

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES**

February 9, 2010

239 Causeway Street, 2d Floor, Room 206
Boston, MA

Board Members Present	Joanne Trifone, R.Ph.; Sophia Pasedis, R.Ph., Pharm.D.; Michael Tocco, R.Ph, M.Ed.; William Gouveia, R.Ph., M.S.; Kathy Fabiszewski, Ph.D., N.P.
Not Present	Stanley Walczyk, R.Ph; James T. DeVita, R.Ph.; Donald Accetta, M.D., M.P.H.; George Cayer, R.Ph.; Steven Budish;
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 Lathum, R.Ph., Pharm.D., Investigator; James Emery, P.T., Investigator

1. 8:30 a.m. **CALL TO ORDER** - President Joanne M. Trifone, R.Ph.
2. 8:35 a.m. **LICENSING:** Pharmacy/Wholesale Distributor Applications
 Assoc. Dir. Cittadino

New Store

Conroy Apothecary, Inc., 82 Pennacook Avenue, Oak Bluffs

Change of Manager

Louis & Clark 179, 238 Northampton Street, Easthampton (DS89701)
Critical Care Systems, 1 North Avenue, Burlington (DS3328)
Critical Care Systems, 191 Bay State Drive, Braintree (DS3327)
CVS 51, 436 John Fitch Highway, Fitchburg (DS2276)
CVS 604, 199 Sudbury Road, Concord (DS23775)
CVS 1111, 104 West Street, Ware (DS3593)
CVS 952, 205 South Broadway, Lawrence (DS1494)
CVS 46, 999 Watertown Street, West Newton (DS17594)
CVS 257, 107 West Street, Pittsfield (DS3331)
CVS 0789, 136 Ashley Boulevard, New Bedford (DS3609)
CVS 301, 107 Main Street, Stoneham (DS89652)
CVS 2138, 8 Pilgrim Hill Road, Plymouth (DS2815)
CVS 1031, 4600 Washington Street, Roslindale (DS89682)
CVS 155, 539 Main Street, Winchester (DS2471)
Rite Aid 10064, 501 North Street, Pittsfield (DS2228)
Stop & Shop 31, 65 Independence Drive, Hyannis (DS2113)
Stop & Shop 416, 160 Providence Highway, Dedham (DS3440)
Target Pharmacy T 1942, 36 Furlong Street, Revere (DS3375)
Walgreens 2577, 1228 Broadway, Saugus (DS2117)
Wal-Mart Pharmacy 10-2329, 555 East Main Street, Orange (DS2751)
Wal-Mart Pharmacy 10-2180, 55 Brooksby Village Way, Danvers (DS2774)
Wal-Mart Supercenter 2128, 295 Plymouth Street, Halifax (DS89686)
West River Pharmacy, 140 Locke Drive, Marlborough (DS 3572)

Renovation/Expansion

Wal-Mart 10-1967, 1105 Boston Road, Springfield (DS2737)

Closings

Rite Aid 10186, 452 Washington Street, Wellesley (DS3152). Files and records transferred TO CVS 188 Linden Street, Wellesley (DS3549); CII – CV and legend drugs transferred TO Rite Aid 10108, 350 Cambridge Street, Woburn (DS3155).

Rite Aid 10124, 177 Main Street, Tewksbury (DS3149). Files and records transferred TO CVS 1900 Main Street, Tewksbury (DS3277); CII – CV and legend drugs transferred TO Rite Aid 10127, 208 Main Street, Wilmington (DS3154).

Transfer of Ownership:

Integrity Pharmacy Services, 45 South Street Suite 2, Hopkinton FROM Integrity Pharmacy, 45 South Street Suite 2, Hopkinton (DS89643)

Motion Pasedis/Gouveia to approve all applications.

Recused: Trifone for Walgreens and Tocco for CVS

Approved

3. 8:45 a.m. **UPDATES**

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

- Prescription Monitoring Program - Reports for Health Care Providers

- Board Dispositions

4. 8:55 a.m. **REPORT OF OFFICE OF INVESTIGATIONS**

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

	DOCKET	BOARD ACTION
1	SA-INV-096 Medical Pharmacy DS1709 George Marra PH16593	Motion Pasedis/Gouveia to Dismiss with Advisory Letter regarding professional interactions with patients to include 2 hours of continuing education credits related to patient counseling
2	PHA-2009-0223 Medical Pharmacy DS1709 PHA-2009-0026 George Marra PH16593	Motion Tocco/Gouveia for One Year Probation for pharmacy with quarterly updates, validation of quality meetings with staff and attendance lists; follow-up inspection. Approved Motion Pasedis/Gouveia for One Year Probation for pharmacist owner/MOR; Board-approved training in USP 795 Compounding Standards. Approved

9:45 a.m. Motion Trifone/Gouveia to enter Closed Session (GL c. 112, s. 65C)

10:20 a.m. Motion Pasedis/Trifone to end Closed Session.

