

This is Notice of the Regularly Scheduled Board of Registration in Pharmacy Meeting

BOARD OF REGISTRATION IN PHARMACY
MEETING AGENDA

June 7, 2011

239 Causeway Street
4th Floor, Room 417A&B
Boston, Massachusetts

1. 8:30 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
3. 8:40 a.m. APPLICATIONS
Pharmacy/Wholesale Distributor Applications
(no handout/applications on file) – Assoc. Dir. Margaret Cittadino
 - New Community Pharmacy (3)
CVS 957, 928 Riverdale Street, West Springfield
CVS 6466, 2340 GAR Highway, Swansea
Target T-2607, 579 GAR Highway, Swansea
 - Change of Manager (23)
Bio-Rx, LLC, 266 West Cummings Park, Woburn (DS89763)
CVS 706, 393 Massachusetts Avenue, Acton (DS24385)
CVS 1006, 316 North Pearl Street, Brockton (DS2715)
CVS 01859, 148 Route 137, East Harwich (DS2945)
CVS 1251, 842 South Franklin Street, Holbrook (DS3422)
CVS 242, 480 North Franklin Street, Holbrook (DS89667)
CVS 01869, 1080 Falmouth Road, Hyannis (DS3337)
CVS 1238, 555 Main Street, Medfield (DS2058)
CVS 00799, 786 Ashley Boulevard, New Bedford (DS3604)
CVS 2138, 8 Pilgrim Hill Road, Plymouth (DS2815)
CVS 137, 626 Southern Artery, Quincy (DS2951)
CVS 4313, 438 Route 28, West Yarmouth (DS89758)
Pro-Care Pharmacy, 123 Summer Street, Worcester (DS3235)
Rite-Aid 10076, 240 Avenue A, Turners Falls (DS2684)
Rite-Aid 10153, 971 Bennington Street, East Boston (DS3613)
Rite-Aid 10151, 90 River Street, Mattapan (DS3122)
Stop & Shop Pharmacy 098, 438 Dartmouth Street, New Bedford (D2702)
Target T-1374, 79 Commerce Way, Seekonk (DS3050)
Walgreens 3759, 1010 Broadway, Chelsea (DS27010)
Walgreens 11947, 5 Tremont Street, Taunton (DS3548)
Wal-Mart Pharmacy 10 1970, 280 Washington Street, Hudson (DS2743)
Wal-Mart Pharmacy 10 3409, 20 Sojian Drive Leicester (DS3506)
Wal-Mart Pharmacy 10 2629, 100 Valley Parkway, East Whitinsville (DS3508)

- Relocation - Community Pharmacy (2)
North Falmouth Pharmacy, Inc. DBA North Falmouth Pharmacy II NH, 17 Academy Lane,
 Falmouth FROM 111 County Road, North Falmouth (Fire) (DS3304)
Northeast RX DBA, Cape Cod Home Infusion, 200 Main Street, Falmouth FROM 111B
 County Road North Falmouth (Fire) (DS3591)

- Renovation Expansion (5)
CVS 0237, 1587 Brayton Point Road, Somerset (DS3046)
CVS 0669, 413 Paradise Road, Swamscott (DS2486)
CVS 1259, 231 Mass Avenue, Boston (DS1974)
CVS 1009, 509 Main Street, Bunker Hill Mall, Charlestown (DS1529)
CVS 0952, 205 South Broadway, Lawrence (DS1494)

- 4. 8:45 a.m. UPDATES
 Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
 - Board Dispositions
 - Licensing – Renewals (Pharmacy Technicians)
 - NABP Annual Meeting – President Walczyk

- 5. 8:55 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)
File Review - Samuel J. Penta, R.Ph., Supervising Investigator; James C. Emery,
 Investigator, Cheryl Lathum, Pharm.D., R.Ph., Investigator, William E. Frisch, Jr.,
 R.Ph., Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

- 6. 11:00 a.m. PRESENTATION – Casey Kozlowski - Director, Retail Ancillary Services
 Walgreens Company, Peter Speranza - Vice President and General Counsel,
 OnePoint Patient Care and Jeff Hohl - President and COO, OnePoint Patient
 - Walgreens Pilot Project Request

