

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
NOVEMBER 20, 2007
239 CAUSEWAY STREET
SECOND FLOOR, ROOM 206
BOSTON, MA 02114**

Present: James DeVita, R.Ph.; Karen Ryle, R.Ph., M.S.; George Cayer, R.Ph.; Sophia Pasedis, R.Ph., Pharm.D.; William Gouveia, R.Ph., M.S.; Steven Budish, Public Member; Joel Berman, R.Ph.; Kathy Fabiszewski, Ph.D., N.P.; Donald Accetta, M.D.; Michael Tocco, R.Ph., M.Ed.

Absent: Marilyn Barron, MSW, Public Member

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.; James Emery, Inv.; Samuel Penta, R.Ph., Superv.; Cheryl Latham, Inv.

1. 8:30 a.m. – Pres. DeVita called meeting to order.
2. 8:35 a.m. - Review of Board Minutes
3. 8:40 a.m. - Pharmacy/Pharmacy Department Applications

Nuclear Pharmacist

Collin J. O'Neill, R.Ph. (MA Pharmacist Lic. No. 27091/Exp. 12/31/08)

David T. Hart, R.Ph. (MA Pharmacist Lic. No. 22953/Exp. 12/31/08)

New Pharmacy/Pharmacy Department - PROPOSED LOCATION

Walgreens Pharmacy #10639, 99 Stafford St, Worcester, MA 01603

Eaton Apothecary #2085, 162 Cordaville Rd., Suite 175, Southborough, MA 01772

Relocation Pharmacy/Pharmacy Department

Eaton Apothecary #2120 (License No. 3499), 160 Main St. Brockton
TO 63 Main St., Brockton

Relocation Wholesale Distributor

Haemonetics Corp., 40 Robbie Rd. Avon (License No. 402) TO
170 Campanelli Pkwy., Stoughton, MA (Schedule VI only)

Change of Manager

Critical Care Systems, Shrewsbury (Pharmacy Reg. No. 3330)

CVS Pharmacy #720, Dorchester (Pharmacy Reg. No. 1003)
CVS Pharmacy #1034, Framingham (Pharmacy Reg. No. 1681)
CVS Pharmacy #1221, Milford (Pharmacy Reg. No. 2988)
CVS Pharmacy #1002, Cambridge (Pharmacy Reg. No. 3060)
CVS Pharmacy #1130, Springfield (Pharmacy Reg. No. 1690)
CVS Pharmacy #1204, Lynn (Pharmacy Reg. No. 2239)
CVS Pharmacy #610, Fairhaven (Pharmacy Reg. No. 24018)
CVS Pharmacy #913, Bridgewater (Pharmacy Reg. No. 3437)
(DeVita and Tocco recused from all CVS above)

Rite Aid Pharmacy #10153, East Boston (Pharmacy Reg. No. 3099)
Rite Aid Pharmacy #10216, Taunton (Pharmacy Reg. No. 3148)

Stop and Shop Pharmacy #43, Revere (Pharmacy Reg. No. 2982)
Stop and Shop Pharmacy #444, Whitman (Pharmacy Reg. No. 3215)
Stop and Shop Pharmacy #60, Medford (Pharmacy Reg. No. 2131)
(Berman recused from all Stop and Shop above)

Target Pharmacy T-1441, Somerville (Pharmacy Reg. No. 3185)
Walgreens Pharmacy #11947, Taunton (Pharmacy Reg. No. 3548)
Walgreens Pharmacy #4535, Randolph (Pharmacy Reg. No. 2837)
Walgreens Pharmacy #7813, Brockton (Pharmacy Reg. No. 3408)
Walgreens Pharmacy #4118, Cohasset (Pharmacy Reg. No. 2699)
Walgreens Pharmacy #2977, Brockton (Pharmacy Reg. No. 2250)
Winchester Drug, Winchester (Pharmacy Reg. No. 1107)

Renovation / Expansion

CVS/pharmacy #2162, 300 Longwood Ave., Boston (Pharmacy No. 2687)
CVS/pharmacy #1858, 1199-1201 Center St., Newton (Pharmacy No. 2146)
CVS/pharmacy #260, 155-157 Charles St., Boston (Pharmacy Reg. 2294)
(DeVita recused from all CVS above)

Walgreens Pharmacy #11177, 430 Broadway, Revere (Pharmacy No. 1377)

Closing

Stop and Shop Pharmacy #394, 331 Cotuit Rd., Sandwich (Pharmacy No. 3431) - transfer of business records and inventory to CVS Pharmacy #1850, 77 Quaker Meeting House Rd., Sandwich (Pharmacy No. 2089)
(Berman, Tocco and DeVita recused)

Motion/Tocco to approve above applications, with exception of Wholesale Distributor. Second/Budish. All in favor.

