BOARD OF REGISTRATION IN PHARMACY MEETING MINUTES

September 14, 2010 NORTHEASTERN UNIVERSITY BOUVE COLLEGE OF HEALTH SCIENCES SCHOOL OF PHARMACY

Boston, Massachusetts 02115

Board Members Present Joanne Trifone, R.Ph.; Stanley Walczyk, R.Ph.; James T. DeVita, R.Ph.; Michael Tocco, R.Ph., M.Ed.; Kathy Fabiszewski, Ph.D., N.F.

Board Members Absent George Cayer, R.Ph.; Sophia Pasedis, R.Ph., Pharm.D.; Donald Accetta, M.D., M.P.H.; Steven Budish; Karen Ryle, R.Ph., M.S.

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 Danielle Massee, Massachusetts College of Pharmacy; Intern Kimberly Tum, Northeastern University

1: 9:00 a.m. CALL TO ORDER President Joanne M. Trifone, R.Ph.

2. 9:01 a.m. WELCOME, INTRODUCTIONS AND RECOGNITION

Board of Registration in Pharmacy & Northeastern University, School of Pharmacy

John R. Reynolds, Pharm.D., Dean, School of Pharmacy, Todd Brown, MHP, Clinical Instructor and Vice Chair, Department of Pharmacy Practice, Anita Young, M.Ed. R.Ph., Director of Continuing Professional Education

3. 9:15 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Assoc. Dir. Margaret Cittadino

Change of Manager

Costco Pharmacy 333, 2 Mystic View Road, Everett (DS3211

CVS 159, 516-522 Main Street, Melrose (DS16605)

CVS 290, 300 Mishawam Road, Woburn (DS21531)

CVS 2172, 100 Worcester Street, Grafton (DS2817)

CVS 131, 210 Boston Road, North Billerica (DS3049)

CVS 736, 199 Great Road, Bedford (DS1039).

CVS 5874, 631 Washington Street, Boston (DS3293)

CVS 604, 199 Sudbury Street, Concord (DS23775)

K-Mart Pharmacy 3638, 10 Main Street, Tewksbury (DS2168)

RiteAid 10180, 131-133 Main Street, Middleboro (DS3126)

RiteAid 10070, 700 Main Street, Great Barrington (DS2394)

RiteAid 10184, 4 Washington Street, Canton (DS3091)

RiteAid 10191, 711 Main Street, Dennisport (DS2972)

RiteAid 10192, 3848 Falmouth Road, Marston Mills (DS4286).

RiteAid 10064, 501 North Street, Pittsfield (DS2228)

RiteAid 10067, 180 Elm Street, Pittsfield (DS2552)

Walgreens 4404, 771 Centre Street, Brockton (DS2779)

Walgreens 10478, 501 Foundry Street, North Easton (DS3429)

Walgreens 9477, 2177 Ocean Street, Marshfield (DS89668)

Wal-Mart Pharmacy 10-1970, 280 Washington Street, Hudson (DS2743)

Wal-Mart Pharmacy 10-2158, 200 Otis Street, Northborough (DS2742)

Relocation

Walgreens 2570 relocating TO 1161 Bridge Street, Lowell FROM 1231 Bridge Street, Lowell (DS1931)

TOTAL TRANSPORT

Pharmacy Closings

CarePlus CVS Pharmacy 8410 (DS3231), 407 Main Street, Spencer, Fall River, All controlled and non-controlled prescription drug inventory and two years of prescription files to be transferred to CVS 582 (DS2525) 131 Main Street, Spencer.

Motion Walczyk/Fabiszewski to approve applications. Recused: Trifone/Walgreens; Tocco and DeVita/CVS Approved

4, 9;20 a.m. UPDATES

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

- Introduction of NU Board Intern (APPE) Kimberly Tum
- Board Dispositions
- An Act Adding Safeguards to the Prescription Monitoring Program and Furthering Substance Abuse Education and Prevention - Chapter 283 of the Acts of 2010 (Act).