- 7. 11:30 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

CLOSED SESSION – Review/discussion of Complaints and other Legal Matters
 [MGL c. 112, s. 65C; MGL c. 30A, ss. 11A and 11A1/2]
 - Matter of **Shore Drug** (Dana Shore, Owner) – *Final Order of Summary
 Suspension* dated May 10, 2011 (Docket No. PHA20110014)
 - Matter of **Michael R. Halle**, R.Ph. (PH27656/Docket No. PHA-2011-0090)

- 8. 12:00 p.m. DISCUSSION
 - Schedule II: Information that Can be Changed on a Schedule II Prescription
 (Policy) – Dir. James D. Coffey
 - Shared Pharmacy Services (Preliminary Overview – no handout) – Sophia
 Pasedis, Pharm.D., R.Ph.

- 9. 12:30 p.m. LUNCH

10. 1:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearence

**UMASS MEMORIAL MEDICAL CENTER, INC. DBA PRESCRIPTION
CENTER PHARMACY – UNIVERSITY CAMPUS** – Proposed: 55 Lake
Avenue North, Worcester, Massachusetts

Present: Proposed Manager of Record and Director Ambulatory Care Pharmacy
Services, Kevin T. Miller, R.Ph, (PH22850), Christian A. Hartman, PharmD,
MBA, Medication Safety Officer/Assistant Professor of Medicine Director,
Medication Use Safety Residency, Roy Guharoy, PharmD, MBA, FCP,FCCP,
FASHP, Chief Pharmacy Officer, Professor of Medicine, Departments of
Pharmacy and Medicine University of Massachusetts Memorial Medical Center

- Applicant with waivers for retail pharmacy licensure proposes to dispense
Schedule II-VI controlled substances

Approve ☐ Deny ☐

11. 2:00 p.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

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

12. FLEX DISCUSSION

A. NEW BUSINESS

Applications

- **Mona C. Komari** – First Time Pharmacist

Approve/Deny

13. 3:00 p.m. DISCUSSION

- October 2011 NABP/AACP District I & II Annual Meeting to be hosted by
Massachusetts:

14. INFORMATIONAL ITEMS (FYI)

15. 3:30 p.m. ADJOURNMENT

BOARD OF REGISTRATION IN PHARMACY
MINUTES

June 7, 2011

239 Causeway Street, Rooms 417 A and B
Boston, Massachusetts

**Board Members
Present**

Stanley Walczyk, R.Ph.; Michael Tocco, R.Ph., M.Ed.; Karen Ryle,
R.Ph., M.S.; James T. DeVita, R.Ph.; Sophia Pasedis, R.Ph.;
Pharm.D.; Donald Accetta, M.D., M.P.H.; Joanne Trifone, R.Ph.;
George Cayer, R.Ph.; Kathy Fabiszewski, Ph.D., N.P.;
Steven Budish

**Board Members
Absent
Staff Present**

None

James D. Coffey, R.Ph. Director; Margaret Cittadino, M.Ed.,
Associate Director; Susan Manning, Board Counsel; Leo
McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator;
Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Latham
R.Ph., Pharm.D., Investigator; James Emery, Pharmacy
Technician, Investigator; William E. Frisch, Jr., R.Ph.,
Investigator; Intern Shaun Cabral, MCP

1. 8:30 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES - no minutes reviewed
3. 8:40 a.m. APPLICATIONS - Pharmacy/Wholesale Distributor (applications on file)
Assoc. Dir. Margaret Cittadino

New Community Pharmacy

CVS 957, 928 Riverdale Street, West Springfield
CVS 6466, 2340 GAR Highway, Swansea
Target T-2607, 579 GAR Highway, Swansea

