by T. FENSKY, seconded by C. BELISLE and voted unanimously by those present to deny the waiver.

TOPIC VI

Flex:

1. Pharmacy Issues Related to Covid-19 and State of Emergency **Time: 8:39 AM**

PRESENTED BY: D. SENCABAUGH

Nothing new to report.

2. NABP Interactive Forum January 2021 Update **Time: 8:39 AM**

PRESENTED BY: K. THORNELL, S. HAMILTON

Discussion: Items discussed at the forum included virtual inspections, retired licensee reactivation, and task forces. The task force updates were in regard to medication reuse, medication assisted treatment, the Memorandum of Understanding, and the scope of practice and competence assessment of pharmacy technicians.

So noted.

3. Review of resolutions for NABP annual meeting **Time: 8:39 AM**

PRESENTED BY: D. SENCABAUGH

Discussion: The annual meeting will be held virtually from May 12-14. A fee will be required this year, but the Board's chosen delegate and alternate will be able to attend free of charge. The resolutions are workplace safety, drug importation, just culture for medication errors, and a model act for future pandemics or natural disasters.

Action: Motion by A. STEIN, seconded by L. GIAMBARRESI, and voted unanimously by roll call by all those present to allow the chosen delegate or alternate to vote on the resolutions on behalf of the Board.

4. Selection of Delegate and Alternate for NABP annual meeting **Time: 8:39 AM**

PRESENTED BY: D. SENCABAUGH

Discussion: The Board must select a delegate and an alternate to represent, and vote on behalf of the Board at the NABP annual meeting.

Action: Motion by L. GIAMBARRESI, seconded by A. STEIN, and voted unanimously by roll call by all those present for S. HAMILTON to be the Board's delegate and C. BELISLE to be the alternate for the NABP annual meeting.

TOPIC VII**REGULATIONS****Regulation Status Update****Time: 8:52 AM****Presented by** W. FRISCH

Discussion: A few sections are almost ready to be promulgated including the new pharmacy licensing and professional practice standard draft regulations (247 CMR 6.00 and 9.00).

Due to upcoming changes in the USP chapters and additional efforts to streamline regulations, the drafts of the non-sterile and sterile regulations have been reworked. A second public hearing is proposed for these sections along with draft sections 247 CMR 2.00 (Definitions) and 247 CMR 13.00 (Nuclear Pharmacy) which have previously been approved by the Board.

Draft section 247 CMR 19.00 (Hazardous Drugs) has been deleted and its contents incorporated into the respective CMR sections.

Draft section 247 CMR 18.00 (Non-Sterile Compounding) will be brought before the Board for consideration at the March meeting.

Draft section 247 CMR 17.00 (Sterile Compounding) is planned to be brought forward at the April meeting for the Board's consideration.

At a future meeting, Board staff will propose a consolidation of sections 247 CMR 3.00 (pharmacist licensing), 4.00 (CE requirements), and 8.00 (interns and technician licensing) for consideration.

D. Perry leaves meeting at 9:00 AM

TOPIC VIII**Violation of Stayed Probation:****1. TRG-17394 CVS #669 DS2846****Time: 9:05 AM**

Presented by: Karen Fishman

Recusal: Susan Cornacchio/Francesca

Discussion: Violation of 1 year stayed probation agreement (1/28/2020 to 1/28/2021) for an unknown loss of lorazepam 1 mg tablets on 6/12/2019 with standards terms and conditions for CIII-CV unknown loss. On 1/8/2021, an untimely RLCS was received for a loss of lorazepam 0.5mg tablets on 11/30/2020.

Action: Motion was made by T. Fensky and seconded by A. Stein and approved unanimously by roll call vote to issue a notice of a violation of the stayed probation and lift the stayed probation converting to a 1-year probation, extending the term by 1 additional year, and adding weekly counts of Lorazepam products and to continue with 30 day counts of other benzodiazepines.

Topic IX**File Review:**

Case #1

SA-INV-17339

Margaret Henderson, PH237214

Time: 08:57 AM

RECUSAL: NONE

DISCUSSION: C. MOGNI presented and summarized the investigative report that pertained to these matters.

