

BOARD OF REGISTRATION IN PHARMACY

Meeting Minutes

August 17, 2010

239 Causeway Street, Room 206, Boston MA

Board Members

Present

Joanne Trifone, R.Ph.; Stanley Walczyk, R.Ph.; Sophia Pasedis, R.Ph.; Pharm.D.; Michael Tocco, R.PH., M.Ed.; Kathy Fabiszewski, Ph.D. N.P.; Donald Accetta, M.D.; M.P.H.; Karen Ryle, R.Ph., M.S.; Steven Budish

Board Members

Absent

James T. DeVita, R.Ph.; George Cayer, R.Ph.

Staff Present

James D. Coffey, R.Ph.; Director; Margaret Cittadino, M.Ed., Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance 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; Intern Danielle Massee, Massachusetts College of Pharmacy and Health Sciences

1. 8:30 a.m. CALL TO ORDER
President Joanne M. Trifone, R.Ph.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
3. 8:35 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
(no handout/applications on file) – Assoc. Dir. Margaret Cittadino
 - New Store
CVS 278, 833 Massachusetts Avenue, Arlington
Target T-2693, 250 Granite Street, Braintree
 - Change of Manager
CVS 669, 413 Paradise Road, Swampscott (DS2846)
CVS 2596, 2 Lafayette Square, Haverhill (DS3610)
CVS 1206, 240 Newbury Street, Boston (DS2033)
CVS 260, 155-157 Charles Street, Boston (DS2294)
CVS 224, 650 Main Street, Reading (DS20589)
CVS 3307, 400 Tremont Street, Boston (DS3205)
CVS 1867, 517 State Road, Plymouth (DS89648)
J.E. Pierce, 1180 Beacon Street, Brookline (DS89671)
K-Mart Pharmacy 3433, 2203 Northampton Street, Holyoke (DS2791)
Oscor 7426, 795 Providence Highway, Dedham (DS3294)
RiteAid 10106, 423 Boston Post Road, Sudbury (DS3147)
RiteAid 10111, 2 Water Street, Haverhill (DS2851)
Walgreens 6939, 68 Main Street, Medway (DS3339)
Walgreens 11998, 225 R. King Street, Northampton (DS89678)
Walgreens 3759, 1010 Broadway, Chelsea (DS2701)
Wal-Mart Pharmacy 10-2021, 36 Paramount Drive, Raynham (DS2735)
Wal-Mart Pharmacy 10-2267, 137 West Boylston Road, West Boylston (DS2757)
 - Renovation/Expansion - Retail Drugstore/Pharmacy
CVS 114, 12 Harvard Street, Waltham (DS2821)

▪ Pharmacy and Wholesale Distributor Closings

Osco (Shaws) Drug 7422 (DS3386), 485 William S. Canning Blvd. Fall River. All controlled and non-controlled prescription drug inventory and two years of prescription files to be transferred to CVS 20, (DS89669) 245 William S. Canning Blvd. Fall River.

Osco (Shaws) Drug 7426 (DS3294), 795 Providence Highway, Dedham (DS3294). All controlled and non-controlled prescription drug inventory and two years of prescription files to be transferred to CVS 1531, (DS89663) 947 Providence Highway, Dedham.

Osco (Shaws) Drug 7598 (DS3190), 1070 Iyanough Road, Hyannis. All controlled and non-controlled prescription drug inventory and two years of prescription files to be transferred to CVS 2322, (DS2827) 176 North Street, Hyannis.

Osco (Shaws) Drug 7632 (DS3420), 100 North Main Street, Carver. All controlled and non-controlled prescription drug inventory and two years of prescription files to be transferred to CVS 937, (DS3444) 100D North Main Street, Carver.

Butler Schein Animal Health Center (WD485), 80 Mainline Drive, Westfield. All remaining inventory transferred to Albany NY facility.

Motion Budish/Tocco to approve all applications.

Recused: Trifone/Walgreens; Tocco/CVS

Approved

8:40 a.m. UPDATES

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

- Introduction of MCPHS Board Intern (APPE) Danielle Massee
- September 14, 2010 Board Meeting to be held at Northeastern University
- Board Dispositions