3	PHA-2010-0009 Steven A. Shraiar PH14861	Motion Gouveia/Tocco to Revoke pharmacist (current status of probation) based on violation of consent agreement. Approved
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	PHA-2010-0010 Margolis Pharmacy DS2974	<p>Motion Gouveia/Tocco for Summary Suspension of pharmacy registration if transfer of ownership application is not filed in a timely manner. Approved</p> <p>Motion Trifone/Tocco to deny pharmacy technician application filed by Brett Shraiar (MLO applicant #397035) Approved</p>
4	PHA2009-0001 Kelechukwu Uche PH 27751	<p>Motion Gouveia/Pasedis to summarily suspend pharmacist registration; NC Board summarily suspended pharmacist registration on 1/19/10. Recused/Tocco (not present) Approved</p>
5	PHA2010-0012 Ahmad Alhaddad PH20201	<p>Motion Tocco/Gouveia to notify licensee he may not practice in Massachusetts without prior notice to Board (Florida criminal charges pending). Approved</p>
6	SA-INV-0950 Walgreens Pharmacy DS1943	<p>Motion Tocco/Gouveia for Reprimand and completion of self-assessment form. Recused/Trifone (not present) Approved</p> <p>Complaint to be opened regarding former manager of record.</p> <p>Licensee's response to complaint will be reviewed at a future meeting</p>
7	PHA2010-0014 Toni Coe PT11734	<p>Motion Tocco/Pasedis to accept Voluntary Surrender. Approved</p>
8	PHA-2009-0210 Allens Pharmacy DS2520	<p>Motion Pasedis/Gouveia for Reprimand and copy of updated pharmacy policies and procedures regarding new standards of practice pertaining to the reconstitution of medicinal products; and the names and titles of all pharmacy personnel who have completed comprehensive re-training and</p>

		completion of Board "Self-Inspection Form" Approved
	PHA-2009-0222 Jay R. Sibulkin PH16945	Motion Pasedis/Trifone for consent agreement for Reprimand to complete 2)hours of continuing education credits related to medication error prevention Approved
	PHA20100005 Richard C. Rafuse	Motion Trifone/Pasedis to Dismiss with Advisory Letter and deficient continuing education credits. Approved
	PHA-2009-0006 Nenad Bazdar PH26649	Motion Trifone/Pasedis to Dismiss with Advisory Letter to pharmacist with deficient continuing education credits. Approved
	PHA-2009-0020 Paul Marmer PH16592	Motion Trifone/Pasedis to Dismiss with Advisory Letter to pharmacist with deficient continuing education credits. Approved

5. 11:15 a.m. **LEGAL/REPORT OF OFFICE OF INVESTIGATIONS**

Pending Legal Matters - Susan Manning, Board Counsel
MGL c. 112, s. 65C and MGL c. 30A, s. 11A/Closed Session -
Review and Discussion of Complaints and Other Matters

Update re: Collaborative Drug Therapy Management (CDTM) proposed regulations – regulations have been aligned with Board of Registration in Medicine CDTM proposed regulations and approved for public hearing (date to be determined).

Motion Tocco/Gouveia to approve revisions to proposed regulations for public hearing.
Approved

Matter of **Albert C. Chow** (PH 2195/revoked) - Docket PH-03-093.
Board to advise that license application must be filed for review to determine if moral character requirement is met.

11:25 a.m. **Motion** Trifone/Gouveia to enter closed session.

11:55 a.m. **Motion** Tocco/Pasedis to end closed session.

Matter of **John M. Alexander** (PH 20639) – Docket PH-91-039.

Motion Tocco/Trifone to reinstate pharmacist registration on probationary (5 year) status, including additional year of MPRS screening.

Approved

Matter of **David Jenkins** (PH 17062) - Docket PH 2009-0001.

Review of request for reconsideration of reinstatement terms. Board to advise petition will be reviewed in December 2010, per consent agreement.

Matter of **Gbolahan Diyaolu** (Ph 19258/exp/ 12/31/08) – Docket PH-07-078.

Board reviewed proposed *Board Ruling on Motion for Summary Decision*.

Motion Gouveia/Tocco to adopt proposed ruling and grant Prosecutor's *Motion for Summary Decision*.

