

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
TUESDAY MAY 12, 2009
MASSACHUSETTS COLLEGE OF PHARMACY & HEALTH SCIENCES
670 HUNTINGTON AVENUE
RICHARD E. GRIFFIN ACADEMIC CENTER, 6th FLOOR
BOSTON, MA 02115

Present: James DeVita, R.Ph.; Sophia Pasedis, R.Ph., Pharm.D.; George Cayer, R.Ph.; Kathy Fabiszewski, Ph.D. N.P.; Donald Accetta, M.D.; Michael Tocco, R.Ph., M.Ed.; Stanley Walczyk, R.Ph.; Joanne Trifone, R.Ph.; Steven Budish, Public Member

Absent: William Gouveia, R.Ph., M.S.

Staff: James D. Coffey, R.Ph., Director; Margaret C. Cittadino, Associate Director; Susan Manning, Counsel; Leo McKenna, R.Ph., Pharm.D., CQI Surveyor; Carolyn Reid, Admin. Asst.; Samuel Penta, R.Ph., Superv. Inv.

1. 9:00 a.m. **CALL TO ORDER**
President James T. DeVita, R.Ph.
2. 9:05 a.m. **INTRODUCTIONS**
Dennis G. Lyons, R.Ph., V.P., Alumni and Professional Affairs,
Massachusetts College of Pharmacy and Allied Health Sciences
3. 9:15 a.m. **REVIEW/ADOPTION OF BOARD MINUTES**
4. 9:20 a.m. **APPLICATIONS**

Change of Manager

CVS 1885, Littleton (DS2537)

CVS 1896, Attleboro (DS1896)

Strand Pharmacy, Dorchester (DS6313)

Uphams Corner Health Center Pharmacy, Dorchester (DS2935)

New Retail Pharmacy

CVS 242, proposed 462 North Franklin Street, Holbrook

Walgreens 11797, proposed 465 Cambridge Street, Allston

Renovation

CVS 1868, 67 Central Street, Foxboro (DS3518)

CVS 1864, 191 North Main Street, North Attleboro (DS3030)

Hannaford Pharmacy 191, 66 2 Drum Hill Shopping Center, Chelmsford
(DS2677)

Stop & Shop 2403, 56 Shank Painter Road, Provincetown (DS89644)

Wal-Mart 10-2021, 36 Paramount Drive, Raynham (DS2733)

Walgreens 1852, 1478 Highland Ave., Needham (DS1375)

Relocation

CVS 1844, 1287 Main Street, Kings Corner, Leominster (DS 2109)
PROPOSED to 454 Electric Ave., Lunenburg
CVS 751, 446-448 Rantoul Street, Beverly (DS1050) PROPOSED to
4 Colon Street, Beverly.

Transfer of Ownership – Wholesale Distributor

Ace Surgical Supply Company Inc., 1034 Pearl Street, Brockton (WD343)

Closings – Transfers of Inventory and Files

Louis & Clark Drug – 791, 299 Carew Street, Springfield (DS2034)
TO Louis & Clark Drug – 102, 300 Birnie Ave., Springfield (Reg. No. 3244)
Sam's Club Pharmacy 10-4909, 500 Colony Place, Plymouth (DS3401)
TO Wal-Mart Pharmacy 10-2336, 300 Colony Place, Plymouth (DS3400)
Eaton Apothecary 2060, 9 Hope Ave. Waltham (DS3358) Schedule VI
inventory and prescription files TO Eaton Apothecary 3060, 950 Dorchester
Ave., Boston (DS3600) AND records and Schedule II-VI Inventory TO
Eaton Apothecary 2100 (DS10867) 416 Watertown Street, Newton

Motion/Cayer to approve applications, subject to compliant inspections and
noted conditions. Second/Accetta. All in favor with DeVita and Tocco
recused from all above CVS applications; Trifone recused from above
Walgreens applications.

5. 9:30 a.m. **UPDATES** – Dir. James D. Coffey
Swine Flu – H1N1
6. 9:35 a.m. **LEGAL/REPORT OF OFFICE OF INVESTIGATIONS**
Pending Legal Matters - Susan Manning, Board Counsel
Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
and M.G.L. c. 30A, s. 11A (Adjudicatory)

Public Hearing to be held on Tuesday, June 2, 2009 at 9:30 a.m.) on
proposed amendments to Board regulations (247 CMR 6.14 and 15.05)
implementing M.G.L. c.112, s. 39D (Pharmacy Reports of Improper Drug
Dispensing).

