

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, SEPTEMBER 23, 2003
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

The meeting was called to order by Harold Sparr at 9:30 a.m.

The following Board members were present: Harold B. Sparr, R.Ph., MS, Karen M. Ryle, R.Ph., MS, James T. DeVita, R.Ph., and Marilyn M. Barron, MSW, Public Member. Absent: Donna Horn and Dan Sullivan

The following Board staff were present: Charles R. Young, R.Ph., Exec. Dir., James D. Coffey, R.Ph., Assoc. Dir., Arthur J. Chaput, R.Ph., Pharm.D., Susan Manning, J.D., Counsel, Carolyn L. Reid, Adm. Asst., James C. Emery, C.Ph.T., Healthcare Investigator, and Leslie S. Doyle, R.Ph., Healthcare Supervisor.

AGENDA ITEMS

1. 9:30 a.m. Call to Order
Investigative Conference & Business Meeting
2. 9:30 a.m. to 10:10 a.m. Investigative Conference: DS-03-051 & PH-03-061
In the matter of Neighbor Care Pharmacy, 15 Constitution Way, Woburn, MA 01801 (Permit 2619) and Registrant, Cheryl Horwath Rashid, R.Ph. (License # 19341)

The purpose of the conference was to discuss a complaint filed with the Board alleging the failure to fill a prescription properly. The complaint alleged that on or about April 3, 2002, the Registrant (Rashid) dispensed ten times the prescribed dose of baclofen contained within an intrathecal pump while employed at Neighbor Care Pharmacy, 15 Constitution Way, Woburn, MA.

Complainant: Present w/ Marc Breakstone, Esq.
Registrant: Present w/Thomas Peisch, Esq.
Manager of Record: Deanna Wigley
Neighborcare representatives: N/A
Investigator: James C. Emery

CEs: Registrant / Manager compliant.

Investigator Emery reviewed his report of investigation with the Board.

The Registrant said the investigator's report was accurate. The Registrant said she was responsible for the data entry, calculation and final verification. A pharmacy technician had compounded the medication in the IV room after Registrant prepared

and verified the compounding ingredients. The medication at issue was on record at the pharmacy but in another area (discharge) of the computer. Registrant described the corrective actions that were implemented by Neighbor Care following the incident

The complainant stated she experiences panic attacks, memory lapses and increased pain as a result of the error. The complainant stated that no apology has been offered by Neighbor Care.

Board Decision:

Drug Store: Motion/Sparr to take the matters under advisement. Second/DeVita. The motion carried.

Pharmacist: Motion/Sparr to take the matter under advisement. Second. The motion carried.

Drug Store: Motion/Sparr propose resolution - pharmacy is placed on probation for one year and must certify in 30 days that pharmacy patient record systems permit pharmacists to conduct a prospective drug utilization review for current medications of record before new medications are dispensed or delivered to a patient or a person acting on behalf of a patient. Second/DeVita. The motion carried.

Pharmacist: Motion/Sparr proposed resolution - 30 day stayed-suspension followed by one year of probation and is required to complete both a USP Medication Error Report Form and four hours of CE in Medication Error Reduction. Second/DeVita. The motion carried.

3. 10:10 a.m. to 10:50 a.m. Investigative Conference: DS-03-053 & PH-03-064
In the matter of Walgreens Pharmacy #6072, 1603 Washington Street, Boston, MA, 02118 (Permit 3004) and Registrant, Tony K. Yu, R.Ph. (License # 24819)

The purpose of the conference was to discuss a complaint filed with the Board alleging failure to fill a prescription properly. The complaint alleged that on or about December 10, 2002 the Registrant dispensed Terazosin 10mg instead of Terazosin 1mg as prescribed while employed at Walgreens Pharmacy #6072, 1603 Washington St., Boston, MA.

Complainant: Present

Registrant: Tony K. Yu

Manager of Record: Pia Perrone

Walgreens Pharmacy representatives: Kim Chapman, Audrey Neilley, Dwayne

Pineone, Corporate Counsel

Investigator: James C. Emery

CEs: Registrant / Manager of Record compliant.

Investigator Emery reviewed his report of investigation with the Board.

