

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES

June 1, 2010

239 Causeway Street, Room 206
Boston, Massachusetts

Board Members Present Joanne Trifone, R.Ph. Stanley Walczyk, R.Ph.; Michael Tocco, R.Ph, M.Ed.; James T. DeVita, R.Ph.; Kathy Fabiszewski, Ph.D., N.P., Donald D. Accetta, M.D., M.P.H.; Steven Budish; William A. Gouveia, R.Ph., M.S.

Board Members Absent Sophia Pasedis, R.Ph., Pharm.D.; George Cayer, R.Ph.

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 Latham 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. REVIEW/ADOPTION OF BOARD MINUTES
Motion Walczyk/Gouveia to approve October 20, 2009 minutes.
Approved
3. 8:40 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Assoc. Dir. Margaret Cittadino

New Store

Walgreens Pharmacy 13135, 21 South Street, Mashpee

Walgreens Pharmacy 11831, 324 Hancock Street, Quincy

Change of Manager

CVS 3890, 207 Market Street, Brighton (DS89680)

CVS 315, 451 Center Street, Ludlow (DS2965)

Louis & Clark 135, 1295 State Street, Springfield (DS3427)

Walgreens 7329, 75 Market Street, Rockland (DS3362)

Wal-Mart Pharmacy 10 2118, 301 Massachusetts Avenue, Lunenburg (DS2750)

Wal-Mart Pharmacy 10 2122, 30 Memorial Drive, Avon (DS2735)

Renovation/Expansion - Retail Drugstore/Pharmacy

CVS 1955, 231 Massachusetts Avenue, Boston (DS1974)

CVS 0117, 1921-1943 Centre Street, West Roxbury (DS3207)

CVS 1871, 1280 Worcester Road, Framingham (DS3286)

Motion Budish/Walczyk to approve applications.

Approved

Recused: Trifone for Walgreens, Tocco/DeVita for CVS

4. 8:45 a.m. UPDATES
Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino

- Introduction of MCPHS Board Intern April Kalinga
- Board Dispositions
- James T. DeVita elected NABP District I Executive Committee Member
- Rescission of *Determination and Order* pursuant to M.G.L. c. 111, s. 5A: Prescribing and Dispensing Tamiflu® for Oral Suspension
- Rescission of Order Allowing for the Administration of Vaccine by Designated Health Care Professionals and Medical and Nursing Students

5. 9:00 a.m. REPORT OF OFFICE OF INVESTIGATIONS

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

	DOCKET	BOARD ACTION
1	SA-INV-1024 Andrews Pharmacy DS1429	Motion Tocco/Walczyk to Dismiss with Advisory Letter Approved
2	PHA2010- 0031 Walgreen 6072 DS3004	Motion DeVita/Tocco to Dismiss with Advisory Letter with reference to DEA partial fill guidance. Recused: Trifone Approved
3	PHA2010- 0065 Walgreens 4595 DS2970 PHA2010- 0091 Quyen V. Luong PH26838	Motion DeVita/Tocco to Dismiss with Advisory Letter with recommendation for training on return to stock policy and Baker cell policies. Recused: Trifone Approved
4	PHA2010-0049 CVS 2680 DS2960 PHA2010-0080 Denise M. McDonald PH24998	Motion Budish/Gouveia motion to Dismiss with Advisory Letter to pharmacist. Recused: DeVita and Tocco Defeated Motion Accetta/Trifone to re-discuss pharmacy complaint following Board inspection/survey. Recused: DeVita and Tocco Approved Motion Trifone/Accetta for Reprimand and additional 4 continuing education credits: 2 pediatric dosing; 2 medication errors. Recused: DeVita and Tocco Approved Opposed: Fabiszewski
5	PHA2010- 0037 CVS 929 DS2946	Motion Walczyk/ Budish to Dismiss with Advisory Letter to include Pharmacy Corrective Action Plan (CAP Plan) with the names and signatures of retrained employees to the Board for review and (2) submit a Medication Error Report (MER) to the Institute for Safe Medication Practices (ISMP).

