

**BOARD OF REGISTRATION IN PHARMACY  
PHARMACY BOARD MEETING MINUTES  
TUESDAY, MARCH 23, 2004  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS 02114**

The following Board members were present: James T. DeVita, R.Ph., President, Karen Ryle, R.Ph., Secretary, Donna Horn, R.Ph., Harold Sparr, R.Ph., M.S. (excused at 10:55 a.m.), Marilyn M. Barron, MSW, Public Member and Dan Sullivan, R.Ph.

The following Board staff were present: Charles R. Young, R.Ph., Exec. Dir., James D. Coffey, R.Ph., Assoc. Dir., Arthur J. Chaput, R.Ph., Pharm.D., Susan Manning, J.D., Counsel, Carolyn Reid, Adm. Asst., James C. Emery, C.Ph.T., Healthcare Investigator, and Leslie S. Doyle, R.Ph., Healthcare Supervisor.

**AGENDA ITEMS**

1. 9:30 a.m. Call to Order – The meeting was called to order by Pres. James DeVita, R.Ph.
2. 9:30 a.m. to 10:00 a.m.  
File Review
3. 10:00 a.m. to 10:45 a.m. Investigative Conference-PH-04-042 & DS-04-033  
In the matter of George A. Kareh, R.Ph., License No. 21491 and Brooks Pharmacy # 573 of 710 East Broadway Street, South Boston, MA 02127, Permit No. 3145.

The purpose of the conference was to discuss a complaint submitted by a consumer alleging unprofessional conduct in connection with the dispensing of certain pain control prescriptions.

CEs: Registrant/ 2002 non-compliant

Present

Complainant

Registrant: George A. Kareh

Brooks Rep. Rick Geaney

Recused: Donna Horn (exited room)

Complainant stated that Registrant's behavior was rude and unprofessional, and as a result complainant is very angry with Registrant and Brooks Pharmacy. Complainant said that she has breast cancer and depends on prescribed medications for pain control. Complainant went to Brooks Pharmacy to have the prescriptions filled and the Registrant announced to her from behind the pharmacy counter, in front of other people, that "welfare does not pay for the Oxycontin". Complainant said she went 5 days without having any medications to take. Due to the ongoing problems she encountered with Brooks Pharmacy, she had some of her prescriptions filled at CVS Pharmacy.

Registrant said he doesn't remember using the word "welfare" to the complainant. Registrant said his intention was to inform the complainant of insurance policy, not to embarrass her, therefore, he apologized to the complainant. Registrant said he informed the complainant that Masshealth will cover 90 tablets, prior authorization is necessary to fill the prescribed 120 tablets, and Masshealth requires prior authorization if prescriptions are filled at a different pharmacy.

Registrant said he signed the renewal form indicating completion of required 15 CEs for 2002, when in fact, he completed only 2 CEs. Registrant stated that due to personal problems, he did not complete the CEs. It was an oversight.

Board Decision:

Motion/DeVita to take the matter under advisement. Second/Ryle. Motion carried. Motion/Sparr for discussion. Second/Ryle. Motion carried.

CE matter: Motion/Sparr to require the Registrant to step down as Manager of Record for minimum period of 6 months and within the 6 month period complete 45 hours (15 live) of CE and pass the MPJE examination. Second/Ryle. Motion carried.

Drug Store & Registrant: Motion/Sparr to issue an Advisory Letter with recommendation that the Registrant complete a communications/ interpersonal skills training course. Second/Ryle.

Vote: In support: DeVita, Ryle, Sparr and Barron. Opposed: Sullivan.  
Motion carried.

4. 11:00 a.m. to 11:45 a.m.

Investigative Conference: PH-04-028 & DS-04-025

In the matter of Robert E. Faria, Jr., R.Ph., License No. 18146 and Value Pharmacy, Inc. D/B/A Omnicare Pharmacy, 127 Hartwell Street, W. Boylston, 01583, Permit No. 2714.

The purpose of the conference was to discuss a complaint issued by the Board in response to a Health Quality Adverse Event Report describing a medication error which allegedly took place on or about July 09, 2003. According to the report, Lopressor 125 mg was ordered and Lopressor 12.5 mg was dispensed resulting in ingestion of the wrong strength for 10 days.

CEs: Registrant/compliant

Registrant: Robert E. Faria  
Value Pharmacy Rep: Ed Pelk

Registrant admitted to dispensing Lopressor 12.5 mg instead of the prescribed medication Lopressor 125 mg. Registrant said he assumed the written dosage was incorrect, because of the high dosage, therefore he made a conscious decision to change the dosage instead of consulting with the physician for clarification. Registrant said that he was aware of company policy to call physician for clarification.

Value Pharmacy Rep. Pelk stated Registrant never had a dispensing problem in the past. Registrant went through training for geriatric dosage. Pelk stated that additional pharmacy software has been installed in the pharmacy to enhance the computer system. Pelk said the medication error was reported to the pharmacy's national database.

