

**BOARD OF REGISTRATION IN PHARMACY  
PHARMACY BOARD MEETING MINUTES  
TUESDAY, FEBRUARY 15, 2005  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS 02114**

Present: Karen Ryle, R.Ph., M.S., James T. DeVita, R.Ph., Marilyn M. Barron, MSW, Joel Berman, R.Ph. (left at 2:00 p.m.), Donald Accetta, M.D., M.Ph. (left at 12:00 p.m.), Sophia Pasedis, R.Ph., Pharm. D. (left at 12:00 p.m.), George Cayer, R.Ph. and Steven Budish (left at 12:00 p.m.)

Absent: Harold Sparr, R.Ph., MS and William Gouveia, R.Ph., MS

Staff present: 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, Administrative Asst., and Investigators Sam Penta, R. Ph. and James Emery, C.Ph.T.

1. 8:30 a.m.- Call to Order – Past Pres. DeVita called meeting to order at 8:40 a.m.
2. 8:45 a.m. - Review of Minutes  
Comments: Ex. Dir. noted change to P.2/Item 5 – include proposed start date of Fall 2005 and Module II will include MA law (Paul Gabarini, R. Ph., Esq.); P.5/Item d. - license transfer from FL allowed only to candidates who have successfully passed NAPLEX within preceding 12 years.  
Motion to adopt as amended/Cayer. Second/Berman. Vote: Unanimous in Favor.

Pres. Ryle invited visiting students to introduce themselves and give a brief description of their externship.

Pres. Ryle introduced Keirsten Morrison, an MCPHS Pharm.D. Student, who will be doing an Advaned Pharmacy Rotation at the Board office from 2/14 - 3/25/2005.

3. 8:50 a.m. - Report of Offices
  - a. Office of Public Protection/Case File Review

Investigator Samuel Penta, R.Ph.

- i. DS-05-060 and PT- 05-078. Complaint filed by DPH/DCP. Technician registration surrendered.

Motion/Berman to accept voluntary surrender. Second/Pasedis. Vote: Unanimous in Favor.

- ii. DS-05-060- Consumer complaint alleging short count on Schedule II prescription picked up by daughter. No supporting evidence.

Motion/Ryle to dismiss. Second/Berman. Vote: Unanimous in Favor.

iii. SA-05-058 and SA 05-060 - Drug diversion by pharmacists. Two pharmacies failed to report losses as required by federal law and Board regulations. Motion/DeVita for Advisory Letter. Second/Ryle. Vote: Unanimous in Favor. Pharmacists referred to MPRS. Open complaints for drugstores.

iv. SA-PT-05-078 – While conducting inspection in area, Investigator was advised about technician involved in, and charged with, being an accessory in an armed robbery involving dangerous weapon (technician's vehicle used as getaway car). Motion/Pasedis to open complaint and seek voluntary surrender. Second/ Budish. Vote: Unanimous in Favor.

Investigator James Emery, C.Ph.T.

v. DS-05-036 - Noncompliant packaging supplied by DEA to investigator resulted in follow-up inspection, during which it was discovered inventories had not been conducted since 1987. Pharmacy custom packaging for five patients a month, improperly labeled. Investigator's visit revealed pharmacy failed to conduct inventories in compliance with Board and Federal regulations. Motion/Ryle to open complaint and re-inspect within two weeks. Second/Cayer. Vote: Unanimous in Favor.

vi. Staff Assignment- DS-05-046-Physician complaint alleged unauthorized change in patient prescription on at least three dates (from Dec. 04– Feb. 05). Physician wrote Rx for Paxil 40mg, changed to 30mg. Patient has not returned complaint form, but Board requested investigation continue since it meets HIPAA confidentiality provisions. Motion/Ryle to open complaint. Second/Cayer. Vote: Unanimous in Favor.

vii. Staff Assignment- PH-05-020-Alleged overdose of controlled substances by a pharmacist formerly employed by now closed Huron Drug (license exp. 12/31/04). Motion/Budish to open complaint and seek surrender of right to renew. Second/Pasedis. Vote: Unanimous in Favor.

viii. Staff Assignment- (DS-05-47). Medication error report stating wrong patient's medication dispensed (four-day ingestion). Pharmacy cannot identify dispensing pharmacist(s). Motion/Ryle for pharmacists to appear and review system contributors and identify pharmacists involved – then open complaint in name of dispensing pharmacist; also distribute best practice recommendations and report to ISMP. Second/Berman. Vote: Unanimous in Favor.

ix. PH- Pharmacist allegedly diverted 100 doses of hydrocodone. No response to Board request for response to date. Motion/DeVita to seek voluntary surrender. Second/Cayer. Vote: Unanimous in Favor.

x. Staff Assignment- Closure of Huron Drug, Huron Ave., Cambridge, MA. Emery investigated recent closure of Huron Drug, which closed without providing notice to Board as required by 247 CMR. According to Emery, pharmacy sent an undated letter to Board following the closure. Managing pharmacist stated she knew nothing about the closure until the day of closure.

