

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES

TUESDAY, MAY 23, 2006

239 CAUSEWAY STREET, ROOM 206

BOSTON, MASSACHUSETTS 02114

Present: Georege Cayer, R.Ph., Karen Ryle, R.Ph., M.S., James DeVita, R.Ph., Marilyn Barron, MSW, Public Member, Harold Sparr, R.Ph., M.S., William Gouveia, R.Ph., M.S., Donald Accetta, M.D.(until 12:00 p.m.), Kathy Fabiszewski, R.N., Ph.D., R.N.(until 12:00 p.m.), Joel Berman, R.Ph., Steven Budish, Public Member

Absent: Sophia Pasedis, R.Ph., Pharm.D.

Board Staff: Charles Young, R.Ph., Exec. Dir., James Coffey, R.Ph., Assoc. Dir., Susan Manning, Counsel, Leo McKenna, R.Ph., PharmD., CQI Surv., Carolyn Reid, Admin. Asst., Sam Penta, R.Ph., Inv. Superv., James Emery, Ch.T., Inv.

1. 8:30 a.m. - Call to Order
 2. 8:30 a.m. - Review of minutes from a previous meeting – tabled
 3. 8:35 a.m. - Introduction – Mass. College of Pharmacy and Allied Health Sciences Advance Pharmacy Experience Program 6th Year Student Clare Marquis-Rutkowski
 4. 8:40 a.m. to 9:30 a.m. - File Review
Office of Investigations/Healthcare Investigators James C. Emery and Samuel J. Penta
 5. 9:35 a.m. to 9:55 a.m. - Report of Offices
 - a) Board Counsel Susan Manning
 - i) Heather Kelley, R.Ph. (PH-22812) - Docket No. PH-06-073
Motion/Sparr contingent vote for Summary Suspension pending non-practice/surrender of license agreement. Second/Gouveia.
Unanimous in favor.
- 9: 40 a.m. Motion/Sparr to enter Adjudicatory Session.
Second/Accetta. Unanimous in favor. DeVita – Recused (exit meeting room)

9:50 a.m. Motion/Cayer to Return to Open Session. Second/Sparr.
Unanimous in favor.

ii) In the Matters of CVS Pharmacy (# 2162), 300 Longwood Ave., Boston, MA (Docket No. DS-06-154) and February 9, 2006 Agreement (CVS and Board) – continuation of May 9, 2006 discussion.

Board Decisions:

CVS/pharmacy - development/institution of CVS internal compliance program; in-service supervisor (pharmacy supervisors and district managers) training regarding regulatory compliance; enhanced pediatric compounding continuing education for pharmacy personnel; provision of measuring spoons with pediatric prescriptions; compounding certification may be required for sterile compounding. CVS #2162 – re-inspect; min. one year probation; no compounding during probation and until approved by Board; review staffing plan; enhanced pediatric compounding continuing education for pharmacists employed at site (5 CEs); initiate complaints against pharmacist and supervisor (manager of record violation; compounding matters, and general regulatory non-compliance); compounding certification may be required for sterile compounding.

Motion/Gouveia. Second/Sparr. Unanimous in favor.

6. 10:00 a.m. to 10:30 a.m. – Docket No. DS-06-128
In the matter of Wal-Mart Pharmacy, 780 Lynnway, Lynn, MA (No. 2752) and MOR Allison Austin, R.Ph. (No. 25035)

Complaint alleged failure to maintain adequate security of controlled substances – non-registered store personnel were permitted access to pharmacy with significant drug theft resulting.

Present: MOR, Jason Roy, Superv., Roger Ealy (Wal-Mart)
CEs: compliant

MOR stated that non registered personnel were allowed to answer telephone and ring register in pharmacy area and walk through pharmacy to stockroom and bathroom. Corrective actions implemented

include non-registered personnel not permitted in pharmacy area; locks and keys changed; stock room always locked.

Motion/Sparr take matter under advisement. Second/Berman.

Unanimous in favor.

Motion/Ryle issue an Advisory Letter. Second/Berman. Unanimous in favor.

7. 10:30 a.m. to 11:00 a.m. - Docket No. DS-06-129
In the Matter of Shan-Lor Pharmacy, 44 Willow St., Malden
(No. 9573) and MOR Leonard Krasker, R.Ph. (No. 12616).

Complaint alleged pharmacy refilled a prescription on November 2005 for Prozac 20mg #30 and Zyprexa 5mg #30 without proper authorization by prescriber for group home resident.

Present: MOR

CEs: compliant

MOR stated that he refilled 30 day supply of Prozac 20mg and 30 day supply of Zyprexa 5mg, five times without authorization by prescriber on request and authorization of group home staff.

Motion/DeVita to take matter under advisement. Second/Accetta.

Unanimous in favor.

Motion/Gouveia to dismiss. Second/Sparr.

In favor: Gouveia, Barron, Sparr.

Opposed: Fabiszewski, Berman, Accetta, Cayer, Ryle, DeVita, Budish

Motion/Accetta issue an Advisory Letter. Second/Ryle. Unanimous in favor.

8. 11:00 a.m. to 12:00 p.m. – Docket No. DS-06-099
In the matter of PharMerica Pharmacy, 1123 Pearl Street, Brockton
(No. 2796). MOR Donald Montigny, R.Ph. (No. 22029) and Heather
Bishop, R.Ph., License No. 23619 (“Registrant”).