Approved

6. 12:30 p.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance
ALAUNUS PHARMACEUTICAL, LLC – Proposed: 687 Waverly Street,
Framingham, MA

Present: Patrick Foster, Designated Representative and Gregory A. Conigliaro,
Vice President Wholesale Distributor applicant proposes to distribute and repackage
Schedule II – VI controlled substances.

Motion Tocco/Gouveia to approve application.

Recused/Pasedis (not present)

Approved

1:00 p.m. LUNCH

7. 1:30 p.m. INVESTIGATIVE CONFERENCE

Blackwood Pharmacy (No. 3345)/Bonnie L. Seely, R.Ph. (No. 18227) -

Docket PHA-2009-0040 and PHA-2009-0082

Present: Owner/MOR Seely, Karen L. Ramirez, R.Ph. and Stephen E. Cinto.

Conference reviewed complaint allegations that a prescription for Depakote Sprinkles®
125 mg (divalproex sodium) was substituted with generic divalproex sodium sprinkles
125 mg and labeled as brand name Depakote Sprinkles® on February 6, 2009.

Motion Tocco/Pasedis to take matter under advisement.

Approved

2:30 p.m. Continuation of discussion regarding **Blackwood Pharmacy** (DS3345) complaint.

Motion Tocco/Gouveia to conduct additional investigation of complaint as well as
Board concern regarding conduct of Karen Ramirez during the investigative conference.

Approved

FLEX DISCUSSION

8. 3:00p.m. NEW BUSINESS

1. Applications

a) **Colleen Justine Brady** - Pharmacy Technician
Motion Pasedis/Gouveia to approve.
Recused/Trifone
Approved

b) **Walter Goolgasian** - Reciprocal Pharmacist
Motion Trifone/Pasedis to approve application.
Recused/Tocco
Approved

c) **Jeffrey M Waite** - Reciprocal Pharmacist
Motion Pasedis/Gouveia to approve application.
Approved

d) **Jason Pino** - Pharmacy Intern
Motion Gouveia/Tocco to approve application.
Approved
Opposed: Pasedis

e) **Michelle Malvesti** - Pharmacy Technician
Motion Pasedis/Gouveia to approve application.
Recused/Trifone
Approved

f) **Lakshmi Chennamaneni** - Reciprocal Pharmacist
Motion Pasedis/Trifone to approve application.
Approved

2. Other

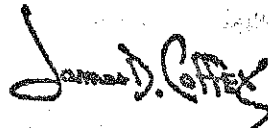
Nomination of Voting and Alternate Delegates - May 2010 NABP Annual Meeting

Motion Tocco/Gouveia - Joanne Trifone/delegate; Sophia Pasedis/alternate delegate.
Approved

3:00p.m. **Motion** Tocco/Gouveia to adjourn. **Approved**

ADJOURNMENT

Respectfully submitted by:



James D. Coffey, R.Ph.
Director

Board approved: October 19, 2010

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
FEBRUARY 9, 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)

9:45 a.m. **Motion** Trifone/Gouveia to enter closed session.

Matter of **Steven A. Shraiar** PH14861 – Docket No. PHA-2010-0009

Matter of **Margolis Pharmacy** DS2974 – Docket No. PHA-2010-0010

Matter of Brett Shraiar (MLO applicant #397035) – pending pharmacy technician application

Board reviewed complaint regarding 1/21/2010 pharmacy inspection results including documentation of sales of Schedule VI controlled substances to Mika Overseas Corp. (unlicensed entity)

Matter of Kelechukwu Uche PH 27751 – Docket No. PHA2009-0001

Board reviewed complaint regarding conduct at two MA CVS pharmacies (Stoughton and Canton) and 1/19/10 summary suspension of pharmacist registration by NC Pharmacy Board.

10:20 a.m. **Motion** Tocco/Pasedis to end closed session.

11:25 a.m. **Motion** Trifone/Gouveia to enter closed session.

Matter of **John M. Alexander** (PH 20639) – Docket No. PH-91-039. Review of complaint history and Consent Agreement (2002); has completed 1500 internship, NPLEX, MPJE, and MPRS, as required. License suspended 2002. Board determined he may be reinstated on probationary status including an additional year of current MPRS monitoring (MPRS completed May 2008).

Matter of **David Jenkins** (PH 17062) - Docket No. PH 2009-0001. Review of request for reconsideration of reinstatement terms. Board to advise petition review in December 2010, per Consent Agreement, if filed in November 2010.

Matter of **Gbolahan Diyaolu** (Ph 19258/exp. 12/31/08) – Docket No. PH-07-078.

Board reviewed proposed Board Ruling on *Motion for Summary Decision*.

11:55 a.m. **Motion** Tocco/Pasedis to end closed session.