**Board Decision**

**Drug Store & Pharmacist: Motion/Horn** to issue an Advisory Letter to include completion of a 2-hour CE program in Medication Error Reduction and completion of a USP Medication Error Report Form.  
**Second/Ryle. Vote:** In support: Ryle, Horn, Sullivan and Barron.  
**Opposed: DeVita.** The motion carried.

**5. 11:45 a.m. to 12:30 p.m.**

**Investigative Conference: PH-PT-04-027.**

**In the matter of Registrant, Nataria K. English, Pharmacy Technician (License #1917).**

The purpose of the conference was to discuss a complaint filed with the Board alleging controlled substance violations while the Registrant was employed at Stop & Shop Pharmacy #787, 228 King Street - Kingsgate Plaza, Northampton, MA 01060.

**Registrant: Nataria English**

**Stop & Shop representative: Gregg Jones, Manager of Prof. Services**

**Stop & Shop Manager of Record: Melissa Morrisette**

Registrant denied the allegations of filling unauthorized prescriptions. Registrant said that if a customer wanted to know if a prescribed medication was covered by their insurance company, she would use her own name and profile in the computer system to process the claim to verify insurance status (later cancelled). Respondent never returned any prescriptions to the pharmacy. She could not explain why she had prescriptions filled for herself when the prescriber had no record of ever issuing the prescriptions at issue.

Manager of Record said that a staff pharmacist made her aware they could not locate five hard copies of prescriptions filled for the Registrant. Ms. Morrisette stated that she called the physician's office to verify the prescriptions and was told that the physician had not authorized the prescriptions in question.

Board Decision: Motion/Ryle to a seek revocation of license.  
Second/Horn. Vote: In support: DeVita, Horn, Ryle, Sullivan,  
Barron. Opposed: none. The motion carried.

6. Additions to the agenda:

In the matter of PH-03-010 and PH-02-115 - Marco P. Rocha, R.Ph.  
Lic. No. 23346. Board counsel overview of proposed final decision and  
order by default.

Recused: James T. DeVita (exited room)

Motion/ Horn to enter adjudicatory session. Second/Ryle. Motion  
carried.

Motion/Sullivan to return to open session. Second/Ryle. Motion carried.

Motion/Ryle to adopt to proposed final decision and order by default.

Second/Horn. In support: Horn, Sullivan, Ryle, Barron.

Motion/Sullivan to indefinitely suspend license to practice pharmacy;  
licensee to appear before the board to request any reinstatement terms.

Vote: In support: Karen Ryle, R.Ph., Daniel J. Sullivan,  
R.Ph., Donna Horn, R.Ph., and Marilyn M. Barron, MSW, Public  
Member. Opposed: none.

7. 12:30 p.m. Motion/DeVita to adjourn meeting. Second/Ryle. The motion  
carried.

Respectfully submitted by:

Charles J. [Signature] 6-13-04  
Executive Director Date

Reviewed by counsel: April 1, 2004

Draft approved: April 1, 2004

Board adopted: April 6, 2004

BOARD OF REGISTRATION IN PHARMACY  
PHARMACY BOARD MEETING MINUTES

TUESDAY, MARCH 2, 2004

239 CAUSEWAY STREET, ROOM 206

BOSTON, MASSACHUSETTS 02114

The following Board members were present: James T. DeVita, R.Ph., (recused at 2:30 p.m.) President, Karen Ryle, R.Ph., MS, Treasurer, Harold B. Sparr, R.Ph., MS, Donna Horn, R.Ph. and Marilyn Barron, MSW, Public Member.

The following Board member was absent: Dan Sullivan, R.Ph.

The following Board staff were present: Charles R. Young, R.Ph., Exec. Dir., James D. Coffey, R.Ph, Assoc. Dir., Arthur J. Chaput, R.Ph., Pharm.D., Carolyn Reid, Admin. Asst., Healthcare Investigator, and Leslie S. Doyle, R.Ph., Healthcare Supervisor.

AGENDA ITEMS

1) 9:30 a.m.

Call to Order – The meeting was called to order by Pres. James T. DeVita, R.Ph.

Business Meeting

*Interns/Guests*

2) 9:30 a.m. – 9:35 a.m.

Review/Adoption of Minutes

Feb. 10<sup>th</sup> Page 1, #2 PH-04-050– Minutes to reflect reprimand and Censure - Alfred Ortolani

Page 3, #8 PH-97-098 Siegal-denied request.

Page 3, Item 8b, PH-96-102 Ahern. Executive Session. Reinstatement.

Motion to accept minutes by 12 noon this date.

Feb. 24<sup>th</sup> – further comments forward to James Coffey.

Motion/DeVita to accept minutes if no comments are given to the Board within 24 hours.

3) 9:35 a.m. to 10:00 a.m.

Report of Offices

a) Office of Investigations

Doyle provided an overview on Staff Assignments and several

investigations.

b) Board Counsel

Manning stated red lined proposed reg. revisions and A&F cover sheets to be ready in May or June 2004 to go to DPH Director for review.

4) 10:00 a.m. to 12:30 p.m.

