

**COMMONWEALTH OF MASSACHUSETTS  
Board of Registration in Pharmacy**

**NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE  
BOARD OF REGISTRATION IN PHARMACY**

January 5, 2016  
239 Causeway Street ~ Room 417 A&B  
Boston, Massachusetts 02114

**Agenda**

<b>Time</b>	<b>#</b>	<b>Item</b>	<b>Exhibits</b>	<b>Contact</b>
8:30	I	<b>CALL TO ORDER</b>		E. Taglieri
8:35	II	<b>APPROVAL OF AGENDA</b>		
8:40	III	<b>APPROVAL OF BOARD MINUTES</b> <ul style="list-style-type: none"> <li>• Draft of December 1, 2015</li> </ul>		
8:45	IV	<b>APPLICATIONS</b> <ul style="list-style-type: none"> <li>• Cape Cod Health Care- New Community Pharmacy</li> <li>• Nimble RX – New Community Pharmacy</li> <li>• Metrowest Pharmacy – New Pharmacy</li> <li>• Galaxy Pharmacy- DS89898 – Transfer of Ownership</li> <li>• Tyngsboro Family Pharmacy-DS89899 Renovation/Expansion</li> </ul>		
10:00	V	<b>REPORTS</b> <ul style="list-style-type: none"> <li>• Applications approved pursuant to Licensure Policy 13-01</li> <li>• Monthly Report from Probation</li> </ul>	Reports	R. Harris
10:05	VI	<b>FLEX SESSION</b> <ul style="list-style-type: none"> <li>• Introduction of new officers</li> <li>• Staff Action Policy 15-04 : Staff Action on Applications for Outsourcing Facility Registration</li> <li>• Update on the December 11<sup>th</sup> Advisory Committee meeting</li> <li>• Discussion of public comment period for draft of USP &lt;797&gt;</li> </ul>		D. Sencabaugh D. Dunn D. Dunn

10:15	VII	<p><b>REGULATIONS</b></p> <ul style="list-style-type: none"> <li>• 247 CMR 3.00: Personal Registration Requirements</li> <li>• 247 CMR 11.00: Registration Under the Controlled Substance Act</li> <li>• 247 CMR 21.00: Registration of Outsourcing Facilities</li> <li>• Proposed new regulations, 247 CMR 19.00: Hazardous Drugs</li> <li>• Proposed new regulations, 247 CMR 20.00: Mandatory Reporting</li> <li>• Update on 247 CMR 4.00: Personal Registration Renewal; Continuing Education Requirements</li> </ul>	D. Sencabaugh;  V. Berg
11:15	VIII	<p><b>Request for Early Termination of Probation</b></p> <ul style="list-style-type: none"> <li>• Village Fertility Pharmacy, PHA-2013-0020, DS89658</li> <li>• Stuart Levine, PHA-2013-0051, PH16082</li> </ul>	K. Fishman
11:30	IX	<p><b>Notice of Probation Violation</b></p> <ul style="list-style-type: none"> <li>• Stephen Mitchell, PH16900, PHA-2011-0319</li> </ul>	K. Fishman
11:45	X	<p><b>FILE REVIEW</b></p> <ol style="list-style-type: none"> <li>1. PHA-2015-0056 Boston Community Pharmacy</li> <li>2. SA-INV-7992, Rite Aid #10116, DS3393</li> <li>3. PHA-2015-0089, CVS Pharmacy #8437, DS3549</li> <li>4. SA-INV-7661, CVS Pharmacy #1056, DS1646</li> <li>5. SA-INV-7731, CVS Pharmacy #299, DS3596</li> <li>6. SA-INV-7660, CVS Pharmacy #166, DS3449</li> <li>7. PHA-2015-0129, CVS Pharmacy #1181, DS2124</li> <li>8. PHA-2015-0087, CVS Pharmacy #730, DS1048</li> <li>9. PHA-2015-0088, Benfred Owusu-Amo, PH235002</li> </ol>	
12:30		<b>Lunch Break</b>	

<b>1:30</b>	<b>XI</b>	<p><b>EXECUTIVE SESSION</b></p> <p>The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.</p> <p>Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants.</p>	<b>CLOSED SESSION</b>
<b>2:30</b>	<b>XII</b>	<b>ADJUDICATORY SESSION (M.G.L. c. 30A, § 18)</b>	<b>CLOSED SESSION</b>
<b>3:00</b>	<b>XIII</b>	<b>M.G.L. c. 112, § 65C SESSION</b>	<b>CLOSED SESSION</b>
<b>5:00</b>	<b>XIV</b>	<b>ADJOURNMENT</b>	

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN PHARMACY**

**MINUTES OF THE REGULARLY SCHEDULED MEETING  
239 Causeway Street, Fourth Floor Room 417A  
Boston Massachusetts, 02114**

**January 5, 2016**

**Board Members Present**

Edmund Taglieri Jr., R.Ph, MSM, NHA  
President  
Timothy Fensky, R.Ph, FACA  
President –elect  
Michael Godek, R.Ph, Secretary  
Phillippe Bouvier, R.Ph.  
Catherine Basile, Pharm D, RPh  
Susan Cornacchio, JD  
William Cox CPht  
Andrew Stein, Pharm D, R.Ph.  
Richard Tinsley, MBA, M.Ed.,  
Patrick Gannon, R.Ph, MS  
Garrett Cavanaugh, R.Ph  
Karen Conley, RN, DNP

