

**[BOARD OF REGISTRATION IN PHARMACY
MINUTES: PHARMACY BOARD MEETING
TUESDAY, JANUARY 10, 2006
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

Present: Karen Ryle, R.Ph., M.S., Past. Pres., James T. DeVita, R.Ph. (left at 11:20 a.m.), Harold Sparr, R.Ph., M.S., Marilyn M. Barron, MSW, Public Member, Steven Budish, Public Member, Joel Berman, R.Ph., Sophia Pasedis, R.Ph., PharmD., William Gouveia, R.Ph. (left at 11:20 a.m.)

Absent: Donald Accetta, M.D., Kathy Fabiszewski, R.N., Ph.D., George Cayer, R.Ph.

Staff present: Charles R. Young, R.Ph., Exec. Dir., James Coffey, R.Ph., Assoc. Dir., Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reld, Administrative Asst., Sam Penta, R.Ph., Investigative Supervisor and James Emery, C.Ph.T., Investigator

1. 8:30 a.m. - Sparr called meeting to order at 8:30 a.m.
2. 8:35 a.m. - Review of minutes from a previous meeting
Motion/Gouveia to adopt minutes from October 25, 2005 meeting.
Second/DeVita. Unanimous in favor.
3. 8:40 a.m. to 9:30 a.m. - File Review
 - a) Office of Investigations: Healthcare Investigators James C. Emery and Samuel J. Penta

DS-06-106 - Walgreen's, 215 Beech Street, Malden MA.

Drugstore: Motion/Berman to dismiss. Second/Gouveia.

In Favor: Ryle, DeVita, Gouveia, Berman, Budish, Berman, Barron
Opposed: Sparr, Pasedis

DS-06-102 - Walgreen's, 317 Ferry Street, Everett MA.

Drugstore: Motion/Gouveia require development of policy for filling robot. Second/DeVita. Unanimous in favor.

PH-06-049 - Kathleen Santos (License No. 18548)

Pharmacist: Discipline for medication error occurring in NH.

Motion/Pasedis concurrent discipline with New Hampshire.
Second/Gouveia. Unanimous in favor.

PH-06-039 – David Pehron, R.ph., employed at Shaw's/Osco Pharmacy, Plymouth, MA.

Pharmacist: Motion/Ryle schedule February 14, 2006 investigative conference appearance. Second/DeVita. Unanimous in favor.

PH-06-041 – Gregory E. McKenna, R.Ph., (License No. 18404).

New store application – The Medicine Centre, Webster MA.

Pharmacist: Motion/Budish schedule appearance. Second/DeVita. Unanimous in favor.

DS-06-077/PH-06-024 – K-Mart Pharmacy (DS 2005), 140 Whalon Street, Fitchburg MA.

Dispensed Pravachol 40mg rather than Propranolol 40mg.

Drugstore: Motion/DeVita to issue Advisory Letter, complete two hours of CEs in Medication Error Prevention and file USP Medication Error Report form; and CQI Survey. Second/Budish. Unanimous in favor.

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

DS-06-071/PH-06-022 – The Apothecary Center, 687A State Street. Dispensed Risperdal 4mg rather than Risperdal 3mg.

Drugstore: Motion/DeVita issue an Advisory Letter and direction to develop policy re: blister pak labels. Second/Gouveia. Unanimous in favor.

Pharmacist: Motion/DeVita to dismiss. Second/Budish. In favor: DeVita, Barron, Berman, Gouveia, Budish. Opposed: Ryle, Sparr, Pasedis.

DS-06-082/PH-06-048 – Louis and Clark, 490 Page Blvd., Springfield, MA. MOR James Muzzy, R.Ph.

Drugstore: Motion/Ryle to schedule appearance. Second/DeVita. Unanimous in favor.

Pharmacist: Motion/Sparr to schedule appearance. Second/Gouveia. Unanimous in favor.

DS-06-076/PH-06-016 – CVS #706, 393 Mass. Avenue, Acton, MA.
Drugstore: Motion/Pasedis to dismiss. Second/Berman. Unanimous in favor.