4. 8:45 a.m. - Updates

Dir. Coffey provided update on License/Registration renewal process.

5. 8:50 a.m. - Nominations for 2008 Board Officers

Cayer nominated Sophia Pasedis - President; Joel Berman - President Elect. Second/Tocco.

Cayer nominated Steven Budish - Secretary. Second/Berman.
Budish nominated Karen Ryle - Secretary. Second/Tocco.

6. 8:55 a.m. - Report of Office of Investigations
File Review - Investigators Penta, Emery, and Lathum

1	DS-07-055 PH-07-127 PH-08-008 DS-08-009 SA-DS-08-005	Refer to Legal
2	DS-08-017	Refer to Legal
3	SA-DS-08-020 DS-08-024	Refer to Legal
4	DS-08-018 PH-08-021	Dismiss Advisory Letter
5	DS-08-021 PH-08-019	Dismiss Advisory Letter
15	DS-08-011 PH-08-020	Advisory Letter Advisory Letter

7. 10:00 a.m. - New Pharmacy Applications

a) In the matter of MEI Services, Inc. – Proposed: 367 Washington St., Brighton, MA 02134. Proposed MOR: Tanja Lepir, R.Ph. (Pharmacist No. 27191/Exp. 12/31/2008). Applicant previously appeared on 6/19/07 regarding a separate new pharmacy application for same location; proposed MOR resigned following June appearance.

Present: Lepir, Michael Bogachek, Ex. VP

Motion/Pasedis to take matter under advisement. Second/Berman. All in favor.

b) In the matter of West River Pharm, Inc. – Proposed: 140 Locke Dr., Marlborough, MA 01752-7230. Proposed MOR: Christopher R. Rizzo, R.Ph., (Pharmacist Registration No. 19665/Exp. 12/31/2008).

Cayer recused (exited meeting room).

Present: Rizzo, R.Ph.

CEs: compliant

Motion/Ryle to approve application pending inspection. Second/DeVita.
All in favor.

8. 11:00 a.m. - Report of Office of General Counsel
Pending Legal Matters - Susan Manning, Board Counsel
- 11:05 a.m. - Motion/Ryle to enter Closed Session (M.G.L. c. 112, s. 30A, s. 11A and GL. C. 112, s. 65C). Second/Pasedis. All in favor.
- 11:20 a.m. - Motion/Cayer to return to Open Session. Second/Berman. All in favor.
- a) In the matter of Adam S. Lee, Pharmacy Technician (Reg. No. 1412) – Docket No. PH-PT-07-082: *Proposed Final Decision and Order by Default*.
Motion/Pasedis to adopt *Proposed Final Decision and Order by Default* and issue *Final Decision and Order by Default* revoking pharmacy technician registration. Second/Budish. All in favor.
- b) In the matter of David Trinks, R.Ph. (Pharmacist No. 19795) – Docket No. PH-05-025 – Complaint has been resolved by execution of Consent Agreement; license to be reinstated after completion of MPJE.

DeVita and Tocco recused (exited room) from both matters above.
- c) In the matter of Paul Warzecki, R.Ph. (Pharmacist Lic. No. 15226) – Docket No. PH-07-040: *Proposed Ruling on Motion for Summary Decision*.
Motion/Pasedis to adopt proposed Ruling on Motion for Summary Decision. Second/Budish. All in favor.
9. 11:30 a.m. - CVS/pharmacy Agreement dated February 9, 2006
- 11:30 a.m. - Motion/Gouveia to enter Closed Session (M.G.L. c. 112, s. 30A, s. 11A and GL. C. 112, s. 65C). Second/Berman. All in favor.
- DeVita and Tocco recused (exited room).
- 12:00 a.m. – Motion/Cayer to return to Open Session. Second/Pasedis. All in favor.
10. 12:00 p.m. - Investigative Conference
In the matter of Wing O. Cheung, R.Ph. (Pharmacist License No. 25381) – Docket No. PH-08-006. Investigator Emery presented matter.
- Present: Cheung; Eve Slattery, Esq.
Motion/Berman to take matter under advisement. Second/Cayer. All in favor.

