

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES

October 19, 2010
239 Causeway Street
2nd Floor, Room 206
Boston, Massachusetts

Board Members Present	Stanley Walczyk, R.Ph.; James T. DeVita, R.Ph.; Michael Tocco, R.Ph., M.Ed.; George Cayer, R.Ph.; Sophia Pasedis, R.Ph., Pharm.D.; Donald Accetta, M.D., M.P.H.; Karen Ryle, R.Ph., M.S..
Board Members Absent	Joanne Trifone, R.Ph.; Kathy Fabiszewski, Ph.D. N.P.; Steven Budish
Staff Present	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 Kimberly Tum, Northeastern University

1. 8:30 a.m. **CALL TO ORDER**
President-Elect Stanley B. Walczyk, R.Ph.

2. 8:35 a.m. **REVIEW/ADOPTION OF BOARD MINUTES**
Motion Walczyk/DeVita to approve February 9, 2010; March 9, 2010; April 13, 2010; May 11, 2010 and June 1, 2010, June 14, 2010 and July 13, 2010 minutes.
Approved

3. 8:35 a.m. **LICENSING: Pharmacy/Wholesale Distributor Applications**
(no handout/applications on file) – Assoc. Dir. Margaret Cittadino
New - Community Pharmacy
Price Chopper Pharmacy 229, 731 Boston Turnpike, Shrewsbury
Change of Manager
CVS 708, 676 Southbridge Street, Auburn (DS2706)
CVS 1896, 486 Pleasant Street, Attleboro (DS2160)
CVS 0023, 241 Lincoln Avenue, Haverhill (DS23965)
CVS 1844, 454 Electric Avenue, Lunenburg (DS89666)
CVS 1238, 555 Main Street, Medfield (DS2058)
CVS 6505, 978 Boylston Street, Newton (DS3522)
CVS 257, 107 West Street, Pittsfield (DS3331)
CVS 41, 284 Winthrop Street, Taunton (DS2679)
CVS 00707, 500 Grafton Street, Worcester (DS24373)
Devillers Pharmacy, 1390 Rodman Street, Fall River (DS3398)
Eaton Apothecary 2040, 298 Union Street, Lynn (DS2938)
Eaton Apothecary 2035, 12 Market Square, Lynn (DS3577)
Stop & Shop Pharmacy 427, 221 Huttleston Avenue, Fairhaven (DS2931)
Stop & Shop Pharmacy 098, 438 Dartmouth Street, New Bedford (DS2702)
Walgreens 1871, 22 Langley Road, Newton Corner (DS1376)
Walgreens 2933, 841 Boylston Street, Boston (DS2253)
Walgreens 11387, 24 Newton Street, Southborough (DS3512)
Wal-Mart Pharmacy 10-2158, 200 Otis Street, Northborough (DS2742)

Renovation/Expansion – Community Pharmacy

Wal-Mart 10-2222, 333 Main Street, Tewksbury (DS2740)

Hannaford Supermarket 8011, 5 Gilbert Street, No. Brookfield (DS3417)

Relocation – Community Pharmacy

Dan's Pharmacy 110 Pleasant St., Nantucket FROM 5 Bayberry Court,
Nantucket,
(DS20362)

CVS 1874, 325 Boston Post Road, Wayland FROM 313 Boston Post Road,
Wayland (DS2066)

Closing – Community Pharmacy

Rite-Aid 10121 (DS2420) 265 Main Street, North Reading. All files and
records transferred to Walgreens 11499 (DS3616) and all C-II – C-V to be
transferred to Rite-Aid 10123, (DS3134) 15 Bolton Street, Reading.

Transfer of Ownership – Wholesale Distributor

Medical Specialties Distributors, LLC (WD461), 800 Technology Center
Drive, Stoughton.

Motion Ryle/Cayer to approve applications

Recused Tocco/DeVita.

Approved

4. 8:40 a.m. UPDATES

Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino

- 2011 Proposed Board Meeting Calendar
- Board CE/Outreach Programs
- Wholesale Distributor Renewals (2011; online option)
- Pharmacist Renewals (2011/2012; online option)
- Clarification Re: Authorized Vaccinators for the 2010-2011
Influenza Season
- Board Dispositions

5. 8:50 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

1	PHA-2010- 0177 Matthew Benvenuti PH26426	Motion DeVita/Pasedis to dismiss with Advisory Letter for all pharmacists with continuing education deficiencies based on the approved guidelines of the Board Remedial Continuing Education Grid. Approved
	PHA-2010-0714 Uyen P. Nguyen	
	PHA-2010-0157 Maressa Barry PH 20816	
	PHA-2010-0145 Evangeline Pappas PH17088	
	PHA-2010-0129 Kathleen Bennett PH21397	

