

This is NOTICE of the regularly scheduled Board of Registration in Pharmacy Meeting

BOARD OF REGISTRATION IN PHARMACY
MEETING AGENDA

November 15, 2011
239 Causeway Street
4th Floor, Rooms 417A and B
Boston, Massachusetts

1. 8:30 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.
2. 8:35 a.m. APPLICATIONS and Other Notices (no handout/applications on file)
Assoc. Dir. Margaret Cittadino
 - Change of Manager (27)
Compare Quality Pharmacy, 664 East Main Street, Worcester (DS89761)
CVS 49, 333 Washington Street, Boston (DS3555)
CVS 1011, 311 Newbury Street, Danvers (DS3537)
CVS 632, 4 Broadway Road, Dracut (DS89754)
CVS 01257, 225 Bedford Street, East Bridgewater (DS1963)
CVS 1886, 425 Lowell Avenue, Haverhill (DS3334)
CVS 2596, 2 Lafayette Square, Haverhill (DS3610)
CVS 209, 115 Main Street, North Andover (DS3597)
CVS 217, 1900 Main Street, Tewksbury (DS3277)
CVS 1015, 42 Beale Street, Wollaston (DS1534)
CVS 00707, 500 Grafton Street, Worcester (DS24373)
Kornfield Drug, 2121 Washington Street, Roxbury (DS2804)
Kmart Pharmacy 3638, 10 Main Street, Tewksbury (DS2168)
Osco Pharmacy 7495, 180A Cambridge Street, Burlington (DS3298)
Pepperell Pharmacy, 74 Main Street, Pepperell (DS3541)
Rite Aid 10071, 25 Park Street, Lee (DS2553)
Roche Bros Pharmacy, 175 Mansfield Avenue, Norton (DS3608)
Walgreens 2861, 653 Worcester Road (DS2232)
Walgreens 11120, 1145 Main Street, Holden (DS89681)
Walgreens 12323, 21 Main Street, Maynard (DS89698)
Walgreens 3016, 416 Warren Street, Roxbury (DS2277)
Walgreens 11387, 24 Newton Street, Southborough (DS3512)
Walgreens 12399, 226 Broadway, Taunton (DS89688)
Walgreens 2669, 20 Weston Street, Waltham (DS2152)
Walmart Pharmacy 10 5378, 591 Memorial Drive, Chicopee (DS3351)
Walmart Pharmacy 10 2021, 36 Paramount Drive, Raynham (DS2733)
Walmart 10 2174, 141 Springfield Road, Westfield (DS2748)
 - Closings (2)
CVS Pharmacy 2421 (DS3222) 135 Gold Star Boulevard, Worcester on 11/18/2011.
All prescription records, controlled substances and bookkeeping to CVS 299 (DS3596) 44 W. Boylston Street, Worcester.

CVS Pharmacy 2465 (DS3234) 106 East Main Street, Westborough on 11/17/2011.
Prescription records, controlled substances and required bookkeeping transferred to CVS 444 (DS2704) 74 E. Main Street, Westborough

- Renovation/Expansion (1)
Allcare Pharmacy, 12 Plymouth Street, Worcester (DS89782)
 - Relocation (1)
Whittier Health Pharmacy, 1290 Tremont Street, Roxbury-Crossing FROM 1123 Tremont Street, Roxbury-Crossing (DS3539)
 - Transfer of Ownership (3)
Genzyme Corporation (WD416) 80 New York Avenue, Framingham
Genzyme Corporation (WD492) 11 Forbes Road, Northborough
Genzyme Corporation (WD389) 500 Soldiers Field Road, Allston
3. 8:40 a.m. UPDATES
Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
- Board Meeting Dates 2012
 - Board Dispositions
4. 8:50 a.m. NOMINATIONS
- Board Officers: President Elect and Secretary
5. 8:55 a.m. DISCUSSION
- Meeting Summary – October 20-22, 2011 NABP/AACP District I & II Annual Pres. Walczyk
6. 9:05 a.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
7. 10:15 a.m. INVESTIGATIVE CONFERENCE
- Stop and Shop Pharmacy #98, New Bedford (D2702) – Docket No. PHA-2011-0232
Kimberly A. Remy, R.Ph. (PH22669) – Docket No PHA-2011-0246
- Complaint alleges that on or about November 20, 2010, the Pharmacy failed to fill a prescription (pediatric) properly for Risperdal Liquid.
- Investigator: William E. Frisch, Jr., R.Ph.
8. 10:45 a.m. DISCUSSION
- Matter of Shared Pharmacy Services – Sophia Pasedis, R.Ph, Pharm.D.

