

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES**

March 9, 2010

239 Causeway Street, Conference Room 204
Boston, MA

**Board Members
Present**

Joanne M. Trifone, R.Ph.; Sophia Pasedis, R.Ph., Pharm D.; Michael J. Tocco, R.Ph, M.Ed.; William A.Gouveia, R.Ph. M.S.; Kathy J. Fabiszewski, Ph.D., N.P.; Steven Budish; George A. Cayer, R.Ph.; Donald D. Accetta, M.D., MPH; James T. DeVita, R.Ph.

Not Present

Stanley B. Walczyk, R.Ph.

Staff Present

James D. Coffey, R.Ph., Director; Margaret Cittadino, M.Ed., Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance Coordinator; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Lathum, R.Ph., Pharm.D., Investigator; James Emery, P.T., Investigator

1. 8:30 a.m. **CALL TO ORDER**
President Joanne M. Trifone, R.Ph.
2. 8:35 a.m. **REVIEW/ADOPTION OF BOARD MINUTES**
Tabled
3. 8:40 a.m. **LICENSING: Pharmacy/Wholesale Distributor Applications**
Assoc. Dir. Cittadino – no handouts

New Store

CVS 4073, 174 Main Street, Peabody

Wal-Mart 10-4387, 25 Tobias Boland Way, Worcester

Walgreens 10685, 3 Liberty Lane, Norfolk

Change of Manager

Apothecare South Shore, 720 Centre Street, Brockton (DS89659)

CVS 1859, 148 Route 137, Harwich (DS2945)

CVS 0008, 197 Boston Turnpike Road, Shrewsbury (DS2926)

CVS 137, 629 Southern Artery, Quincy (DS2951)

CVS 1263, 10 Bassett Street, Milton (DS1967)

CVS 2454, 321 Quincy Shore Drive, Quincy (DS2932)

CVS 73, 194, Main Street, Amesbury (DS2366)

CVS 969, 1001 Thorndike Street, Palmer (DS2981)

CVS 4073, 174 Main Street, Peabody (DS2981)

CVS 594, 105 Davis Straights, Falmouth (DS2839)

CVS 703, 256 Lincoln Street, Worcester (DS24412)

CVS 708, 676 Southbridge Street., Auburn (DS2706)

CVS 1850, 77 Quaker Meeting House Road, Sandwich (DS2089)

CVS 2161, 302 Main Street, Auburn (DS2832)

CVS 1844, 454 Electric Avenue, Lunenburg (DS89666)

Louis & Clark 165, 1481 Memorial Drive, Chicopee (DS1151)

Louis & Clark 370, 459 Main Street, Wilbraham (DS14966)

Rite Aid 10070, 700 Main Street., Great Barrington (DS2394)

Walgreens 01852, 1478 Highland Avenue, Needham (DS1375)

Walgreens 3736, 501 Sumner Avenue, Springfield (DS2653)
Wal-Mart Pharmacy 10-2157, 506 State Road, North Dartmouth (DS2734)
Wal-Mart Pharmacy 10-2095, 3000 Cranberry Highway, East Wareham (DS2738)

Renovation/Expansion

CVS 0257, 107 West Street, Pittsfield (DS3331)
Pallimed Solutions, Inc. 400 West Cummings Park, Woburn (DS3498)
Wal-Mart 105380, 1775 Washington Street, Hanover (DS3353)

Closings

Hart's Pharmacy, 40 Spring Street, Williamstown (DS14992). Files and records and prescription inventory transferred TO Rite-Aid 10073, 212 Main Street, Williamstown (DS2538)

Specialty Scripts Pharmacy, 187 Plymouth Avenue, Building 8, Fall River (DS3509). Files and records and prescription inventory transferred TO Walgreens Specialty Pharmacy #13622, 260-D Fordham Road, Wilmington (DS89645)

Pharmalife Pharmacy, 367 Washington Street, Brighton (DS3569). All prescription records, controlled substances and DEA record keeping transferred TO CVS 3890, 207 Market Street, Brighton (DS89690).