9:40 a.m. Motion/DeVita to enter into Closed Session. Second/Budish.
All in favor.

9:55 a.m. Motion/Tocco to end Closed Session. Second/Accetta.
All in favor.

Matter of Justin Ward, Pharmacy Technician No. 8854 (Exp. 6/18/09),
Complaint Docket No. PHA-2009-0034

Trifone – recused/exited meeting room.

Ward failed to respond to Board's requests (3) for response to complaint
alleging diversion; admitted to diversion at Walgreens Pharmacy, 1588

Northampton St. in Northampton.
Motion/Walczyk to summarily suspend registration. Second/Tocco.
All in favor.

DeVita and Tocco recused/exited meeting room)

Matter of Michael K. Wynne, R.Ph. (Pharmacist No. 17353)
Complaint Docket No. PHA-2008-0026 – review of of correspondence
from counsel regarding proposed Consent Agreement terms. Board
declined to revise terms

Matter of Marco P. Rocha, R.Ph. (Pharmacist No. 23346) –
Complaint Docket Nos. PH-03-010 and PH-02-15: Inquiry regarding
reinstatement terms.
Motion/Cayer to complete 1500 internship hours prior to taking NAPLEX
and MPJE examinations. Second/Trifone. All in favor.

Matters of Jennette Ferry, Technician No. 9723 (Exp. 8/3/10), Complaint
Docket No. PHA-2009-0064 and Vonghsavahn T. Phommachanh,
Technician No. 636, Complaint Docket No. PHA-1009-0060

Complaints allege technicians diverted medications while employed at Lahey
Clinic in Burlington. Phommachanh surrendered registration. Ferry has
failed to respond.

Motion/Walczyk to accept Phommachanh surrendered registration and
summarily suspend Ferry registration. Second/Tocco. All in favor.

Matter of Anthony J. Callelo, R.Ph. (No. 17401), Complaint Docket No.
PH-08-009. Review and discussion of evaluations, complaint history and
consent agreement terms.
Motion/Walczyk for close practice monitoring restrictions, include no direct
patient contact for one year period, employer reports, MPRS, two years
continuing education credits, 5 year probation period. Second/Tocco.
All in favor.

7. 10:00 a.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance
Fisher Scientific Company, LLC – Proposed: 325 Bowles Road,
Agawam, MA 01001

Present: Patrick Murphy, Designated Representative, Brian O'Kelley,
Operational Manager

Applicant seeks full service wholesaler registration (including Schedule VI)
to provide sterile water for injection to clients.

Motion/Trifone to approve application subject to inspection. Second/Tocco.

In favor: Trifone, DeVita, Walczyk, Pasedis, Accetta, Tocco, Fabiszewski,
Budish

Opposed: Cayer

8. 10:35 a.m. NEW PHARMACY APPLICATION/Appearance
The Community Pharmacy at Mercy Medical Center – Proposed:
299 Carew Street, Springfield, MA 01104.

Present: Wendell Bernier, R.Ph., Proposed Manager of Record

Applicant seeks to operate a community pharmacy; the pharmacy will offer 340B pricing.

Motion/Pasedis to approve application. Second/Tocco. All in favor.

9. 11:05 a.m. REPORT OF OFFICE OF INVESTIGATIONS
File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator; Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	SA20080911ds017	Dismiss
2	PHA2008-0032	Dismiss
3	PHA2009-0023	Investigative Conference
4	PHA2009-0009	Advisory Letter

10. 11:40 a.m. NEW PHARMACY APPLICATION (LTD SERVICE)/Appearance
Apria Healthcare, Inc. – Proposed: 575 University Avenue, Suite #4,
Norwood, MA 02062

Present: Mary Mooncai, R.Ph., Proposed Manager of Record (No. 18977),
Patrick Dizzy

Applicant seeks specialty pharmacy license (six waivers) to be located in the same building as parent Coram Specialty Infusion Services (Pharmacy Reg. No. 3601, which operates a pharmacy at the same location.

