

BOARD OF REGISTRATION IN PHARMACY
BOARD MEETING MINUTES
TUESDAY OCTOBER 20, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Board Members Present: James T. DeVita, R.Ph.; Stanley B. Walczyk, R.Ph.; William Gouveia, R.
George Cayer R.Ph.; Sophia Pasedis, R.Ph., Pharm.D.; Michael J. Tocco,
Steven Budish; Donald D. Accetta, M.D., M.P.H.

Staff Members Present: James D. Coffey R.Ph., Director; Margaret Cittadino M.Ed., Assoc.
Director; Leo McKenna, Pharm.D., CQI Coordinator; Samuel Penta,
R.Ph., Supervising Investigator; Cheryl Lathum, Pharm.D., Investigator;
James Emery, Pharmacy Technician

1. 8:30 a.m. CALL TO ORDER - President James T. DeVita, R.Ph.
2. 8:40 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Assoc. Dir. Cittadino

New Store

Louis & Clark Drug proposed to be located at 238 Northampton Street, Easthampton

Relocation

Freedom Fertility Pharmacy, FROM 12 Kentway Suite 120B, Byfield (DS3435)
TO 12 Kentway Suite 120F, Byfield

Freedom FP Fertility Pharmacy, FROM 12 Kentway Suite 120C, Byfield (DS3433)
TO 12 Kentway Suite 120E, Byfield

Change of Manager

Ashburnham Family Pharmacy, 63 Main Street, Ashburnham (DS3314)

Big Y Pharmacy 7, 136 North King Street, Northampton (DS3561)

CVS 1859, 148 Route 137, Harwich (DS2945)

CVS 594, 105 Davis Straights, Falmouth (DS2839)

CVS 1850, 77 Quaker Meeting House Road, Sandwich (DS2089)

CVS 920, 792 Main Street, Clinton (DS89649)

CVS 1239, 110 Turnpike Street, No. Andover (DS3377)

CVS 1056, 1815 Middlesex Street, Lowell (DS1646)

Family Pharmacy, 95 Lincoln Street, Worcester (DS3523)

G.E. Healthcare, 20 Commerce Way, Woburn (NU10)

Rite-Aid 10153, 791 Bennington Street, East Boston (DS3613)

Rite-Aid 10059, 139 West Street, Ware (DS2642)

Rite-Aid 10150, 1100 Dorchester Ave, Dorchester (DS3105)

Stop & Shop Pharmacy 80, 1277 Liberty Street, East Springfield (DS1677)

Target Pharmacy T-1442, 550 Arsenal Street, Watertown (DS3186)

Target Pharmacy T-1308, 400 Cochituate Road, Framingham (DS3069)

Walgreens 6895, 130 Bowdoin Street, Dorchester (DS3246)

Walgreens 5755, 413 Washington Street, Stoughton (DS1368)

Walgreens 1852, 1478 Highland Avenue, Needham (DS1375)

Wal-Mart 10 2158, 200 Otis Street, Northborough (DS01532)

Wal-Mart 10 2629, 100 Valley Parkway, Whitinsville (DS3508)

Transfer of Ownership

New Owner: **Victory Dist. Inc** all below

Hannaford Food & Drug 8383, Taunton (DS3439)

Hannaford Food & Drug 388, Lunenburg (DS2468)

Hannaford Food & Drug 327, Lowell (DS3453)

Hannaford Food & Drug 8192, Dracut (DS2697)

Hannaford Food & Drug 382, Easton (DS3438)

Hannaford Food & Drug 170, W. Peabody (DS3361)

Hannaford Food & Drug 191, Chelmsford (DS2677)

Closing

Melrose Drug Center, 462 Main Street, Melrose (DS2062)- inventory and files to be transferred to CVS Pharmacy 159, 516 Main Street, Melrose (DS16605)

Rite-Aid 10079, 568 Main Street, N. Leominster (DS2400) - files and records to be transferred to CVS Pharmacy 1198, 9 Nelson Street, Leominster; all CII-V drugs to be transferred to Rite-Aid 10084, 1031 Main Street, Clinton (DS 2780)

Motion Budish/Walczyk to approve applications.

