

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
DEPARTMENT OF PUBLIC HEALTH - HCQ
2nd Floor Conference Room
99 Chauncy Street, Boston, MA
Tuesday, January 12, 2010

Board Members

Present

Staff Present

Joanne Trifone, R.Ph.; Stanley Walczyk, R.Ph.; James T. DeVita, R.Ph.;
Michael Tocco, R.Ph., M.Ed.; William Gouveia, R.Ph., M.S.; Steven Budish
James D. Coffey, R.Ph., Director; Margaret Cittadino, M.Ed., Associate
Director; Leo McKenna, R.Ph., Pharm. D., Quality Assurance Coordinator;
Samuel J. Penta R.Ph., Supervising Investigator; Cheryl Latham, Pharm.D.,
Investigator, and James Emery, Pharmacy Technician, Investigator

1. 9:00 a.m. CALL TO ORDER - President Joanne M. Trifone, R.Ph.
2. 9:10 a.m. LICENSING: Pharmacy/ Wholesale Distributor Applications – Assoc. Dir. Cittadino

New Stores

CVS 7140 proposed to be located at 599 State Road, Westport

Walgreens Pharmacy #13005 proposed to be located at 160 East Central Street, Franklin

Change of Manager

Boston Home Infusion, 110 Sterois Way, Dedham (DS2523)

Big Y 23, 200 West Street, Pittsfield (DS3340)

CVS 183, 700 Boston Road,, Billerica (DS2347)

CVS 4471, 600 State Street, Springfield (DS3552)

CVS 1893, 90 Main Street, Northampton (DS2355)

CVS 1860, 101 Central Street, Holliston (DS01746)

CVS 1402, 929 Main Street, Walpole (DS1402)

CVS 751, 4 Colon Street, Beverly (DS89664)

CVS 1291, 770 Boston Road, Springfield (DS3303)

CVS 5826, 2 Roche Brothers Way, North Easton (DS3291)

Resident Care Pharmacy, 213 Broadway, Methuen (DS3264)

Rite-Aid 10076, 240 Avenue A, Turners Falls (DS2684)

Walgreens 1849, 972 American Legion Highway, Roslindale (DS1366)

Walgreens 3135, 825 Morton Street, Boston (DS2289)

Walgreens 3759, 1010 Broadway, Chelsea (DS2701)

Walgreens 6805, 1130 Bowdoin Street, Dorchester (DS3246)

Wal-Mart Pharmacy 10-2128, 55 Brooksby Village Way, Danvers (DS2874)

Renovation/Expansions

CVS 01179, 234 Washington Street, Hudson (DS2983)

CVS 0736, 199 Great Road, Bedford (DS1039)

CVS 2592, 468 Blue Hill Ave., Dorchester (DS3011)

Relocations

CVS 843, FROM 187 Exchange Street, Chicopee TO 235 Center Street, Chicopee

CVS 751, FROM 4 Colon Street, Beverly TO 434 Rantoul Street, Beverly

Transfer of Ownership

Butler Schein Animal Health Supply, 80 Mainline Drive, Westfield FROM National Logistics Services, 80 Mainline Drive, Westfield (WD465)

Store Closings with Transfers of Inventory and Records noted

CarePlus CVS/pharmacy 8401, 20 Southbridge Road, Charlton (DS3220 to CVS/pharmacy 38 (DS3510) 142 Worcester Road, Charlton

CarePlus CVS/pharmacy 8411, 67 Hall Road, Sturbridge (DS3232) to CVS/pharmacy 765 (DS2910) 399 Main Street, Southbridge

Eaton Apothecary 2025, 76 Prospect Street, Gloucester (DS3450) to Walgreens 2517 (DS2106) 201 Main Street, Gloucester

Eaton Apothecary 2020, 111 Canal Street, Salem (DS2003) to Walgreens 2063 (DS2106) 29 New Derby Street, Salem

Uphams Corner Health Center Pharmacy, 415 Columbia Road, Dorchester (DS2935) to Strand Pharmacy(DS6313), 533 Columbia Road, Dorchester

Motion Gouveia /Walczyk to approve applications and closing notices.

Approved.

