

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES:
TUESDAY, SEPTEMBER 21, 2004
239 CAUSEWAY STREET, ROOM
BOSTON, MASSACHUSETTS 02114**

Present: Karen Ryle, R.Ph., M.S., Secy.; Harold Sparr, R.Ph.; M.S., Marilyn Barron, MSW; Steven Budish (exited at 2:50 p.m.); Donald Accetta, M.D., M.Ph. (exited at 12:00 p.m.); Joel Berman, R.Ph.; George Cayer, R.Ph.; William Gouveia, R.Ph., M.S. (exited at 12:00 p.m.); Sophia Pasedis, R.Ph.
Absent: James DeVita, R.Ph., Pres.

Staff: Charles R. Young, R.Ph., Exec. Dir.; Susan Manning, Counsel; Leo McKenna, R.Ph., Pharm.D.; CQI Surveyor, Leslie Doyle, R.Ph., Healthcare Investigator; James Emery, Healthcare Investigator; Carolyn Reid, Administrative Assistant

1. 8:30 a.m. to 10:45 a.m. - New Board Member Orientation
2. 10:45 a.m. Call To Order - Karen Ryle, Secy.
3. 10:45 a.m.-11:00 a.m.- Pending Legal - Susan Manning, Counsel

In the Matter of Erle Webber, Jr., R.Ph. – Docket No. PH-04-058
Recused: Cayer (exited room)

Board reviewed *Proposed Final Decision and Order by Default*.
Motion/Sparr to adopt proposed decision and issue Final Decision and Order revoking license pharmacist license. Second/Ryle.
Vote: Unanimous in favor.

In the Matter of Vanidy Cruz, Ph. Tech. – Docket No. PH-PT-04-017

Board reviewed *Proposed Final Decision and Order by Default*.
Motion/Sparr to adopt proposed decision and issue Final Decision and Order revoking license pharmacy technician license. Second/Gouveia.
Vote: Unanimous in favor.

In the Matters of Shoppers Drug (Docket Nos. DS-02-115; DS-03-010 and DS-03-015) and Monty Schwartz, R.Ph. (Docket Nos. PH-03-006; PH-02-022 and PH-03-026).

Board reviewed/discussed licensee's proposal for settlement of pending matters. Motion/Cayer to deny request for proposed settlement terms. Second/Sparr. Vote: Unanimous in favor.

4. October 04 meeting dates: Motion/Sparr to change meeting from October 5 to October 12. Second/Ryle. Vote: Unanimous in favor.

5. 11:00 a.m.-11:05 a.m.- Review of Minutes.
Motion/Berman to accept July 13, 2004 minutes. Second/Cayer.
Vote: Unanimous in favor.

Motion/Sparr to accept August 10, 2004 minutes. Second/Gouveia.
Vote: Unanimous in favor.

6. 11:05 a.m. to 12:00 p.m.
Investigative Conference: DS-03-037, DS-03-039 and PH-03-044.
McClelland's Home Health Pharmacy, 85 Interstate Dr., W.
Springfield, MA (Lic. No. 3054), McClelland's Drug Store, 43 Main
St., Lee, MA, (Lic. No. 2362) and Patrick Downing, R.Ph. (Registrant),
Lic. No. 21109.

Complaint alleged failure to file controlled substance loss reports in a timely manner.

CEs: compliant

Present: Registrant
David Losier, Esq.

Registrant stated that in April 2002, after becoming aware of drug losses at the Lee location, he conducted an investigation (including installation of hidden cameras) of facility and spoke with the Manager of Record (whom he had been acquainted with for a long time). When the Manager of Record admitted to an addiction, Registrant terminated his employment. Registrant acknowledged he, should have immediately reported the losses to authorities. Regarding the W. Springfield location, in October 2002, he became aware of strength changes being made to prescriptions. Registrant stated he did an

internal investigation; terminated an employee; and reported the matter to the police.

Motion/Sparr to take matter under advisement. Second/Gouveia.

Vote: Unanimous in favor.

Motion/Pasedis to issue and Advisory Letter with Registrant to terminate tenure as Manager of Record for one year. Second/Gouveia.

Oppose: Sparr, Accetta. Motion carried.

7. 12:00 p.m. to 1:15 p.m. – Lunch
8. NABP Fall Conference - Pasedis and Ryle are interested in attending.
9. 1:15 p.m. to 1:45 p.m. – Complaint Review
Leslie Doyle, Healthcare Investigator

In the matter of Barry Cadden, R.Ph. (Lic. No. 21239) and New England Compounding Center (Lic. No. 2848), 697 Waverly St., Framingham, MA (Docket Nos. PH-03-066; DS 03-055; PH 03-070; DS 03-060; DS-04-062; SA-PH-04-161 and DS-03-036 and PH 03-042)

Recused - Pasedis (exited room)

PH-03-066/DS 03-055: Motion/Sparr to issue Advisory Letter stating form is non-compliant and may not be used. Second/Cayer. Unanimous in favor.

PH-03-070/DS-03-060: Motion/Cayer to issue Advisory Letter stating terminology to be used must comply with 247 CMR. Second/Sparr. Unanimous in favor.

DS-04-062/SA-PH-04-061 Motion/Cayer to issue Advisory Letter stating marketing practices are nonconforming and must cease stating the "for use" in advertisements. Second/Berman. Unanimous in favor.
DS-03-036/PH-03-042 -Adverse Event Report.