9. 11:15 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. 18-21]

- Matter of Julie Lannon (PT2212) Docket Nos. PHA-2008-0021 and PHA-2009-0178 – Review of Proposed Final Decision and Order (CVS/pharmacy and South Shore Hospital)
- Matter of Alyssa Hsu, R.Ph. (PH23855) Docket No. PHA-2011-0107 – Motion for Reconsideration (CVS/pharmacy)
- Matter of Linda Bahn (PH24912) Docket No. PHA-2011-0119 – Motion for Reconsideration (North Shore Pharmacy Services)

10. 12:00 p.m. APPLICATION/Appearance

- Matter of Mario Santiago – Pharmacy Technician Applicant. Atty. Patrick J. Murphy.

11. 12:30 p.m. LUNCH

12. 1:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

MOM'S PHARMACY, INC

Proposed: 75 Amory Street, Boston, Massachusetts

Present: Denise J. Fahmie, R.Ph.(PH20769) proposed Manager of Record;
Glenn Schabel, General Manager

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

Approve ☐ Deny ☐

13. 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 Lathum, Pharm.D., R.Ph., Investigator; William E. Frisch, Jr., R.Ph., Investigator; Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

FLEX DISCUSSION

A. NEW BUSINESS

Applications

1. Getnet Tadesse Zenebe - Pharmacy Intern
Approve/Deny

2. Christine Freyou - Pharmacy Intern

Approve/Deny

14. INFORMATIONAL ITEMS (FYI)

15. 3:00 p.m. ADJOURNMENT

BOARD OF REGISTRATION IN PHARMACY

Meeting Minutes

November 15, 2011

239 Causeway Street

Boston, Massachusetts

Board Members Present

Stanley Walczyk, R.Ph; Michael Tocco, R.Ph, M.Ed.; 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

Karen Ryle, R.Ph., M.S.

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 Lathum R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; William E. Frisch, Jr., R.Ph., Investigator; Intern Margarita Volkova, Massachusetts College of Pharmacy

1. 8:37 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.
2. 8:37 a.m. APPLICATIONS and Other Notices - Assoc. Dir. Margaret Cittadino

Change of Manager

Compare Quality Pharmacy, 664 East Main Street, Worcester (DS89761)
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Renovation/Expansion

Allcare Pharmacy, 12 Plymouth Street, Worcester (DS89782)

Relocation

Whittier Health Pharmacy, 1290 Tremont Street, Roxbury-Crossing FROM 1123
 Tremont Street, Roxbury-Crossing (DS3539)

Transfer of Ownership

Genzyme Corporation (WD416) 80 New York Avenue, Framingham
 Genzyme Corporation (WD492) 11 Forbes Road, Northborough
 Genzyme Corporation (WD389) 500 Soldiers Field Road, Allston
 All Genzyme Wholesale Distributor registrations transferred TO Sanofi,
 174 Avenue de Fance Cedex 13, Paris, France 75635

Motion Budish/Pasedis to approve applications

Recused Devita and Tocco for all CVS; Trifone for all Walgreens

Approved

3. 8:40 a.m. UPDATES

Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
 - Board Meeting Dates 2012
 - Board Dispositions

4. 8:50 a.m. NOMINATIONS

- Board Officers: President Elect and Secretary

President-Elect		Secretary	
Candidate	Nominated by	Candidate	Nominated by
James DeVita	Steve Budish and Joanne Trifone	Karen Ryle	James DeVita Michael Tocco
Sophia Pasedis	Donald Accetta Michael Tocco		

5. 8:55 a.m. DISCUSSION

Summary - October 20-22, 2011 NABP/AACP District I & II Annual Meeting

Pres. Walczyk provided review of District Meeting and acknowledged efforts of
 Meeting committee and Board Members. Director Pontikas also noted the efforts of
 Board members and staff in planning and hosting the event.

6. 9:05 a.m. Public Health Council inquiry regarding tobacco product sales in Massachusetts
 pharmacies – Director Jean Pontikas

Director Pontikas advised the Board that the Public Health Council has inquired of the Board's authority to regulate tobacco sales in retail establishments that include a pharmacy. Board members were interested in any additional information regarding regulatory oversight of tobacco sales which typically has been the subject of limitation by local boards of health through their general public health authority (e.g. Boston). Legislation has been filed in previous sessions (2009). Dir. Pontikas will also advise if DPH Tobacco Control Program has any information for the Board to review.

