

BOARD OF REGISTRATION IN PHARMACY
BOARD MEETING MINUTES
JUNE 10, 2008
239 CAUSEWAY STREET, ROOM 204
BOSTON, MA 02114

Present: James DeVita, R.Ph., George Cayer, R.Ph., Kathy Fabiszewski, Ph.D., R.N., Joanne M. Trifone, R.Ph., Michael Tocco, R.Ph., M.Ed., Marilyn Barron, MSW, Public Member, Stanley Walczyk, R.Ph., Steven Budish, Public Member

Absent: Sophia Pasedis, R.Ph., Pharm.D., William Gouveia, R.Ph., M.S., Donald Accetta, M.D.

Staff: James D. Coffey, R.Ph., Dir., Margaret C. Cittadino, Assoc. Dir., Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Adm. Asst., Samuel Penta, R.Ph., Superv., Cheryl Lathum, Inv.

1. 8:30 a.m. Board Member DeVita called meeting to order.
2. 8:35 a.m. Review/Adoption of Board Minutes – Tabled
3. 8:40 a.m. Pharmacy/Wholesale Distributor Applications - Dir. Coffey

New Pharmacy/Pharmacy Dept.

Walgreen's Pharmacy #11688 - 1195 Granby Rd., Chicopee, MA 01020

New Wholesale Distributor

Novartis Vaccines and Diagnostics, Inc. (Schedule VI only) –
350 Massachusetts Ave., Cambridge, MA 02139

Change of Manager

North Shore Pharmacy, Wakefield (Pharmacy Reg. No. 3458)
CVS/pharmacy #706, Acton (Pharmacy Reg. No. 24385)
CVS/pharmacy #1226, Ashland (Pharmacy Reg. No. 2022)
CVS/pharmacy #260, Boston (Pharmacy Reg. No. 2294)
CVS/pharmacy #1889, Brighton (Pharmacy Reg. No. 2816)
CVS/pharmacy #1006, Brockton (Pharmacy Reg. No. 2175)
CVS/pharmacy #240, Cambridge (Pharmacy Reg. No. 5551)
CVS/pharmacy #1002, Cambridge (Pharmacy Reg. No. 3060)
CVS/pharmacy #1022, Cambridge (Pharmacy Reg. No. 1556)
CVS/pharmacy #2125, Natick (Pharmacy Reg. No. 2763)
CVS/pharmacy #704, Northboro (Pharmacy Reg. No. 3568)
CVS/pharmacy #2533, Peabody (Pharmacy Reg. No. 2933)
CVS/pharmacy #8437, Wellesley (Pharmacy Reg. No. 3549)
Eaton Apothecary #2010, Danvers (Pharmacy Reg. No. 2530)
Family Pharmacy, Worcester (Pharmacy Reg. No. 3523)
Rite-Aid Pharmacy #10139, Hingham (Pharmacy Reg. No. 3111)
Pharmalife Pharmacy of Boston, Brighton (Pharmacy Reg. No. 3569)
Target Pharmacy T-1803, Salem (Pharmacy Reg. No. 3272)
Family Pharmacy, Worcester (Pharmacy Reg. No. 3523)

Renovation/Expansion

CVS/pharmacy #0505, Fitchburg (Pharmacy Reg. No. 2657)
CVS/pharmacy #1877, Norton (Pharmacy Reg. No. 3010)
CVS/pharmacy #2533, Peabody (Pharmacy Reg. No. 2933)
CVS/pharmacy #2680, Groton (Pharmacy Reg. No. 2960)

Pharmacy Transfer of Ownership

Pharmacy Corporation of America – Massachusetts Inc., 1123 Pearl St.,
Brockton, MA 02301 d/b/a PharmMerica #2796 (Pharmacy Reg. No. 2796)
merged INTO parent company Pharmacy Corporation of America (d/b/a will
remain same)

Wholesale Distributor Transfer of Ownership

Regional Service Center, Inc. 8 Hovey St., Woburn, MA 01801(WD Lic.
No. 451) TO **Safecor Health, LLC, d/b/a Regional Service Center, Inc.**
(Schedules II – VI and Over-the-Counter Drugs), 8 Hovey St., Woburn,
MA 01801. Board requests inspection and final purchase and sale
agreement.

Motion/Cayer to approve above applications, subject to compliant
inspections and other noted conditions.

DeVita and Tocco recused from all above CVS applications.

Trifone recused from all above Walgreens applications.

