

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
TUESDAY NOVEMBER 18, 2008
239 CAUSEWAY STREET, ROOM 204
BOSTON, MA 02114

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

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

CALL TO ORDER

1. 8:30 a.m. – Pres. Pasedis called meeting to order.
2. 8:35 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Assoc. Dir. Cittadino

New Pharmacy/Pharmacy Department

CVS/pharmacy 382 – Proposed: 1504 Main St., Weymouth 02189

Walgreens Pharmacy 10318 – Proposed: 78 Turnpike Rd., Southborough 01772

Change of Manager

CVS/pharmacy 635, Whitman (Reg. No. 2871)

CVS/pharmacy 1212, Brookline (Reg. No. 1978)

CVS/pharmacy 913, Bridgewater (Reg. No. 3437)

CVS/pharmacy 717, Cambridge (Reg. No. 24854)

CVS/pharmacy 471, Dorchester (Reg. No. 3556)

CVS/pharmacy 2596, Haverhill (Reg. No. 3610)

CVS/pharmacy 1860, Holliston (Reg. No. 2079)

CVS/pharmacy 669, Swampscott (Reg. No. 2846)

CVS/pharmacy 457, Salem (Reg. No. 3397)

CVS/pharmacy 117, West Roxbury (Reg. No. 3207)

CVS/pharmacy 1199, West Roxbury (Reg. No. 1981)

CVS/pharmacy 2070, Jamaica Plain (Reg. No. 2711)

CVS/pharmacy 155, Winchester (Reg. No. 2471)

CVS/pharmacy 2500, Saugus (Reg. No. 3606)

CVS/pharmacy 73, Amesbury (Reg. No. 2366)

Louis & Clark 370, Wilbraham (Reg. No. 14966)

Louis & Clark 268, Springfield (Reg. No. 2365)

Roche Bros. Pharmacy, Norton (Reg. No. 3608)

Stop & Shop Pharmacy 12, Sandwich (Reg. No. 2958)

Stop & Shop Pharmacy 498, Somerville (Reg. No. 3350)

Rite Aid Pharmacy 10208, New Bedford (Reg. No.3022)
Rite Aid Pharmacy 10210, S. Dartmouth (Reg. No.3192)
Rite Aid Pharmacy 10216, Taunton (Reg. No.3148)
Rite Aid Pharmacy 10141, Mansfield (Reg. No.3119)
RPB Pharmacy, New Bedford (Reg. No. 3056)
Walgreens Pharmacy 3021, New Bedford (Reg. No. 2343)
Walgreens Pharmacy 3112, Arlington (Reg. No. 2798)
Walgreens Pharmacy 9233, Shrewsbury (Reg. No. 3407)
Walgreens Pharmacy 1871, Newton Center (Reg. No. 1376)
Walgreens Pharmacy 1863, Lexington (Reg. No. 1384)
Wal-Mart Pharmacy 10 2012, North Oxford (Reg. No. 2749)
Wal-Mart Pharmacy 10 2902, Framingham (Reg. No. 3181)
Wal-Mart Pharmacy 10 2157, North Dartmouth (Reg. No. 2734)
Wal-Mart Pharmacy 10 2366, North Attleboro (Reg. No. 2741)

Pharmacy Transfer of Ownership

IVPCare Northeast, Inc. (IVP NE) d/b/a IVP Care Inc., 260D Fordham Rd., Wilmington, MA 01887 (Reg. No. 3269) TO McKesson, Walgreens Specialty Pharmacy, LLC, 260D Fordham Rd., Wilmington.