The Registrant said the investigator's report was accurate. The Registrant said he was responsible for final prescription verification. The Registrant said that hardcopy

prescription is placed in a basket along with the prescription label and the manufacturer/repacker stock bottle. The Registrant described the Walgreens 10-step prescription checking process.

The complainant said that the Registrant blamed the medication error on busy day.

Audrey Neilley stated that Walgreens personnel worked with the Registrant to reaffirm workflow compliance.

Jim DeVita suggested that the checking pharmacist should review the hardcopy prescription first before the prescription label.

Board Decision:

Pharmacist & Drug Store: Motion/Sparr to take the matters under advisement.
Second/DeVita. The motion carried.

Pharmacist: Motion/Ryle - resolve by Reprimand with completion of four hours of CE in Medication Error Reduction and a USP Medication Error Report Form.

Second/Sparr. The motion carried.

Drug Store: Motion/Sparr to issue an Advisory Letter to Walgreens Pharmacy.
Second/Ryle. The motion carried.

4. 11:00 a.m. to 11:40 a.m. Investigative Conference: PH-03-063
In the matter of Registrant, James V. Gagnon II, R.Ph., (License #20659)

The purpose of the conference was to discuss allegations of controlled substance violations and possession of a controlled substance without a valid written or oral prescription while the Registrant was employed at Shaws Pharmacy #562, 61 Locust Street, Medford, MA.

Present for discussion:

Registrant: James V. Gagnon, David McBride, Esq.

Investigator: Leslie S. Doyle

Investigator Doyle reviewed her report of investigation with the Board.

The Registrant stated that the Investigators report seemed accurate. The Registrant said that no criminal charges were filed.

The Registrant stated he received a prescription for OxyContin 40mg and noticed upon drug utilization review that the patient was recently prescribed other narcotics (OxyContin 80mg). The Registrant called the prescriber to discuss the rational for therapy and was advised that it was a change in both dosing interval and strength. The Registrant said that the prescriber asked him to request that the patient bring the most recently dispensed prescription for OxyContin 80 mg back to the pharmacy to be returned to the patient only if needed. The Registrant said the patient returned the

Oxycontin 80 mg to him at the pharmacy and he did not log it into the pharmacy inventory and or document the return in any fashion.

The Registrant stated he did not want to leave the return issue for another pharmacist to deal with so he took the returned OxyContin 80mg medication with him outside of the pharmacy to look after since he would be back in the same pharmacy on Friday. The Registrant did not advise any pharmacists in the Medford pharmacy or his District Manager of this action. The Registrant said that he later destroyed the OxyContin 80mg in the Shaws Pharmacy in Lynn since he did not hear back from the patient. The Registrant said that the destruction (flushed down the toilet) was not witnessed by a second party nor reconciled in the inventory. General discussion regarding personal health related issue followed.

Board Decision: Motion/Sparr to take the matter under advisement pending an MPRS assessment. Second/Ryle. The motion carried.

5. 11:40 a.m. to 12:20 p.m. File Review
6. 12:20 p.m. to 1:20 p.m. Lunch
7. 1:20 p.m. to 2 p.m. Investigative Conference: DS-03-068 & PH-04-001
In the matter of Walgreens Pharmacy #4729 of 951 Providence Hwy., Norwood, MA 023062 (Permit #2878) and Registrant, Ellen Dexter, R.Ph. (License #17655)

The purpose of the conference was to discuss a complaint alleging the failure to fill a prescription properly; specifically, on December 13, 2002, Wal-Zan 75mg tablet was delivered to the patient's home instead of Oxycontin 20mg as prescribed.

Present for discussion:

Consumer: Present w/Michael Costello, Esq.

Registrant: Present

Manager of Record: Dina Russel

Walgreens Pharmacy Rep.

Investigator: James C. Emery

Investigator Emery reviewed his report of investigation with the Board.

Registrant said the prescription was processed and packaged on Friday, December 12, 2002 and picked up by FedEx later that afternoon. The package was to be delivered to the patient on Monday- the next business day, not Friday.

The Pharmacy Graduate Intern did most of the inputting and filling of the OxyContin prescriptions. Registrant assisted with the filling of the prescriptions, counted, reviewed and bagged the prescription. The day of incident, Registrant double counted prescriptions. Registrant said it would be difficult to switch the prescriptions. The Pharmacy technician boxed and labeled the package for delivery

by Federal Express. Registrant said Pharmacy technicians are not allowed to count or fill OxyContin prescriptions. Registrant said during the month of February they switched the carrier from Federal Express to UPS.