5. 8:50 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	SA-INV-1317 Village Pharmacy DS2940	Motion Walczyk/Tocco to dismiss Approved
2	PHA-2010-0067 Wardle Drug DS6250 PHA-2010-0101 Leanne G. Jassett PH17419	Motion Tocco/Walczyk to dismiss with Advisory Letter to include corrective action plan and recommendation to utilize bar code scanning. Approved Motion Budish/Ryle for advisory letter with two continuing education hours on medication error prevention. Approved
3	PHA-2010-0088 Stacey Leacock PT5737	Motion Tocco/Ryle to dismiss without prejudice. Approved Opposed Pasedis
4	SA-INV-1361 Peter Santoro PH20526	Motion Pasedis/Trifone to refer for MPRS evaluation. Recused Tocco (exited meeting room) Approved
5	PHA-2010-0048 Peter W. Jasinski PH26526	Motion Budish/Pasedis to schedule investigative conference. Approved

6. 9:40 a.m. LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel

MGL c. 112, s. 65C and MGL c. 30A, s. 11A- Review and Discussion
of Complaints and Other Matters: Closed Session

9:50 a.m. **Motion** Trifone/Budish to enter Closed Session

10:25 a.m. **Motion** Ryle/Budish to end Closed Session

Matter of **James W. Enos**, R.Ph. (PH26631) Voluntary Surrender Agreement
executed 11/13/09 (Docket No. PHA-2009-0137) – request for advisement (letter
dated July 28, 2010)

Board reviewed Complaint Docket PHA-2009-0137, surrender agreement terms,
and July 28, 2010 letter with enclosed documents. Board to refer Mr. Enos to
surrender agreement terms (Paragraph 3.) and advise no employment as pharmacy
technician is permissible.

Matters of **George Marra**, R.Ph. (PH16593)/ Docket No. PHA 2010 0026 and
Medical Pharmacy, 769 Washington Street, Stoughton (DS1709)/Docket No.
PHA20090223

Board reviewed documentation provided and request for reconsideration of
proposed consent agreement terms regarding personal registration complaint.

Board decided that Manager of Record did not have to step down but other
terms in the consent agreement for reprimand were to be satisfied including
monthly completion of pharmacist self inspection form and USP 795 training

7. 10:30 a.m. PRESENTATION – Walgreens Pharmacy “Stickerless” Program

Al Carter, Pharm.D., R.Ph., Manager, Pharmacy Affairs, provided overview of
Walgreens Pharmacy “Stickerless” Program

Recused: Trifone exited room

8. 10:55 a.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

**ANDERSON HOLDINGS, INC. DBA J.E. PIERCE APOTHECARY
COMPOUNDING LAB** – Proposed: 1093 Beacon Street, Brookline, MA 02446
Present: Proposed MOR Derick Anderson, Pharm.D., R.Ph. (PH25168)
and Frederick M. Frankhauser, R.Ph., Esq.

Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI
controlled substances, includes waiver petition regarding 247 CMR 6.02 (sufficient
variety and supply).

Also considered: J.E.PIERCE APOTHECARY, Inc. (DS 89671) - Petition for internship placement (restriction to 7/13/2010)

Motion Ryle/Tocco to approve application with waiver requested, pending compliant inspection.

Approved

Motion Trifone/Pasedis to grant petition to place interns at J.E.PIERCE APOTHECARY, Inc. (DS 89671), effective immediately.

Approved

9. 11:25 a.m. DISCUSSION/PRESENTATION – Alice Bonner, Ph.D., R.N., Director, DPH, Bureau of Health Care Safety and Quality; Grant M. Carrow, Ph.D., Director, DPH Drug Control Program

Director Bonner reviewed DPH Drug Control Program (DCP) regulations revisions (105 CMR 700.012) regarding the **Prescription Monitoring Program**, which were adopted by Public Health Council on August 11, 2010. The regulatory amendments are expected to be filed with the Secretary of State on August 20, 2010, with regulation effective date of September 3, 2010 and reporting requirement implementation date of January 1, 2011.

Board Counsel Susan Manning reviewed recent PMP legislation “An Act Adding Safeguards to the Prescription Monitoring Program and Furthering Substance Abuse Education and Prevention” (Chapter 283 of the Acts of 2010), adding new Section 24A to MGL c. 94C (signed by Governor Patrick on August 9, 2010 with PMP sections (Section 3) effective January 1, 2010). Board also reviewed proposed revisions to Board regulation 247 CMR 5.04 Reporting Requirements to the Prescription Monitoring Program (PMP), which conform Board PMP regulations with the DCP revisions to 105 CMR 700.012 (reviewed by Drs. Bonner and Carrow) and recent amendments to MGL c. 94C regarding PMP (new Section 24A).

