

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

BOARD OF REGISTRATION IN PHARMACY
MEETING AGENDA

August 16, 2011

239 Causeway Street

4th Floor, Rooms 417A and B

Boston, Massachusetts

1. 8:30 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.
 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 (19)
CVS 73, 194 Main Street, Amesbury (DS2366)
CVS 1252, 874 Harrison Avenue, Boston (DS3612)
CVS 00610, 10 Sarah's Way, Fairhaven (DS02719)
CVS 1306, 220 Maple Street, Middleton (DS3559)
CVS 1132, 13 ½ Pond Street, Newburyport (DS1734)
CVS 02377, 2253 State Road, Plymouth (DS3090)
CVS 01867, 517 State Road, Plymouth (DS89648)
CVS 957, 928 Riverdale Street, West Springfield (DS98776)
CVS 2055, 10 Main Street, Tewksbury (DS2594)
Harvard Neighborhood Pharmacy, 632 Blue Hill Avenue, Dorchester (DS89725)
K-Mart Pharmacy 4444, 140 Whalon Street, Fitchburg (DS2005)
Pawtucket Pharmacy, 65 School Street, Lowell (DS89)
Rite-Aid 10128, 158 Lewis Street, Lynn (DS2568)
Rite-Aid 10117, 525 Turnpike Street, North Andover (DS3128)
Rite-Aid 10083, 250 Central Street, Winchendon (DS2457)
Target Pharmacy T 1281, 250 Fortune Boulevard, Milford (DS2992)
Target Pharmacy T 1930, 91 Taunton Street, Plainville (DS3376)
Wal-Mart Pharmacy 10 2904, 700 Oak Street, Brockton (DS2977)
Wal-Mart Pharmacy 10 2267, 137 West Boylston Street, West Boylston (DS2757)
 - Relocation of a Community Pharmacy (1)
Allcare Pharmacy, 12 Plymouth Street, Worcester FROM 85 Green Street, Worcester (DS3602)
 - Relocation of a Wholesale Distributor (1)
APEX Medical Products, Inc. 709 Washington Street, Weymouth FROM 13 Mount Vernon Avenue, Braintree (WD426)
 - Renovation Expansion (1)
Rite Aid 10140, 184 Lincoln Street, Hingham (DS2395)
 - Closing (1)
Shamrock Medical Solutions Group, 250 Revolutionary Drive, East Taunton (WD467).
Complete inventory transferred to Shamrock's 741 Radio Drive, Ohio facility.

4. 8:45 a.m. UPDATES

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

- Expedited Partner Therapy (EPT) regulations
- Board Dispositions

5. 8:55 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

6. 10:15 a.m. DISCUSSION

- Pain Management Policy (2009-01) Update – MGL c.94C s. 18(e) Re educational mandate related to prescriptive practice
- Advisory related to mandatory education requirement for all prescribers

7. 10:30 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. 11A1/2 and 18]

- Matter of Michael J. Donnelly (PT10269) Docket No. PHA-2011-0059: Review of proposed *Final Decision and Order by Default* (CVS/pharmacy)
- Matter of Christine A. Hernandez (PH23856) Docket No. PHA-2011-0057 – Motion for Reconsideration (CVS/pharmacy)
- Matter of Claudia L. Dineen, (PT5187) Docket No. PHA-2011-0099 – Motion for Reconsideration
- Matter of John P. Bispo – Pharmacy Technician Applicant Approve/Deny

8. 11:00 a.m. INVESTIGATIVE CONFERENCE

(a) CVS/Pharmacy #114, Waltham (DS2821) – Docket No. PHA20110122 – Paul M. Barbaro, R.Ph. (PH21075) and Marta J. Fajardo, Pharmacy Technician (PT3005)

Complaint (Pharmacy Report of Improper Drug Dispensing) alleges that on or about March 09, 2011, CVS/pharmacy #114, Waltham failed to fill a prescription properly for Coumadin 1mg.

