

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, JUNE 22, 2004
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

Board members present: James T. DeVita, R.Ph., President, Harold Sparr, R.Ph., M.S., Marilyn M. Barron, MSW, Public Member, Steven Budish, Public Member.

Board members absent: Donna Horn, R.Ph., Karen Ryle, R.Ph., Dan Sullivan, R.Ph.

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

AGENDA ITEMS

1. 9:30 a.m. Call to Order – Pres. James DeVita, R.Ph.
Investigative Conference & Business Meeting

Board members welcomed Steven Budish, Public Member.

2. 9:30 a.m. to 10:10 a.m. Investigative Conference: DS-04-052
In the matter of John D. Graham, R.Ph. (License no. 3639)

Complaint re: CE requirements 2002 and 2003
2001-compliant
2002-compliant
2003-completed 4 credits

Present:

John Graham, R.Ph.
George Pappas, R.Ph., Manager of Record

Registrant stated that due to personal circumstances in 2003, he completed only 4 hrs. of CEs, and was told by his manager to complete 33 hrs. of CEs to make up for deficient hours, but he is still deficient 3 live credits. Manager of Record said technician (R.F.) knew enough about the system to reorder the products she was stealing, by changing the Quantity on

Hand(QOH) to read zero. Since the incident, they have installed digital cameras and monitors in the pharmacy; assigned passwords to pharmacists to authorize them to change reorders in the system, and pharmacists' continuing education credits are monitored.

Board Decision:

Pharmacist: Motion/DeVita – submit 3 hrs. of live CEs for 2003 to Board, in addition to 15 hrs of CEs for 2004. Second/Sparr. Vote: Unanimous in favor.

Drugstore: Motion/Sparr dismiss complaint. Second/Barron. Vote: Unanimous in favor.

Motion/DeVita start the process to change status for retired pharmacist to "inactive status". Second/Barron. Motion carried. Unanimous in favor.

3. 10:10 a.m. to 10:50 a.m. Investigative Conference: PH-04-056

In the matter of Paul R. Kula, R.Ph. (License no. 7436).

The complaint alleged that on or about September 28, 2003, Registrant dispensed Naproxen to a patient with a documented NSAID allergy (noted in "Food Allergies" location of the patient's record) while employed at Sunscript Pharmacy, 181 Cedar Hill Road, Marlboro, MA.

Present: Paul Kula, R.Ph.

CEs: compliant

Registrant admitted to dispensing the wrong medication to the patient, stating he was the verifying pharmacist and focused on the accuracy of the order instead of checking for allergy first. He regrets the error and has changed his checking procedure by checking first for allergies and second for accuracy. Sunscript Pharmacy had converted to a new computer system. He had relied on technician to enter correct data in the correct fields. Data-entry was done at the CT and was not entered in the appropriate fields, therefore, system did not flag that allergy existed.

Board Decision

Drugstore: Motion/Sparr take matter under advisement. Second/Budish. Vote: Unanimous in favor.

Pharmacist: Motion/DeVita issue an Advisory Letter, with 2 Ces in Medical Error Prevention and USP. Second/Sparr. Vote: Unanimous in favor.

4. 11:00 a.m. to 11:40 a.m. Investigative Conference: DS-04-054
In the matter of Price Chopper Pharmacy #155, 300 Stockbridge Road, Great Barrington, MA (Permit 2639) and Dana J. Summers, R.Ph. (License no. 19976)

Complaint alleged violation of 247 CMR 9.01(14) - CII Perpetual Inventory.
Also discussed - Summers CE deficiency.

CEs: compliant

Present:

Dana Summers, R.Ph.

Vinny Manella, V.P., Price Chopper Pharmacy

Summers stated corrective actions have been implemented including CII perpetual inventory logs are done every Sunday (instead of every fourteen days); return of expired controlled medication to reverse distributor for destruction; outdated products are pulled and placed in totes clearly marked "outdates-do not dispense"; every 30 days inventory sent to the corporate office for review, and internal random audits performed twice a year.

Manager of Record to send Board copy of the revised CII Perpetual Inventory Report.

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

5. 11:40 a.m. to 12:20 p.m. Investigative Conference: DS-04-058 & PH-04-068. In the matter of Adams Pharmacy, 1089 Central Street, Leominster, MA, 01453 (Permit # 3082) and Registrant, Allan F. Esper, R.Ph. (License no. 4589).
In the matter of PH-04-074: Registrant, Allan F. Esper, R.Ph., (License No. 14589). Complaint alleges violation of 247 CMR 9.01(14) - CII Perpetual Inventory.