Controlled Substance Application

Shamrock Medical Solutions, 250 Revolutionary Drive, East Taunton (WD467) application for new controlled substance registration to include Schedule II

Motion Cayer/Pasedis to approve applications

Recused Trifone for Walgreens and DeVita/Tocco for CVS

Approved

4. 8:45 a.m. **UPDATES**

Dir. James D. Coffey / Assoc. Dir. Margaret Cittadino

- Collaborative Drug Therapy Management (CDTM)
Public Hearing on Proposed Amendments to implement Chapter 528 of the Acts of 2008 is scheduled for April 6, 2010 at 10:00 a.m. in Public Health Council Room A, 250 Washington Street, Boston
- Prescription Monitoring Program Advisory Council Meeting (2/25/10)

5. 8:55 a.m. **REPORT OF OFFICE OF INVESTIGATIONS** – no handouts

File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator;
James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph.,
Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	PHA-2010-0007 The Sanborn Company WD367	Motion Cayer/Trifone to Dismiss with Advisory Letter. Approved
2	PHA-2010 -0027 William Libby Jr. PH14974	Motion DeVita/Budish to Dismiss with advisory letter and 2 hours continuing education credits in medication error prevention. Approved
3	PHA-2010-0015 Claire D. True PH23885	Motion Tocco/DeVita to dismiss with advisory letter and 2 hours continuing education in pharmacy law. Approved

4	PHA-2009-0209 Island Pharmacy DS2953	Motion Trifone/Pasedis to dismiss without prejudice. Approved
	PHA-2009-0021 Barry Rector PH18044	Motion DeVita/Cayer to dismiss – no violation Approved

9:30 a.m. Motion Trifone/Cayer to begin closed session. **Approved**

6. 9.30 a.m. CLOSED SESSION (M.G.L. c. 112, s. 65C and c. 30A, s. 11A)

CVS/pharmacy Agreement dated February 9, 2006 – Review and Discussion

Present: Papatya Tankut, R.Ph., Vice President, Pharmacy Professional Services
William L. Irvin, R.Ph., Director, Regulatory Compliance

10:05a.m. **Motion** Gouveia/Cayer to end closed session. **Approved**

Motion Cayer/Gouveia to accept the information presented by CVS/Caremark pharmacy representatives as fulfilling the *Agreement* initiatives remaining to be implemented and significant enhancements achieved in the implementation of the ISMP recommendations and other *Agreement* terms, including the inclusion of a patient safety focus in the corporate mission, development and communication of corporate policies and procedures to support quality and safety in prescription delivery, increased regulatory compliance monitoring; linkage of internal regulatory compliance monitoring functions with the CVS/Caremark corporate compliance program.

Recused DeVita/Tocco (not present)

Approved

7. 10:15 a.m. LEGAL/REPORT OF OFFICE OF INVESTIGATIONS
Pending Legal Matters - Susan Manning, Board Counsel
MGL c. 112, S. 65C and MGL c. 30A, S. 11A

10:15 a.m. **Motion** Trifone/Cayer to begin closed session. **Approved**

Review and Discussion of Complaints & Other Matters: Closed Session

Matter of **Christopher M. Wilcox**, R.Ph. (Lic. PH 21858/exp. 12/31/04; license suspended (6 mos.) eff. 2/15/06) – Docket PH-04-030. Review of Petition for reinstatement of license of license.

Motion Walczyk/Gouveia to deny petition to reinstate license for two year period from March 9, 2010 (with pharmacy practice in other state for two years prior to application) based on failure to report information on reinstatement application related to DUI charges (Mississippi and U.S. Air Force credential application).

Recused DeVita/Tocco.

Approved

Matter of **Kirsten DiBenedetto**, R.Ph. (Lic. No. PH 22881/REVOKED 11/07/05 for min. 8 year period) – Docket PH-03-043. Inquiry regarding application for licensure as pharmacist after revocation (Hampden Superior Court (Docket No. 04-63-1) for prescription forgery and Medicaid fraud (G.L. c. 94C, ss. 19(a) and 33E; G.L. c. 118E, s. 40).

Motion DeVita/Cayer not to review reinstatement application prior to 11/7/2013 per court order and advise Board envisions no reinstatement terms.

Approved

Matter of **Ahmad Alhaddad**, R.Ph. (Lic. PH 20201)/FL arrest 12/09 and FL Pharmacy Board complaint re: 2007 conduct (Case No. 2005-53542) – Docket PHA-2010-0012. Board notified licensee not to commence pharmacy practice in MA without approval of the Board.

