

**BOARD OF REGISTRATION IN PHARMACY**  
**MINUTES: PHARMACY BOARD MEETING**  
**TUESDAY, JUNE 28, 2005**  
**239 CAUSEWAY STREET, ROOM 206**  
**BOSTON, MASSACHUSETTS 02114**

Present: Karen Ryle, R.Ph., M.S., Pres., James T. DeVita, R.Ph., Past Pres., Marilyn M. Barron, MSW, Public Member (arrived 11:15 a.m.), Sophia Pasedis, R.Ph., Pharm.D., Secy. (until 12:00), Kathy Fabiszewski, Ph.D., R.N. (until 12:00), Donald Accetta, M.D., M.Ph. (until 12:00), Harold Sparr, R.Ph., M.S., George A. Cayer, R.Ph., Pres. Elect, Joel Berman, R.Ph., William Gouveia, R.Ph., M.S.

Absent: Steven Budish, Public Member

Board Staff: Charles Young, R.Ph., Exec. Dir., James Coffey, R.Ph., Assoc. Dir., Susan Manning, Counsel, Carolyn Reid, Adm. Asst., Samuel Penta, R.Ph., Investigator Supervisor, James Emery, Ch.T., Investigator, Leo McKenna, R.Ph.

1. 8:30 a.m. - Call to Order – Pres. Ryle called meeting to order at 8:35 a.m.
2. 8:40 a.m. to 9:15 a.m. - File Review  
Office of Investigations: Investigators Emery and Penta  
Docket No. PH-05-117. Thomas Dunn, License #19314. MPRS assessment completed. Board: Motion/Sparr to seek voluntary surrender. Second/Accetta. Unanimous in favor.
3. 9:15 a.m. to 9:30 a.m. - Report of Offices
  - a) Board counsel - Susan Manning
    - i) Pending Legal Matters  
9:15 a.m. Motion/Sparr to enter Adjudicatory Session (G.L. c. 30A, s. 11A). Second/DeVita. Unanimous in favor.  
  
9:30 a.m. Motion/DeVita to return to Open Session. Second/Sparr. Unanimous in favor.
  - b) In the Matter of Dana Shore, R.Ph. - Docket No. PH-04-067  
Respondent did not request sanction hearing following issuance of *Board Ruling on Prosecuting Counsel's Motion of Summary Decision* on June 14, 2005 (felony conviction indecent assault and battery). Following review

and discussion of matter in adjudicatory session. Motion/Cayer to revoke license. Second/Sparr. Unanimous in favor.

4. 9:30 a.m. to 10:10 a.m. - Investigative Conference: DS-05-056 and PH-05-68. In the matter of Brooks Pharmacy, 1207 Acushnet Ave., New Bedford, MA 02746 (Permit No. 2899) and Registrant Russell Jepson, R.Ph., (License No. 12597).

Complaint alleges that on November 8, 2004, the Registrant dispensed Benztropine 1mg rather than the prescribed Clonazepam 1mg with the assistance of a pharmacy technician Connie Almeida (Registration No. 2403) while employed at Brooks Pharmacy No. 603. Complainant reports six days of ingestion where started to feel "sick and dizzy". She returned to the pharmacy and spoke to the Manager of Record, Andrew Weisburgh, R.Ph., (License No. 25678) about the incident.

Present: Registrant, Manager of Record, Dave Sencabaugh, Complainant

CEs: compliant

Registrant admitted to dispensing Benztropine 1 mg instead of the prescribed Clonazepam 1mg, stating the prescription was read incorrectly by the technician. Registrant stated that as the verifying pharmacist he should have caught the error.

Manager of Record stated that he informed the complainant of the medication error when she returned to the pharmacy and paged her physician to inform him. Manager asked the patient for her phone number and called her at home to ensure that she had arrived home safely. The next day, he informed the Registrant and technician of the incident.

Complainant said that she would like to see pharmacists be a lot more careful with dispensing medications.

