

**BOARD OF REGISTRATION IN PHARMACY  
MINUTES: PHARMACY BOARD MEETING  
TUESDAY, APRIL 04, 2006  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS 02114**

**Present:** George Cayer, R.Ph., Karen Ryle, R.Ph., M.S., James DeVita, R.Ph., Marilyn M. Barron, MSW, Public Member, William Gouveia, R.Ph., M.S., Sophia Pasedis, R.Ph., Pharm.D., Joel Berman, R.Ph., Steven Budish, Public Member, Kathy Fabiszewski, R.N., Ph.D., and Donald Accetta, M.D.

**Absent:** Harold Sparr, R.Ph., M.S.

**Staff:** Charles R. Young, R.Ph., Exec. Dir., James Coffey, R.Ph., Assoc. Dir., Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Adm. Asst., Sam Penta, R.Ph., Inv. Superv., and James Emery, C.Ph.T., Inv.

1. 8:35 a.m. - Pres. Cayer called meeting to order.
2. 8:35 a.m. - Review of minutes from a previous meeting
3. 8:40 a.m. to 9:45 a.m. - File Review  
Office of Investigations: Investigators Emery and Penta
4. 9:45 a.m. to 10:00 a.m. – Office of General Counsel
  - a) Board Counsel Susan Manning – Pending legal matters9:50 a.m. Motion/Cayer to enter Adjudicatory Session. Second/DeVita.  
Unanimous in favor.

DeVita – Recused (exited meeting room)

In the matter of Kenneth P. Spencer (Pharmacy Technician Reg. No. 5325/Exp. 10/13/05) - Docket No. PH-PT-05-118.

After review and discussion, Motion/Cayer to adopt Proposed Final Decision and Order by Default and revoke right to renew technician registration. Second/Ryle. Unanimous in favor.

In the Matter of Christopher Wilcox, R.Ph. (Reg. No. 21858) –  
Docket No. PH-04-030; Final Decision and Order issued 2/15/06.  
Board reviewed Petition to Stay Suspension and Final Decision.

Motion/Cayer deny petition. Second/Berman. Unanimous in favor.

In the matter of Mary C. Sacco, R.Ph. (Lic. no. 25010); Docket No. PH-05-113. Board reviewed proposed Final Decision and Order issued by DHPL Hearings Counsel Beverly Kogut after Sanction Hearing). Motion/Ryle to adopt proposed Final Decision and Order with revisions and refer licensee for evaluation. Second/DeVita. Unanimous in favor.

10:15 a.m. Motion/Cayer to return to Open Session. Second/Ryle. Unanimous in favor.

5. 10:15 a.m. to 10:30 a.m. - Inv. Conf. DS-06-126  
In the Matter of Maida Pharmacy, 121 Massachusetts Ave., Arlington, MA (Pharmacy Reg. No. 2822) and MOR- Lawrence G. Maida, R.Ph. (Lic. No. 14275).

Complaint alleged failure to maintain adequate pharmacy department security of controlled substances to prevent diversion. Inv. Penta inspected pharmacy on February 13, 2006.

CEs: complaint

Registrant agreed with investigative report findings (Penta) of failure to maintain adequate pharmacy department security of controlled substances to prevent diversion. Registrant noted greater concern with armed robbery v. employee theft. Controlled substances were stored in unlocked drawers. Restroom is located in the pharmacy area. Perpetual inventory was not maintained for two years.

Motion/Berman to take matter under advisement. Second/Budish. Unanimous in favor.

Drugstore (MOR): Motion/Gouveia to seek one year probation, terminate MOR position, with reinspection w/in 90 days. Second/Pasedis. Unanimous in favor.

6. 10:30 a.m. to 11:00 a.m. - Inv. Conf. DS-05-105  
In the matter of Brooks Pharmacy #331, 51 Tremont St., Taunton, MA (Pharmacy Reg. No. 2574) and MOR Mark W. Giambanco, R.Ph., (License No. 21656).

Complaint alleged pharmacy refused to refill a prescription due to a one-day early refill policy.

CEs: MOR - compliant

Present: Registrant, Steven Horn, Ann Marie Anderson, Esq.

Giambanco stated the pharmacy enforced a no early refill policy for controlled substance refills without exceptions.

Motion/DeVita take matter under advisement. Second/Ryle.

Unanimous in favor.

Motion/Gouveia to issue Advisory Letter advising of need to review each case individually and use professional judgment, recommend two hours of continuing education in pain management.

Second/Accetta. In favor: Cayer, Ryle, DeVita, Budish, Pasedis, Berman, Barron, Accetta, Gouveia. Opposed: Fabisewski.

7. 11:00 a.m. to 11:25 a.m. - Inv. Conf.: PH-06-052  
In the matter of Rafi Manoukian, R.Ph. (License No. 17444).

Complaint alleged failure to meet CE requirements.

CEs: 2003: compliant

2004: deficient 6.5 hours (no live, no law)

2005: compliant

Registrant acknowledged 2004 shortage and apologized for waiting so long to complete requirements.