Matter of **Kelechuckwu Uche**, R.Ph. (PH 27751) – Docket PHA-2010-0001. Board issued *Final Order of Summary Suspension* on February 17, 2010, following February 9, 2010 *Temporary Order of Summary Suspension* related to summary suspension of North Carolina Pharmacist registration (1/19/10) and alleged conduct at two CVS Massachusetts pharmacies. No summary suspension hearing requested. and matter has been referred to Office of Public Protection; license remains suspended. **Recused** DeVita/Tocco.

Matter of **Steven A. Shraiar**, R.Ph. (Lic No. PH 14861) – Docket Nos. PH-07-023 and PHA-2010-0009. Board issued *Order of Revocation based on Violation of Consent Agreement*, effective February 9, 2010.

10:35 a.m. **Motion** Cayer/Gouveia to end closed session. **Approved**

8. 10:40 a.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator;
James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph.,
Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

5	PHA-2009-0203 Donald Weiner PH14146	Motion Cayer/Gouveia for Suspension. Recused DeVita/Tocco (exited meeting room until completion of CVS related complaint review) Approved
6	PHA-2009-0197 CVS 1187 DS3010	Motion Pasedis/Cayer to Dismiss with Advisory Letter to include Corrective Action Plan (CAP Plan) with the names and signatures of retrained employees to the Board for review and (2) provide written confirmation to the Board that involved medications are separated on shelves. Recused DeVita/Tocco Approved

	<p>PHA-2010-0002 Jessica Carrarelli PH232621</p> <p>PHA-2010-0003 Marilyn Benoit PH19294</p>	<p>Motion Trifone/Pasedis to Dismiss with Advisory Letter and 2 hours continuing education related to medication error prevention. Recused DeVita/Tocco Approved</p> <p>Motion Pasedis/Cayer to dismiss with advisory letter and 2 hours continuing education related to medication error prevention. Recused DeVita/Tocco Approved</p>
7	<p>PHA-2009-0202 CVS 1221 DS2988</p> <p>PHA-2010-0013 Tom Kortschinsky PH19914</p>	<p>Motion Pasedis/Gouveia for Reprimand. Recused DeVita/Tocco Approved</p> <p>Motion Pasedis/Gouveia for Reprimand and 2 hours continuing education related to medication error prevention. Recused DeVita/Tocco Approved</p>
8	<p>PHA-2009-0212 CVS 983 DS1598</p> <p>PHA-2010-0022 Sean P. Murphy PH18777</p> <p>PHA-2010-0023 Jude C. Perron PH22868</p>	<p>Motion Pasedis/Trifone to Dismiss with Advisory Letter to include Pharmacy Corrective Action Plan (CAP Plan) with the names and signatures of retrained employees to the Board for review. Recused DeVita/Tocco Approved</p> <p>Motion Trifone/Gouveia to Dismiss – Insufficient evidence. Recused DeVita/Tocco Approved</p> <p>Motion Trifone/Gouveia to Dismiss with Advisory Letter and 2 hours continuing education related to medication error prevention. Recused DeVita/Tocco Approved</p>

Follow-up to Blackwood Pharmacy Investigative Conference of 2/9/2010.

	<p>PHA-2009-0040 Blackwood Pharmacy DS15312</p>	<p>Motion DeVita/Gouveia to Dismiss with Advisory Letter to include Pharmacy Corrective Action Plan (CAP Plan) with the names and signatures of retrained employees to the Board for review; (2) provide written confirmation to the Board that the current</p>
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	<p>PHA-2009-0082 Bonnie Seely PH18227</p>	<p>Manager of Record at Blackwood Pharmacy has completed a Board "Self-Inspection Form" and (3)submit a Medication Error Report (MER) to the Institute for Safe Medication Practices (ISMP)</p> <p>Motion Tocco/DeVita to Dismiss with Advisory Letter and 2 hours continuing education related to medication error prevention. Approved</p>
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9. 11:30 a.m. PRESENTATION – Tracey Cole, R.Ph., Pharmacy Dir., Holyoke Health Center Pharmacy based Medication Therapy Management Program (MTM)

10. 12:00 p.m. TRANSFER OF OWNERSHIP APPLICATION/Appearance
AVT PHARMACY INC., DBA MARGOLIS PHARMACY
Proposed: 447 Broadway, Chelsea, MA.