7. 9:05 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	PHA-2011-0212 Pelham Pharmacy DS89647 PHA-2011-0195 Pelham Pharmacy DS89647	Motion Cayer/Trifone for Consent Agreement for Probation (5 year period) with conditions related to observed conditions and products on pharmacy premises. Approved
	PHA-2011-0037 Vivian Chen PH 22410	Motion Cayer/Tocco to Dismiss with an Advisory Letter with 2 hours of continuing education (CEs) in medical error prevention Approved
	PHA-2011-0038 Dana Michelle Kocher PT12273	Motion Cayer/Tocco to Dismiss with an Advisory Letter with 2 hours of continuing education (CEs) in medical error prevention Approved
	PHA-2011-0211 Bhuren H. Patel PH21347	Motion #1 Pasedis/Budish to schedule an investigative conference. In Favor Fabizewski, Pasedis, Budish Opposed Accetta, Cayer, Tocco, DeVita, Walczyk Not Approved Motion #2 DeVita/Cayer for Consent Agreement for Probation (5 years), step down as MOR, MPJE Approved Opposed Pasedis

8. 10:25 a.m. **INVESTIGATIVE CONFERENCE**

Stop & Shop Pharmacy #98, 438 Dartmouth, New Bedford (DS2702) – Docket No. PHA-2011-0232
Kimberly A. Remy, R.Ph. (PH22669) – Docket No PHA-2011-0246

Complaint alleges that on or about November 20, 2010, the Pharmacy failed to fill a prescription (pediatric) properly for Risperdal Liquid.

Present: Kimberly A. Remy, R.Ph. and Stop & Shop representatives
Jeannine Joseph, R.Ph., Regional Pharmacy Manager, David A. Sencabaugh R.Ph.,
Director of Professional Services, and Joel Berman, R.Ph., Director of Pharmacy
Operations

Investigator: William E. Frisch, Jr., R.Ph. presented the investigative report.
Prescriber had written prescription with decimal in wrong place (2.5 cc
instead of the desired .25cc). Pharmacy filed Report of Improper Drug Dispensing.
Board members asked questions of Kimberly Remy and pharmacy representatives
regarding pharmacy computer overrides in general and "hard stop" warnings.

After discussion:

PHA-2011-0232 Stop & Shop 98 DS2702	Motion DeVita/Pasedis to Dismiss with Advisory Letter] Approved
PHA-2011-0246 Kimberly A. Remy PH22669	Motion DeVita/Tocco to Dismiss with Advisory Letter (additional CEs have already been completed) Approved

8. 11:00 a.m. DISCUSSION

Shared Pharmacy Services – Sophia Pasedis, R.Ph.

Motion Tocco/Trifone to continue discussion after review of NABP information.
Approved

9. 11:55 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. 18-21]

11:15a.m. Motion Tocco/Budish to enter into closed session

11:55 a.m. Motion DeVita/Budish to end closed session

10. 12:00 p.m. APPLICATION/Appearance

Mario Santiago – Pharmacy Technician Applicant

Present: Mario Santiago and Patrick J. Murphy, Esq.

Board reviewed application information with applicant and counsel.

After discussion,

Motion Tocco/Cayer to revise prior vote to Deny application to advise applicant that Board would review an application for registration following one year of pharmacy related employment (applicant is registered as a pharmacy technician in Rhode Island), with letters of recommendation (2 employment related and 1 personal reference) to be provided with any new application.

Recused Trifone (not present for discussion or vote)

Approved

11. 12:35 p.m. LUNCH

12. 1:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearence
MOM'S PHARMACY, INC

Proposed: 75 Amory Street, Boston, Massachusetts

Present: Denise J. Fahmie, R.Ph.(PH20769), proposed Manager of Record
Glenn Schabel, General Manager

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

Motion Cayer/Tocco to approve application pending compliant inspection

Approved

13. 2:00 p.m. REPORT OF OFFICE OF INVESTIGATIONS - File Review continued

2		Recused Trifone for PHA-2011-0043 and 5 related complaints listed below (not present for discussion or vote)
	PHA-2011-0043 Walgreens 3021 DS2343	Motion Cayer/Tocco to Dismiss with Advisory Letter and require corporate response regarding policy for verifying technician registration status Approved
	PHA-2011-0238 Yolanda Tavares PT4298	Motion Cayer/Tocco to Dismiss with Advisory Letter with 2 CE's in medication error prevention Approved
	PHA-2011-0037 Andre Kinak PH25198	Motion Cayer/Tocco to Dismiss with Advisory Letter with 2 CE's in medication error prevention Approved
	PHA-2011-0036 Brian Lang PH20476	Motion Cayer/Tocco to Dismiss with Advisory Letter with 2 CE's in medication error prevention Approved