Board reviewed including amendments to GL c. 94C and GL s. 112, s. 24A and Section 11 regarding prescription lock boxes. Board determined that no product review will be conducted by the Board regarding any particular type or brand of lockboxes to be made available for sale by any pharmacy.

- Section 153 of FY11 Budget "Public School of Pharmacy Commission" DPH Commissioner John Auerbach has appointed Ex. Dir. Coffey to participate in study commission as his designee.
- 5. 9:30 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

<u>File Review</u> - 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

1	PHA-2010-0028 Rite-Aid 10128 DS 3155	Motion DeVita/Trifone to dismiss no violation Recused/Tocco (exited meeting room) Approved
	PHA-2010-0102 John J. Mullaney PH16448	Motion Trifone/Walczyk to dismiss with advisory letter; two continuing education credits (CEs) on preventing medication errors Recused/Tocco Approved

	PHA-2010-0097	Motion Trifone/Walczyk to dismiss with
	Lucinda A. Pereira PT10896	advisory letter; two continuing CEs on
		preventing medication errors
		Recused/Tocco
		Approved
2	PHA-2010-0030	Motion DeVita/Trifone to dismiss - no
	Rite Aid 10120 DS3249	violation.
		Recused/Tocco
		Approved
		Motion DeVita/Trifone to dismiss with
	PHA-2010-0093	advisory letter; two CEs on preventing
	Soterios Hantzis PH18567	medication errors
		Recused/Tocco
		Approved
		Motion DeVita/Walczyk to dismiss with
	PHA-2010-0114	advisory letter; two CEs on preventing
	Meredith Pagan PT10167	medication errors
	Micteria Lagari Li Lorov	Recused/Tocoo
1		Approved
	PHA-2010-0134	Motion Walczyk/Tocco to summarily
3		suspend if voluntary surrender not received
ľ	Hector Sanchez PT9386	
		Approved Motion DeVita/Trifone to refer for
4.	PHA-2010-0151	
	Deborah Forand-Tolson PH21697	evaluation with clinical practice restriction
		until Board review of evaluation
		Approved
5	SA-INV-177	Motion DeVita/Trifone to schedule
	PHA-2010-0059	investigative conference with manager of
	Rite-Aid 10085 DS3180	record and other involved staff
		Approved
	PHA-2010-0128	
	Lindsey Marie Myers PT20733	
6	PHA-2010-0064	Motion Walczyk/DeVita to dismiss -
"	Rite Aid 10158 DS2376	insufficient evidence
		Recused/Tocco
		Approved
7	PHA-2010-0063	Motion Walozyk/Trifone to dismiss with
- '	Rite-Aid 10214 DS2447	advisory letter; two CEs in the ECHO
	Michaeld Dorth	system.

- 10:30 a.m. LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL Pending Legal Matters - Susan Manning, Board Counsel
 - Update: Prescription Monitoring Program (PMP) 247 CMR 5.04 Reporting
 Requirements to the Prescription Monitoring Program revisions.
 Board filed revisions to PMP regulations 247 CMR 5.04 on September 3, 2010
 (emergency promulgation), effective that date. Board will schedule public

hearing on the revised regulations on 9:30 a.m. at the November 16, 2010 or meeting.

- Update: Margolis Pharmacy, 447 Broadway, Chelsea (Permit No. 2974; Current Status: Summary Suspension of Pharmacy registration effective 6/14/2010) - Complaint Docket No. PHA20100010. *Voluntary Surrender Agreement* of pharmacy registration executed by owner Steven Shraiar, R.Ph.

10:35 a.m. Motion Walczyk/DeVita to enter Closed Session (GL c. 112, s. 65C; GL c. 30A, s. 11A) for Review and Discussion of Complaints and Other Matters

Approved

11:15 a.m. Motion Walczyk/Tocco to return to Open Session.