Motion/Sparr to seek Reprimand and three year probationary status with periodic inspections, two CEs in Medical Error Prevention and USP, must track all adverse event reports to be reviewed by the Board and may result in additional action. Second/Budish. Vote: Unanimous in favor.

10. 1:45 p.m. to 2:15 p.m. Investigative Conference

SA - PH-001690-01. In the matter of Sandra L. Bozzi, Ph. Tech.,
Reg. No. 1690 (Registrant).

The purpose of the conference is to discuss a DPH/DCP incident alleging Registrant, currently a 3rd year MCPHS student, on September 12, 2003, while employed as a pharmacy technician at Health South New England Rehabilitation Hospital, placed an order over her cell phone to pharmacy wholesaler Bergen, requesting "STAT" delivery of Hydrocodone/APAP 5/500 (2 X 100), among other items.

Present: Registrant

Alan Tuttmann, Esq.

Patricia Adams, R.Ph., Supervisor

Lori Lotterman, Director of Pharmacy

Registrant stated that on September 11, 2003, her supervisor instructed her to call Bergen Wholesaler to place an order of the items and numbers indicated on the yellow stickers. Registrant stated she forgot to place the order that day and placed the order the next day on her cell phone while attending class at MCPHS.

Telephone records listing dates Registrant called Bergen were reviewed. Registrant stated she had no recall of making the other calls listed. Registrant stated she ordered Vicodin, but denied ordering Hydrocodone from Bergen.

Pharmacist Supervisor said that she never asked Registrant to order Vancomycin. She said that pharmacy technicians are authorized to order non-narcotic Schedule VI prescriptions. The last day that she worked with Registrant was on September 9, 2004.

Director of Pharmacy stated that she had conducted an audit that indicated 4400 Vicodin were missing, of the 59 deliveries of Vicodin, 24 delivery invoices were missing and not placed into inventory. She notified DPH of the missing narcotics. Security systems were in place to prevent the drug diversions from occurring: deliveries of Schedule VI non-narcotics and over-the-counter drugs are removed from containers by pharmacy technicians, and Schedule II-V narcotics drugs are removed from containers by pharmacists, items are checked by accompanied receipts and placed in a safe. Bergen did not have a system for tracking

incoming requests. Director of Pharmacy stated that they have implemented a new ordering and receiving procedure with Bergen.

Motion/Sparr to take matter under advisement. Second/Berman.

Vote: Unanimous in favor.

Motion/Ryle to seek Voluntary Surrender. Second/Sparr.

Vote: Unanimous in favor.

11. 2:30 p.m. to 3:15 p.m. Investigative Conference: DS-04-076 & PH-05-005. In the matter of CVS Pharmacy # 2680, 106 Boston Rd., Groton, MA, 01450, License No. 2960 and Registrant Sean P. Murphy, R.Ph. (Lic. No. 18777).

Complaint alleges that on March 30, 2004, the Registrant dispensed Zonegran 100mg, instead of Zonegran 25 mg., resulting in ingestion of at least four times the intended amount (patient instructed to increase dose gradually) over a two month period, to a four year old child.

Present: Complainant

Sean Murphy, Pharmacy Manager

Dick Sharp, Pharmacy Supervisor

CEs: compliant

Pharmacy Manager admitted that Zonegran 100mg was dispensed instead of Zonegran 25mg, and apologized for the medication error. He stated that he was unfamiliar with the multiple strengths of the drug, and imaging for the product was not available in the computer system. To prevent recurrence, verifying pharmacists are required to check the NDC number on bottle labels as part of the verification process and other locations have been advised of this error.

Motion/Sparr to issue Advisory Letter to Pharmacy Manager with copy of Root Cause Analysis Report to ISMP and Board.

Second/Cayer. Unanimous in favor. Motion/Sparr to issue Advisory Letter to CVS Pharmacy. Second/Berman. Vote: Unanimous in favor.

12. 3:15 p.m. to 3:30 p.m. In the matter of Richard E. Bonneau, R.Ph., (Lic. No. 15275) and New Bedford Pharmacy, 600 Cottage St, New Bedford, MA (Permit No. 24474), Docket Nos. PH-05-015, DS-05-012, PH-03-041 and DS-03-035. Guilty plea accepted

by the Office of Attorney General included the following:

- Larceny over \$250.00
- Uttering False Prescription
- Making False Entries
- Medicaid False Claims (30 counts)

Motion/Berman to seek Voluntary Surrender. Second/ Sparr.

Vote: Unanimous in favor.

13. File Review-Jay Emery reviewed two additional complaints with the Board:


PH-04-087 in the matter of Robert Sadler, R.Ph., License No. 22496.

The Board forwarded to MPRS. (Motion Karen Ryle, seconded by George Cayer, motion carried)

PH-05-007 and DS-05-003 in the matter of Louise Russo, PH.T., Registration No. 994 and CVS Pharmacy # 1885 of Littleton, Massachusetts. Board requested voluntary surrender (motion Karen Ryle, seconded by Harold Sparr, motion carried)-Dismissed against pharmacy(motion Sophia Pasedis, seconded George Cayer, motion carried).

14. 3:35 p.m. Motion/Ryle to adjourn. Second/Pasedis.
Meeting adjourned.

Respectfully submitted by:


Charles R. Young, R.Ph.
Executive Director
Date 11/3/05

Reviewed by counsel: November 1, 2004

Draft approved: November 1, 2004

Board approved: November 9, 2004