(b) CVS/Pharmacy #114, Waltham (DS2821) – Staff Assignment No. SAINV1582 – Manager of Record, Helen Tengkawan, R.Ph. (PH232560)

Complainant alleges that on diverse occasions the Pharmacy failed to fill prescriptions properly to include incorrect quantity dispensed (OxyCodone®), incorrect labeling related to designated prescribing practitioner and incorrect labeling on a prescription

Investigator: William E. Frisch, Jr., R.Ph.

9. 11:45 a.m. INVESTIGATIVE CONFERENCE

Wal-Mart Pharmacy #10-2174, Westfield (DS2748) – Docket No. PHA20110022
David E. Sager, R.Ph. (PH15972) – Docket No. PHA20110070

Complaint alleges that on or about October 11, 2010, Wal-Mart Pharmacy #10-2174, Westfield failed to fill a prescription properly for Metformin 500mg.

Investigator: William E. Frisch, Jr., R.Ph.

10. 12:15 p.m. DISCUSSION

- Matter of Rite Aid Corporation and the 15 Minute Prescription Guarantee

11. 12:30 p.m. LUNCH

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

QUALITY RX PHARMACY, INC.

Proposed: 1260 River Street, Hyde Park, Massachusetts

Present: Yana Minzberg, R.Ph.(PH23687) proposed Manager of Record;
Alexander Mayden, President and Paul M. Garbarini, R.Ph., Esq.

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

Approve ☐ Deny ☐

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

WEGMANS FOOD MARKET, INC.

Proposed: 9102 Shops Way, Northborough, Massachusetts

Present: Bethany M. Ingram, R.Ph.(PH27609), proposed Manager of Record;
Andrew Felter, Pharmacy Operations Manager (Corporate); and Michael Scozzaro-
Pharmacy Hub Store Coordinator (Corporate)

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

Approve ☐ Deny ☐

14. 2:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

AZEE PHARMACY AND MEDICAL SOLUTIONS, INC.

Proposed: 25 Marston Street, Lawrence, Massachusetts

Present: Michael McNamara, R.Ph.(PH23534) proposed Manager of Record;
Joseph McDonough RN., MSN, Administrator (Corporate) and Victor Fournier,
R.Ph., Operations Supervisor

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

Approve ☐ Deny ☐

15. FLEX DISCUSSION

A. NEW BUSINESS

Applications

1. Stuart Ward (PH14688/Exp. 12/31/1984) – Reinstatement inquiry
2. Jeffrey Robert Kaufhold – Reciprocal Pharmacist Application
Approve/Deny
3. David Peter Reardon – Reciprocal Pharmacist Application
Approve/Deny
4. Erica Jane Lachance – Pharmacy Intern Application
Approve/Deny
5. Mariano Mario Santiago – Pharmacy Technician Application
Approve/Deny

16. 3:00 p.m. DISCUSSION

- October 2011 NABP/AACP District I & II Annual Meeting to be hosted by Massachusetts:

17. INFORMATIONAL ITEMS (FYI)

18. 3:30 p.m. ADJOURNMENT

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES**

August 16, 2011
239 Causeway Street
Boston, Massachusetts

**Board Members
Present**

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

**Board Members
Absent
Staff Present**

Sophia Pasedis, R.Ph.

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; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Latham R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; William E. Frisch, Jr., R.Ph., Investigator, and Andrew Coelho, Mass. College of Pharmacy Intern

1. 8:30 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
Motion Trifone/Tocco to adopt May 10, 2011 minutes
Approved
3. 8:40 a.m. APPLICATIONS and Other Notices (no handout/applications on file)
Assoc. Dir. Margaret Cittadino