Relocation – Pharmacy/Pharmacy Department

CVS/pharmacy 1867, 731 State Rd., Manomet (Reg. No. 2073)
TO 517 State Rd., Plymouth 02360
CVS/pharmacy 920, 329 Brook Rd., Clinton (Reg. No. 1636)
TO 792 Main St., Clinton 01510

Closing – Pharmacy

Village Fertility Pharmacy, 1 Brookline Place, Brookline (Reg. No. 1430); transfer of records/inventory to Walgreens Pharmacy #3564, 99 Harvard St., Brookline (Reg. No. 2760)
Rite Aid Pharmacy #10154, 14600 Washington St., Roslindale (Reg. No. 3137); transfer of records/inventory to Rite Aid Pharmacy #10157, 1329 Hyde Park Ave., Hyde Park (Reg. No. 3114)
Motion/Cayer to approve all applications, subject to compliant inspections and noted conditions. Second/Acchetta. All in favor.
DeVita and Tocco recused from all above CVS applications.
Trifone recused from all above Walgreens applications.

3. 8:45 a.m. **UPDATES**

a) James T. DeVita – NABP Task Force on Continuous Quality Improvement, Peer Review, and Inspecting for Patient Safety. The Task Force reviewed current Model State Pharmacy Act and Model Rules of the National Association of Boards of Pharmacy language addressing quality improvement, peer review and freedom from discovery. The Task Force will evaluate the need for an assessment tool for use by boards of pharmacy to evaluate pharmacies in the area of patient safety.

b) Dir. Coffey – New Online Licensing System

The Massachusetts Division of Health Professions Licensure Site allows visitor to verify the status of an individual or a business license and view disciplinary action.

- c) Federal Internet Pharmacy Law Signed into Law. On October 15, 2008, President Bush signed H.R. 6353, the "Ryan Haight Online Pharmacy Consumer Protection Act of 2008" (eff. 4/15/09), which amends the Controlled Substances Act to prohibit the delivery, dispensing, or distribution of controlled substance via the internet.

4. 8:50 a.m. **NOMINATIONS - President/President-Elect/Secretary**

PRESIDENT

Motion/Cayer - DeVita as President. Second/Budish.

Motion/Tocco - Pasedis as President. Second/Cayer.

PRESIDENT-ELECT

Motion/DeVita - Trifone as President-Elect. Second/Pasedis.

SECRETARY

Motion/Budish - Tocco as Secretary. Second/Trifone.

Motion/DeVita - Walczyk as Secretary. Second/Budish.

5. 9:00 a.m. **REPORT OF OFFICE OF INVESTIGATIONS**

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

1	PHA 20089-0023	Voluntary Surrender
2	PHA 2008-0022	Voluntary Surrender
3	PHA 2008-0004	Voluntary Surrender
4	20080916DS016 20081010PH050	Investigative Conference

6. 9:30 a.m. **NEW PHARMACY APPLICATION/Appearance**
Integrity Pharmacy Solutions, LLC d/b/a Integrity Pharmacy
Proposed: 45 South St., Suite 2, Hopkinton 01748

Continuation of discussion of new pharmacy application, with three waiver requests - 247 CMR Section 6.02 (4), 9.01(15) and (16):

(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.

(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.

Present: Andy Tsapatsaris, R.Ph. (Pharmacist No. 17345); Proposed Manager of Record Peter Day, R.Ph.

Pharmacy will provide pharmaceutical care services (including basic compounding) to long term care/assisted living facilities. Front door signage will indicate the Pharmacy and Manager of Record's name and hours. Motion/Cayer to approve application. Second/Tocco. All in favor.

7. 10:00 a.m. INVESTIGATIVE CONFERENCE

Matter of **CVS/pharmacy #0746** (Reg. No. 2818), 171 N. Main St., Randolph, Regina Tan, R.Ph. (Reg. No. 24607), April Quinn (Pharmacy Technician Reg. No. 3323) (DS-08-114 and PH-08-001). Manager of Record - Chen Pham, R.Ph. (Reg. No. 24232)

Complaint alleged that on April 08, 2008, Registrant dispensed a prescription for Prednisone 10mg tablets with both Prednisone 10mg tablets and Trihexylphenidyl 2mg tablets.

Present: Quinn, Tan, MOR Pham, Vinny Zammiellio, Pharmacy Superv., Bill Irvin, Dir. Reg. Compliance

Pharmacist Tan: Motion/Cayer to issue an Advisory Letter with 2 CEs. Second/Budish. All in favor.