Approved

Recused: DeVita and Tocco for all CVS applications

5. 8:55 a.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review - Samuel J. Penta, R.Ph., Supervising Investigator;

James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph.,

Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	PHA2009-0168 (PT)	Motion/Walczyk/Tocco to accept voluntary surrender. Approved
2	PHA2009-0171 (PH)	Motion Tocco/Walczyk to accept voluntary surrender and refer to MPRS program. Approved
3.	SA-INV-0861 (WD)	Motion Tocco/Budish to deny Trans Med Wholesale Distributor application. Approved
4.	PHA-2009-0157 (PH)	Motion DeVita/Tocco to review after completion of investigation. Approved
5.	PHA-2009-0140 (PH/Exp. License)	Motion Pasedis/Walczyk to advise licensee with expired MA license that Board will reopen complaint (regarding MO license discipline) if seeks to reinstate MA license in the future. Approved
6.	PHA-2009-0139 (PH/Exp. License)	Motion Pasedis/Walczyk to advise licensee with expired MA license that Board will reopen complaint (regarding NC license discipline) if seeks to reinstate MA license in the future. Approved

7.	PHA-2009-0138 (PH)	Motion Pasedis/Accetta to Dismiss - insufficient evidence. Approved Abstained/Cayer
8.	PHA-2000-0150 (PH)	Motion Cayer/Tocco to Dismiss with Advisory Letter. Approved
9.	PHA-2009-0040 (DS) PHA-2009-0082 (PH)	Motion Cayer/Tocco to schedule investigative conference. Approved
10.	PHA-2009-0069 (DS) PHA-2009-0153 (PH)	Motion DeVita/Pasedis to review after Office of Public Protection conducts inspection. Approved

6. 10:00 a.m. DISCUSSION - **Specialty Scripts Pilot Project Proposal**

After review of **Specialty Scripts** Pilot Project request,
Motion Pasedis/Tocco to notify Specialty Scripts of approval of Pilot Project proposal with modification to Project condition no. 18; Board to require notice of change of ownership.
 Approved
 Recused/Gouveia (exited meeting room)

7. 10:30 a.m. INVESTIGATIVE CONFERENCE

Matters of **PharMerica** (PH3559)/Docket Nos. PHA-2009-0090/ SAINV-0281

Present: MOR Andrew Szumita, R.Ph., Regional Pharmacy Dir.; David Perkins, R.Ph., V.P. Operations, East Region; Peter DePaolo, Jeffrey Mittleman, Esq.

Motion DeVita/Gouveia to take matter under advisement; licensee to provide written policy for pharmacist education credit tracking.
 Approved.
 Recused/Cayer and Tocco (exited meeting room)

8. 11:30 a.m. INVESTIGATIVE CONFERENCE

Matter of **Walgreens Pharmacy #2669**, 20 Weston St., Waltham (DS2152)
 Docket No. 20080916-DS016; Eva Kowalska (Pharmacy Technician (PT7017)/
 Docket No. 20081010PH-050; Paul J. Rohde, R.Ph. (Pharmacist PH15575)/
 Docket No. 20081010PH-057; Katherine H. Patterson R.Ph. (PH 24719)/
 Docket No. PHA2008-0027

Present: MOR Christina Rooney, R.Ph., Michael Simko, Esq., Robert Braley; Pharmacy Superv. Paul Rohde, R.Ph.; Katherine Patterson, R.Ph., Complainants

Simko represented that the VISION program remote work flow is now supervised geographically by Pharmacy Supervisor. Partnering pharmacies may opt out of the work flow cue.

Rooney stated that the product verification pharmacists do not generally view the imaged prescription but do have the ability to access the image.