Change of Manager

Bio-Rx, LLC, 266 West Cummings Park, Woburn (DS89763)
CVS 706, 393 Massachusetts Avenue, Acton (DS24385)
CVS 1006, 316 North Pearl Street, Brockton (DS2715)
CVS 01859, 148 Route 137, East Harwich (DS2945)
CVS 1251, 842 South Franklin Street, Holbrook (DS3422)
CVS 242, 480 North Franklin Street, Holbrook (DS89667)
CVS 01869, 1080 Falmouth Road, Hyannis (DS3337)
CVS 1238, 555 Main Street, Medfield (DS2058)
CVS 00799, 786 Ashley Boulevard, New Bedford (DS3604)
CVS 2138, 8 Pilgrim Hill Road, Plymouth (DS2815)
CVS 137, 626 Southern Artery, Quincy (DS2951)
CVS 4313, 438 Route 28, West Yarmouth (DS89758)
Pro-Care Pharmacy, 123 Summer Street, Worcester (DS3235)
Rite-Aid 10076, 240 Avenue A, Turners Falls (DS2684)
Rite-Aid 10153, 971 Bennington Street, East Boston (DS3613)
Rite-Aid 10151, 90 River Street, Mattapan (DS3122)

Stop & Shop Pharmacy 098, 438 Dartmouth Street, New Bedford (D2702)
 Target T-1374, 79 Commerce Way, Seekonk (DS3050)
 Walgreens 3759, 1010 Broadway, Chelsea (DS27010)
 Walgreens 11947, 5 Tremont Street, Taunton (DS3548)
 Wal-Mart Pharmacy 10 1970, 280 Washington Street, Hudson (DS2743)
 Wal-Mart Pharmacy 10 3409, 20 Sojian Drive, Leicester (DS3506)
 Wal-Mart Pharmacy 10 2629, 100 Valley Parkway, East Whitinsville (DS3508)

Relocation - Community Pharmacy

North Falmouth Pharmacy, Inc. DBA North Falmouth Pharmacy II NH, 17 Academy Lane,
 Falmouth FROM 111 County Road, North Falmouth (fire) (DS3304)
 Northeast RX DBA, Cape Cod Home Infusion, 200 Main Street, Falmouth FROM
 111B County Road North Falmouth (fire) (DS3591)

Renovation Expansion

CVS 0237, 1587 Brayton Point Road, Somerset (DS3046)
 CVS 0669, 413 Paradise Road, Swampscott (DS2486)
 CVS 1259, 231 Mass Avenue, Boston (DS1974)
 CVS 1009, 509 Main Street, Bunker Hill Mall, Charlestown (DS1529)
 CVS 0952, 205 South Broadway, Lawrence (DS1494)

Motion Cayer/Pasedis to approve applications
 Recused Tocco and DeVita for CVS; Trifone for Walgreens
 Approved

4. 8:50 a.m. **UPDATES**

Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
 - Board Dispositions
 - Licensing - Renewals (Pharmacy Technicians)
 - NABP Annual Meeting - President Walczyk

5. 8:55 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, William E. Frisch, Jr.,
 R.Ph., Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	SA-INV-2051 Walgreens 413 DS1368	Motion Pasedis/DeVita to Dismiss - No Violation Recused Trifone (not present in meeting for discussion or vote) Approved
2	SA-INV-1819 Walgreens 1855 DS1418	Motion Pasedis/Cayer to Dismiss - No Violation Recused Trifone (not present in meeting for discussion or vote) Approved
3	PHA-2010-0226 Walgreens 1161 DS89738	Motion Ryle/DeVita to Dismiss - No Violation Recused Trifone (not present in meeting for discussion or vote) Approved
4	PHA-2010-0229 Integrascript DS89726	Motion Cayer/Pasedis to Dismiss with Advisory Letter with documentation of training program for three related