Approved

Matter of Eric A. Gottung (PT12476) - Docket No. PHA-2010-0132. After discussion of report presented by Investigator Cheryl Lathum,

Motion DeVita/Walczyk to issue Temporary Order of Summary Suspension of Eric Gottung pharmacy technician registration, effective immediately.

Recused/Trifone (exited meeting room)

Approved

In the matter of several pending complaints related to pharmacist continuing education violations.

Motion DeVita/Walczyk to apply the standard grid disposition to all pending continuing education violation complaints.

Approved

7. 11:20 a.m. DISCUSSION/PRESENTATION - Collaborative Drug Therapy Management (CDTM) Model Agreement

Ex. Dir. Coffey and QA Coordinator Leo McKenna reviewed model agreement for pharmacists and physicians to consider for use in establishing relationships and protocols to engage in CDTM in retail pharmacy practice settings.

8. 11:30 a.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

MEDI-SON SOLUTIONS, LLC

Proposed: 898 Washington Street, Suite B, Norwood, MA 02062. Present: Proposed Manager Son Dinh, Pharm.D., R.Ph. (PH26530)

New pharmacy applicant proposes to dispense Schedules II-VI controlled substances.

Motion DeVita/Tocco to approve application pending compliant inspection.

Recused/ Trifone (exited meeting room)

Approved

9, 11;50 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

CHELSEA PHARM, INC. DBA MARGOLIS PHARMACY

Proposed: 447 Broadway, Chelsea, MA 02150

Present; Proposed Manager of Record and Owner Oleg Urim, R.Ph., (PH23827); Paul M. Garbarini, R.Ph., Esq.

New pharmacy applicant proposes to dispense Schedules II-VI controlled substances.

Motion Trifone/DeVita to approve application pending compliant inspection. Approved

10. FLEX DISCUSSION

OLD BUSINESS

Matters of Rite Aid #10095, Worcester (License No. 1993)/Complaint Docket No. PHA2009-0045 & Rite Aid #10086, Millbury (License No. 2408) / Complaint Docket No. PHA2009-0011/Complaint Docket No. PHA2009-0042

Continuation of discussion (10/20/09 Investigative Conference) and response provided regarding Board request for additional information regarding policy and procedure for processing prescriptions placed ON HOLD.

Motion Trifone/DeVita to dismiss all related complaints (PHA2009-0011, 0042, 0043, 0044, and 0045) with advisory letters. Approved

2010-02: Joint Guidelines for the Use of Automated Pharmacy Systems for the Storage and Dispensing of Schedule VI Controlled Substance Prescriptions in Pharmacies: Inquiry on behalf of health care facility clients regarding alternate location of automated system.

Board will advise inquirer to provide specifics as to where the facilities seek to locate the automated system and detail security in place regarding the proposed location.

. 11. 12:05 p.m. Motion DeVita/Tocco to adjourn meeting. Approved

MEETING ADJOURNED

LUNCH AND RECOGNITION FOR WILLIAM A. GOUVEIA, MS, R.Ph.

Respectfully submitted by:

James D. Coffey

Director

Board approved: March 8, 2011

BOARD OF REGISTRATION IN PHARMACY CLOSED SESSION MINUTES September 14, 2010 NORTHEASTERN UNIVERSITY BOUVE COLLEGE OF HEALTH SCIENCES SCH OOL OF PHARMACY

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

10:35 a.m. Motion Walczyk/DeVita to enter Closed Session (GL c. 112, s. 65C; GL c. 30A, s. 11A) for Review and Discussion of Complaints and Other Matters

Approved

Recused/Trifone (exited meeting room)

Matter of Investigator Cheryl Lathum presented investigative report regarding pharmacy technician licensee Board reviewed evidence raising concern as to current competency to perform technician functions, summary suspension determined to be appropriate pending review of medical and psychological evaluation.

11:15 a.m. Motion Walczyk/Tocco to return to Open Session.
Approved