

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, JULY 13, 2004
239 CAUSEWAY STREET, ROOM 204
BOSTON, MASSACHUSETTS 02114**

Present: James T. DeVita, R.Ph., Pres., Marilyn Barron, MSW, Public Member, Steven Budish, Public Member, Sophia Pasedis, R.Ph., Joel R. Berman, R.Ph. and William A. Gouveia, R.Ph.

Absent: Karen Ryle, R.Ph., M.S., Secy., Harold Sparr, R.Ph., M.S., Donald D. Accetta, M.D. and George A. Cayer, R.Ph.

Staff present: Charles Young, R.Ph., Exec. Dir., James Coffey, R.Ph., Assoc. Dir., Susan Manning, Counsel, Carolyn Reid, Admin. Asst., Leslie Doyle, R.Ph., Healthcare Supervisor, and James Emery, Healthcare Investigator.

AGENDA ITEMS

1. 9:30 a.m. Call to Order – Pres. DeVita
2. 9:35 a.m. Introduction/Announcement of new Board Members
3. 9:40 a.m. Review of Minutes from a previous meeting
Motion/DeVita to accept June 08, 2004 minutes. Second/Barron. Motion carried.
4. 9:45 a.m. Report of Offices
 - a) Office of Investigations - Investigators Doyle and Emery
 - i) File Review
 - b) Board Counsel – pending legal matters
In the Matter of Albert Chow, R.Ph. – Docket No. PH-03-093
Sanction hearing held by Hearing Officer Mitch Goldstein on May 27, 2004 with tentative decision for consideration by Board to follow.
5. 10:15 a.m. Report of Committees
 - a) Strategic Planning/Grid Management
 - i) Regulation update - Board Counsel
Shoppers Drugs – hearing date for Sept. or Oct. Pharmacy will provide quarterly reports to Board.
Motion/DeVita grant pilot status of program for one year and report back to Board. Second/Pasedis. Vote: Unanimous in favor.

- ii) Oral and written proficiency requirements update - Pres. DeVita
Topic to be included on agenda for District 1 meeting on October 14-16, 2004 in New Brunswick, Canada.
- iii) Pharmacist Emeritus discussion - Pres. DeVita
Motion/DeVita to explore the establishment of emeritus license category for retired pharmacists (requires record of good standing, not required to pay renewal fees or complete continuing education credits).
Second/Budish. Vote: Unanimous in favor.
- iv) Pharmacist immunization program update - Ex. Dir. Young
Pharmacists will be able to administered influenza vaccine in Fall 2004.
Information regarding Flumist will be posted on Board website.
- b) Newsletter update - Ex. Dir. Young
Newsletter will be published on August 1, 2004 – may be accessed on Board and NABP websites.

6. 11:00 a.m. to 11:30 a.m. Investigative Conference: DS-03-059 & PH-04-005
In the matter of Spring Street Drug, 121 Spring Street, Springfield, MA 02148 (Permit 13508) and Richard R. Lavallee, R.Ph. (License #13616)

Complaint alleged that on March 21, 2003, Registrant dispensed Topamax 100 mg instead of Lamictal 100mg as prescribed while employed at Spring Street Drug.

CEs: compliant

Present: Richard LaValle, R.Ph., Registrant
Daryl Schwartz, R.Ph., Manager of Record

Registrant admitted that Topamax was dispensed instead of the prescribed medication Lamictal. Registrant stated he had no recollection of filling the prescription and that he didn't recall another person assisting him with filling process. Registrant said that a certified technician transcribed his handwriting.

Manager stated that adequate staffing was provided and that prescription volume is not an issue at the facility. Pharmacy 2002 system has been implemented. At the time of incident, the Pharmacy system did not have capability to perform bar code, scanning and imaging.

Pharmacist: Motion/DeVita - Advisory Letter with 2 CEs in Medical Error Prevention and USP. Second/Berman. Vote: Unanimous in favor.