Motion Tocco/Pasedis to adopt proposed revisions to 247 CMR 5.04 regarding reporting requirements to the Prescription Monitoring Program by emergency promulgation on September 3, 2010 to coordinate effective dates of Pharmacy Board and DCP PMP regulation amendments

Approved

10. 12:05 p.m. DISCUSSION – Pharmacy Internship Requirements (247 CMR sections 3.01(3) and 8.01)

Massachusetts College of Pharmacy and Health Sciences (MCPHS) request (May 27, 2010) for consideration of pharmacy internship requirements (247 CMR sections 3.01(3) and 8.01)

Present: MCPHS Deans Douglas J. Pisano, Ph.D., R.Ph., and Michael Malloy, Pharm.D.

Dean Pisano reviewed the information submitted for Board consideration regarding the number of internship hours completed as part of the academic curriculum. The Board reviewed Accreditation Council of Pharmacy Education (ACPE) standards,

which are supported by the National Association of Boards of Pharmacy. Board members discussed various issues and concerns relating to work setting internship hours, preceptor responsibilities, and internship placement opportunities. Dean Pisano stated his intention to survey students in the early fall to determine the perspectives on the availability of intern positions outside of college rotations.

Motion Pasedis/Budish to recognize the ACPE approved intern hour credit standard (1740 hours) for all graduates of ACPE-accredited and Board-approved colleges/schools of pharmacy (247 CMR 3.01) as satisfactory completion of the practical experience requirement for personal registration as a pharmacist in the Commonwealth (247 CMR 3.01(1)(a)3.), commencing with applicants who have earned a qualifying degree after January 1, 2012.

Recused: Ryle

Approved

11. 1:00 p.m. Reinstatement Inquiry /Appearance **Judith Fallavolitta** (PH 117988/Exp. While on Suspension 12/31/1996) - Docket No. PH-95-115)

1:05 p.m. Motion Trifone/Budish to enter Closed Session.

1:25 p.m. Motion Trifone/Budish to end Closed Session.

Motion Tocco/Pasedis to advise Ms. Fallovolitta that Board will review license application provided she completes 1500 hours of qualifying internship experience, MPJE, NAPLEX, specific CEs and monitoring (intern year and first year of licensure); licensure may include probationary period to be determined by Board at time of application.

Approved

1:35 p.m. Lunch Break

12. 1:50 p.m. Matters of **Walgreens** (PH3342)/Docket No. PHA-2010-0034, **Katherine H. Patterson, R.Ph.** (PH24719/Exp. 12/31/2010)/Docket No. PHA-2010-0071 and **Darlene T. Nguyen** (PT8421/Exp. 8/1/2011)/Docket No. PHA-2010-0070. Review and discussion of complaints following 10/20/09 Investigative Conference.

6	PHA-2010-0034 Walgreens 7617 DS3342	Motion Walczyk/Pasedis to Dismiss with Advisory Letter regarding in-service retraining. Recused/ Trifone exited room Approved
7	PHA-2010-0071 Katherine H. Patterson PH24719	Motion Ryle/Pasedis to Dismiss with Advisory letter with two continuing education credits (CE) on medication error prevention and report to ISMP. Recused/ Trifone exited room Approved Opposed Tocco
8	PHA-2010-0070 Darlene T. Nguyen PT8421	Motion Pasedis/Ryle to Dismiss with Advisory Letter with two CEs on medication error prevention. Recused/ Trifone exited room Approved Opposed Tocco

13. 2:40 p.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

File Review - Samuel J. Penta, R.Ph., Supervising Investigator;
James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph.,
Investigator; William E. Frisch, Jr., R.Ph., Investigator; Leo A.
McKenna, Pharm.D., R.Ph., Quality Assurance Coordinator

2:40 p.m. Tocco and Budish exit meeting

9	PHA-2010-0038 CVS 983	Motion Pasedis/Ryle to Dismiss – No Violation. Approved
	PHA-2010-0094 Sean P. Murphy PH18777	Motion Trifone/Ryle for Consent Agreement with Reprimand and two CEs in medication error prevention. Approved
10	PHA-2010-0066 CVS 2172 DS2817	Motion Trifone/Ryle to Dismiss - No Violation Approved
11	PHA-2010-0079 CVS 1206 DS2033	Motion Walczyk/Ryle to dismiss - no violation Approved
12	PHA-2010-0085 CVS 717 DS24854	Motion Walczyk/Trifone to dismiss – no violation Approved
13	PHA-2010-0036 CVS 166 DS3449	Motion – Ryle/Pasedis to Dismiss with Advisory letter with corrective action plan Approved
	PHA-2010-0116 Kwaku Asare-Boadu PH27569	Motion Ryle/Walczyk to dismiss with advisory letter with six live CEs by 12/31/2010 Approved
	PHA-2010-0117 Michael G. Lacava PH24404	Motion Trifone/Walczyk to Dismiss with Advisory letter with 27 CEs (15 live and 12 law) by 12/31/2010. Approved
	PHA-2010-0122 Mark M. Porcara PH26557	Motion Trifone/Ryle to Dismiss with Advisory Letter with two CEs in medication error prevention. Approved
	PHA-2010-0123 Lisa N. Fitton PT7571	Motion Trifone/Ryle to Dismiss with Advisory Letter with two CEs in medication error prevention. Approved