Change of Manager

CVS 73, 194 Main Street, Amesbury (DS2366)
CVS 1252, 874 Harrison Avenue, Boston (DS3612)
CVS 00610, 10 Sarah's Way, Fairhaven (DS02719)
CVS 1306, 220 Maple Street, Middleton (DS3559)
CVS 1132, 13 1/2 Pond Street, Newburyport (DS1734)
CVS 02377, 2253 State Road, Plymouth (DS3090)
CVS 01867, 517 State Road, Plymouth (DS89648)
CVS 957, 928 Riverdale Street, West Springfield (DS98776)
CVS 2055, 10 Main Street, Tewksbury (DS2594)
Harvard Neighborhood Pharmacy, 632 Blue Hill Avenue, Dorchester (DS89725)
K-Mart Pharmacy 4444, 140 Whalon Street, Fitchburg (DS2005)
Pawtucket Pharmacy, 65 School Street, Lowell (DS89)
Rite-Aid 10128, 158 Lewis Street, Lynn (DS2568)
Rite-Aid 10117, 525 Turnpike Street, North Andover (DS3128)
Rite-Aid 10083, 250 Central Street, Winchendon (DS2457)
Target Pharmacy T 1281, 250 Fortune Boulevard, Milford (DS2992)
Target Pharmacy T 1930, 91 Taunton Street, Plainville (DS3376)
Wal-Mart Pharmacy 10 2904, 700 Oak Street, Brockton (DS2977)

Wal-Mart Pharmacy 10 2267, 137 West Boylston Street, West Boylston (DS2757)

Relocation of a Community Pharmacy

Allcare Pharmacy, 12 Plymouth Street, Worcester FROM 85 Green Street, Worcester (DS3602),

Relocation of a Wholesale Distributor

APEX Medical Products, Inc., 709 Washington Street, Weymouth FROM 13 Mount Vernon Avenue, Braintree (WD426),

Renovation Expansion

Rite Aid 10140, 184 Lincoln Street, Hingham (DS2395)

Closing

Shamrock Medical Solutions Group, 250 Revolutionary Drive, East Taunton (WD467).
Inventory transferred to Shamrock Ohio facility.

Motion Cayer/Ryle to approve applications

Recused Tocco and DeVita for CVS

Approved

4. 8:45 a.m. **UPDATES**

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

- Expedited Partner Therapy (EPT) regulations
- Board Dispositions

5. 8:55 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-2011-0185 Brian Keith Franklin PT13227	Motion Cayer/Tocco to issue <i>Temporary Order of Summary Suspension</i> if Voluntary Surrender Statement (VSS) not received Recused Trifone not present in room for discussion or vote Approved
2	PHA-2011-0183 Carole M. Christie PH18359	Motion Trifone/Cayer to accept Voluntary Surrender Recused DeVita and Tocco not present in room for discussion or vote Approved
3	PHA-2011-0020 Kathleen A. Malefant PT788	Motion Trifone/Cayer to Dismiss without Prejudice Approved
4	PHA-2010-0134 Gregory Rozwadowski PT5673	Motion Cayer/Trifone to accept VSS (7/27/11) Approved
5	PHA-2011-0149 Ana Caroline Texeira PT12024 PHA-2011-0201 Thomas Cory III PH17535	Motion Ryle/Cayer to Dismiss – Lack of Evidence Approved Motion Cayer/Accetta to Dismiss with Advisory Letter and 2 Law Continuing Education credits (CE) Approved

6	SA-INV2087 CVS 1002 DS3060	Motion Cayer/Ryle to Dismiss with Advisory Letter with conditions related to monitoring "Over The Counter" medication expiration dates Recused DeVita and Tocco not present in room for discussion or vote Approved
	PHA-2011-0203 CVS 1002 DS3060	Motion Cayer/Ryle to Dismiss with Advisory Letter regarding inspection deficiencies Recused Tocco and DeVita not present in room for discussion or vote Approved
7	PHA-2011-0168 Sarah Yoon PH23307	Motion Trifone/Cayer to Dismiss with Advisory Letter with 2 CEs related to medication error prevention Recused Tocco/DeVita not present in room for discussion or vote Approved
	PHA-2011-0101 CVS 2254 DS2866	Motion Ryle/Cayer to Dismiss – No Violation Recused Tocco and DeVita not present in room for discussion or vote Approved
8	SA-INV-1357 West River Pharmacy DS3572	Motion Cayer/Trifone for Investigative Conference Approved
	PHA-2011-0084 West River Pharmacy DS3572	
	PHA-2011-0085 Stephen Seigler PH18811	

6. 10:15 a.m. DISCUSSION

- Pain Management Policy (2009-01) Update – MGL c. 94C s. 18(e)
Re: Educational requirements for prescriptive practices
Motion Trifone/DeVita to adopt revision adding reference to M.G.L. c. 94C, s. 18(e) mandate education topics to be included as part of continuing education for prescribers.
Approved