Drugstore: Motion/Acchetta Advisory Letter. Second/Gouveia. All in favor.

8. 10:30 a.m. INVESTIGATIVE CONFERENCE

Matter of CVS/pharmacy #0746 (Reg. No. 2818, 171 North Main St., Randolph (DS-08-087 and PH-08-010)

Complaint alleged that on January 14, 2008, Registrant dispensed a prescription for EmSam (selegiline 6mg/24 hr transdermal patch) which interacted with another medication (Dexedrine).

Present: Danya Qato, R.Ph. (Reg. No. 24689), Trang Ta (Reg. No. 27252), Tan, MOR Pham, Irvin, Zammiellio.

Pharmacist (Qato): Motion/Cayer to issue an Advisory Letter; and (after Board review of CEs) complete 42 CEs (10 live) for 2007 and 15 CEs (5 live) for 2008. Second/Budish. All in favor.

Manager of Record (Pham): Motion/Trifone issue an Advisory Letter, complete self-inspection form, cannot be Preceptor for one year,

complete 2 live LAW CEs. Second/Walczyk. All in favor.

Drugstore: Motion/Cayer seek Reprimand. Second/Gouveia. All in favor.

Motion/Cayer propose change from MOR Advisory Letter to Reprimand. Second/Budish. All in favor.

9. 11:00 a.m. REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel
Review and Discussion of Complaints Following
Investigative Conferences and Other Matters
Closed Session (M.G.L. c. 112, s. 65C)

11:00 a.m. Motion/Pasedis to enter Closed Session. Second/DeVita.
All in favor.

11:45 a.m. Motion/Fabiszewski to end Closed Session. Second/Accetta.
All in favor.

Public Hearing on PMP reporting requirement revisions (247 CMR)
Scheduled for 9:30 a.m., December 9, 2008, 239 Causeway St., 2d Fl.,
Room 206, Boston, MA related to proposed revisions to 247 CMR sections
2.00 (new definition "Customer Identifier" replacing "Patient Identifier") and
5.04 (revising pharmacy reporting requirements) relating to the
Massachusetts Prescription Monitoring Program (M.G.L. c. 94C, s. 24).
The proposed revisions were adopted by emergency promulgation,
effective September 16, 2008.

Matter of Central Pharmacy – New Pharmacy Application Update

Board received noticed that proposed MOR was terminated by employer.
Board opened complaint; will review response when received. Pharmacy
will propose new MOR.

10. 12:00 p.m. PRESENTATION
Partnership for Healthcare Excellence Marilyn Schlein Kramer, Ex. Dir.
11. 12:30 p.m. LUNCH
12. 1:45 p.m. PATIENT SAFETY SUBCOMMITTEE MEETINGS

Update - 10/30/08 Patient Safety Programs Workgroup Meeting:
QA Coordinator McKenna

Manager of Record Checklist: George Cayer, R.Ph.

Continuous Quality Improvement: James T. DeVita, R.Ph.

In Office Use: Sophia Pasedis, R.Ph.

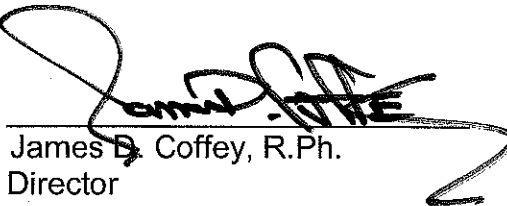
Central Pharmacy Prescription Processing: Joanne Trifone, R.Ph.