	PHA-2010-0171 Michele M. Neill PH23831 PHA-2010-0175 Dylan McGovern Bobzien PH21513	
2	SA-INV 1327 Walgreens 7063 DS3238 PHA-2010- 0162 CVS 693 DS3250 PHA-2010-TBD Melissa J. Mattison PH26577 PHA-2010-0161 Marwan Alason PT10669	Motion Walczyk/Cayer to Dismiss – No Violation. Recused Tocco/DeVita Approved Motion Cayer/Pasedis to Dismiss with Advisory Letters for the pharmacist, technician and drug store. Recused Tocco/DeVita Approved
3	SA-INV 1322 Walgreens 13804 DS89710	Motion Pasedis/DeVita to Dismiss – No Violation. Approved
4	SA-INV 1304 Walgreens 9234 DS3407 PHA-2010-0169 Amy Q. Folta PH27227 PHA-2010-0131 Allison Hoffner PT9617 (expired)	Motion DeVita/Pasedis to convert staff assignment to a complaint and to request Walgreens to provide additional information regarding policies and procedures (1) management of automatic filling machine functioning disruptions; and (2) monitoring of pharmacy technician and technicians trainee registration status. Approved Motion Pasedis/DeVita to table this until response from Walgreens. Approved Motion Ryle/Budish for Reprimand for expired license.
5	SA-INV-1420 Walgreens/Eaton Apothecary DS89706	Motion DeVita/Pasedis to Dismiss – No violation. Approved
6	SA-INV-1410 Walgreens 1849 DS1366	Motion DeVita/Cayer for an Investigative Conference before the Board. Approved
7	PHA-2010 -0153 Erica Jean Norton PT12567	Motion Cayer/Ryle for a Summary Suspension. Recused DeVita/Tocco Approved

6. 10:30 a.m. INVESTIGATIVE CONFERENCE

Complaint No. PHA20100073

CVS/pharmacy #137, Quincy (Pharmacy Registration No. 2951)

The purpose of the Conference is to discuss a complaint related to a February 18, 2010 Board inspection of CVS/pharmacy #137, located at 626 Southern Artery in Quincy (Pharmacy Registration No. 2951). The investigator observed various alleged statutory and regulatory violations pertaining to the practice of pharmacy. A pharmacy re-inspection was conducted on March 24, 2010. CVS/pharmacy representatives scheduled to appear include Roger Morris, R.Ph., Counsel on behalf of CVS, David Miller, R.Ph., Pharmacy Supervisor, David Padrazo, Region Manager, Vincent Zammiello, R.Ph., former Pharmacy Supervisor and Vicki Tang, R.Ph., current Manager of Record.

Motion Ryle/Cayer for Reprimand

Recused DeVita/Tocco (not present in meeting during discussion or vote)

Approved

7. 11:00 a.m. INVESTIGATIVE CONFERENCE

Complaint No. PHA20100120 / **Apothecare, South Shore, Inc.**, Brockton (Pharmacy Registration No. DS89659)

Complaint No. PHA20100120/ **Susan A. Nelson, R.Ph.** (Pharmacist Registration No. PH22450)

Complaint No. PHA20100118/ **Lisa A. Cordeiro R.Ph.** (Pharmacist Registration No. PH21815)

The purpose of the Conference is to discuss a complaint alleging that Apothecare South Shore, Inc. failed to adhere to various statutory and regulatory violations pertaining to the practice of pharmacy. Apothecare, South Shore, Inc representatives scheduled to appear include Counsel on behalf of Apothecare, Paul E. Levenson, Esq., Owner, John H. Duval, R.Ph., Manager of Record, Susan A. Nelson, R.Ph., Counsel on behalf of Susan A. Nelson, Young Paik, Esq., Pharmacy Technicians, Melissa A. Hunt and Lillian R. Neenan, former Manager of Record (2/1/09 – 11/18/09), Lisa A. Cordeiro, R.Ph., and Counsel on behalf of Lisa A. Cordeiro, Paul M. Garbarini, R.Ph., Esq.

PHA-2010-0120 Apothecare South Shore DS89659	Motion Budish/Ryle for 1 year Probation with conditions Pharmacy personnel engaged in the practice of filling of prescriptions shall have completed re-training regarding, statement certifying and detailing completion of all corrective action Manager of Record must complete a Board "Self-Inspection Form" Approved
PHA-2010-0120 Susan Nelson PH22450	Motion Cayer/Ryle to dismiss with Advisory letter and 2 continuing education credits in law. Approved
PHA-2010-0118 Lisa A. Cordeiro PH21815	Motion Cayer/DeVita to dismiss with Advisory Letter and 2 continuing education credits in law

11:55 Accetta departs meeting.