- Advisory related to mandatory education requirement for all prescribers

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

Matters of **John P. Bispo** – Pharmacy Technician Applicant
Board reviewed and discussed application, including additional information provided regarding response to Application D.5. question.
Motion Ryle/DeVita to deny application
Approved

Ernest M. McGee, R.Ph. (PH20084) Docket No PHA-2009-0128
Final Order of Summary Suspension continuing suspension of pharmacist
registration issued July 25, 2011

CLOSED SESSION – Review/discussion of Complaints and other Legal Matters
[MGL c. 112, s. 65C; MGL c. 30A, ss. 11A1/2 and 18]

10:45 a.m. **Motion Cayer/Accetta to move into closed session. Approved**

11:05 a.m. **Motion Accetta Ryle to end closed session. Approved**

8. 11:05 a.m. **INVESTIGATIVE CONFERENCE**

(a) CVS/Pharmacy #114, Waltham (DS2821) – Docket No. PHA20110122
Paul M. Barbaro, R.Ph. (PH21075); Marta J. Fajardo, Pharm. Technician (PT3005)

Complaint regarding *Pharmacy Report of Improper Drug Dispensing* report of
failure to fill a prescription properly for Coumadin 1mg. on March 09, 2011.

(b) CVS/Pharmacy #114, Waltham (DS2821) –No. SAINV1582
Manager of Record, Helen Teng kawan, R.Ph. (PH232560)

Complaint alleged that on diverse occasions, the Pharmacy failed to fill
prescriptions properly, including incorrect quantity dispensed (OxyCodone®),
incorrect labeling related to designated prescribing practitioner and incorrect
labeling on a prescription.

(c) Complaints listed below regarding individuals related to above two matters.

Investigator: William E. Frisch, Jr., R.Ph.

Present: Paul Barbaro, Marta Fajardo, John Rocchio Pharmacy Supervisor;
Susan Delmonico, Director of Regulatory Affairs and Christina Cassetta, Esq.

1	PHA-2011-0122 CVS 114 DS 2821	Motion Cayer/Trifone to take all matters under advisement Recused DeVita and Tocco not present in room for discussion or vote Approved
2	PHA-2011-0160 Paul Barbaro PH21075	
3	PHA-2011-0161 Marta Fajardo PT3005	
4	SA-INV-1582 CVS 114 DS2821	

5	PHA-2011-0197 Helen Tenglawan PH232560	
6	PHA-2011-0164 Brenda Wagoner PH233825	
7	PHA-2011-0167 Emily Guerrieri PH233359	
8	PHA-2011-0182 Paul Barbara PH21075	
9	PHA-2011-0195 Dorothy Romanus PH25505	Motion Ryle/Trifone for Consent Agreement for Reprimand with MPJE (CE deficiencies) Recused Tocco and DeVita not present in room for discussion or vote Approved

11:55 a.m. Accetta and Fabizewski exit meeting

9. 11:55 a.m. INVESTIGATIVE CONFERENCE

Wal-Mart Pharmacy #10-2174, Westfield (DS2748) – Docket No. PHA20110022
David E. Sager, R.Ph. (PH15972) – Docket No. PHA20110070

Complaint alleges that on or about October 11, 2010, the Pharmacy failed to fill a prescription properly for Metformin 500mg.

Investigator: William E. Frisch, Jr., R.Ph.

Present: Scott Laviano, Regional Market Director, Elizabeth Rothbottom, R.Ph, MOR, David Sager, R.Ph. and Tim Koch, Director of Regulatory Affairs

1	PH-2011-0022 Walmart 10-2174 DS2748	Motion Ryle/DeVita to Dismiss with Advisory Letter with recommendation to evaluate the effectiveness of the pop-up DUR alert, submit MER report to ISMP, and written confirmation to the Board that all Pharmacy staff pharmacists have been retrained concerning the Wal-Mart Pharmacy "4-point Check". Approved
2	PHA-2011-0070 David E. Sager PH15972.	Motion Ryle/DeVita to Dismiss with Advisory Letter with 2 CEs related to diabetes education and 2 CEs pharmacy law

10. 12:40 p.m. DISCUSSION -

Matter of Rite Aid Corporation "15 Minute Prescription Guarantee"
- Tabled to September meeting

12:40 p.m. Budish and Cayer exit meeting

11. 12:40 p.m. LUNCH

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

QUALITY RX PHARMACY, INC.