Complaint alleged that on or about April 13, 2004, Esper dispensed a generic medication, Endocet, 10/325mg instead of the brand Percocet 10/325mg as prescribed with written "no substitution" while employed at Adams Pharmacy, 1089 Central Street, Leominster, MA. Review of alleged violation of 247 CMR 9.01 (14) - CII Perpetual Inventory.

Present: Allan Esper, R.Ph.

CEs: compliant

Registrant admitted to dispensing Endocet instead of the prescribed medication Percocet. Registrant said consumer gets the same monthly prescription and should be familiar with this particular medication. Registrant said that he apologized to the complainant for the medication error, and informed the physician of the incident.

Registrant admitted to not being in compliance with guidelines with reconciling CII perpetual inventory every 10 days. Registrant said due to shortage of staff, he was unable to complete and reconcile inventories.

Registrant said pharmacy provides assistance to senior citizens in ordering prescription drugs from Canada. They counsel and advise senior citizens on the medication they received from Canada.

Board advised Registrant of FDA restrictions and to remove sign advertising Canadian medication services.

Board Decision

Drugstore: Motion/Sparr dismiss without prejudice.. Second/Budish.

Vote: In Support: Sparr, Barron, Budish. Oppose: DeVita.

Pharmacist: Motion/DeVita propose reprimand re: CII perpetual inventory and foreign import assistance. Second/Sparr. Vote: Unanimous in favor.

6. 12:20 p.m. to 1:20 p.m. Lunch

7. 1:20 p.m. to 2 p.m.

Pharmacist Reinstatement Conference – In the matter of PH-94-104:

James J. Kresel, R.Ph., (License No. 15145/Consent Agreement – MA license surrendered October 25, 1994 – also surrendered NH license).

Present: James Kresel

Kresel stated that after he surrendered his license in 1994, he sought treatment for substance abuse but is not currently engaged in a substance abuse treatment program. He is teaching and would like to reactivate license to practice in retail community pharmacy.

Motion/Sparr refer to Tim McCarthy for MPRS assessment. Second/DeVita.
Vote: Unanimous in favor.

8. 2:00 p.m. to 2:40 p.m. Investigative Conference: DS-04-061 & PH-04-077.
In the matter of Walgreens Pharmacy #3016, 416 Warren Street, Boston,
MA, 02119 (Permit 51055) and Quoc D. Tong, R.Ph., (License No. 25586).

The complaint alleged that on or about April 04, 2004, the Registrant dispensed Zithromax Oral Suspension instead of the prescribed Azithromycin labeled with both the wrong patient name and directions while employed at Walgreens Pharmacy #3016, 416 Warren Street, Boston, MA.

Present:

Quoc Tong, R.Ph.

Alexander Lee, Manager of Record

Audrey Hudson-McFarland, Professional Affairs Manager

Petrece Palmese, Pharmacy Supervisor

Brian Cordeiro, Pharmacy Supervisor

CEs: compliant

Registrant admitted to dispensing Zithromax instead of the prescribed medication Azithromycin. Registrant was the verifying pharmacist, verifying the script against the Zithromax 200mg label on the box he did not notice that the label on the prescription bottle indicated another person's name until the patient's mother called the Registrant informing him that the name on the label was incorrect. The mother stated her daughter had ingested the medication and become ill. Registrant said he apologized to the complainant, but she hung up on him.

Manager of Record described corrective actions taken to include notifying staff of new procedures for consistency pertaining to filled and refilled medications – enhanced patient entry, generate labels pertaining to patient information, pharmacist must obtain correct drugs as prescribed, compare NDC numbers on bottle labels, and discard old patient info. on bottle prior to putting on shelf.

Board Decision:

Drugstore: Motion/Sparr Advisory Letter. Second/DeVita. Vote: Unanimous in favor.

Pharmacist: Motion/Sparr Advisory Letter. Second/DeVita. Vote: Unanimous in favor.


9. 2:40 p.m. to 3:15 p.m.

