

**BOARD OF REGISTRATION IN PHARMACY**  
**MEETING MINUTES**  
**TUESDAY APRIL 14, 2009**  
**239 CAUSEWAY STREET, ROOM 204**  
**BOSTON, MA 02114**

**Present:** James DeVita, R.Ph., Sophia Pasedis, R.Ph., Pharm.D., George Cayer, R.Ph., Kathy Fabiszewski, N.P., Ph.D., Donald Accetta, M.D., Michael Tocco, R.Ph., M.Ed., Stanley Walczyk, R.Ph., Joanne Trifone, R.Ph.

**Absent:** William Gouveia, R.Ph., M.S., Steven Budish, Public Member

**Staff:** James D. Coffey, R.Ph., Director, Margaret C. Cittadino, Associate Director, Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., QA Surveyor, Carolyn Reid, Admin. Asst., Samuel Penta, R.Ph., Superv. Inv., James Emery, Inv., Cheryl Latham, Inv.

1. 8:30 a.m. CALL TO ORDER  
Pres. DeVita called meeting to order.
2. 8:35 a.m. Review of Disposition of Complaint Process and Dispositions  
Dir. Coffey, QA Surveyor McKenna, Investigator Penta and Board Counsel Manning reviewed the administrative process and dispositions (disciplinary and non-disciplinary) regarding investigation and Board review of complaints.
3. 9:00 a.m. REVIEW/ADOPTION OF BOARD MINUTES - Tabled
4. 9:05 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications  
– Assoc. Dir. Cittadino

**Nuclear Pharmacist**

Serge Lyashchenko, R.Ph. ( Pharmacist Lic. No. 232436)

Donnia H. Alexander, R.Ph. ( Pharmacist Lic. No. 26845)

**Change of Manager**

CAPS Pharmacy, Woburn (Reg. No. 3312)

CVS 1011, Danvers (Reg. No. 3537)

CVS 1010, Medford (Reg. No. 1530)

CVS 23, Haverhill (Reg. No. 23965)

Hannaford Food and Drug, Chelmsford (Reg. No. 2677)

Hannaford Food and Drug, Kingston (Reg. No. 3404)

Integrity Pharmacy, Hopkinton (Reg. No. 89643)

New England Home Therapies, Southborough (Reg. No. 3486)

Rite Aid 10126, Westford (Reg. No. 3153)

Rite Aid 10061, West Springfield (Reg. No. 1089)

**New Retail Pharmacy**

CVS 1531, proposed 945-947 Providence Highway, Dedham, MA

**Renovation/Expansion and Relocation**

CVS 1132 (Renovation/Expansion), Newburyport (Reg. No. 1734)

CVS 20 (Relocation) FROM 51 Marionno S. Bishop Blvd. Fall River  
TO 245 William Canning Blvd., Fall River

Motion/Trifone to approve applications, subject to compliant inspections and noted conditions. Second/Cayer. All in favor.  
DeVita and Tocco recused from all above CVS applications.

5. 9:10 a.m. UPDATES - Dir. James D. Coffey

√ Continuing Education Programs

6. 9:20 a.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator;  
James C. Emery, Investigator; Cheryl Lathum, Pharm.D., R.Ph.,  
Investigator Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

Joseph Ward, PHA2009-0034. Motion/Walcyzk refer to Prosecution (no response). Second/Trifone. All in favor.

7. 10:00 a.m. INVESTIGATIVE CONFERENCE

DeVita and Tocco recused – exited meeting room.

CVS/pharmacy 1238, Medfield (No. 2058) - Complaint Docket

Nos. PHA- 2008-0019, PHA-2009-0006 and PHA-2009-0014

Pauline R. Murray, R.Ph., MOR (Pharmacist No. 15173), Cheryl R. King  
(Technician No. 237)

Complaints allege that pharmacy failed to fill a prescription (September 10, 2008) properly by dispensing dispensed both Cozaar 50 mg and 100mg tablets in a vial when Cozaar 50 mg tablets were prescribed.