11:55 **Motion** Cayer/Ryle to enter into closed session. **Approved**

12:05 **Motion** Cayer/Ryle to end closed session. **Approved**

8. 11:55 a.m. **LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL**

Pending Legal Matters - Susan Manning, Board Counsel

MGL c. 112, s. 65C and MGL c. 30A, s. 11A- Review and Discussion
of Complaints and Other Matters: Closed Session

- Notice: Board of Registration in Pharmacy will hold a Public Hearing on Tuesday, November 16, 2010 at 9:30 a.m. at 239 Causeway St., 2nd Fl., Room 206, 247 CMR 5.04 (revising pharmacy reporting requirements) relating to the Massachusetts Prescription Monitoring Program (M.G.L. c. 94C, ss. 24 and 24A). The proposed revisions were adopted by emergency promulgation, effective September 3, 2010

Board review of Proposed revisions to 244 Board of Registration in Nursing CMR 4.00 related to G.L. c 112, Sections 80E and 80G (7/29/10) enabling qualified Nurse Anesthetists to prescribe and order tests and therapeutics during the immediate peri-operative period in accordance with guidelines that are mutually agreed to by the nurse and supervising physician.

The Pharmacy Board had no questions or comments regarding the proposed revisions but did note that hospital pharmacy practice would typically be impacted rather than retail pharmacy practice settings. Other DPH would be able to identify any possible hospital pharmacy issues although there do not appear to be any with the proposed revisions. Executive Director will follow – up with Health Care Quality.

Peter J. Santoro, R.Ph. PH20526 - Docket No. SA-INV-1361

Motion Walczyk/Ryle for Advisory Letter with 2 continuing education credits in professionalism

Recused DeVita/Tocco exited room

Approved

Peter W. Jasinski, R.Ph. PH26526 - Docket No. PHA-2010-0048

Motion DeVita/Ryle for Advisory Letter and 2 continuing education credits in law.

Approved

Chukwukere A. Nsonwu, R.Ph. PH18414 – Docket No. PHA-2010-0017 and

Egleston Square Pharmacy, Inc., DS3366 – Docket No. PHA-2009-0217:

Proposed Final Decision and Order By Default

Motion Walczyk/DeVita to adopt final decision and order for Revocation of licenses.

Approved

Jennifer M. Gutierrez, PT3758 – Docket No. PHA-2010-0135

Motion DeVita/Ryle for Consent Agreement for 1 year Suspension and 3 years probation following suspension.

Recused DeVita/Tocco exited room

Approved

James Little, R.Ph PH13718 Docket No.PH-98-005

Motion Pasedis/DeVita to terminate probation.

Approved

9. 12:15 a.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

8	SA-INV-1073 Walgreens 6349 DS3062 Walgreens 1847 DS1359 Walgreens 4072 DS 2788	Motion DeVita/Cayer to Dismiss – No Violation Not present Pasedis Approved
9	PHA-2010-0129 Kathleen Bennett PH PH21397 PHA-2010-0130 Donna L. Hinkle PH20790 PHA-2010-0145 Evangeline Pappas PH17088 PH 2010-0157 Maressa Barry PH20816 PH 2010-0175 Dyan McGovern Bobzien PH 21513 PH 2010-0171 Michele Neill PH PH26831 PH 2010-0174 Uyen P. Nguyen PH24311 PH 2010-0177 Matthew G. Benvenuti PH26426	Motion DeVita/Pasedis to apply the Board Remedial Continuing Education Grid to continuing education deficiencies for all pharmacist listed. Approved
10	SA-INV-1305 Walgreens 3736 DS2653	Motion Pasedis/Cayer to Dismiss – No Violation Approved
11	PHA-2010-0087 Genzyme Corporation WD389	Motion Cayer/Walczyk to Dismiss – Lack of Sufficient Evidence. Approved
12	SA-INV-1085 Hopkington Drug DS8191	Motion Cayer/Walczyk to Dismiss – No Violation Approved
13	PHA-2010-0165 Sharla Johnson PT7344	Motion DeVita/Cayer to Dismiss – No Violation Approved

Pasedis exits meeting 12:45		
14	SA-INV-1073 Walgreens 6349 DS3062 Walgreens 1847 DS1459 Walgreens 4072 DS2788	Motion DeVita/Cayer to Dismiss – No Violation Approved

10. 1:00 p.m. LUNCH

11. 1:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
MASSACHUSETTS IRX, LLC, DBA **MASSACHUSETTS ASCEND PHARMACY** – Proposed: 145 Bodwell Street, Avon, MA 02322
Proposed MOR Jacinto “Jesse” Michael D’Almeida, R.Ph, (PH23236) and
Vallerie Sullivan, V.P. and General Manager of Specialty

Appearance to review new application for retail pharmacy licensure.