Administrative Business:

- a) Review of Minutes from a previous meeting - May 18, 2004
Motion/DeVita to accept minutes. Second/Barron. Vote: Unanimous in favor.
- b) Board Decisions In the matter of DS-04-011; PH-04-020; PH-04-021 and PH-04-023 (Investigative Conference held May 18, 2004).
Board decision in the matter of DS-04-011 & PH-04-020, 021, 022 & 023- Boston Medical Center (BMC). Board discussion re: related complaints.
Michael Gonyeau, R.Ph. - Motion/DeVita to dismiss complaint.
Second/Budish. Vote: Unanimous in favor.
Linda Loeffler, R.Ph. - Motion/DeVita to dismiss complaint.
Second/Budish. Vote: Unanimous in favor.
Mary Young, R.Ph. - Motion/DeVita propose reprimand re: TPN training deficiencies . Second/Sparr. Vote: Unanimous in favor.
Laurence Shah, R.Ph. - Motion/Sparr propose censure plus 12 month probation period, 6 hrs. CEs, appearance to terminate probation, quarterly evaluations from supervisor, document completion of required TPN training. Second/Budish. Vote: Unanimous in favor.
- c) Request for Reinstatement –Benjamin Wai-Chi Choi, R.Ph. (License No. 17902 - exp. 12/31/1984)
Motion/DeVita complete 1500 internship hrs, take NAPLEX and MPJE Exams. Second/Sparr. Vote: Unanimous in favor.
- d) Board counsel - Pending Legal
Review of SA with Investigator Emery and Board – BMC matter incident involving board member (absent). Motion/DeVita to take no further action.
Second/Sparr. Vote: Unanimous in favor.

10. Motion/DeVita to adjourn meeting. Second/Sparr. Meeting adjourned.

Respectfully submitted by:


Executive Director Date 12/12/04

Reviewed by counsel: August 6, 2004
Draft approved: August 6, 2004
Board approved: September 14, 2004

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, JUNE 08, 2004
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

Present: James T. DeVita, R.Ph., Pres., Karen Ryle, R.Ph., M.S., Secy, Harold Sparr, R.Ph., M.S., Marilyn Barron, MSW, Public Member, and Donna Horn, R.Ph. Absent: Daniel Sullivan, R.Ph.

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

AGENDA ITEMS

1. 9:30 a.m. Call to Order – Pres. James DeVita, R.Ph.
 2. 9:35 a.m. New Board appointee Steven Budish to attend June 22, 2004 meeting.
 3. 9:40 a.m. Review of Minutes from a previous meeting
Motion/Sparr to accept May 04, 2004 minutes. Second/Ryle. Motion carried.
 4. 9:45 a.m.
Report of Offices
 - a) Office of Investigations
 - i) File Review – Healthcare Investigators Doyle and Emery.
 - b) Board counsel – pending legal matters – Manning.
 - i. Kevin Gill – Request for appearance before Board re: license status.
- 10:00 a.m. - Motion/Sparr to enter Executive Session. Second/Ryle. Vote: Unanimous in favor.
- Motion/DeVita to deny request for appearance before Board based on Board's decision and order dated November 12, 2003. Second/Sparr. The Board voted unanimous in favor: James T. DeVita, R.Ph., Karen Ryle, R.Ph., M.S., Harold Sparr, R.Ph., M.S., Donna Horn, R.Ph., Marilyn M. Barron, MSW, Public Member.
- 10:15 a.m. - Motion/Sparr to exit Executive Session. Second/Ryle. Vote: Unanimous in favor.

- ii) In the matter of SA-PH-03-034- Andrew Akladiss, Pharmacy Intern
Recused –DeVita – exited meeting room.
Review and discussion of investigative conference on May 18, 2004.
Motion/Sparr to open complaint. Second/Ryle. Motion carried.

5. 10:30 a.m.

Report of Committees

a) Strategic Planning / Grid Management

- i) Regulation update – Manning
DPHL Dir. Pontikas has reviewed proposed revisions for forwarding to DPH Legal.
 - ii) Oral and written proficiency requirement correspondences – DeVita
General discussion of board members concerns re: oral proficiency of pharmacy school graduates. Suggested that Jack Reynolds, Pharm.D., Professor and Chair from Northeastern University and Mehdi Boroujerdi, Ph.D., Dean of Pharmacy from Mass. College of Pharmacy attend future meeting for discussion of oral and written proficiency requirements for graduates..
Motion/Sparr establish committee to review oral and written proficiency issues (board members, students, college staff). Second/Horn. Vote: Unanimous in favor.
 - iii. Best Practice Recommendation update - Coffey
No. 22 added to website dated May 4, 2004.
 - iv. Immunization update - Young
Public Health Council meeting is scheduled for July 2004. Young will request project be moved from pilot status to approved program.
- b) Newsletter – 7/1 deadline for August newsletter.
Topics suggested include immunization, continuing education, pharmacist renewals, counterfeit drugs, best practice recommendations, and pharmacy technicians. Forward proposals to Young.