Recused: DeVita and Tocco for all CVS matters; and Trifone for all Walgreens matters.

3. 9:15 a.m. UPDATES - Dir. Coffey/Assoc. Dir. Cittadino
- 2010/2011 Drug Store (Pharmacy) Renewals
- Board Dispositions

4. 9:20 a.m. REPORT OF OFFICE OF INVESTIGATIONS
File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator; James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph., Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

	DOCKET	BOARD ACTION
1	SA-INV-0971 (DS) PHA2009-0213 (PH)	Motion Walczyk/DeVita to dismiss without prejudice. Approved unanimously Motion DeVita/Walczyk to dismiss with advisory letter and 21 continuing education (CE) credits including three law CEs. Approved unanimously
2	PHA2009-0217 (PH)	Motion DeVita/Walczyk to propose consent agreement for one year probation. Approved unanimously
3	PHA2009-0200 (PT)	Motion Budish/Walczyk to accept voluntary surrender. Recused/Trifone Approved unanimously
4	SA-INV-0972 (DS)	Motion DeVita/Gouveia to dismiss with no violation. Approved unanimously
5	PHA2009-0180 (DS) PHA2009-0211 (PH)	Motion Budish/Gouveia to dismiss verifying pharmacist complaint with advisory letter and two medications error CEs. Recused/ DeVita and Tocco Approved unanimously

	Motion Budish/Gouveia to dismiss pharmacy complaint with advisory letter. Recused/ DeVita and Tocco Approved unanimously
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5. 10:00 a.m. PHARMACIST APPLICATION/Appearance

Steven M. Arruda, R.Ph. - Pharmacist Reciprocal Licensure applicant

Motion Budish/Gouveia to approve application.
Approved

6. 10:20 a.m. LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL

Pending Matters - Susan Manning, Board Counsel
MGL c. 112, s. 65C and MGL c. 30A, s. 11A

10:20 a.m. **Motion** Trifone/Budish to enter Closed Session.
Approved

10:55 a.m. **Motion** Walczyk/Trifone to end Closed Session.
Approved.

Complaint Docket No. PHA-2009-0120 - **Stephen Meyers, R.Ph.** (PH14094)
Review of disposition of Attleboro District Court matters (Docket Nos. 0934CR003829 and 0934CR003130) and inquiry from William H. Sims, Esq.

Motion DeVita/Walczyk to advise no reinstatement conditions following surrender of registration (9/09).
Approved unanimously

Complaint Docket No. PH-05-129 - **Kevin S. Dion, R.Ph.** (PH23766/Expired 12/31/2008 while on Probation). Review of correspondence from licensee regarding disciplinary status in CT; currently MA license on Probationary status (October 27, 2005 Consent Agreement) but not in compliance with Consent Agreement terms regarding CT license status and monitoring terms.

Motion DeVita/Budish to SUSPEND expired registration no. PH23766 (effective on mailing) based on violation of Consent Agreement terms and in accordance with Paragraph 10 of the Consent Agreement; and advise licensee that Board will not review any request for reinstatement until his CT license is in good standing and without probationary or other monitoring conditions.
Approved unanimously

Complaint Docket Nos. DS-06-074 and PH-06-011 - **Bourne Pharmacy** (Reg. no. 3078) and **Gerald L. Liberfarb, R.Ph.** (PH15152).

Board reviewed administrative record of adjudicatory proceedings and sanction hearing in matters of **Bourne Pharmacy** and **Gerald L. Liberfarb, R.Ph.**, conducted by Administrative Hearings Counsel Mitchell Goldstein. Board reviewed and discussed

Proposed Final Decision issued by Goldstein, including objections and response to objections filed by the parties in response to the *Tentative Decision* issued by Goldstein in the matters.

Motion Walczyk/Budish to adopt *Proposed Final Decision* in its entirety and issue *Final Decision and Order* revoking pharmacy license of Bourne Pharmacy (Reg. no. 3078) and pharmacist license (PH15152) of Gerald Liberfarb, with no conditions for reinstatement.