Drugstore: Motion/Berman - Advisory Letter with submission of drugstore policies and procedures re: roles and responsibilities for pharmacy and pharmacists to prevent medication errors to Board by October 1, 2004. Motion/Pasedis. Second/Budish. Vote: Unanimous in favor.

7. 11:30 a.m.

Application for Licensure as a New Pharmacy

Life Line Pharmacy - 1211 GAR Highway (Route 6), Swansea, MA 02777

Proposed Manager of Record - William A. Beaulieu, R.Ph. (Lic. No. 13647 exp. 12/31/2004).

CEs: compliant

Present: William Beaulieu, R.Ph.

LifeLine Pharmacy seeks to expand current business to specialize in diabetes. The pharmacy will have three storefronts - medical, retail store and clinical pharmacy – and be licensed as freestanding facility. Pharmacy plans to carry all drugs (no waiver application). The pharmacy will have a separate entry to the pharmacy department, separate alarm and security systems, and hours. The pharmacy will have glass partition to the ceiling. Pending information: floor plans, articles of organizations and cover letter.

Motion/DeVita to approve subject to pending info. Second/Gouveia.

Vote: Unanimous in favor.

8. 12:00 p.m. Old Business for discussion

- a) Board decision in the matter of DS-04-054: Price Chopper Pharmacy #155, 300 Stockbridge Road, Great Barrington, MA – June 22, 2004 investigative conference.

Motion/DeVita Advisory Letter, quarterly self-inspection, 6 mos.

Board inspection. Second/Gouveia. Vote: Unanimous in favor.

- b) On-line renewal project update – Assoc. Dir. J.D. Coffey

Ongoing review of electronic automation systems for renewal program.

9. 12:15 p.m. New Business for discussion

- a) DPH/DHPL Code of Conduct

Board members need to forward completed certifications to Board staff.

- b) DPH/DHPL Policy for Board Member Reimbursement
Forward completed forms to James Coffey or Charles Young.
- c) Advisory Opinion Request - Vera Daaboul regarding MA
pharmacist licensure.
Motion/Barron deny request. Second/Gouveia. Vote: Unanimous in
favor.
- d) Request for pharmacist reinstatement from Karl F. Hilse, Jr. (Lic. No.
21660/Final Decision and Order - license revoked 01/16/1998)
Motion/DeVita to submit MPRS evaluation to Board for consideration
of request.
- e) Advisory Opinion Request - Angelique Reitmeier regarding
internship. Request job description explaining specific job responsibilities.
- f) Discussion related to transfer of prescription information from one
pharmacy to another for a prescription not filled by the original
pharmacy - Pres. Jim DeVita.
Motion/DeVita to approve current version of policy -can be amended, if
necessary, to restrict to Schedule VI.

10. 12:30 p.m. – 1:30 p.m. Lunch
Motion/DeVita to adjourn for lunch. Second/Barron. Vote: Unanimous
In favor.

11. 1:30 p.m. to 2:00 p.m.
Application for Licensure as a Wholesale Distributor
VWR International, Inc., 161 Grove Street, Franklin, MA 02038.
The applicant is represented by Warehouse Manager John O'Neal Kates.

The applicant proposes to distribute Schedule VI controlled substances to
hospitals, other wholesalers, physicians or other practitioners licensed to
prescribe, veterinarians, and colleges and universities.

Also present - Tim Grogan, District Manager

The proposed facility will have pharmacy capacity of 56,000-sq. ft., pharmacy installed alarm and a 24-hr. security system and 12 employees. VWR will solely be a wholesaler/distributor, buying directly from the manufacturer, distributing lab supplies, raw materials, legend materials, and prescription drug products. They have separate areas for products, wholesale system and inventory control systems in place. They will update policies and procedures manual continuously, and update standard operating procedures weekly.

Motion/Budish to approve application. Second/Berman. Vote: Unanimous in favor.