4. 8:50 a.m. – Updates - Dir. Coffey
5. 9.00 a.m. – Report of Office of Investigations
File Review – Investigators Penta and Lathum

1	DS-08-073 PH-08-045	Advisory Letter Advisory Letter
2	DS-08-077	Advisory Letter
3	DS-08-083	Reprimand
4	PH-08-066	Dismiss
5	DS-08-088	Dismiss

6. 10:00 a.m. Continuation of Investigative Conferences

SA-DS 08-033

Matters of North Shore Pharmacy, 360 Audubon Rd., Wakefield, MA
(Pharmacy Reg. No. 3458) Manager of Record: Cynthia M. Theriault, R.Ph.
(Pharmacist Reg.No. 23560)

Continuation of investigative conferences commenced May 13, 2008 with various involved parties concerning two Form DEA 106 (Report of Theft or

Loss of Controlled Substances) dated 9/11/07 and 10/1/07 regarding losses from narcotic emergency kits supplied to long term care facilities serviced by the Pharmacy.

Present: Cynthia Theriault, former Manager of Record, W. Scott Liebert, Esq.

Motion/DeVita take the matter under advisement. Second/Cayer.
All in favor.

DS-08-012

Continuation of investigative conferences commenced May 13, 2008 regarding complaint alleging Pharmacy dispensed Zestril 40mg rather than Zerit 40mg as prescribed on August 11, 2007.

Present: Nina S. Desai, R.Ph., Verification Pharmacist

Motion/DeVita to take the matter under advisement. Second/Tocco.
All in favor.

DS-08-014

Continuation of investigative conferences commenced May 13, 2008 regarding complaint alleging Pharmacy dispensed Warfarin 2mg refill where vial contained correct drug but was improperly labeled "Lipitor 80mg" for another long term care facility resident.

Present: Edward K. Freeman, R.Ph., Verification Pharmacist

Motion/DeVita to take the matter under advisement. Second/Trifone.
All in favor.

7. 10:45 a.m. – Report of Office of General Counsel
Pending legal matters - Susan Manning, Board Counsel

Closed Session (M.G.L. c. 112, s. 65C and c. 30A, s. 11A)

10:45 a.m. Motion/Budish to enter into Closed Session. Second/Cayer.
All in favor.

11:30 a.m. Motion/Tocco to return to Open session. Second/Trifone.
All in favor.

- a) Matters of **Margolis Pharmacy** (Pharmacy Reg. No. 2974) – Docket No. DS-07-063 and **Steven Shrair**, R.Ph. (Pharmacist Reg. No. 14861) – Docket No. PH-07-023. Board reviewed and discussed Proposed *Final Decision and Order* after sanction hearing. Motion/DeVita suspension of pharmacist registration for minimum one year period followed by probation with term and conditions to be

determined by Board; no MOR status; MPJE exam. Second/Barron. All in favor.

Motion/DeVita probation of pharmacy registration for minimum three year period; new MOR. Second/Trifone. All in favor.

DeVita and Tocco recused from matters c,d,f,g and i) listed below (exited meeting room).

- b) Matter of **Paul E. Dufresne**, R.Ph. – Docket No. PH-06-027 - Petition for termination of Suspension. Motion/Cayer to approve termination and convert to probationary status. Second/Trifone. All in favor
- c) Matter of **Timothy Howley**, R.Ph. – Docket No. PH-04-108. Petition for reinstatement. Board reviewed and recommended referral to MPRS for assessment.
- d) Matter of **Robert D'Orlando**, R.Ph. – Docket No. PH-02-080 and PH-05-074. Board reviewed request for advisement regarding reinstatement. Board to advise D'Orlando regarding experiential hours (1500); NAPLEX, MPJE and MPRS.
- e) Matter of **Peter Alexander**, R.Ph. – Docket No. SA PH-08-013. Board reviewed file. Motion/Tocco to dismiss with advisement regarding dual roles and primary focus on patient health care needs. Second/Barron. All in favor.
- f) Matter of **Stephen Ciapcik**, R.Ph. – Docket No. PH-07-060. Board reviewed complaint file; medical update information. Motion/Cayer to issue advisor letter regarding internet prescription filling and court matter. Second/Barron. All in favor.
- g) Matter of **Gbolahan Diyaolu**, R.Ph. – Docket No. PH-06-091. Board reviewed April 21, 2008 letter. Board declined to reinstate registration pending completion of pending adjudicatory proceedings.
- h) Matter of **John Alexander**, R.Ph. – Docket No. PH-91-039. Board reviewed request for advisement regarding reinstatement. Board to advise Alexander regarding retraining program; experiential hour (1500); and NAPLEX requirements.
- i) Matter of **Wing Cheung**, R.Ph. – Docket No. PH-08-006. Board reviewed request for advisement regarding nuclear internship hours. Board to advise Cheung that hours must be completed when suspension is terminated.

8. 11:30 a.m. Discussion - Proposed *Best Practice Recommendation*

Leo McKenna, R.Ph., Pharm.D., Quality Assurance Coordinator, reviewed proposed *Best Practice Recommendation* No. 25. related to notification of patient or patient's representative upon discovery of significant quality related event (medication error) for effective communication of seriousness of event to patient or representative. Tabled for June 24, 2008 meeting.