14. 3:15 p.m. DISCUSSION

- Subcommittee for 2011 NABP/AACP District I Annual Meeting to be hosted by Massachusetts: Margaret Cittadino, Sophia Pasedis, Joanne Trifone, Karen Ryle and Stanley Walczyk

15. FLEX DISCUSSION

NEW BUSINESS

A. Applications

- a) **Tamika Tamara Jones** - Pharmacy Technician
Motion Trifone/Walczyk to approve application.
Recused DeVita/Tocco (not present in meeting during discussion or vote)
Approved
- b) **Leslie Ann Hartman** - Pharmacist
Motion Pasedis/Ryle to approve application
Recused/Trifone (not present in meeting during discussion or vote)
Approved
- c) **Alison Marie Jennett** - Reciprocal Pharmacist
Motion Trifone/Pasedis to approve application
Approved
- d) **Steven Perry, R.Ph.** (License. No. 17303) - Docket No. PHA20090050
Petition to terminate suspension and convert to probationary status
Motion Walczyk/Trifone to approve petition and terminate suspension and convert to probationary status
Recused/Pasedis (not present in meeting during discussion or vote)
Approved
- e) **Paul D. Orszulak, R.Ph.**(License. No. 17453) - Docket No. PH-05-050
Petition to terminate probation and convert to current status
Motion Walczyk/Trifone to approve petition and terminate probationary status.
Approved
- f) **Michelle Weisburgh, R.Ph.** (PH25226) and **Michael Weisburgh, R.Ph.** (PH25086)
Request for advisory opinion regarding self-reported deficiency in 2009 (CE) .
Motion Trifone/Pasedis for each to complete two additional 2 CE Law Credits by 12/31/2010.
Approved
- g) **Benjamin Emareyo, R.Ph.** (PH27387). Request for advisory opinion regarding self-reported deficiency in 2009 CE.
Motion Pasedis/Trifone to complete five additional live credits by 12/31/2010
Recused/Tocco (not present in meeting during discussion or vote)
Approved
- h) **ACPE correspondence** re: October 26-28, 2010 proposed site visit of Western New England College of Pharmacy: Request for Board Member Observer Appointment

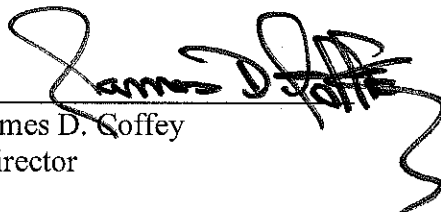
B. OLD BUSINESS

PCS Wall Certificate Review: Choice of Certificate Color

16. INFORMATIONAL ITEMS (FYI)

3:30 p.m. ADJOURNMENT

Respectfully submitted by:



James D. Goffey
Director

Board approved: February 8, 2011

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
AUGUST 17, 2010
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 11A (Adjudicatory)

9:50 a.m. **Motion** Trifone/Budish to enter Closed Session

Matter of **Karen Ramirez**, R.Ph. PH16431 - SA-INV-1101

Board reviewed investigative report. Licensee has not contacted MPRS Coordinator David Ring as directed by Board (letter dated August 9, 2010).

Motion Pasedis/Accetta for random monitoring screens for minimum six mo. period.

Approved

Matters of George Marra, R.Ph. (PH16593)/ Docket No. PHA 2010 0026 and Medical Pharmacy, 769 Washington Street, Stoughton (DS1709)/Docket No. PHA20090223

Board reviewed documentation provided and request for reconsideration of proposed consent agreement terms regarding personal registration complaint.

10:25 a.m. **Motion** Ryle/Budish to end Closed Session

1:05 p.m. **Motion** Trifone/Budish to enter Closed Session.

1:05 p.m. Appearance **Judith Fallavolitta** (PH 117988/Exp. While on Suspension 12/31/1996) - Docket No. PH-95-115) – Reinstatement inquiry.

Ms. Fallavolitta reviewed matters related to Docket No. PH-95-115 and current desire to apply for pharmacist licensure. MPRS coordinator David Ring provided recommendation to Board as result of MPRS evaluation.

1:25 p.m. Motion Trifone/Budish to end Closed Session.