Approved unanimously

Complaint Docket No. 20080805-PH-031 - **Scott M. Connolly** (Pharmacy Technician Reg. PT8613/Voluntary Surrender 1/2/09). Review of *Application for Pharmacy Technician Licensure*. Applicant surrendered pharmacy technician registration in December 2008 in resolution of Complaint Docket No. 20080805-PH-031.

Motion Walczyk/Gouveia to deny *Application for Pharmacy Technician Licensure* based surrender terms related to resolution of Docket No. 20080805-PH-031.

Complaint Docket No. 20080718-PH-012 - **Charles E. Sliwoski, R.Ph.**
Board reviewed request for reconsideration of inquiry regarding performance of DUR or any other any clinical pharmacy functions without current pharmacist license.

Motion DeVita/Walczyk to confirm prior communication that no "pharmacist" position is permitted pursuant to surrender agreement and "pharmacist" title may not be used where no current license.

Approved unanimously

7. 11:00 a.m. PHARMACY INTERNSHIP APPLICATION/Appearance
Elias Ayoub - Pharmacy Intern Registration applicant.

Motion Gouveia/Tocco to take application under advisement.
Approved

Discussion regarding application and appearance of Elias Ayoub application for Pharmacy Intern registration.

Motion Tocco/Walczyk to approve application and authorize employment to commence, with contingent registration requirements of (1) completion of an anger management program within six months; and (2) Board review of references from college advisor, current employer, and internship preceptor and within 30 days of Board notice.

Approved unanimously

8. 11:50 a.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance
STRYKER BIOTECH, LLC - Proposed: 35 South Street, Hopkinton, MA.

The applicant proposes to distribute devices (i.e. pain pumps) and Schedule VI controlled substances. Appearances: Matthew Piccirilli, facility Designated Representative, and Douglas Hillis, Director, Supply Chain and Logistics.

Motion Walczyk/Gouveia to continue evaluation of application to determine if Board

licensure or DPH/Drug Control Program licensure required.
Approved unanimously

9. 12:25 p.m. **DISCUSSION - Wall Certificate Format** – Sophia Pasedis
Tabled

10. 12:25 p.m. **FLEX DISCUSSION**

NEW BUSINESS

Pharmacy Internship applications

- a) **Daniel Harold Cassel**

Motion Walczyk/Budish to approve application.
Approved unanimously

- b) **Matthew Thomas Borden**

Motion Walczyk/Budish to approve application.
Approved unanimously

- c) **Nathan Matthew LaCasse**

Motion Walczyk/Budish to approve application.
Approved unanimously

- d) **Matthew John Kolb** - Reciprocal Pharmacist application

Motion Walczyk/Tocco to deny application with advisement Board will review
application when licensee is in good standing in State of Illinois.
Approved unanimously

- e) Complaint Docket Nos. PH-07-017 and PH-07-037 - **David Brothers R.Ph.**
(Pharmacist License. No. 11989) – Petition for termination of Probation.

Motion Tocco/Budish to approve petition and terminate probation status.
Approved unanimously

OLD BUSINESS

- a) Policy on the Transfer of an Original Schedule VI Prescription not Dispensed

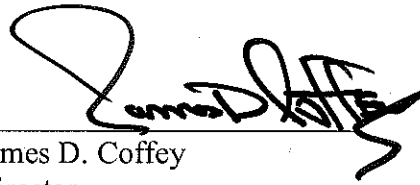
Motion Tocco/Budish to adopt Policy, effective this date.
Approved unanimously

13. 12:50 p.m. **INFORMATIONAL ITEMS (FYI)**

12:55 p.m. **Motion** Budish/Tocco to adjourn meeting.

ADJOURNMENT

Respectfully submitted by:



James D. Coffey

Director

Date: 5/12/10

Reviewed by Counsel: May 6, 2010

Draft approved: May 6, 2010

Board approved: May 11, 2010

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CLOSED SESSION MINUTES
Meeting Minutes
DEPARTMENT OF PUBLIC HEALTH - HCQ
2nd Floor Conference Room
99 Chauncy Street, Boston, MA
Tuesday, January 12, 2010

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

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Board Counsel reviewed the following matters with the Board:

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10:55 a.m. **Motion** Walczyk/Trifone to end Closed Session.
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