	PHA-2011-0054 Jerome Munic PH23285 PHA-2011-0055 Vijaya Potluri PH232344	complaints. Not present for vote Ryle Approved
5	PHA-2011-0021 Rite Aid 10351 DS2574	Motion Cayer/Pasedis for investigative conference. Approved
6	PHA-2010-0022 Walmart 10 2171 DS2748 PHA-2011-0070 David Sager PH15972	Motion Cayer/Pasedis for investigative conference. Approved
7	PHA-2011-0031 Louis & Clark 370 DS14966 PHA-2011-0064 Joshua Hall PH15508 PHA-2011-0066 Keri A. Robinson PT9629	Motion DeVita/Trifone for investigative conference. Approved
8	PHA-2011-0042 Pepperell Family Pharmacy DS3541 PHA-2011-0110 Tracie G. Ezzio PH16847 PHA-2011-0098 Kara Burns PT9383 PHA-2011-0099 Claudia Dineen PT5187	Motion (DS and PH) Pasedis/Trifone to propose Consent Agreement for Reprimand with conditions (Licensee cease acting as Manager of Record for a minimum one (1) year period; submit a "Change of Manager" application; new Manager of Record to complete Board's Self-Assessment Inspection Form with confirmation within 30 days. Approved Motion Trifone/Cayer to propose a Consent Agreement for Reprimand Approved Motion Trifone/Cayer to propose a Consent Agreement for Reprimand. Approved

9	PHA-2011-0119 Linda Banh PH24912	Motion Ryle/Trifone to propose a Consent Agreement for Probation (one year) with 15 Continuing Education credits (CE) on dosing and geriatric care. Recused Cayer and Tocco (not present in meeting for discussion or vote) Approved
10	PHA-2011-0025 Edward Tersavich PH20101	Motion Cayer/Pasedis Dismiss without Prejudice
11	PHA-2010-0223 Kyle Beman PT9872	Motion DeVita/ Pasedis to Dismiss with Advisory Letter with conditions related to 2 CEs medication error prevention Recused Cayer and Tocco (not present in meeting for discussion or vote) Approved
12	PHA-2010-0224 Donald B. Hess PH15511	Motion Devita/Ryle to propose a Consent Agreement for Reprimand with conditions related to 2 CEs medication error prevention Recused Cayer and Tocco (not present in meeting for discussion or vote) Approved
13	PHA-2011-0095 McClelland Health Systems Pharmacy DS3309	Motion Devita/Ryle to refer the matter to Office of Prosecutions Recused Cayer and Tocco (not present in meeting for discussion or vote) Approved
14	PHA-2011-0094 Roman W. Szarek PH22901	Motion DeVita/ Pasedis to Dismiss with Advisory Letter with 2 CEs pharmacy law Recused Cayer and Tocco (not present in meeting for discussion or vote) Approved

6. 11:30 a.m. **PRESENTATION - WALGREENS Pilot Project Request**
Present: Casey Kozlowski, Director, Retail Ancillary Services; Peter Speranza, Vice President and General Counsel, OnePoint Patient Care; Jeff Hohl, President and COO, OnePoint Patient Care; Mike Godek, Walgreens, Supervisor, Beverly, MA

Walgreens representatives presented pilot project request and answered Board member questions regarding delineated roles and responsibilities of contracting parties and pharmacy providers, including prescription fill follow-up with prescribers, and other shared services aspects of proposal. Board identified areas requiring additional information.

Motion Ryle/DeVita to take matter under advisement
Recused Trifone (not present in meeting for discussion or vote)
Approved

12:05 p.m. Accetta and Fabiszewski exit meeting

7. 12:05 p.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Counsel

CLOSED SESSION - Review/discussion of Complaints and other Legal Matters
[MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

UPDATES Matters of:

- (1) **Shore Drug** (Dana Shore, Owner) - Docket No. PHA20110014
Final Order of Summary Suspension was issued May 10, 2011 after waiver of summary suspension hearing; referred to Office of Prosecutions.
- (2) **Bruce Zippin, R.Ph.** (MOR, Shore Drug) - Docket No. PHA-2011-0120
Temporary and Final Orders of Summary Suspension were issued May 10 and 11, 2011 with summary suspension hearing waived; referred to Office of Prosecutions.
- (3) **North Shore Pharmacy Services** (DS3458) -- Multiple (10) Docket Nos.
Recused Tocco and Cayer (not present in meeting room during discussion)
Board advised that NSP executed a Consent Agreement with the Board in resolution of the pending complaints, effective June 3, 2011.

12:10 p.m. Motion Ryle/Budish to move into Closed Session.