9. New Business

Individual Applicants

- a) **Jason Gabriel Bushee** - Pharmacy Intern
Motion/Cayer to approve. Second/Walczyk. All in favor.
- b) **Michael Ryan Correia** - Pharmacist.
Motion/DeVita to approve. Second/Budish. All in favor.
- c) **Matthew Jay Marston, Jr.** - Pharmacy Intern
Motion/Trifone to approve. Second/Walczyk. All in favor.
- d) **Dilviben Girish Patel** - Pharmacy Intern
Motion/Cayer to approve. Second/Trifone. All in favor.
- e) **James Vincent Scanlon** - Pharmacist
Motion/Trifone to approve. Second/Cayer. All in favor.
- f) **Adel Shamseddine** - Pharmacist
Motion/Cayer to approve. Second/Budish. All in favor.
- g) **Brandi Ryan** - Pharmacy Technician
Motion/DeVita to approve application, with Reprimand and employer reference. Second/Cayer. All in favor.
Trifone - recused (exited meeting room)
- h) Matter of **John T. Hayes**, R.Ph., MBA, J.D. (Pharmacist Reg. No. 21331/ Exp. 12/31/2002): Request for Reinstatement.
Motion/DeVita complete 500 internship hours, retraining modules I and 2, MPJE exam. Second/Walczyk. All in favor.
- i) **Carla E. Kesrwani** (Pharmacist No. 25633) - Request for 2009-2014 LIVE CE waiver.
Motion/DeVita waive live CEs, required to complete 15 CEs each year. Second/Cayer. All in favor.


10. Old Business

- a) Matters of **Melissa Cabral**, R.Ph. (Pharmacist Reg. No. 25361) and **Marion A. Raymond**, R.Ph. (Pharmacist Reg. No. 14678) - May 13, 2008 Investigative Conference PH-08-057 and PH-08-058 (formerly SA-DS-08-056) - Tabled to June 24, 2008 meeting.

b) Matters of **Caryn A. Domenici**, R.Ph. (Pharmacist Reg. No. 24076) and **Henry Cassamajor** (Pharmacist Technician Reg. No. 5475) – May 13, 2008 Investigative Conference PH-08-046 and PH-08-048 (formerly SA-DS-08-019) –Tabled to June 24, 2008 meeting.

11. 12:30 p.m. – Motion/DeVita to adjourn meeting. Second/Trifone. All in favor.

Respectfully submitted by:


James D. Coffey, R.Ph.
Director
Date: 08/19/08

Reviewed by Counsel: July 28, 2008
Draft approved: July 28, 2008
Board approved: August 12, 2008

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
(M.G.L. c. 112, s. 65C and c. 30A, s. 11A)
JUNE 10, 2008
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114

10:45 a.m. Motion/Cayer to enter Closed Session. Second/Trifone.
All in favor.

DeVita and Tocco recused from matters c,d,f,g and i) listed below (exited the meeting room).

- 7a) Matters of **Margolis Pharmacy** (Pharmacy Reg. No. 2974) –
Docket No. DS-07-063 and **Steven Shrair**, R.Ph.
(Pharmacist Reg. No. 14861) – Docket No. PH-07-023.
Board reviewed and discussed proposed *Final Decision and Order*
after sanction hearing held in matters.
- b) Matter of **Paul E. Dufresne**, R.Ph. – Docket No. PH-06-027 - Petition
for termination of Suspension. Review and discussions of petition
documents. Overview provided by Dir. Coffey.
- c) Matter of **Timothy Howley**, R.Ph. – Docket No. PH-04-108. Petition for
reinstatement. Board review and discussion of petition documents.
Overview provided by MPRS Coord. Tim McCarthy.
- d) Matter of **Robert D'Orlando**, R.Ph. – Docket No. PH-02-080 and
PH-05-074. Board review and discussion related to request for
advisement regarding reinstatement.
- e) Matter of **Peter Alexander**, R.Ph. – Docket No. SA PH-08-013. Board
reviewed file. Overview provided by Board counsel, Susan Manning.
- f) Matter of **Stephen Ciapcik**, R.Ph. – Docket No. PH-07-060. Board
reviewed complaint file; medial update information.
- g) Matter of **Gbolahan Diyaolu**, R.Ph. – Docket No. PH-06-091. Board
reviewed April 21, 2008 letter. Overview provided by Board counsel.
- h) Matter of **John Alexander**, R.Ph. – Docket No. PH-91-039. Board
review and discussion related to request for advisement regarding
reinstatement.
- i) Matter of **Wing Cheung**, R.Ph. – Docket No. PH-08-006. Board reviewed
request for advisement regarding nuclear internship hours.

11:30 a.m. Motion/Cayer to exit Closed Session. Second/Barron. All in favor.