Proposed MOR will work full-time at Apria Healthcare, be on-call 24/7; and work as a per diem at Coram.

Waiver petition includes:

247 CMR 6.02: Conditions for Continuing Registration and Operation of a Pharmacy or Pharmacy Department:

- (2) The following shall be conspicuously displayed within the pharmacy or pharmacy department:
 - (c) the pharmacy's U.S. Drug Enforcement Administration controlled substance registration;
- (4) The pharmacy or pharmacy department shall maintain on the premises at all times a sufficient variety and supply of medicinal chemicals and preparations which are necessary to compound and dispense commonly prescribed medications in accordance with the usual needs of the community.

A pharmacy or pharmacy department shall have a reasonably-sized sign affixed to the main entrance of the business or otherwise installed in an easily observable area outside the premises, identifying the presence of a pharmacy or pharmacy department.

- (8) A pharmacy or pharmacy department shall meet the following requirements concerning the posting of hours of operation:
- (a) The hours of operation shall be prominently posted at all consumer entrances to the pharmacy and, in the case of a pharmacy department, the hours shall also be posted at all consumer entrances to the retail store and at the pharmacy department;

247 CMR 9.01: Code of Professional Conduct for Registered Pharmacists, Pharmacies and Pharmacy Departments:

- (15) Unless otherwise provided for by law, a pharmacist shall not limit his or her services to a particular segment or segments of the general public.
- (16) A pharmacist shall not refuse to compound customary pharmaceutical preparations except upon extenuating circumstances.

Motion/Trifone to approve application. Second/Pasedis. All in favor.

11. FLEX DISCUSSION

New Business

- a) Tuyet Le Ngu – request for extension of Intern Registration PI10663 issued 10/2/2000.
Motion/Cayer complete 1500 internship hours prior to taking exams; NAPLEX and MPJE examinations; extension of registration approved until June 01, 2011. Second/Pasedis. All in favor.
DeVita and Tocco – recused.
- b) Stephanie Marie Thimm, Pharmacy Intern Applicant
Motion/Tocco to approve application. Second/Walczyk. All in favor.
- c) Thuy K. Luu, R.Ph. (Pharmacist License No. 27466 / Exp. 12/31/2010)
Continuing Education (2008) inquiry.
Motion/Tocco to approve 2008 law continuing education credits.
Second/Walczyk. All in favor.
- d) ScriptPro Pharmacy Automation correspondence
Motion/Tocco schedule appearance. Second/Budish. All in favor.
- e) Sade Harris, Pharmacy Technician Applicant
Motion/Cayer to approve application. Second/Pasedis.
In favor: Cayer, Walczyk, Pasedis, DeVita
Opposed: Tocco, Trifone, Budish
- f) NABP 105th Annual Meeting, May 16-19, 2009, Miami, FL:
Discussion related to resolutions.
- g) 2009 Board meeting dates

Old Business

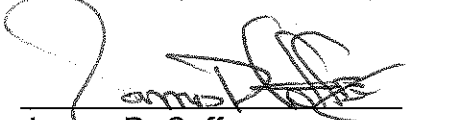
- a) Alexandria D. Romano, Pharmacy Internship Applicant
Motion/DeVita to approve application. Second/Trifone. All in favor.
- b) Karryn Dearborn, Pharmacy Internship Applicant
Motion/Walczyk to approve application. Second/Budish. All in favor.
- c) Discussion related to 4/14/09 presentation by Bob Hansen, Pharm.D.,
V.P., Pharmacy Services, Asteres, Inc. related to ScriptCenter®.
Motion/DeVita tabled for next meeting. Second/Trifone. All in favor

12. 12:25 p.m. Motion/DeVita to adjourn meeting. Second/Trifone. All in favor.

13. 12:30 p.m. APPRECIATION and RECOGNITION of Public Service

Marilyn Barron, MSW - Pharmacy Board Member from April 2000 – May 2009

Respectfully submitted by:


James D. Coffey
Director
Date: 11/23/09

Reviewed by Counsel: September 9, 2009
Draft approved: September 9, 2009
Board approved: November 17, 2009

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CLOSED SESSION MINUTES

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Discussion of Matters of:

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Agreement terms.

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Review and discussion of evaluations, complaint history and consent
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