Present: Murray, King, Bruce Kaplan, Pharmacy Supervisor, William Irwin, Director, Regulatory Compliance, Vincent Zammiello, Pharmacy Supervisor

MOR stated corrective measures implemented include separating different strengths of Cozaar on the shelf with blue dividers; checking each stock bottle to verify NDC number; and emptying stock bottles in the basket with the vial.

Motion/Cayer to take matter under advisement. Second/PasedisAll in favor.

Following discussion - MOR: Motion/Cayer Dismiss with Advisory Letter. Second/Walczyk. All in favor.

Technician: Motion/Cayer Dismiss with Advisory Letter. Second/Walczyk.

All in favor.

Drugstore: Motion/Cayer Dismiss with Advisory Letter with recommendation to validate manufacturer's stock bottle. Second/Walczyk. All in favor.

8. 10:45 a.m. INVESTIGATIVE CONFERENCE

DeVita and Tocco recused – not present in meeting room.

CVS/pharmacy 4471, Springfield (No. 3552)

Complaint Nos. 20080818-DS-007 and 20080926-PH-042

Paulo L. Roxo, R.Ph., MOR (No. 21904), Stephen C. Connors, R.Ph. (No. 16819), Johanna Sanchez (Technician No. 472)

Complaint alleged pharmacy failed to properly fill Amoxicillin, Ibuprofen and Acetaminophen prescriptions for a pediatric patient for (June 17, 2008).

Present: Roxo, Connors, Sanchez, Jane Boyd, Pharmacy Supervisor

Extended discussion of processes related to three prescriptions filled for this pediatric patient and possible processes that caused or contributed to the misfills (prescriptions dispensed were not returned to pharmacy).

Motion/Cayer to take matter under advisement. Second/Pasedis. All in favor.

After discussion, Drugstore: Motion/Budish to propose Reprimand. Second//Walczyk. All in favor.

MOR: Motion/Trifone to propose Reprimand. Second/Cayer. All in favor.

Pharmacist: Motion/Cayer to propose Reprimand with two continuing education units (medication errors). Second/Walczyk. All in favor.

Technician: Motion/ Cayer Dismiss with Advisory Letter. Second/Pasedis. All in favor.

11:25 a.m. DeVita and Tocco returned to meeting room

9. 11:30 a.m. REPORT OF OFFICE OF GENERAL COUNSEL

Pending Legal Matters - Susan Manning, Board Counsel

Review and Discussion of Complaint Closed Session (M.G.L. c. 112, s. 65C and c. 30A, s. 11A) and Other Matters

11:30 a.m. Motion/Trifone to enter into Closed Session. Second/Walczyk. All in favor.

12:00 Motion/Trifone to return to Open Session. Second/Walczyk. All in favor.

Matters of Jerry Campagna, R.Ph. (Docket No. PH-03-043) and Gerald Liberfarb, R.Ph./Bourne Pharmacy (Docket Nos. Ph-06-011 and DS-06-074).

Motion Accetta to designate Mitch Goldstein to continue to act in above matters as administrative hearings counsel after he leaves employ of the

DPH/Division of Health Professions Licensure to provide proposed final decision and order to the Board. Second/ Fabiszewski. All in favor.

Matter of Justin Ward (Pharmacy Technician no. 8854 (Exp. June 18, 2009).

Trifone recused – exited meeting room

Motion /Cayer to seek surrender and summarily suspend if no surrender.  
Second/Pasedis. All in favor.

Trifone returned to meeting room

10. 12:00 p.m. PRESENTATION - ASTERES, Inc./ ScriptCenter®

Robert Hansen, Pharm.D., Vice President, Pharmacy Services, conducted presentation highlighting features and capabilities of ASTERES, Inc. automated dispensing product ScriptCenter®.