12. 2:00 p.m. to 2:40 p.m. Investigative Conference: DS-04-079 & PH-04-084
In the matter of CVS Pharmacy #2680, 106 Boston Road, Groton, MA 01450 (Permit # 2960) and Registrant Fadi A. Zakaria, R.Ph. (License # 1362)

The complaint alleged that on February 02, 2004, the Registrant dispensed Fluoxetine 10mg rather than Omeprazole 10mg as prescribed while employed at CVS Pharmacy #2680.

Recused – DeVita – exited meeting room.

CEs: compliant

Present:

Complainant

Registrant

Sean Murphy, Pharmacy Manager

Dick Sharp, Pharmacy Supervisor

Complainant stated that when she received the medication from the pharmacy, she assumed medication was correct, although the pills were a different color. After 14 days of consuming the medication and not getting positive results, Registrant contacted CVS pharmacy to inquire about the medication, she was advised by the pharmacy technician to bring the medication to the store. Complainant said that she told Registrant the pills were not working and his response was "What do you mean not working?" and that Registrant could not identify the pills in the bottle. Complainant said that she immediately contacted the Poison Control Center and her physician to alert them of the incident.

Registrant admitted to dispensing Fluoxetine instead of the prescribed Omeprazole. Registrant stated he apologized for the medication error, and offered the complainant a refund on her co-pay. Registrant said that he was not able to identify the pills inside the bottle. Registrant stated that he was the verifying pharmacist, and doesn't remember doing the final verification check.

The Manager of Record stated that they take the incident very seriously and, when appropriate, pharmacists are required to attend training for updated information.

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

13. 2:40 p.m. to 3:20 p.m. Investigative Conference: DS-04-046 & PH-04-052

In the matter of CVS Pharmacy #1085, 64 Swan Street, Methuen, MA, 01844 (Permit #1724) and Registrant Gerard F. Fichera, R.Ph., (License #16549).

The complaint alleged that on September 13, 2002, the Registrant dispensed Coumadin 4mg rather than Cardura 4mg as prescribed while employed at CVS Pharmacy #1085.

CEs: complaint

Recused – DeVita – not present in meeting room.

Present:

Complainant

Peter Callahan, Esq.

Gerard Fichera, R.Ph., Pharmacy Manager

Complainant stated that prior to the accident he was in good physical condition, however, now his legs are weak making it difficult to stand for a period of time, his hands are weak and he cannot participate in physical activities.

Registrant admitted to dispensing Cardura instead of the prescribed Coumadin. Registrant apologized for the medication error. Registrant

stated data was entered incorrectly and that he was the verifying pharmacist and did not recognize the error. New policy and procedures were implemented for corrective actions.

Motion/Berman to take under advisement. Second/Budish. Vote: Unanimous in favor.

Pres. DeVita – re-entered meeting room at 3:30 p.m.

14. 3:30 p.m. Investigative Conference DS-04-057
In the matter of James M. Burke, R.Ph. (License No. 16706/exp. 12/31/2004)

The complaint alleged failure to comply with requisite continuing education requirements for 2002 and 2003.

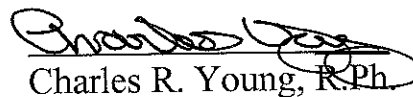
CEs: 2002 – none; 2003 - none

Registrant stated he was aware that he is required to complete 15 CEs (5 live, 2 law) annually. Registrant said he has worked at Medi Rite for thirteen years. Registrant stated that his wife is very ill and that his CEs were in a file that his wife took the file out of the house.

Motion/DeVita seek Reprimand of license with 15 live CEs and MPJE w/in 6 mos. Second/Pasedis. Motion carried.

15. Motion/Berman to adjourn meeting. Second/Budish. Meeting adjourned.

Respectfully submitted by:


Charles R. Young, R.Ph.

Executive Director

Date: 9/13/04

Reviewed by counsel: September 13, 2004

Draft approved: September 13, 2004

Board approved: September 21, 2004