- The BORP received a NABP Clearinghouse Report of an Agreed Order dated 10/22/2020 for discipline of an administrative fine of \$500.00 and the requirement of remediation 4 CEs by the Kentucky BOP for completing only 13 of 15 CEs in 2019. A review of Pharmacist Henderson's NABP CPE Monitor Profile for 2019 showed she was deficient 7 CEs including 5 live CEs for the MA requirements but did complete 2 law CEs in 2019. Her profile showed in 2020 she completed 51.5 CEs including 10.5 live and 3 law.
- On 2/8/2021, Pharmacist Henderson responded she did not engage in or oversee any compounding or administration of immunizations in 2019 or 2020 and did not participate in a CDTM practice. She currently resides in CO obtained licensure in MA for a previous employer. Pharmacist Henderson was unaware of the MA specific CE requirements and thought they followed the same requirements as CO for renewal every two years even though CO requires 15 CEs be completed each year 1/1 to 12/31.
- Pharmacist Henderson provided a statement indicating that 7 CEs, including 5 live CEs, from the 51.5 CEs completed in 2020 would be applied as remediation of her deficiency for 2019. Pharmacist Henderson apologized for the oversight.

ACTION: Motion by L. GIAMBARRESI, seconded by T. FENSKY, and voted unanimously by those present, to CLOSE the matter (SA-INV-17339), No Discipline Warranted, Remediation Complete.

Case #2

PHA-2020-0090

Ricky Chambers, PH237310

Time: 09:01 AM

RECUSAL: T. FENSKY recused and was not present for the discussion or vote in this matter.

DISCUSSION: J. TRAN presented and summarized the investigative report that pertained to these matters.

- Investigation against Pharmacist Ricky Chambers after BORP was notified by the National Association of Boards of Pharmacy (NABP) that he was disciplined by the North Carolina Board of Pharmacy (NCBOP) and the Louisiana Board of Pharmacy (LBOP).
- On March 27, 2020, the North Carolina Board summarily suspended Pharmacist Chambers' license to practice, finding that Pharmacist Chamber's gross negligence in allowing the condition of the pharmacies he owned to deteriorate to a dangerous condition, and the risk that he might seek to practice himself in those pharmacies constituted an imminent threat to the public health and safety.
- Subsequently, effective May 14, 2020 Pharmacist Chambers' license in Louisiana was suspended as a result of reciprocal discipline.
- Pharmacist Chambers indicated that although he had cash flow difficulties in the months prior to the NCBOP decision, patients did not go without medication. The pharmacy would procure drugs from

the primary wholesaler, procure from another local pharmacy with applicable paperwork, or transfer the prescription to another pharmacy.

- Pharmacist Chambers noted that he was working with outside investors to purchase an equity position within the company so that he could secure additional funds to help pay for inventory and payroll. However, he reported that with the pandemic, it caused delays with securing funds from investors and or lending sources.
- At the January 2021 NCBORP meeting, Pharmacist Chambers entered into an updated consent agreement vacating the summary suspension and making his NC pharmacist license inactive.

ACTION: Motion by L. GIAMBARRESI, seconded by S. HAMILTON, and voted unanimously by those present, to DISMISS the matter (PHA-2020-0090), No Discipline Warranted.

Topic X: **Adjudicatory Session Call to Order:** **Time: 9:18 AM**
By: J. Lanza

ACTION: Motion by, L. Giambarresi, seconded by C. Jean-Francois, all voted affirmatively by those present to enter adjudicatory session.

Roll call attendance: J. Lanza, yes; Dr. Lopez, yes; S. Hamilton, yes; S. Cornacchio, yes; T. Fensky, yes; C. Belisle, yes; A. Stein; K. Thornell, yes; J. Chin, yes, C. Jean-Francois, yes, L. Giambarresi, yes.

Topic VII: **65C Sessions MGL c. 112 section 65C** **Time: 9:29 AM**

DISCUSSION: None

ACTION: President J. Lanza request a motion to enter 65C.

At 9:29 AM T. Fensky, seconded by J. Chin and voted unanimously by all those present to enter 65C by roll call vote.

S. Cornacchio leaves meeting at 9:51 AM

Topic VIII **ADJOURNMENT OF MEETING** **TIME: 10:13 AM**

ACTION: Motion by L. Giambarresi seconded by C. Jean-Francois and voted unanimously by those present, to adjourn from General Session by roll call vote.

EXHIBITS USED DURING THE OPEN SESSION OF THE MEETING

1. Draft Agenda of the 3/5/21 General Session
2. Draft Minutes of the 2/19/21 Meeting
3. Report on Applications approved pursuant to Licensure Policy 13-01
4. Report on probation
5. Report on Board Delegated Complaint Review to licensure policy 14-02

6. Report on Above Action Levels approved by Staff Action 16-04
7. Report on PSUD 17-03
8. Applications: Anthony Biscotti; PH20426/NP20426 waiver request
9. Pro Care Pilot Project presentation
10. CVS #669; DS2846; TRG-17394
11. SA-INV-17339 Margaret Henderson, PH237214
12. PHA-2020-0090 Ricky Chambers, DS237310

Respectfully Submitted,
Carly Jean-Francois, NP, Secretary