Motion/DeVita to take matter under advisement. Second/Sparr. Unanimous in favor.

Pharmacist: Motion/DeVita issue an Advisory Letter with completion of two hour of CEs in Medication Error Prevention. Second/Sparr. In favor: Gouveia, Fabiszewski, Berman, Accetta, Sparr, Ryle, DeVita, Cayer. Opposed: Pasedis.

Drugstore: Motion/Berman issue an Advisory Letter. Second/Pasedis. Unanimous in favor.

5. 10:10 a.m. to 10:50 a.m.-Investigative Conference: DS-05-061 and PH-05-088.  
In the matter of Walgreens Pharmacy No. 3469, 369 Plymouth Ave., Fall River, MA 02721 (Permit No. 2593) and Registrant Altaf K. Farooqi, R.Ph., (License No. 25634).

Complaint alleged that on October 20, 2004, the Registrant dispensed Tramadol 50mg rather than the prescribed Trazodone 50mg while employed at Walgreens Pharmacy #3469. The patient allegedly received the incorrect medication between October and January of 2004 for a period of 75 days until a routine physical revealed the medication error.

Present: Registrant, Atty. Bernard (Walgreens), Jose Pacheco, District Manager

CEs: compliant

Registrant admitted to dispensing Tramadol 50mg instead of the prescribed medication Trazodone 50mg. Registrant apologized for the medication error. Registrant stated handwriting was unclear, therefore, should have questioned and verified prescription with physician.

Manager of Record stated staff is required to offer counseling to every patient, however, they do not have written documentation to indicate this patient was offered counseling. Corporate office is notified of medication errors.

Pharmacist: Motion/Cayer to take matter under advisement. Second/Pasedis. Unanimous in favor.

Motion/Cayer issue an Advisory Letter with completion of two hours of CEs in Medication Error Prevention and a USP Medication Error Report Form. Second/DeVita. Unanimous in favor.

Drugstore: Motion/Pasedis issue an Advisory Letter, with directive to notify Pharmacy (within 60 days) of specifics of requirements of offer to counsel policies and procedures. Second/Berman. Unanimous in favor.

6. 11:00 a.m. to 11:40 - Application for a New Pharmacy  
In the matter of Vinh's Brothers, Inc., D.B.A. Maxim Pharmacy, 1365-1377 Dorchester Ave., Dorchester, MA 02124. Proposed Manager of Record: Hieu B. Vinh, R.Ph. (Lic. No. 23731 Exp. 12/31/2006)

Present: Hieu B. Vinh

CEs: compliant

Vinh is currently employed as Manager of Record for Brooks Pharmacy. He anticipates September 2005 opening. Pharmacy is separate from other businesses, with alarm and motion installed.

Motion/DeVita to approve application, pending inspection and certified blue print. Second/Cayer. Unanimous in favor.

Mass. Pharmacist Association – extension of Technician exam approval. Motion/Sparr to extend Pharmacy Technician Competency Assessment Examination approval until the end of 2005. Second/Pasedis. Unanimous in favor.

7. 11:40 a.m.-12:10 p.m. - Investigative Conference: DS-05-070 and PH-05-099. In the matter of Apothecare Pharmacy, 7 Marble St., Whitman, MA 02382 (Permit No. 3336) and Registrant Linda Marra, R.Ph. (License No. 18006).

Complaint alleges that on January 27, 2005, Registrant dispensed the prescribed Depakote 250mg with prepackaged Depakote 500mg. The patient received double doses of Depakote for 15 doses before the error was discovered on February 10, 2005 on a medication review at patient's request.

Present: Registrant, Harold Johnson, Manager of Record, Complainant

CEs: compliant

Registrant stated that she dispensed the prepackaged Depakote 500mg. She did not double check the strength indicated on the back of the prepackaged medication.

Manager of Record stated that they purchased a new machine for labeling and bar coding medications. They have a new policy to prepackage medications and separate bins for the respective medications.