Complainant said after ingesting the OxyContin tablets, he became very sick. Complainant's attorney said complainant was admitted to the Northeast Specialty Hospital. Complainant's wife confronted Walgreens Pharmacy regarding the medication error.

Sparr: Case will be taken under advisement.

Board decision: Motion/ Sparr to dismiss case.

Second Motion /Devita to dismiss for lack of evidence. The motion carried.

8. 2:00 p.m. to 2:40 p.m. Investigative Conference: DS-03-069 & PH-03-102.
In the matter of CVS Pharmacy #1021, Route 134 Patriot Sq., S/C, Dennis, MA 02660 (Permit 1543) and Registrant, Wendy Shore, R.Ph., (License #20534)

The purpose of the conference was to discuss a complaint filed with the Board alleging the failure to fill a prescription properly and the failure to handle the matter professionally. The complaint alleged that on or about February 5, 2003, the Registrant (Shore) dispensed Citalopram (Celexa) instead of Escitalpram (Lexapro) as prescribed while employed at CVS Pharmacy, Route 134 Patriot Sq., S/C, Dennis, MA. In addition, the complaint alleged when the error was brought to the attention of this CVS pharmacy, the matter was handled unprofessionally.

Complainant: Not present

Registrant: Present

Manager of Record: Michael Lessard

CVS Representatives: John Correia and Atty. Maxine Walker

Investigator: James C. Emery PH-04-001

Recused: Jim Devita (exited conference room)

CEs: Registrant / Manager compliant

Investigator Emery reviewed his report of investigation with the Board.

Registrant admitted to the medication error of dispensing Citalopram(Celexa) instead of Escitalpram(Lexapro) to the patient. Registrant expressed regret about the incident and stated she apologized to complainant , refunded the co-payment, and offered to immediately correct the error. Registrant said she could not understand why complainant perceived her behavior as unprofessional.

Registrant asked the complainant if the patient ingested the incorrect medication. Complainant replied that there was no ingestion of the incorrect medication by the patient.

Registrant said she was unfamiliar with the new drug Escitalpram (Lexapro).
Manager of Record stated that seven technicians and two pharmacists worked
the day in question.

Board Decision:

Pharmacist: Motion/Ryle to issue an Advisory Letter to the Registrant to include the
completion of a 2-hour CE program in new drug therapy. Second/Sparr.

The motion carried.

Drug Store: Motion/Ryle to issue an Advisory Letter to CVS Pharmacy to include the
completion of USP Medication Error Report. Second/Sparr. The motion carried.

9. 2:40 p.m. to 2:50 p.m.

Review of Board Minutes

Motion/Sparr to accept the August 12, 2003 Board minutes as written. Second/Barron.
The motion carried.

10. 2:50 p.m. In the matter of PH-03-035/Robert Cataldo (Lic. No. 17449).

Motion/Sparr to convene Exec. Session. Second/Ryle. The motion carried.


Board counsel overview pending matters. Motion/Sparr to return to Open Session.

Second/Barron. The motion carried. Motion/Sparr that the proposed consent agreement
should require the Registrant to be out of practice for 2 years and after such period the
Board may require additional licensing requirements. Second/Ryle. The motion carried.

11. 3:00 p.m.

Motion/Sparr to adjourn. Second/Ryle. The motion carried. Meeting adjourned.

Respectfully submitted by:

 11-06-03
Executive Director Date

Charles Young
Printed Name

Reviewed by counsel: October 28, 2003

Draft approved: October 28, 2003

Board adopted: November 04, 2003

EXECUTIVE SESSION MINUTES

Motion/Sparr to convene Exec. Session. Second/Ryle. The motion carried.

Board Counsel – pending legal matters.

In the matter of PH-03-035/Robert Cataldo (Lic. No. 17449). Overview of the matter.

Motion/DeVita for exec. session at 1:20 p.m. Second/Sparr. The motion carried. Board counsel overview. Discussion regarding the proposed consent agreement. Motion/Sparr to exit exec. session. Second/Ryle. The motion carried. Motion/Sparr to return to Open Session. Second/Barron. The motion carried.