Complaint alleged Procrit 4,000 units was dispensed rather than Procrit 40,000 units following an oral order received by the Registrant.

Cayer – Recused (exit meeting room)

Present: Bishop and MOR

CEs: compliant

Bishop admitted error; stating she received and verified telephone order from nurse and entered new verbal order into computer.

Motion/Budish take matter under advisement. Second/Sparr.

Unanimous in favor.

Motion/Berman to dismiss. Second/Accetta. Unanimous in favor.

9. 12:00 p.m. to 12:30 p.m. – Docket No. PH-06-054
In the Matter of licensee Michael P. Kippenberger, R.Ph. (No. 26163),
MOR at CVS Pharmacy #1009, 509 Main Street, Charlestown.

Complaint alleged that on August 1, 2005, Board investigators observed David Gaper and Josephine Strazzullo working as pharmacy technician trainees without name badges. Both were observed retrieving medication from the shelves, entering information into the computer and making an offer to counsel patients.

DeVita – Recused (exit meeting room)

Present: MOR, Todd Pikor, Pharmacy Superv., Steven Weiner, Esq.

CEs: compliant

MOR admitted that he did not notify that he was new MOR, but stated he completed inventory with outgoing manager.

Pharmacy Supervisor Pikor stated he was aware incoming MOR had not completed necessary paperwork and that was not “official” MOR.

Pharmacy Supervisor Pikor stated pharmacy technician trainees keep track of respective hours they have worked as trainees.

Motion/Berman take matter under advisement. Second/Budish.

Unanimous in favor.

MOR: Motion/Sparr for one year probationary status (cannot serve as MOR during probation) &MPJE. Second/Gouveia. In favor: Sparr, Gouveia

Opposed: Cayer, Budish, Ryle, Barron, Berman. Motion did not carry.

MOR: Motion/Ryle to seek reprimand . Second/Sparr. Unanimous in favor. Motion carried.

Pharmacy Supervisor: Motion/Sparr to open a complaint.

Second/Sparr. In favor: Berman, Budish, Barron, Ryle, Sparr.

Opposed: Cayer, Gouveia. Motion carried.

Drugstore: Motion/Budish open complaint.

Second/Sparr. Unanimous in favor. Motion carried.

10. 12:30 p.m. to 1:30 p.m. - Lunch

11. 1:30 p.m. to 1:45 p.m. - New Business

a) In the matter of Complaint Docket Nos. PH-05-128 & PH-06-039 David W. Pehrson, R.Ph. (No. 16455) Request for termination of suspension.

Motion/Cayer to approve termination of suspension. Second/Accetta. Unanimous in favor.

b) Dina A. Sorour, R.Ph. (Lic. No. 25306) - Request for advisory opinion

regarding CE. Motion/Cayer recommended to take PSAM.

Second/DeVita. Unanimous in favor.

c) Christopher M. Okawa, R.Ph. (Lic. No. 26531) Request for advisory opinion regarding CE. Motion/Sparr to grant waiver.

Second/Gouveia. Unanimous in favor.

d) Jenai Pedersen-Butts, R.Ph, (Lic. No. 25404): Request for advisory opinion regarding CE waiver. Motion/DeVita complete 5 live CEs to be replaced with correspondence CEs. Second/Sparr.

Unanimous in favor.

e) Dr. Samif Youssef, R.Ph.: Request for advisory opinion regarding a proposal by Atty. Edward F. Wallace to submit a MA pharmacist application for licensure for Youssef as such relates to a June 7, 2000 license revocation by the CA Board of Pharmacy

Motion/Sparr advise application after reinstatement of CA license.

Second/Accetta. Unanimous in favor

f) In the matter of PH-05-100: Registrant, Christopher J. Vitale, R.Ph. (Lic. No. 25930). Motion/Accetta to terminate suspension period and

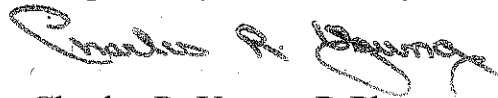
convert to probation for balance of agreement. Second/Sparr.
Unanimous in favor. Motion carried.

12. 1:45 p.m. to 2 p.m. - Old Business
a) In the matter of DS-03-055 & DS-05-040/ New England
Compounding Center (No. 2848) & PH-03-066 / Barry J. Cadden, R.Ph

No. 21239). Board reviewed Agreement to determine compliance with
terms. Motion/Sparr find Consent Agreement Compliance.
Second/Cayer. Unanimous in favor.

13. 2:00 p.m. Motion/Sparr to adjourn meeting. Second/Budish.
Unanimous in favor.

Respectfully submitted by:



Charles R. Young, R.Ph.
Executive Director

Date: _____

Reviewed by counsel: July 31, 2006
Draft approved: July 31, 2006
Board approved:

BOARD OF REGISTRATION IN PHARMACY
ADJUDICATORY SESSION MINUTES
TUESDAY, MAY 23, 2006
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

In the Matter of Heather Kelley, R.Ph. (PH-22812) – Docket No.
PH-06-073. Review and discussion of Contingent vote for Summary
Suspension pending non-practice/surrender of license agreement.