Motion/DeVita to open complaint regarding pharmacy and send Advisory Letter for failing to provide notice in accordance with 247 CMR. Copy of Advisory Letter to be provided to DEA. Second/Pasedis. Vote: Unanimous in Favor. Emery to continue investigation regarding manager of record.

Discussion - IVP Care Pharmacy, Wilmington, MA. Retail pharmacy specializing in specialty medications. DeVita requested an inspection to determine if they have any waivers on premises.

b. Legal – Susan Manning, Board Counsel

10:00 a.m. EXECUTIVE SESSION

Motion/DeVita to enter executive session. Second/Budish. Vote: Unanimous in Favor.

10:30 a.m. OPEN SESSION

Motion/DeVita to return to open session. Second/Budish. Vote: Unanimous in Favor.

In the Matter of David Trinks, R.Ph. (PH-05-025) - Licensee No. 19795

Motion/Cayer accept requested language and include min. one year suspension in Consent Agreement. Second/DeVita. Vote: Unanimous in Favor.

i. In the Matter of Cheryl Rashid Howarth, R.Ph. (PH-03-061) / License No. 19341.

Motion/Cayer deny requested language and propose alternate language. Second/DeVita. Vote: Unanimous in Favor.

ii. In the Matter of Stephanie Ferreira, Ph.Technician (PH-PT-05-043)/Reg. No. 5344 – (Jim DeVita recused) Board reviewed letter from licensee seeking review of vote to seek surrender of license. Motion/Berman to seek surrender. Second/Budish. Vote: Unanimous in Favor.

iv. In the Matter of Arthur Ortolani, R.Ph. (PH-04-050) – Board reviewed licensee's (No. 16451) request to not be required to take Module II of retraining program (pursuant to Consent Agreement) based on licensee's understanding that the module focuses on Connecticut law. Pres. Ryle noted the other topics in the module relevant to the licensee's retraining such as quality assurance and federal law. Motion /Cayer to deny request. Second/DeVita. Vote: Unanimous in Favor.

10:35 a.m. EXECUTIVE SESSION

Motion/DeVita to enter executive session. Second/Budish. Vote: Unanimous in Favor.

10:40 a.m. OPEN SESSION

Motion/DeVita to return to open session. Second/Budish. Vote: Unanimous in Favor.

v. Staff Assignment- In the Matter of Andrew Akladiss( Jim DeVita recused), Registered Intern. MPRS Coordinator Tim McCarthy reported that Akladiss has not provided requested information to continue MPRS evaluation process. MPRS is no longer considering Akladiss for enrollment.

Motion/Ryle to open complaint. Second/Pasedis. Vote: Unanimous in Favor.

5. 10:45 a.m.- New Business

a. 2004 CE Waiver request – Lynette Bragg, R.Ph. (No. 24885).

Motion/Berman to approve. Second/Pasedis. Vote: Unanimous in Favor.

b. CE Law approval request- Randy D. Miller, Pharm.D. (No. 22851).

Motion/Cayer to deny request and forward copy of 247 CMR 4.00. Second/Budish.  
Vote: Unanimous in Favor.

c. Out of State Certification of Internship Hours –Board discussed development of certain boards of pharmacy, including New York and others, which no longer require internship requirement as a result of the six year Pharm.D. degree. In those states, the Board accepts college documentation that the applicant has met all the degree requirements. As a result, a student attending college in Massachusetts, but completing internship hours in New York, cannot provide NY Pharmacy Board certification of internship. Board requested information from other boards of pharmacy to see how this situation is being addressed. MA licensure of out of state preceptor may be considered. Will be discussed at the NABP District Meeting. Regarding new Board regulations requiring 1000 hours of practical experience in a pharmacy or pharmacy-related setting – Ex. Dir. and Assoc. Dir. will evaluate current students for impact and approve where all other terms have been met.

d. 2005 Board newsletter article topics : Deadline March 1<sup>st</sup> for April newsletter.  
Newsletter goal - three newsletters in 2005.

- Self-Inspection Tool - what investigators are discovering in the field that should be pointed out to regulated community.
- Pasedis will review patient safety goals and make a recommendation for newsletter.
- “From the Desk of President” will be included.
- DeVita will provide an article (completed).
- CQI Coordinator will write about 247 CMR 15.00 - CQI Program expectations and dangerous abbreviations.
- Update Best Practices on risk management and pediatric prescriptions
- New regs./policy on transfer of Rx refill upon request of patient

6. 11:00 a.m. - Old Business

In the Matter of Jamal D. Liles, R.Ph. - PH-05-022 (No. 24486).