Proposed: 1260 River Street, Hyde Park, Massachusetts

Present: Yana Minzberg, R.Ph.(PH23687) proposed Manager of Record;
Alexander Mayden, President and Paul M. Garbarini, R.Ph., Esq.

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

Motion DeVita/Ryle to approve application pending compliant inspection

In Favor DeVita, Ryle, Walczyk, Tocco

Opposed Trifone

Approved

12. 2:20 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

WEGMANS FOOD MARKET, INC.

Proposed: 9102 Shops Way, Northborough, Massachusetts

Present: Bethany M. Ingram, R.Ph.(PH27609), proposed Manager of Record;
Andrew Felter, Pharmacy Operations Manager (Corporate); and Michael Scozzaro,
Pharmacy Hub Store Coordinator (Corporate)

Motion Tocco/Ryle to approve application pending compliant inspection

Approved

Abstained DeVita

13. 2:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

AZEE PHARMACY AND MEDICAL SOLUTIONS, INC.

Proposed: 25 Marston Street, Lawrence, Massachusetts

Present: Michael McNamara, R.Ph.(PH23534) proposed Manager of Record;
Joseph McDonough, RN, MSN, Owner and Corporate Administrator, Victor
Fournier, R.Ph., Operations Supervisor

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

Motion DeVita/Ryle to approve application pending compliant inspection

Approved

Recused Tocco not present in room for discussion or vote

14. FLEX DISCUSSION

A. NEW BUSINESS

Applications and Other

1. **Stuart Ward** (PH14688/Exp. 12/31/1984) – Reinstatement inquiry
Motion DeVita/Tocco to reiterate the information previously provided by the Board regarding the license reinstatement process
Approved
2. **Jeffrey Robert Kaufhold** – Reciprocal Pharmacist
Motion Trifone/DeVita to approve application
Approved
3. **David Peter Reardon** – Reciprocal Pharmacist
Motion Trifone/DeVita to approve application
Approved
4. **Erica Jane Lachance** – Pharmacy Intern
Motion DeVita/Tocco to approve application
Approved
5. **Mariano Mario Santiago** – Pharmacy Technician
Motion DeVita/Tocco to deny application
Recused Trifone not present in room for discussion or vote
Approved

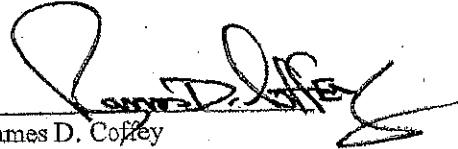
15. 3:05 p.m. DISCUSSION

- October 2011 NABP/AACP District I & II Annual Meeting to be hosted by Massachusetts – continuation of meeting planning discussion

16. 3:10 p.m. Motion: DeVita /Ryle to adjourn meeting. Approved

ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: February 7, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
AUGUST 16, 2011
239 CAUSEWAY STREET, ROOM 417
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 Session)

10:45 a.m. **Motion** Cayer/Accetta to enter closed session. **Approved**

Matters of

Michael J. Donnelly (PT10269) Docket No. PHA-2011-0059

Review of proposed *Final Decision and Order by Default*

Motion Cayer/Trifone to adopt *Final Decision and Order by Default* and revoke registration.

Recused Tocco and DeVita not present in room for discussion or vote.

Approved

Christine A. Hernandez (PH23856) Docket No. PHA-2011-0057

Request for Reconsideration of proposed Consent Agreement terms (Paul M. Garbarini, Esq. letter dated August 8, 2011) reviewed. Following discussion, Board made no changes to proposed Consent Agreement.

Matter of **Claudia L. Dineen** (PT5187) Docket No. PHA-2011-0099

Board reviewed letter July 25, 2011 letter from registrant.

Motion DeVita/Ryle to issue Advisory Letter to registrant.

11:05 a.m. **Motion** Accetta Ryle to end closed session. **Approved**