9. 12:30 p.m. LUNCH

10. 1:30 p.m. INVESTIGATIVE CONFERENCE

Rite Aid #10095, Worcester (DS1993)/Docket No. PHA2009-0045

Rite Aid #10086, Millbury (DS2408)/Docket No. PHA2009-0011

Yana Rabkin, R.Ph. (PH26097)/Docket No. PHA2009-0043

Donna J. McRobert (PT5270)/Docket No. PHA2009-0044

Kristen L. Butler, R.Ph. (PH21606)/Docket No. PHA2009-0042

Nana K. Afranie, R.Ph. (PH 26079)/Docket No. PHA2009-0042

Present: Complainants, Kevin Bellino, R.Ph., District Mgr., above-listed registrants

Mr. Bellino indicated that approximately 14 Rite Aid pharmacies experienced power outages due to an ice storm during the time period related to the alleged incident. Rite Aid #10095 (Worcester) was closed 12/12-17.

Discussion related to responsibility of pharmacist on duty to verify all prescriptions placed on hold and Rite Aid emergency response plans.

Motion DeVita/Cayer to take matter under advisement.

Approved.

11. 2:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearence

DIAMOTO MEDICAL INC. - Proposed: 159 Memorial Dr., Shrewsbury

Present: Proposed MOR Richard Ferris, R.Ph.(PH17214) and Rodney Okamoto, R.Ph, President

Applicant seeks to provide specialty services (long-term total parenteral nutrition) with waiver requests - 247 CMR 6.02 (supply) and 9.01 (ltd. service).

Motion Pasedis/Gouveia to approve application with waivers pending a compliant inspection.

Approved

12. 3:00 p.m. CONTINUATION OF DISCUSSIONS

- a) Matters of **Walgreens Pharmacy #2669**, 20 Weston St., Waltham (DS2152)
Docket No. 20080916-DS016; Eva Kowalska (Pharmacy Technician (PT7017)/
Docket No. 20081010PH-050; Paul J. Rohde, R.Ph. (Pharmacist PH15575)/
Docket No. 20081010PH-057; Katherine H. Patterson R.Ph. (PH 24719)/
Docket No. PHA2008-0027

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|---|-----------------------------|--|
| 1 | 20080916-016 (DS) | Motion DeVita/Pasedis to Dismiss pharmacy complaint with Advisory Letter.
Approved |
| 2 | 20081010-057 (PH/Rohde) | Motion DeVita/Pasedis to Dismiss pharmacist complaint with Advisory Letter.
Approved |
| 3 | PHA2008-0027 (PH/Patterson) | Motion DeVita/Pasedis to Dismiss complaint – no violation. Approved. |
| 4 | 20081010-050 (PT) | Motion DeVita/Pasedis to Dismiss pharmacy technician complaint with Advisory Letter.
Approved |

Board to schedule Walgreens appearance to review VISION program performance.

- b) Matters of **Rite Aid #10095**, Worcester (DS1993)/Docket No. PHA2009-0045
 Rite Aid #10086, Millbury (DS2408)/Docket No. PHA2009-0011
 Yana Rabkin, R.Ph. (PH26097)/Docket No. PHA2009-0043
 Donna J. McRobert (PT5270)/Docket No. PHA2009-0044
 Kristen L. Butler, R.Ph. (PH21606)/Docket No. PHA2009-0042
 Nana K. Afranie, R.Ph. (PH 26079)/Docket No. PHA2009-0042

Motion DeVita/Walczyk to request additional information from Rite Aid; specifically, corporate policy and procedures regarding: (1) transfers of prescriptions and verification that pharmacists verify the appropriateness of all prescriptions placed on hold, in queue and or deferred prior to transfer to second pharmacy for fulfillment; and (2) pharmacy emergency preparedness plans, including corrective action plan specific to this complaint.

12. 3:20 p.m. LEGAL/REPORT OF OFFICE OF INVESTIGATIONS
 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

3:20 p.m. **Motion DeVita/Cayer** to enter closed session.
 Approved.

3:45 p.m. **Motion Cayer/DeVita** to return to open session.

Matter of **Julie Lannon** (PT 2212) – Docket nos. PHA-2008-0021 and PHA-2009-0178. Investigator Penta provided update.

Matter of **Abayomi O. Mobolade** (PH 17285) – Docket No PHA-2009-0163. Board advised *Final Decision and Order* suspending license effective October 15, 2009 based on DOR Child Support Enforcement notice (September 18, 2009) was issued October 5, 2009.