After many months, Licensee has demonstrated compliance with CE requirements.  
Motion/Berman to dismiss with caution re: future compliance. Second/Pasedis.  
Vote: Unanimous in Favor.

7. 11:05 a.m. - Application for a New Pharmacy  
Olubode Enterprises, Inc. D.B.A. Plaza Pharmacy II, One Pearl Street, Brockton, MA.  
Present: Proposed Manager of Record, Gbolahan O. Diyaolu, and R.Ph. (No. 19258, Exp. 12/31/2006). No waiver requests.

The pharmacy will provide diabetes management programs. Board noted patient care area not in compliance with 247 CMR. The pharmacy offers 24 hour on call service.  
Applicant agreed to modify floor plan and consult area to be physically separate from the pharmacy, but applicant agrees to modify to comply. Applicant could not locate one CE  
Motion/Pasedis to approve the application contingent upon amending floor plan, passing an inspection, and providing CE. Second/DeVita. Vote: Unanimous in Favor.

8. 11:35 a.m. - Pharmacist Reinstatement Conference  
In the matter of David E. Rosengard, M.D., M.P.H., Ph.D. (No. 9791/Exp. 12/31/2000).  
Dr. Rosengard maintains a license in good standing with the Massachusetts Board of Registration in Medicine. He could not renew his pharmacy license if he was over age 70. At the present time, he teaches forensics and it requires a current pharmacy license. Continuing education credits were compliant.  
Motion/DeVita to reinstate with back fees. Second/Berman. Vote: Unanimous in Favor.

9. 12:05 a.m. - CQI Program Update - Leo McKenna, Pharm.D., CQI Surveyor

McKenna provided an update on current Coalition initiatives, particularly Reconciliation of Medication, an initiative recently adopted by JCAHO as a Patient Safety Goal. He also provided an overview of legislative report he is preparing relating to medication errors, CDTM legislation, and "Face of Pharmacy" Day planning progress.

Ex. Dir. Young provided overview of the Mass Health Data Consortium initiative to provide medication histories to patients entering hospital emergency rooms, which matches well with JCAHO Goals for Reconciliation of Medication.

Meeting location change: Ex. Dir. Young advised Board that the May 17<sup>th</sup> meeting will be held at Northeastern University, Bouve College of Pharmacy and Health Science and the September 13, 2005 meeting will be held at MCP & HS, Worcester Campus.

10. 12:30 p.m. to 1:30 p.m. - Lunch

11. 1:30 p.m. to 4:00 p.m. - Strategic Planning Workgroup Session  
Dr. E. Wallace Coyle, Pre. of E. Wallace Coyle Associates, Norwell, MA.  
The Board developed five goals including:

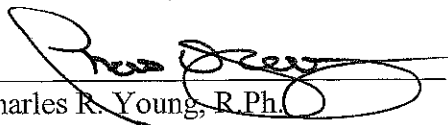
1. Implement CQI Regulations by 12/31/2005
2. Adopt NABP Model Wholesale Regulations by June 30, 2005

3. Develop Compounding Regulations to address USP Standard 797
4. Complete process to comply with outside section 306 of budget requiring Board to consider regulations for Long Term Care Pharmacies
5. Continuing Professional Development

The Board began work on prioritizing objectives to operationalize goals and set realistic time frames to complete the goals. The Board identified the wholesale distributor regulations as the most important goal for this year.

3:45 p.m. Motion/Ryle to adjourn. Second/Barron. Vote: Unanimous in Favor.

Respectfully submitted by:

  
Charles R. Young, R.Ph.  
Executive Director  
Date:

Reviewed by counsel: February 23, 2005

Draft approved: February 23, 2005

Board Adopted: March 15, 2005

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Board Counsel Susan Manning reviewed the following matters with the Board.

In the Matter of David Trinks (PH-05-025) - Licensee (No. 19795) has pending criminal matters regarding conduct that is subject of complaint. Board reviewed letter from Francis DiMento, Esq. proposing language changes to Consent Agreement. Board agreed to language change but will require Agreement to include minimum one-year suspension of license.

v. Staff Assignment - In the Matter of Andrew Akladiss, Registered Intern. MPRS Coordinator Tim McCarthy reported that Akladiss has not provided requested information to continue MPRS evaluation process. MPRS is no longer considering Akladiss for enrollment. Akladiss may be working as technician in Maine at this time per the Maine Board of Pharmacy. Board will open complaint.