Report of Committees

a) Strategic Planning/Grid management

1. Update on Proposed Regulation Revisions (Manning)

247 CMR 6.04 Regarding Pharmacy Relocation.

Language changed - if pharmacy address changes, new application is required to be filed.

2. 247 CMR 14.00 - Quality Assurance.

Discussion regarding professional education requirement -

Proposed: ongoing and annual professional education.

b) Discussion of Board Regulations/Policies on Foreign Pharmacy

Graduate requirements for licensure. (Young)

a) Allow internship registration after ATT for FPGEE.

Young proposed revisions to 247 CMR 8.01(14)

Motion/Horn to adopt revised language. Second/Sparr. Motion carried.

c) Quality Assurance

1. Discussion of Root Cause Analysis Tool

a) NABP meeting poster

Ryle will put NABP slides on poster for Root Cause Analysis Presentation. Deadline for poster on March 1, 2004.

Ryle to attend meeting . Forward additional comments to Young on RCA. Further discussion to adopt the use of RCA tool at April 6<sup>th</sup> meeting.

2. Communication

d) Electronic Prescribing

1. .FAQ's

2. Communication and CE plans



e) Newsletter

DPH/DCP (Carrow) comments on Flumist to be reviewed prior to sending out newsletter. Distributed Pdf files to be available on Board and NABP websites.

5) Motion/DeVita Lunch. Second/Sparr. Motion carried. 12:30-1:30

6) Old Business for discussion 1:30 – 2:00

a) Continuing Professional Development: correspondence of support of NABP concept.

Young mailed letter to NABP/Catizone.

b) Pharmacist administration: development of language for joint DPH/BOP policy regarding administration of intranasal vaccines. 20 hours of accredited continuing educations on the website to administer the intranasal vaccine. Link to website by April 1, 2004. Flumist policy completed by July 1, 2004.

c) Oral and written proficiency requirement: correspondence to colleges of pharmacy regarding requirements for graduation. Young will communicate with Northeastern University and Mass. College of Pharmacy.

d) On-line Renewal Project Update (Young)

New system will allow pharmacists, pharmacy technicians and pharmacies to renew licenses, make payment, submit continuing education audit on-line.

7) New Business for discussion 2:00- 2:30

a) BOP internship project

New intern from Northeastern University to work on the Collaborative Drug Therapy Practice Management.

b) NABP/FDA strategic partnership in combating counterfeit drugs.

Includes handout of NABP Model Wholesale Regulations and a recent (February 18, 2004) FDA report on counterfeit drugs.

Motion/DeVita Board to review NABP Model Wholesale regs. for adoption as appropriate by Board. Second/Horn. Motion carried.

c) Review of February 24, 2004 Investigative Conferences. (Ryle)

Investigative Conference: DS-04-007 & PH-04-039.

Recused: James T. DeVita (exited room)

In the matter of CVS Pharmacy #1199, VFW Parkway – Village Chest Nut Hill, West Roxbury, MA 02132 (Permit 1981) and Registrant, Catherine A. Rosch, R.Ph., (License #24988).

Complaint filed with the Board alleged failure to fill a prescription properly - on or about June 26, 2003, the Rosch dispensed Clomipramine 50mg instead of Clomid 50mg as prescribed while employed at CVS Pharmacy #1199, VFW Parkway – Village Chest Nut Hill, West Roxbury, MA.

Board Decision:

Pharmacist: Motion/Sparr to issue an Advisory Letter to the Registrant to include the completion of a 2-hour CE program in new drug therapy. Second/Ryle. The motion carried.

Drug Store: Motion/Horn to issue an Advisory Letter to CVS Pharmacy to include the completion of USP Medication Error Report. Second/Ryle. The motion carried.

Investigative Conference: DS-03-061 & PH-03-071.

Recused: James T. DeVita (exited room)

In the matter of CVS Pharmacy #972, 555 Washington Street, South Easton, MA, 02375 (Permit 2728) and Registrant, Daniel F. Torre, R.Ph., (License #15930).

Complaint filed with the Board alleged the failure to fill a prescription properly - on or about February 15, 2003, Torre dispensed Proscar 5mg instead of Singulair 5mg as prescribed while employed at CVS Pharmacy #972, 555 Washington St., South Easton, MA.

Board Decision:

Pharmacist: Motion/Sparr to issue an Advisory Letter to the Registrant to include the completion of a 2-hour CE program in new drug therapy. Second/Horn. The motion carried.

Drug Store: Motion/Horn to issue an Advisory Letter to CVS Pharmacy to include the completion of USP Medication Error Report and staff shall be trained on the proper manner to stock medication on pharmacy shelves (Board shall forward a copy of the Merck letter to ISMP). Second/Ryle. The motion carried.

- 8) Motion/Sparr to adjourn meeting. Second/Horn. The motion carried.  
Meeting adjourned.

Respectfully submitted by:

Charles Sparr 6-13-04  
Executive Director      Date

Reviewed by counsel: March 31, 2004

Draft approved: March 31, 2004

Board approved: April 6, 2004