Pharmacist: Motion/Ryle to dismiss. Second/Barron. Unanimous in favor.

b) Report of CQI Surveys - CQI Surveyor Leo McKenna, PharmD.

McKenna conducted CQI Surveys at each pharmacy. He evaluated each pharmacy's policies and procedures and several operational systems involved in the prescription filling process.

Apothecare Pharmacy, 7 Marble St., Whitman, MA. MOR: Hal Johnson, R.Ph. (No. 15717).

The Pharmacy dispensed Seroquel 100mg rather than Seroquel 200mg.

Drugstore: Motion/Pasedis Issue an Advisory Letter. Second/Gouveia. Unanimous in favor.

Pharmacist: Motion/Berman issue an Advisory Letter. Second/Budish. Unanimous in favor.

America's Compounding Center, 950 Watertown Street, West Newton, MA. MOR: Arthur Margolis, R.Ph. (No. 19228)

Decision to schedule an Investigative conference on February 14, 2006.

4. 9:30 a.m. to 10:15 a.m. – Pending Legal Matters

Motion/Ryle to enter Adjudicatory Session. Second/Sparr. Unanimous in favor.

10:00 a.m. - Motion/Berman to return to Open Session. Second/Gouveia. Unanimous in favor.

In the Matter of Robert Reynolds, R.Ph., Docket No. PH-06-045.
Motion/Gouveia to accept voluntary surrender agreement terms. Second/Budish. Unanimous in favor.

In the Matter of Michael Major, R.Ph., Docket No. PH-06-002.
Complaint involving theft of sexual enhancement drugs.
Motion/Ryle to accept voluntary surrender of license. Second/Barron.
Unanimous in favor.

In the Matter of Zachary J. Mooney, Pharmacy Technician (Docket No. PH-PT-04-006). Motion/Ryle to adopt Proposed Final Decision and Order by Default and order revocation of registration. Second/Gouveia.
Unanimous in favor.

5. 10:15 a.m. to 10:30 a.m. - In the matter of Rachel J. Livingston, Pharmacy Intern Reg. No. 62800. Review of affidavit (evaluation) of internship hours submitted to the Board.

Present: Registrant

Registrant stated that she is a 6th year pharmacy student at Mass. College of Pharmacy. Registrant said she worked with preceptor for three years; initially she had a good working relationship with preceptor, over the years preceptor attitude changed toward her. Registrant stated that she was aware of preceptor's negative comments on the internship evaluation form and she admitted to initially having an attendance problem. Registrant stated that she should have left the job sooner.

Motion/Pasedis to take under advisement. Second/DeVita.
Unanimous in favor.

Motion/ Ryle to accept hours. Second/Budish. Unanimous in favor.

6. 10:30 a.m. to 11:00 a.m. - Application for a New Pharmacy/ Pharmacy Department. In the matter of Fenway Pharmacy, 7 Haviland St. Boston, MA. Proposed Manager of Record Swasnand Balram R.Ph. (No. 23205 / Exp. Date 12/31/06). Proposal to convert current clinic (institutional) pharmacy (third floor) (d/b/a Fenway Community Health) to a retail pharmacy.

Manager of Record stated they want to convert the current clinic pharmacy to retail pharmacy and will extend services to community. Building location will remain the same, moving from third floor to first

floor, pharmacy area - 448 square footage, hours of operation will change, have not posted signs, waiting for board's approval. Currently, segregate prescription and non-prescription medications on shelf (separate inventories - separate accounts).

Board members provided pertinent information about converting from a clinic pharmacy to a retail pharmacy.

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

7. 11:00 a.m. to 11:40 a.m. - Investigative Conference
In the matter of Egleston Square Pharmacy (Docket No. DS-06-065) (Registrant), 3090 Washington St., Roxbury, MA Reg. No. 2540). Manager of Record Chukwukere Aloysius Nsonwu, R.Ph. (No. 18414/Exp. 12/31/06).

Complaint alleges that on or about July 20, 2005, Registrant affixed a label to a container from an earlier refill of Neurontin 100mg but with new directions added by hand and an incorrect expiration date.