Matter of **Hai Huynh**, R.Ph. (PH 24888) – Review of *Motion for Reconsideration*.

Motion Walczyk/Tocco to advise licensee to file any additional comments to the Board's previously issued decision within 30 days of notice.
 Approved.

Matter of **Ralph Mastrianno**, R.Ph. (PH 17090)

Motion Pasedis/DeVita to terminate suspension status and convert to probation.
Approved

Matter of **Codman Pharmacy** – Review of *Application for Transfer of Ownership*.

Motion DeVita/Cayer to deny application based on familial relationship of proposed new owner to prior owner and manager of record.
Approved.

Discussion: New Board Staff Action Policy re: Disposition of Complaint after Notice to Board of Out of State Discipline regarding Individual with Expired Massachusetts License/Registration

Motion Pasedis/Walczyk to delegate staff authority to *Dismiss Complaints without Prejudice* where Board receives notice of out of state discipline of individual with Massachusetts expired license or registration. Notice will be provided to the respondent that the Board will reopen the complaint in the event that individual seeks to reinstate expired Massachusetts license/registration.
Approved.

13. 3:55 p.m. FLEX DISCUSSION

NEW BUSINESS

APPLICATIONS

- a) **Jeffrey Carrera** - reciprocal pharmacist licensure; failed to disclose discipline in another jurisdiction
Motion DeVita/Walczyk to deny application.
Approved
- b) **Samar Aboueella** - reciprocal pharmacist licensure with discipline in another jurisdiction.
Motion Cayer/Pasedis to approve application.
Approved
Recused DeVita and Tocco
- c) **Ava Afshari** - Pharmacy Intern registration.
Motion DeVita/Walczyk to approve application.
Approved
Recused Pasedis
- d) **Kevin King** - Pharmacy Technician registration
Motion DeVita/Cayer to approve application.
Approved

- e) **Christopher Bucchino** - Pharmacy Technician registration
Motion DeVita/Cayer to approve application.
Approved
Recused Pasedis
- f) **Daniel Santos** - Pharmacy Technician registration
Motion Cayer/DeVita to approve application.
Approved
Recused: Pasedis
- g) **Harvey J. Greece, R.Ph.** (PH15504/Exp. 12/31/1979) – reinstatement inquiry.
Board to notify to submit additional work history information.
- h) **Dennis Desnoyers** - Pharmacy Technician registration
Motion Pasedis/Cayer to approve application.
Approved.

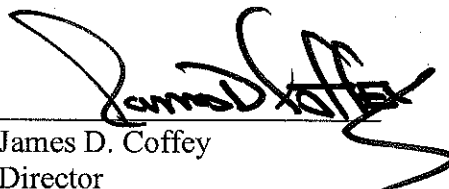
OLD BUSINESS

- a) Discussion related to CVS/pharmacy **Pilot Project Approval** concerning **Pharmacy Care Center** proposal.
- b) **Debra Kaplan, R.Ph.** (PH18733)/ Docket No.PHA-2009-0112
Motion DeVita/Pasedis to seek Reprimand of license and require passage of MPJE within six months.

14. 4:05 p.m. **Motion** Cayer/Pasedis to adjourn meeting.
Approved

ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director
Date: 4/2/10

Reviewed by Counsel: May 17, 2010
Draft approved: May 17, 2010
Board approved: June 1, 2010

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114
Tuesday, October 20, 2009

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

3:20 p.m. **Motion** DeVita/Cayer to enter closed session.
Approved.

Board Counsel reviewed the following matters with the Board:

Matter of **Julie Lannon** (PT 2212) – Docket nos. PHA-2008-0021 and PHA-2009-0178. Investigator Penta provided update.

Matter of **Hai Huynh**, R.Ph. (PH 24888) – Review of *Motion for Reconsideration*.

Matter of **Ralph Mastrianno**, R.Ph. (PH 17090) – petition filed to terminate suspension status and convert to probation.

Matter of **Codman Pharmacy** – Review of *Application for Transfer of Ownership*.

3:45 p.m. **Motion** Cayer/DeVita to return to open session.