Motion Pasedis/DeVita to approved application pending a compliant inspection.

12. 2:00 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
BIORX, LLC – Proposed: 266 West Cummings Park, Woburn, MA 01801
Proposed MOR and Director of Operations East, John Magazzu, R.Ph, (PH21510)
and Randy Broyles, National Director of Pharmacy Operations.

Appearance to review new application with **waiver petition** for retail pharmacy licensure.

247 CMR 6.01 (5)(a) 4 – a balance capable of accurately weighing quantities as small as 13 milligrams, which balance shall be tested and sealed by the state or local sealer of weights and measures annually

Approve ☐ Deny ☒

247 CMR 6.01 (6)(d)1 – A pharmacy must provide a designated consultation area, with signage stating “Patient Consultation Area”, designed to provide adequate privacy for confidential visual and auditory patient counseling. The private consultation area must be accessible by a patient from the outside of the prescription dispensing area without having to traverse a stockroom or the prescription dispensing area.

Approve ☒ Deny ☐

247 CMR 6.02 (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.

Approve ☒ Deny ☐

247 CMR 9.01(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.

Approve ☒ Deny ☐

247 CMR 9.07 (3) (c) – A sign of not less than 11 inches in height by 14 inches in width shall be posted in a conspicuous place, adjacent to the area where prescriptions are dispensed, informing customers of their rights, pursuant to 247 CMR 9.00 and to M.G.L. c. 94C, § 21A, to counseling by a pharmacist where their prescription was filled. Said sign shall read, in letters not less than ½” in height: “Dear patients, you have the right to know about the proper use of your medication and its effects. If you need more information please ask the pharmacist.”

Motion Pasedis/DeVita to accept application pending compliant inspection.
Approved

13. 2:30 p.m. DISCUSSION

Subcommittee for 2011 NABP/AACP District I Annual Meeting
to be hosted by Massachusetts in Boston, October 20&21, 2011:
Margaret Cittadino, Sophia Pasedis, Joanne Trifone, Karen Ryle and
Stanley Walczyk

14. FLEX DISCUSSION

NEW BUSINESS

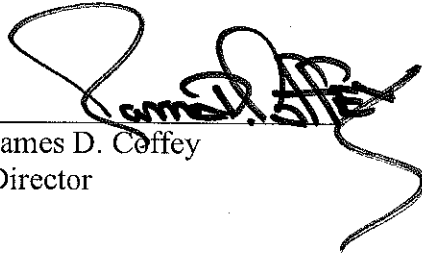
A. Applications

- 1) **Erica Denise Toussaint** - Pharmacy Technician
Motion Pasedis/Cayer to approved application.
Recused DeVita/Tocco (not present in meeting during discussion or vote)
Approved
- 2) **Autumn Rae Cellasius** - Pharmacy Technician
Motion DeVita/Cayer to approve application
Recused Pasedis
Approved
- 3) **Joseph Matthew Evanowsky** - Reciprocal Pharmacist
Motion Cayer/Pasedis to approve application
Recused/ DeVita/Tocco(not present in meeting during discussion or vote)
Approved

15. INFORMATIONAL ITEMS (FYI)

2:45 pm **Motion** Tocco/DeVita to adjourn. **Approved**

Respectfully submitted by:



James D. Coffey
Director

Board approved: February 8, 2011

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
OCTOBER 19, 2010
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 11A (Adjudicatory)

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 11A (Adjudicatory)

12:00 p.m. **Motion** Cayer/Ryle to enter Closed Session.
Approved

Peter J. Santoro, R.Ph. PH20526 - Docket No. SA-INV-1361
Review of MPRS evaluation results and complaint allegations.
Recused DeVita/Tocco (not present in meeting during discussion or vote)
Approved

Peter W. Jasinski, R.Ph. PH26526 - Docket No. PHA-2010-0048
Review of MPRS evaluation results and complaint allegations.

Chukwukere A. Nsonwu, R.Ph. PH18414 – Docket No. PHA-2010-0017
Egleston Square Pharmacy, Inc., DS3366 – Docket No. PHA-2009-0217
Review of *Proposed Final Decision and Order by Default* in each matter,

Jennifer M. Gutierrez PT3758 – Docket No. PHA-2010-0135
Review of complaint and proposed consent agreement terms.

James Little, R.Ph. PH13718 Docket No. PH-98-005
Review of discipline (complaint history) regrading current request to terminate probation status.

12:25 p.m. **Motion** Tocco/DeVita end Closed Session.
Approved