11. 12:30 p.m. - New Wholesale Distributor (BROKER) Application

In the matter of CUBIST Pharmaceuticals, Inc. U.S. – Proposed: 65 Hayden Ave., Lexington, MA 01887. Designated Representative: Steven Lewis, Dir., Facilities. Applicant proposes to broker (not physically possess) Schedule VI legend drug (CUBICIN/daptomycin for injection).

Present: Lewis, Halley Gilbert, Exec. Dir., Assoc. General Counsel
Motion/Tocco take the matter under advisement. Second/Pasedis. All in favor.

12. New Business

a) Pharmacy Technician Registration applications: Approve/deny/conditions.

i) Elizabeth Mendez - Motion/Cayer to approve application. Second/Ryle.
All in favor.

ii) Steven A. Kramer - Motion/Psedis to approve application pending receipt and review of additional documentation Second/Budish. All in favor.

b) In the matter of Phillip M. Resnick, R.Ph. (Pharmacist No. 13731 Exp. 12/31/2002): Request for reinstatement. Approve/deny/conditions. Motion/DeVita complete MPJE exam and pay back fees. Second/Cayer. All in favor.

d) In the matter of Dino P. Simonetti, R.Ph. (Pharmacist No. 19264/ Exp. 12/31/2006) - Docket No. PH-05-035. Petition for termination of suspension pursuant to Consent Agreement. Motion/DeVita to terminate suspension and place license on probationary status for four year (contract) period. Second/Ryle. All in favor.

e) NEW DEA RULE: *Issuance of Multiple Prescriptions for Schedule II Controlled Substances*: Effective December 19, 2007.

DEA Final Rule amends DEA regulations to allow practitioners to provide individual patients with multiple prescriptions for a specific schedule II controlled substance, written on the same date, to be filled sequentially allowing a patient to receive over time up to a 90-day supply of the controlled substance.

Motion/Devita schedule discussion for December 11, 2007 meeting. Second/Pasedis.

13. Continuation of Discussions

Matters of:

a) Wing O. Cheung, R.Ph. (Pharmacist No. 25381) – Docket No. PH-08-006.

Motion/Cayer propose one year suspension followed by two year probation; MPJE during suspension period. Second/Berman. All in favor.

**BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
NOVEMBER 20, 2007
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

11:05 a.m. - Motion/Ryle to enter Closed Session (M.G.L. c. 112, s. 30A, s. 11A and GL. C. 112, s. 65C). Second/Pasedis. All in favor.

DeVita and Tocco recused (exited room).

1. In the Matter of Adam S. Lee, Pharmacy Technician (Reg. No. 1412) – Docket No. PH-PT-07-082: *Proposed Final Decision and Order by Default*. Review of proposed decision; licensee has not responded.
2. In the matter of David Trink, R.Ph. (Pharmacist No. 19795) – Docket No. PH-05-025 – Resolution of matter by execution of Consent Agreement confirmed by Board; license to be reinstated after completion of MPJE.
3. In the Matter of Paul Warzecki, R.Ph. (Pharmacist No. 15226) – Docket No. PH-07-040: *Proposed Ruling on Motion for Summary Decision*. Review and discussion of proposed ruling; Licensee has not responded to Date; may request sanction hearing.

11:20 a.m. – Motion/Cayer to return to Open Session. Second/Berman. All in favor.

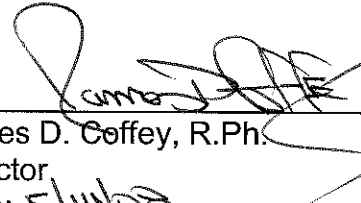
11:30 a.m. - Motion/Gouveia to enter Closed Session (M.G.L. c. 112, s. 30A, s. 11A and GL. C. 112, s. 65C). Second/Berman. All in favor.
DeVita and Tocco recused (exited room).

4. CVS/pharmacy Agreement dated February 9, 2006 – Update and Discussion. Present: Dir. Jean Pontikas.
Update on October 15, 2007 Quarterly Meeting and general review and discussion of Agreement. Bill Irvin, R.Ph., CVS/Caremark, Dir. Regulatory Compliance will appear at December 11, 2007 Board meeting regarding CVS/pharmacy staffing procedures.

b) MEI Services, Inc. – Proposed: 367 Washington St., Brighton, MA.
Motion/Ryle to approve application pending inspection. Second/DeVita.
All in favor.

15. 1:00 p.m. – Motion/DeVita to adjourn meeting. Second/Cayer. All in favor.

Respectfully submitted by:



James D. Coffey, R.Ph.
Director
Date: 5/14/08

Reviewed by counsel: March 31, 2008
Draft approved: March 31, 2008
Board approved: May 13, 2008