6. 11:30 a.m. Old Business for discussion

- a) Pharmacy technician applicant - Louis G. Artzberger, R.Ph. (PH Lic. No. 15831 – surrendered 12/14/1993) - no action by applicant post notice from Board of requirements.
Motion/Sparr to deny application. Second/Horn. Vote: In Favor - Sparr, Horn, Ryle, Barron. Oppose: DeVita. Motion carried.
- b) Board decision in the matter of PH-03-063 – James V. Gagnon II

(Lic. No. 20659, exp. 12/31/2004). Motion/DeVita propose voluntary surrender. Second/Sparr. Vote: Unanimous in favor.

- c) On-line renewal project update – Assoc. Dir. J.D. Coffey
Board continues to evaluate programs for on-line renewal – anticipated to commence during the renewal period of October 2004.

7. 12:00 p.m. New Business for discussion

- a) DPH / DHPL Code of Conduct – Board members requested to review and sign code of conduct forms.
- b) Request for Advisory Opinions
Louis & Clark Pharmacy re: filling prescription for employee family members.
Motion/Ryle to approve as family member is considered to be “affiliate” consistent with Board regulations. Second/Barron. Vote: Unanimous in favor.
- c) Bosede M. Adebiyi re: MA licensure requirements.
Motion/Horn to require 750 hours registered as an intern, NAPLEX and MPJE. Also, PCS verification of university graduation. Second/Sparr. Vote: Unanimous in favor.
- d) William A. Beaulieu re: pharmacy licensure.
Motion/DeVita to advise Beaulieu to file application to the Board and schedule appearance. Second/Sparr. Vote: Unanimous in favor.
- e) Overview of the A.C.P.E. accreditation experience – Barron
Board members thanked Barron for the information she provided and participation in committee work.

8. 12:30 p.m. – 1:30 p.m. Lunch

Motion/DeVita to adjourn for lunch. Second/Horn. Vote: Unanimous in favor

9. 1:30 p.m.

Application for Licensure as a New Pharmacy

Sullivan’s Health Care, Inc. 30 Belgrade Avenue, Roslindale, MA

02131 - pharmacy includes a central intravenous admixture service and a compounding room

Present: Proposed Manager of Record - Timothy D. Fensky, R.Ph. (Lic. No. 22090 exp. 12/31/2004); Owner, Gregory H. Laham, R.Ph. (Lic. No. 15883 exp. 12/31/2004); and George R. Jabour, Esq.

CEs: compliant

Sullivan Pharmacy (20 years at same address) seeks new retail pharmacy license –longterm care services will be located/provided on different floors in same building. They will operate separately -staff, inventories, computer systems, and alarm systems. Will post appropriate signage for the public. Motion/Sparr to approve subject to inspection. Second/Ryle. Vote: Unanimous in favor.

10. Lynn Community Health Center – May 10, 2004, DPH/DHCQ approval of special project to continue the pharmacy satellite located at at eaton Apothecary.
Motion/Sparr approval for extension for Lynn Community Health Center.
Second/Barron. Vote: Unanimous in favor

Ryle is interested in attending NABP Fall Conference - November 12-14, 2004.
Request deadline June 4, 2004.

11. Motion/DeVita to adjourn meeting. Second/Sparr. Meeting adjourned.

Respectfully submitted by:

 8.3.2004
Executive Director Date

Reviewed by counsel: June 12, 2004
Draft approved: June 12, 2004
Board approved: July 13, 2004

EXECUTIVE SESSION MINUTES

Time: 10:00 a.m. Agenda Item 4.

i) Motion/Sparr to enter Executive Session. Second/Ryle. The motion carried.

In the matter of PH-93-105, Registrant, Kevin Gill, License No. 16858.

Board counsel reviewed letter from Kevin Gill to Board.

Board discussed request and denied request for appearance before Board based on Board's decision and order dated November 12, 2003. The Board voted unanimously in favor: James T. DeVita, R.Ph., Karen Ryle, R.Ph., M.S., Harold Sparr, R.Ph., M.S., Donna Horn, R.Ph., Marilyn M. Barron, MSW, Public Member.

Motion/Sparr to exit Executive Session. Second/Ryle. Motion carried.

Vote: Unanimous in favor.