	<p>PHA2010-0096 Andrew Marcoux PH15735</p> <p>PHA2010-0081 Peter J. Santoro PH20526</p>	<p>Recused: DeVita and Tocco Approved</p> <p>Motion Walczyk/Accetta to Dismiss with Advisory Letter and 2 hours continuing education hours related to medication error prevention. Recused: DeVita and Tocco Approved</p> <p>Motion Trifone/Walczyk to Dismiss with Advisory letter and 9 continuing education credits. Recused: DeVita and Tocco Approved</p>
6	<p>PHA2010-0024 CVS 669 DS2846</p> <p>PHA2010- 0090 Davindranath Dookhan PH21467</p>	<p>Motion Trifone/Budish to Dismiss - No Violation Recused: DeVita and Tocco) Approved</p> <p>Motion Trifone/Walczyk to Dismiss with Advisory Letter and 2 hours continuing education related to medication error prevention. Recused DeVita and Tocco Approved</p>
7	<p>PHA-2010-0060 CVS 736 DS1039</p> <p>PHA-2010-0092 Bilkish Malek PH23552</p> <p>PHA-2010-0082 Richard M. Tanner PH18251</p>	<p>Motion Trifone/Budish to Dismiss – No Violation. Recused DeVita and Tocco Approved</p> <p>Motion Accetta/Budish to Dismiss with Advisory Letter and 2 hours continuing education related to medication error prevention. Recused: DeVita and Tocco Approved</p> <p>Motion Accetta/ Budish for Reprimand related to continuing education deficiencies. Must retake the MPJE. Recused: DeVita and Tocco Approved</p>
8	<p>PHA-2010-0073 CVS 137 DS2951</p> <p>PHA-2010-0072 Natalya Kaplan PH24098</p>	<p>Motion Accetta/Walczyk for Investigative Conference. Recused DeVita and Tocco Approved</p> <p>Motion Budish/Walczyk for Dismissal with Advisory Letter. Licensee cannot be a Manager of Record for 2 years and must take 2 hours continuing education in pharmacy law.</p>

		Recused DeVita and Tocco Approved
9	PHA2009-0083 Debra L. Bango PH20506	Motion Trifone/Walczyk for Summary Suspension if license not surrendered. Recused: DeVita and Tocco Approved

10:45 a.m. Break

6. 10:55 a.m. INVESTIGATIVE CONFERENCE

Walgreens PH3342/Docket PHA-2010-0034, **Katherine H. Patterson, R.Ph.** PH24719/Docket PHA-2010-0071; **Darlene T. Nguyen** PT8421/ Docket PHA-2010-0070; Deanna Kuhn PT12285 (technician in training at time of incident).
Investigator: James C. Emery

The Complaint alleges that on or about December 13, 2009, a prescription written for Prilosec® 40mg 1 capsule every 12 hours was verified and dispensed with Fluoxetine 40mg 1 capsule every 12 hours at Walgreens Pharmacy #7617 located at 800 River Street, Haverhill.

Motion DeVita/Gouveia to take matter under advisement; review following Walgreens July 2010 appearance regarding involved program.

Recused: Trifone

Approved

7. 11:30 a.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance
HIGH TECHNOLOGY, INC. – Proposed: 109 Production Road, Walpole, MA 02081

Present: Gary Titov, Designated Representative and CEO; Edward F. Reilly
Wholesale distributor applicant proposes to distribute Schedule III-VI controlled substances.

Motion Walczyk/DeVita to approve application contingent upon DEA registration and Office of Public Protection inspection.

Approved

8. 11:50 a.m. LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel
MGL c. 112, s. 65C and MGL c. 30A, s. 11A-Review and Discussion of Complaints and Other Matters: Closed Session

Update: Collaborative Drug Therapy Management (CDTM) Board of Pharmacy Regulations concerning CDTM (247 CMR 16.00) will be filed June 11, 2010; published in Massachusetts Register and effective 6/25/ 2010.