Present: MOR -

CEs: compliant

Manager of Record stated that daughter came to pharmacy to get her mother's prescription filled and that prescription was rejected by MassHealth. The daughter asked to pay for prescription and the MOR gave her 30 caps of Neurontin for \$20.00. MOR stated he has known the mother for many years and wanted to assist with the situation. He admitted to attaching an old prescription label (of mother's profile) on the bottle and writing new directions on label to reflect new dosage, and that the expiration date on prescription reflected the old prescription. Manager of Record stated in future he will contact prescriber and put new label on prescription bottle.

Motion/Ryle to dismiss. Second/Pasedis. Unanimous in favor.

8. 11:50 p.m. to 12:30 p.m. - Investigative Conference DS-05-091 and PH-06-032 - In the matters of Baystate Medical Center, 759 Chestnut

Street, Springfield, MA (CSR no. 133) and John P. Budz, R.Ph. (Registrant) (Reg. No. 18648/ Exp. 12/31/06).

Complaint alleges that on or about March 17, 2005, Registrant dispensed Lioresal Intrathecal (refill kit) 2000mcg/ml rather than Lioresal Intrathecal 500mcg/ml as ordered while employed at Baystate Medical Center.

The matter will be rescheduled for 2/14/06 Board meeting.

9. BSMC letter from Bill Loomis re: Consignment Inventory – new to agenda (add to new business items section of agenda).

Motion/Ryle to deny due to recently passed regulation. Second/Barron. Unanimous in favor.

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

11. 1:30 p.m. to 2:00 p.m. – In the matter of [REDACTED] application – conference to review application disclosure.

Registrant stated that when he was in high school he had a drug problem, committed criminal acts, arrested several times for possession of drug, and was enrolled in a rehabilitation program. He is currently a community college student and has been working at a pharmacy for a year. He stated he had informed employer of history. He stated that he is a dedicated worker and provides excellent customer service and wants to give back to the community.

Motion/Pasedis take matter under advisement. Second/Ryle. Unanimous in favor.

Motion/Budish to deny application. Second/Ryle. Unanimous in favor.

Motion/Budish to enter Adjudicatory Session. Second/Pasedis. Unanimous in favor.

12. CVS/pharmacy – various pending complaints/review of proposed Agreement terms

Motion/Ryle to propose agreement with CVS/pharmacy, as amended, in resolution of pending complaints. Second/Barron. Unanimous in favor.

Motion/Ryle to return to Open Session. Second/Pasedis. Unanimous in favor.

13. 1:30 p.m. — New Business Discussions Items

- a) Evan N. Rossignol, R.Ph. (Lic. No 22564) request for live CE waiver.

Motion/Budish to waive live CEs, complete 10 correspondence courses for 2006. Second/Ryle. Unanimous in favor.

- b) Philip Andrews — 90 day provisional license.

Motion/Sparr to approve. Second/Pasedis. Unanimous in favor.

14. 2:00 p.m. to 2:30 p.m. - CQI Programs Update and Other CQI
Surveyor McKenna reviewed CQI surveys, findings, and recommendations.

NABP Delegates: Motion/Ryle to delegate Sparr. Pasedis to be alternative delegate. Second/Budish. Unanimous in favor.

Motion/Ryle to cancel January 24, 2006 board meeting and reschedule February 21, 2006 meeting to February 14, 2006. Second/Pasedis. Unanimous in favor.

15. 2:30 p.m. Motion/Pasedis to adjourn meeting. Second/Barron.
Meeting adjourned.

Respectfully submitted by:


Charles R. Young, R.Ph.

Executive Director

Date: 5/24/2006

Reviewed by counsel: March 28, 2006

Draft approved: March 28, 2006

Board approved: May 7, 2006

**BOARD OF REGISTRATION IN PHARMACY
ADJUDICATORY SESSION MINUTES
TUESDAY, JANUARY 10, 2006
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

In the Matter of Robert Reynolds, R.Ph., Docket No. PH-06-045.
Discussion of surrender terms.

In the Matter of Michael Major, R.Ph., Docket No. PH-06-002.
Review of complaint involving theft of sexual enhancement drugs.

In the Matter of Zachary J. Mooney, Pharmacy Technician, Docket
No. PH-PT-04-006.
Review/discussion of Proposed Final Decision and Order by Default.