	PHA-2011-0039 Emily Koah PT 9073	Motion Cayer/Tocco to Dismiss with Advisory Letter with 2 CEs in medication error prevention Approved
	PHA-2011-0226 Andrea Raposa PT14146	Motion Cayer/Tocco to Dismiss with Advisory Letter and 2 CEs in law Opposed DeVita Approved
2:40 p.m. Tocco and DeVita exit meeting		
3	PHA-2011-0256 CVS 5939 DS3579	Motion Cayer/Pasedis to Dismiss with Advisory Letter advising concerning development of procedures for "will-call" pickup and staff training on procedures Approved
	PHA-2011-0256 Susan E. Kushmerek PT10373	Motion Cayer/Pasedis to Dismiss with Advisory Letter advising development of procedures for "will-call" pickup and staff training on procedures Approved
5	PHA-2011-0106 CVS 1023 DS1540	Motion Trifone/Pasedis to Dismiss with Advisory Letter Approved
	PHA-2011-0163 Raymond Choi PH17042 PHA-2011-0173 Raymond Choi PH17042	Motion Trifone/Cayer for Consent Agreement for Reprimand related to medication error and CE deficiencies (45 remedial CEs - min. 12 law, 15 therapeutics and 1 infomatics) to be completed within 180 days Approved

FLEX DISCUSSION

A. NEW BUSINESS

Applications

1. **Getnet Tadesse Zenebe** - Pharmacy Intern

Motion Cayer/Pasedis to request MPRS assessment and letter from MCP confirming current enrollment. If both are satisfactory, staff may register applicant.

Approved

2. **Christine Freyou** - Pharmacy Intern

Motion Trifone/Cayer to approve

Approved


B. OLD BUSINESS

Colin Winston Gillis (Pharmacy Intern reg. PI156136/surrendered 6/17/11)
Complaint Docket No. PHA20110142 (closed)
Complaint Docket No. PHA20110213 – violations of GL c. 266, s. 30

Motion Cayer/Trifone to close Complaint Docket No. PHA20110213
without prejudice with notice that the Board will not review any application for intern
registration, or other licensure or registration by the Board, until you have completed a
Board-approved evaluation as well as any other requirements, including Board
approved monitoring screens for an extended period, as the Board determines to be
necessary and appropriate.

15. 3:07 p.m. ADJOURNMENT

Respectfully submitted by:


Margaret Cittadino
Associate Director

Board approved: December 11, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
NOVEMBER 15, 2011
239 CAUSEWAY STREET
BOSTON, MA 02114

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

11:15a.m. Motion Tocco/Budish to enter into closed session

Matters of

Julie Lannon (PT2212) Docket Nos. PHA-2008-0021 and PHA-2009-0178

Board reviewed *Proposed Final Decision and Order* (CVS/pharmacy and South Shore Hospital).

Motion Cayer/DeVita to adopt *Proposed Final Decision and Order* and issue *Final Decision and Order* revoking pharmacy technician registration.

Recused Tocco, DeVita and Pasedis (not present for discussion or vote)

Absent Ryle

Approved

Alyssa Hsu, R.Ph. (PH23855) Docket No. PHA-2011-0107 – Request for Reconsideration (CVS/pharmacy)

Board reviewed October 25, 2011 letter from Paul M. Garbarini, Esq. requesting reconsideration of the Consent Agreement terms the Board proposed for resolution of pending complaint.

After reconsideration,

Motion Cayer/Pasedis to make no revisions to proposed Consent Agreement terms.

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

Approved

Linda Banh (PH24912) Docket No. PHA-2011-0119 – Request for Reconsideration of proposed Consent Agreement terms (North Shore Pharmacy Services)

Board reviewed October 18, 2011 letter from Eve M. Slattery, Esq. requesting reconsideration of the Consent Agreement terms the Board proposed for resolution of pending complaint.

After reconsideration,

Motion Pasedis/Trifone to make no revisions to proposed Consent Agreement terms.

Recused Tocco and Cayer (not present for discussion or vote)

Approved

Board advised of October 24, 2011 conviction (U.S. District Court) of **Nicole Bombardier, R.Ph.** (PH 26088/ exp.12/31/08; *Voluntary Surrender Statement* dated October 8, 2008 - Complaint No. 20080916-PH-039 Complaint No. PHA-2009-0130 accepted by Board April 17, 2011)

11:55 a.m. Motion DeVita/Budish to end closed session