11:55 a.m. **Motion** Walczyk/Gouveia to enter closed session.
Approved

12:10 p.m. **Motion** Walczyk/Trifone to end Closed Session.
Approved

Matter of **Donald H. Weiner**, R.Ph. PH14146 - Docket PHA-2009-0203
Motion Trifone/Walczyk for one year suspension followed by four year probation period with terms to be determined by Board.

Recused: DeVita and Tocco

Approved

Matter of **Gbolahan Diyaolu** R.Ph. (PH19258) - Docket PH-07-078 -
proposed *Final Decision and Order After Sanction Hearing*

Motion Gouveia/DeVita to adopt *Final Decision and Order After Sanction Hearing* and revoke pharmacist registration.

Approved

REPORT OF OFFICE OF INVESTIGATIONS - continued

File Review - Samuel J. Penta, R.Ph., Supervising Investigator,
Office of Public Protection

Leah Forbes PT 6756 (expired 10/25/09) – Docket PH-20090220

Motion Trifone/Tocco to notify licensee that any application for renewal of technician registration activation would require MPRS evaluation and review of complaint.

Approved

Matter of Hung V. Tran PT10523 PHA-2010-0058 – failure to disclose good moral character issues over 10 years ago on initial application.

Motion Walczyk/Gouveia to dismiss with advisory letter to include completion of 2 hours of continuing education in the area of pharmacy law related to failure to disclose good moral character issues on application for Pharmacy Technician registration.

Approved

9. 12:15 p.m. APPEARANCE

Dean Douglas J. Pisano, Ph.D., R.Ph., Massachusetts College of Pharmacy and Health Sciences.

Dean Pisano provided brief comments regarding correspondence related to pharmacy internship hour requirement with additional review scheduled for August 17, 2010 Board meeting.

10. 12:25 p.m. DISCUSSION

- Best Practice Recommendation #26 – *Proper Storage of Refrigerated and Frozen Medications*

Motion Tocco/Trifone to approve Best Practice Recommendation #26 and consider policy regarding refrigerator compliance and later effective date.

Approved

- NABP Annual Meeting Update
- Subcommittee for 2011 NABP/AACP District I Annual Meeting to be hosted by Massachusetts: Margaret Cittadino, Sophia Pasedis, Joanne Trifone, and Stanley Walczyk

11. 12:30 p.m. FLEX DISCUSSION

NEW BUSINESS

- a) **Carol G. Cantos** (PH22633/Exp. 12/31/2004). Reinstatement inquiry.
Motion DeVita/Walczyk to advise MPJE for reinstatement.
Recused: Trifone (not present)
Approved
- b) Review of **Walgreens** correspondence regarding implementation of the "Stickerless Program."
Board will review correspondence following Walgreens appearance regarding related program.
Recused: Trifone (not present)

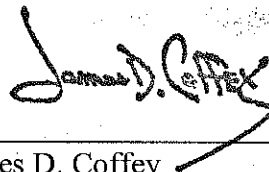
OLD BUSINESS

- a) **Elias M. Ayoub** – (PI156131/Exp. 1/12/2015) Intern condition review.
Motion Walczyk/Trifone to approve the extension regarding course requirement to 12/31/2010.
Approved
- b) Review of **CVS Caremark** correspondence regarding Pilot Project
DeVita not present

1:05 p.m. **Motion** Trifone/Walczyk to adjourn.
Approved.

ADJOURNMENT

Respectfully submitted by:



James D. Coffey
Director
Date:

Board approved: October 19, 2010

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES

JUNE 1, 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)

11:55 a.m. **Motion** Walczyk/Gouveia to enter closed session.
Approved

Matter of **Donald H. Weiner**, R.Ph. PH14146 - Docket No. PHA-2009-0203
Review of response regarding proposed resolution of complaint.

Matter of **Gbolahan Diyaolu** R.Ph. (PH19258) - Docket No. PH-07-078 –
Review and discussion of proposed *Final Decision and Order After Sanction*
Hearing.

12:10 p.m. **Motion** Walczyk/Trifone to end Closed Session.
Approved