Motion/Ryle take matter under advisement. Second/Berman. Unanimous in favor.

8. 12:10 p.m. to 12:40 p.m. Investigative Conference: DS-05-087 and PH-05-122. In the matter of Apothecare Pharmacy, 7 Marble St., Whitman, MA 02382 (Permit No. 3336), and Registrant Edward Carey, R.Ph. (License No. 14217).

Complaint alleged that on March 29, 2005, Registrant dispensed Seroquel 100mg rather than the prescribed Seroquel 200mg, with assistance of pharmacy technician Megan Bold (License No. 1688). Pharmacy staff noticed and reported the error on April 18, 2005, when the mislabeled blister packs were being repacked for day program doses.

Present: Registrant, Harold Johnson, Manager of Record, Complainant

CEs: compliant

Registrant admitted to dispensing Seroquel 100mg instead of the prescribed Seroquel 200mg. Registrant stated that technician filled the prescription and Registrant verified the prescription. The physician was notified.

Manager of Record stated staff members are trained to check NDC numbers against the blister packs. Pharmacy has policy and procedure manuals. Motion/Sparr to take matter under advisement until Board CQI Surveyor makes recommendations following survey. Second/Berman. Unanimous in favor.

9. 12:40 p.m. Lunch.

10. 2:00 p.m. - In the matters of Shoppers Drug and Monty Schwartz, R.Ph. (Docket Nos. PH-03-006; PH-03-022; PH-03-026; DS-02-115; DS- 03-010; and 03-015)

Hearing on *Motion for Reconsideration and Rehearing* (Motion) dated June 16, 2005 filed by new counsel Dennis Kelly, Esq.

Present: Dennis J. Kelly, Esq., Michael Murphy, Esq., Victoria Walton, Esq., Robert Agnoli, Esq. and Prosecutor Richard Banks, Jr.

Atty. Kelly presented oral argument (30 mins.) for the Board's consideration in support of his Motion regarding the *Final Decision and Order* issued by the Board dated May 28, 2005 revoking the pharmacy registration of Shoppers Drug and suspending for minimum three year period the pharmacist registration of Mr. Schwartz.

Board Prosecutor presented his arguments for the Board's consideration in opposition to the Motion.

3:00 p.m. Following the presentation of oral argument, Motion/Sparr to enter Adjudicatory Session (G.L. c. 30A, s. 11A). Second/Ryle. Unanimous in favor.


3:00 p.m. Board Member Berman exited meeting.

3:35 p.m. Motion/DeVita to return to Open Session. Second/Ryle. Unanimous in favor.

Motion/Cayer to deny Motion, with effective date of order to be revised to be 30 days from date of notice of denial of Motion. Second/Ryle. Unanimous in favor.

11:3:40 Motion/Ryle to adjourn meeting. Second/Cayer. Meeting adjourned.

Respectfully submitted by:

  
Charles R. Young, R.Ph.  
Executive Director  
Date: 8-9-05

Reviewed by counsel: August 2, 2005

Draft approved: August 2, 2005

Board Approved: August 9, 2005

BOARD OF REGISTRATION IN PHARMACY  
AJUDICATORY SESSION MINUTES  
TUESDAY, JUNE 28, 2005  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS 02114

Board Counsel Susan Manning reviewed the following matter with the Board.

In the Matter of Dana Shore, R.Ph. - Docket No. PH-04-067.

Respondent did not request sanction hearing following issuance of *Board Ruling on Prosecuting Counsel's Motion of Summary Decision* on June 14, 2005 (felony conviction indecent assault and battery). Counsel advised Board that trial on additional charges referenced in *Order to Show Cause* is currently scheduled for August 1, 2005. Board reviewed and discussed *Order to Show Cause* issued in matter and Board's *Ruling on Prosecuting Counsel's Motion for Summary Decision* as well as sanction appropriate to instant matter.