13. New Business

- a) **Nam Ju Joo**, R.Ph. (Registration No. 21890/Exp. 12/31/2000):
Reinstatement inquiry.
Motion/Cayer NAPLEX and MPJE. Second / DeVita. All in favor.
- b) **Christine Ann Morrell**: Pharmacy Technician Applicant
Motion/Cayer to approve application. Second/Walczyk. Barron – Abstain.
Motion passed.
- c) **Ralph Jamaine Romelus**: Pharmacy Technician Applicant.
Motion/Cayer to approve application. Second / Trifone. All in favor.
- d) Matter of **Wing Cheung**, R.Ph. (Lic. No. 25381) - Docket No. PH-08-006.
Petition for termination of Suspension/conversion to Probation.
Motion/Pasedis to convert to Probation. Second/Trifone.
DeVita -Recused. Motion passed.
- e) **Terese M. Howie**, R.Ph. (Registration No. 24269/Exp. 12/31/2008).
Request for advisory re: 2007 CE.
Motion/Pasedis complete 5 additional live for 2008. Second/Walczyk.
All in favor.

14. 3:30 p.m. – Motion/Pasedis to adjourn meeting. Second/DeVita.
All in favor.

Respectfully submitted by:



James D. Coffey, R.Ph.
Director

Board approved: March 31, 2009

**BOARD OF REGISTRATION IN PHARMACY
ADJUDICATORY SESSION MINUTES
TUESDAY, NOVEMBER 18, 2008
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

11:00 a.m. Motion/Pasedis to enter Closed Session. Second/DeVita.
All in favor.

**Matters of Meetinghouse Pharmacy and Baldwin Ihenacho, R.Ph. –
Complaint Docket Nos. 2008 1023 DS 024 and 2008 1023 PH 054**

On October 31, 2008, Board received (fax) affidavit of DEA Special Agent Anthony Roberto detailing internet pharmacy activities of Baldwin I. Ihenacho, R.Ph., owner and MOR of Meetinghouse Pharmacy, Bowdoin St., Dorchester, and wife G. Iheancho, R.N. Pursuant to October 21, 2008 Board vote, after review of the Affidavit, the Board issued a *Temporary Orders of Suspension* on the same date, to be effective the following day (November 1, 2008). Later on October 31, 2008, a US DOJ DEA magistrate hearing issued an *Order to Show Cause and Immediate Suspension of Registration*, authorizing the DEA removal of all controlled substances from the Meetinghouse premises. On November 1, Saturday, federal authorities removed all drugs from the Pharmacy and took into B. Ihenacho (pharmacy) and wife (residence) into custody. Board agents then entered pharmacy; delivered the *Temporary Orders of Summary Suspension of Store and Owner*; conducted inspection; and posted notice of closure by Board. – No embargo was placed since all drugs had been removed. The affidavit remains under seal until released by federal judge for use in Board proceedings. The individuals are represented by counsel. Current status of both individual and store registrations is **suspended** – the pharmacy is closed.

Bourne Pharmacy (DS-06-074) and Gerald Liberfarb (PH-06-011)

Liberfarb seeks Board approval to take NAPLEX and MPJE. Liberfarb was previously disciplined by the Board (two year suspension). Current status: Suspended. Board to advise that no approval for examination prior to review of hearing officer's proposed Final Decision after hearing.

Louis and Clark Pharmacies - Continuation of Review of Pending Complaints

Board reviewed multiple pending complaints, including information from 10/21/08 investigative conferences and information submitted by registrant in response to complaints. Board staff will revise Consent Agreement in accordance with Board discussion and review with Board.

DeVita and Tocco – recused; exited meeting room.

Update - CVS matters

1. CVS Feb. 9, 2006 Agreement – Board reviewed 9/30/08 CVS letter, provided per Board request, detailing progress on various matters Agreement identified as “in process”. Board requested update on progress by April 1, 2009 and additional information regarding survey and pharmacist breaks by January 31, 2009.
2. Pending complaints (6) relating to 3 CVS locations – Longwood at Children’s Hospital, Westfield and Franklin. Board entered into Consent Agreement (November 6, 2008) resolving 6 DS complaints with probationary terms that included verification of establishment of Massachusetts compliance monitoring program, part of overall corporate compliance program, with confirmatory oversight of Director of Corporate Compliance for CVS CAREMARK (Diane Nobles).

11:45 a.m. Motion/Fabiszewski to end Closed Session. Second/Accetta.
All in favor.