Proposed Manager of Record – Vashkar Karim, Pharm.D., R.Ph.,
(Pharmacist License No. 22444 / Exp. 12/31/2010) and Atty. Paul M.
Garbarini, R.Ph.

Discussion of the merits of a transfer of application for retail pharmacy licensure. The applicant proposes to dispense Schedule II-VI controlled substances.

Review and discussion of application for transfer of retail pharmacy registration (Schedule II-VI controlled substances).

Application not complete (financing); review to continue after all required support documents submitted.

11. 12:30 p.m. DISCUSSION
Subcommittee for 2011 NABP/AACP District I Annual Meeting to be hosted by MA: Margaret Cittadino, Sophia Pasedis, Joanne Trifone, Stanley Walczyk

DISCUSSION
Wall Certificate Service – Sophia Pasedis - TABLED

12. FLEX DISCUSSION

NEW BUSINESS

- a) In the matter of **Christine Hitunen**, application for Pharmacy Technician
Motion Cayer/Tocco to approve.
Approved

- b) In the matter of **Nasim Lalehzarian**, application for Pharmacy Internship
Motion Trifone/Cayer to approve
Approved

- c) In the matter of **Ali Moukdad**, application for Pharmacy Internship
Motion Trifone/Cayer to approve
Approved

- d) In the matter of **Mildred Hoffman**, application for Pharmacy Technician
Motion Pasedis/Gouveia to approve
Approved

- e) In the matter of Complaint Docket Nos. PHA-2008-0026 / **Michael K. Wynne**,
R.Ph., (Lic. PH17353) – Petition for termination of Suspension
(conversion to probationary status).
Motion Trifone/DeVita to grant petition
Approved

- f) In the matter of Complaint Docket PHA-2008-0026 / **Daniel S. Bugajski**,
R.Ph., (Lic. PH20363) – Petition for termination of Suspension (conversion to
probationary status).
Motion DeVita/Cayer to grant petition to terminate suspension.
Approved

- g) In the matter of **George A. Dokos**, R.Ph. (Lic.PH24559 / Exp. 12/31/2002).
Request for reinstatement
Motion Trifone/Pasedis to grant request for reinstatement pending a 1500 hour
internship and successful completion of the NAPLEX and MPJE.
Approved

- h) In the matter of **J.E. Pierce Apothecary**, Brookline (DS89671): Request for
Advisory Opinion regarding proposed expansion of the Pharmacy at the current
location 1180 Beacon Street, Brookline.
Motion Trifone/Gouveia to DENY the proposed expansion as the Board interprets
its prescription area regulatory requirements (247 CMR 6.01 and 6.04) as requiring
expansion space to be contiguous to the originally approved pharmacy area.
Approved

OLD BUSINESS

- a) Discussion related to adoption of proposed Policy/Guidance related to Draft
Automated Systems.
Motion Trifone/Gouveia to approve Automated Pharmacy Systems

Policy/Guidance.

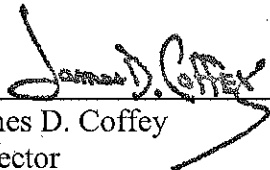
Approved

13. INFORMATIONAL ITEMS (FYI)

1: 25 p.m. **Motion** Trifone/Cayer to adjourn. **Approved.**

ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: October 19, 2010

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
MARCH 9, 2010
239 CAUSEWAY STREET, ROOM 204
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 11A (Adjudicatory)

9.30 a.m. **Motion** Trifone/Cayer to enter closed session.
Approved

CVS/Caremark Agreement dated February 9, 2006 – Review and Discussion

Presentation by CVS/Caremark representatives William L. Irvin, R.Ph., Director, Regulatory Compliance and Papatya Tankut, R.Ph., V.P., Pharmacy Professional Services

CVS representatives presented information to the Board regarding the February 2006 *Agreement* initiatives (7) and responded to questions regarding implementation and status of certain policies, practices and procedures, in accordance with recommendations of the Institute for Safe Medication Practices.

10:15 a.m. **Motion** Gouveia/Cayer to end closed session.
Approved