11. 12:30 p.m. LUNCH

12. 1:30 p.m. NEW PHARMACY APPLICATION/Appearance

Holyoke Health Center, Inc. d.b.a Chicopee Health Center  
Pharmacy – Proposed: 505 Front Street, Chicopee, MA 01013

Present: Linda Robins, R.Ph., Proposed MOR, Tracey Applebee-Cole,  
R.Ph., Director.

Motion/Walczyk to approve application. Second/Tocco. All in favor.

13. 2:00 p.m. NEW PHARMACY APPLICATION/Appearance

Health First Pharmacy, Inc. – Proposed: 1670 Commonwealth Avenue,  
Boston, MA 02135

Present: Alla Kesler, R.Ph., Proposed MOR, Paul M. Garbarini, Esq.,  
Alexander Maydan, Store Manager

Motion/Pasedis to approve application. Second/Walczyk. All in favor.

14. FLEX DISCUSSION

**New Business**

**Individual Applications**

- a) Ryan Bradley Dull - Pharmacist  
Motion/DeVita to refer for evaluation. Second/Trifone. All in favor.
- b) Matthew John Austin - Technician  
Motion/Trifone to schedule appearance. Second/Walczyk. All in favor.
- c) Jose Batista Nobrega - Reciprocal Pharmacist Applicant  
Motion/Tocco to approve. Second/Pasedis. All in favor.

- d) Alexandria D. Romano - Intern  
Motion/Pasedis to refer for evaluation. Second/DeVita. All in favor.

**Consent Agreement**

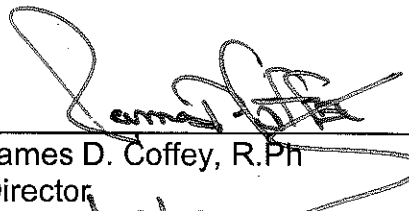
- e) David W. Trinks, R.Ph., Pharmacist Lic. No. 19795 /Exp. 12/31/2004) -  
Complaint No. PH-05-025 - Petition for termination of suspension/  
conversion to probation.  
Motion/Walczyk to change status to probation. Second/Trifone.  
All in favor.

**Old Business**

- a) Continuation of discussion – May 12, 2009 recognition ceremony –  
former Board member Marilyn Barron

15. 2:30 p.m. Motion/DeVita to adjourn meeting. Second/Trifone. All in favor.

Respectfully submitted by:

  
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James D. Coffey, R.Ph  
Director  
Date: 7/22/09

Reviewed by Counsel: July 10, 2009  
Draft approved: July 10, 2009  
Board approved: July 21, 2009

BOARD OF REGISTRATION IN PHARMACY  
CLOSED SESSION MINUTES  
(G.L. c. 112, s. 65C and G.L. c. 30A, s. 11A)  
TUESDAY April 14, 2009  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MA 02114

11:30 a.m. Motion/DeVita to enter Closed Session. Second/Trifone. All in favor.

Tocco and DeVita recused – exited meeting room.

- a) CVS/pharmacy Agreement dated February 9, 2006 – Review and Discussion

11:45 a.m. DeVita and Tocco returned to meeting room.

Cayer recused – exited meeting room.

- b) North Shore Pharmacy Services, Inc. – Omnicare Inc., Wakefield (No. 3009) review of complaints (Docket Nos. DS-0729-006, DS-08-012, DS-08-014, DS-08-019, DS-08-042, DS-08-043, DS-08-093, 20080818DS010 and 20080818DS010) following 2/24/09 Investigative Conference.

Board to propose revised consent agreement terms to resolve complaints.

11:55 a.m. Cayer returned to meeting room.

Updates provided on Meetinghouse Pharmacy/Badwin Ihenacho, R.Ph. matters (Docket nos. 2008 1023 DS 024 and 2008 1023 PH 054).

12:00 Motion/Trifone to return to Open Session. Second/Walczyk. All in favor.

Reviewed by Counsel: July 10, 2009  
Draft approved: July 10, 2009  
Board approved: July 21, 2009