12:25 p.m. Motion Pasedis/Ryle to return to Open Session.

8. 12:25 p.m. DISCUSSION

Review of Proposed Joint Policy re: *Schedule II: Information that Can be Changed on a Schedule II Prescription* - Dir. Coffey
Motion Pasedis/Ryle to approve for review with DPH Drug Control Program
Approved

Overview of *Shared Pharmacy Services* - Board Member Pasedis

Following review, members approved Board Member Pasedis and staff to develop proposed regulations, including review of NABP Model Rules, for Board review.

12:40 p.m. Budish exits meeting

9. 12:40 p.m. LUNCH

10. 1:45 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

UMASS MEMORIAL MEDICAL CENTER, INC. DBA PRESCRIPTION CENTER PHARMACY - UNIVERSITY CAMPUS - Proposed; 55 Lake Avenue North, Worcester, Massachusetts

Present: Kevin T. Miller, R.Ph. (PH22850), Proposed Manager of Record and Director Ambulatory Care Pharmacy Services; Christian A. Hartman, PharmD, MBA, Medication Safety Officer/Assistant Professor of Medicine Director, Medication Use Safety Residency; Roy Guharoy, PharmD, MBA, FCP, FCCP, FASHP, Chief Pharmacy Officer, Professor of Medicine, Departments of Pharmacy and Medicine University of Massachusetts Memorial Medical Center

UMASS Memorial Medical Center representatives appeared to review application with waivers for retail pharmacy licensure (Schedules II-VI controlled substances).

Motion DeVita/Pasedis to approve application
Approve

11. 2:15 p.m. **REPORT OF OFFICE OF INVESTIGATIONS** (no handout)

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

15	PHA-2011-0086 Gregory Rodrigues PH23347	Motion Cayer/ Trifone to Dismiss with Advisory Letter with conditions related to CE violations Approved
16	PHA-2010-0126 Apothecary Center DS3516	Motion Ryle/Trifone to Dismiss - No Violation Approved
17	SA-INV-1935 Kmart Pharmacy 4444 DS2005	Motion Cayer/Pasedis to Dismiss Without Prejudice Approved

12. 3:00 p.m. **DISCUSSION**

October 2011 NABP/AACP District I & II Annual Meeting to be hosted by
Massachusetts:

13. **FLEX DISCUSSION**

New Business - **APPLICATIONS**

Mona Komari - Pharmacist Licensure

Motion Pasedis/Cayer to approve application

Recused DeVita and Tocco (not present in meeting for discussion or vote)

Approved

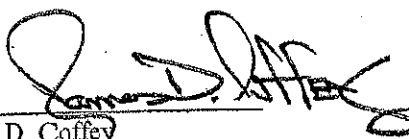
Tyler Benson - Pharmacy Technician

Motion Pasedis/Cayer to approve application

Approved

14. 3:30 p.m. **ADJOURNMENT**

Respectfully submitted by:


James D. Coffey
Director

Board approved: January 10, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES

JUNE 7, 2011

239 CAUSEWAY STREET, ROOMS 417 A and B
BOSTON, MA 02114

12:10 p.m. Motion Ryle/Budish to move into Closed Session.

(1) **Michael R. Halle, R.Ph. (PH27656)** - Docket PHA-2011-0090
Board reviewed State of Maine Consent Agreement (February 2011) regarding
October 13, 2010 conviction.
Motion Pasedis/Tocco to propose agreement imposing same conditions as
Maine monitoring.
Approved

(2) **Brandon J. Zarr (PT9744)** - Docket No. PHS20100215
Board reviewed *Proposed Final Decision and Order by Default*.
Motion Ryle/Pasedis to adopt proposed decision and REVOKE technician
registration.
Recused Trifone (not present in meeting for discussion or vote)
Approved

(3) **Michelle I. Parker (PT12460)** - Docket No. PHS20100036
Board reviewed *Proposed Final Decision and Order by Default*.
Motion Ryle/Pasedis to adopt proposed decision and REVOKE technician
registration.
Approved

12:25 p.m. Motion Pasedis/Ryle to return to Open Session.