Motion/DeVita issue an Advisory Letter, complete Pharmacist Self-Assessment Mechanism (PSAM), complete 15 live and 6 law CE credits and provide by 2006. Second/Gouveia. Unanimous in favor.

8. 11:30 a.m. to 12:10 p.m. - Inv. Conf.: DS-06-096  
and PH-06-046  
In the matter of Pharmacy Lakaye (formerly at 1262 Hyde Park Ave., Hyde Park, MA 02134 (Pharmacy Reg. No. 3024/Reg. surrendered eff. 12/7/05) and Legrand Halbert Norvin II, R.Ph. (Lic. No. 23468).

Complaint alleged controlled substance violations while Norvin operated the pharmacy.

CEs: compliant

Present: Norvin, Bryan Connell, Esq.

Norvin stated that due to a fire adjacent to the pharmacy (with resulting water damage), he closed the pharmacy and transferred controlled substances for storage at his residence.

Motion/Pasedis take matter under advisement. Second/Gouveia.

Unanimous in favor.

Motion/Cayer issue an Advisory Letter and complete MPJE within six months. Second/Pasedis. Unanimous in favor.

9. 12:15 p.m. to 12:35 p.m. – New Business
  - a) Sheila K. Reiss, R.Ph., M.S. (Lic. No. 26248). Inquiry re: 2005 CE. Motion/Pasedis to complete 30 hours by 12/31/06. Second/Barron. Unanimous in favor.
  - b) In the matter of Stephen G. Roberge, R.Ph. (Docket No. PH-96-06) (Pharmacist Lic. No. 1731/Susp. 02/12/1996) – Reinstatement inquiry. Motion/DeVita – NAPLEX, MPJE and MPRS assessment. Second/Pasedis. Unanimous in favor.
  - c) Randy Lee Ensley, R.Ph. (NC pharmacist): Reciprocal applicant. Motion/Cayer to deny. Second/ Ryle. Unanimous in favor.
10. June 06, 2006 meeting: - to be held at Northeastern University.
11. 12:35 p.m. to 12:45 p.m. – Old Business

In the matter of New England Compounding Center (Reg. No. 2848) (Docket Nos. DS-03-055 & DS-05-040 and Barry J. Cadden (Lic. No. 21239) (Docket No. PH-03-066). Recused: Pasedis.  
Review of evaluator report.
12. 12:45 p.m. to 1:45 p.m. – Lunch
13. 1:45 p.m. to 2:20 p.m. - Inv. Conf. DS-06-096 and PH-06-048

In the matter of Louis & Clark Drug Store #572, 490 Page Blvd., Springfield, MA (Reg. No. 2543) and James M. Muzzy, R.Ph. (Lic. No. 22318)

Complaint alleged that on or about August 16, 2005, Muzzy dispensed Chloral Hydrate Liquid 500mg/5ml rather than the prescribed Lithium Citrate Liquid while employed at Louis & Clark Drug Store #572. The Chloral Hydrate Liquid 500mg/5ml was allegedly refilled by Muzzy on September 10, 2005.

CEs: compliant

Present: Muzzy, Tracey Applebee-Cole, VP of Professional Health Services

Registrant admitted dispensing Chloral Hydrate Liquid 500mg/5ml rather than the prescribed Lithium Citrate Liquid. Registrant stated data was entered by a pharmacy technician (cannot identify the pharmacy technician) and that technician took wrong stock bottle from shelf.

Corrective actions implemented described as: all new prescription data entry must be verified by pharmacist and technician; lithium citrate and chloral hydrate have been separated so that they are no longer in close proximity; and private password for pharmacists.

Pharmacist: Motion/Ryle to issue Advisory Letter, complete two hours of CEs in Medication Error Prevention, and file USP Medication Error Report Form. Second/Pasedis. Unanimous in favor.

Drugstore: Motion/Pasedis to issue Advisory Letter. Second/DeVita. Unanimous in favor.

14. 2:20 p.m. to 2:40 p.m. - Board Quality Assurance Surveyor Leo McKenna, R.Ph. provided update on Mass Coalition for Prevention of Medical Errors "Accountability Project".
15. 2:40 p.m. Motion/DeVita to adjourn meeting. Second/ Ryle. Unanimous in favor.

Respectfully submitted by:



Charles R. Young, R.Ph.  
Executive Director

Date: 6.30.2006

Reviewed by counsel: May 30, 2006

Draft approved: June 6, 2006

Board approved: June 6, 2006

**BOARD OF REGISTRATION IN PHARMACY  
ADJUDICATORY SESSION MINUTES  
TUESDAY, APRIL 4, 2006  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS 02114**

In the Matter of Kenneth P. Spencer, R.Ph. (Pharmacy Technician Reg. No. 5325/Exp. 10/13/05). Review and discussion of Proposed Final Decision and Order by Default.

In the Matter of Mary C. Sacco, R.Ph., (License No. 25010) Review and discussion of Proposed Final Decision and Order after Sanction Hearing with Hearings Counsel Beverly Kogut.