**Board Members Not Present**

Dr. Ali Raja, MD, M.B.A., MPH  
William Cox, CPht

**Board Staff Present**

David Sencabaugh, R.Ph, Executive Director  
David Dunn, R.Ph, Associate Executive Director  
Kelly Barnes, Director of Pharmacy Quality Assurance  
Heather Engman, JD, MPH Board Counsel  
Richard Harris, Program Analyst  
Monica Vasquez, Compliance Officer  
Colleen Collins, PharmD, RPh. Pharmacy Investigator  
Cheryl Lathum, Pharm.D, R.Ph., Senior Pharmacy Investigator

**TOPIC: I**

**CALL TO ORDER**

**DISCUSSION:** A quorum of the Board was present, established by roll call. President E. TAGLIERI chaired the meeting and asked if anyone was recording. Hearing “no”, he explained that the Board of Pharmacy was recording the meeting. D. SENCABAUGH introduced APPE student A. Burns, from MCPHS University.

**TOPIC II.**

**APPROVAL OF AGENDA**

**DISCUSSION:** Executive Director D. SENCABAUGH informed the Board File Review case SA-INV-7661; CVS Pharmacy #1056, SA-INV-7731 CVS Pharmacy 299, to MGL c 122, 65c, and SA-INV-7660 CVS Pharmacy #166 would be heard at a future meeting. D.SENCABAUGH noted the passing of long time Board member and past President Harold Sparr asking the members and the audience for a moment of silence.

**ACTION:**

1. Motion by P.GANNON, seconded by, C. BASILE, and voted unanimously to approve the agenda.

TOPIC III.

**APPROVAL OF BOARD MINUTES**

1. Draft December 1, 2015, Regular Session Minutes

DISCUSSION: A.STEIN and P.BOUVIER noted that they were present at the December 1, 2015 meeting and that the attendance at the meeting be corrected. K.BARNES noted that she and W.FRISCH did not attend the December 1, 2015 meeting

ACTION:

2. Motion by G. GODEK, seconded by, C. BASILE, and voted unanimously to approve the minutes of the General Session from December 1, 20165

TOPIC IV:

**APPLICATIONS**

**1. Cape Cod Health Care**

**New Community Pharmacy**

DISCUSSION: Director of Pharmacy Peter Scarafile was present in support of the application. It was noted that Cape Cod Health Care would be opening a retail pharmacy in lobby of Cape Cod Hospital Hyannis location. The pharmacy would be occupying the space currently occupied by the gift shop. Mr. Scarafile noted that Cape Cod Hospital would be closing the employee pharmacy. Mr. Scarafile indicated that he has been in contact with the Bureau of Health Care Quality regarding the closing of the employee pharmacy in favor of the retail pharmacy.

3. ACTION: Motion by P.BOUVIER, seconded by, K.CONLEY, and voted unanimously, to approve the application for this New Community Pharmacy, pending successful inspection.

**2. Nimble RX**

**New Community Pharmacy**

DISCUSSION: Operations Manager for Nimble RX appeared in support of the application. The manager is not a pharmacist and neither is the owner. Owner T. Waqar owns a pharmacy in northern California. The MOR was not present, currently is the Director of Pharmacy at area hospital with previous retail experience. Board members were concerned with the lack of a second pharmacist to cover all the hours of operation and the lack of contingency planning and operating remotely from the west coast. Nimble RX was not planning on doing any compounding. K.BARNES explained compounding requirements of simple and moderate compounding and explained the waiver of regulations process to the representative.

4. ACTION: Motion by M.GODEK, seconded by P. BOUVIER, and voted unanimously, to defer action on Nimble RX's application to manage and Operate a community pharmacy..

5.

**3. Metrowest**

**New Community Pharmacy**

DISCUSSION: Owner and proposed MOR Patel appeared in support of the application. MOR Patel has been a pharmacist for 1 year and has experience in the chain environment as a Pharmacy Intern and Pharmacist, though none as a MOR. There was concern over the presence of a powder hood in the plans. MOR Patel indicated this was for safety reasons. MOR Patel noted that his partner is also a pharmacist and would be able to "fill in" if necessary. MOR Patel was able to address the Board's concerns regarding safety, business practices and language barriers that may arise with the diverse clientele highlighted by MOR Patel.

ACTION: Motion by P.GANNON, seconded by, K. CONLEY, and voted unanimously, to approve Metrowest's Application to Manage and Operate a New Community Pharmacy pending receipt of USP <795> attestation, and a successful inspection.

**4. Galaxy Pharmacy**

**Transfer of Ownership**

DISCUSSION: Kevin Nguyen appeared in support of the sale of the Pharmacy to the current MOR. There was concern as to the absence of the compounding attestation. Representative of Galaxy indicated the existence of a compounding waiver. Board staff was instructed to research for the existence of a waiver. If no waiver is located the new owner could petition the Board of a waiver of Board regulations.

6. ACTION: Motion by M.GODEK, seconded by P.GANNON, and voted UNANIMOUSLY TO APPROVE THE Transfer of Ownership of Galaxy Pharmacy, pending a successful inspection.

7.

### **5. Tyngsboro Family Pharmacy**

### **Renovation/Expansion**

DISCUSSION: Owner/MOR Marissa Hubbard appeared in support of the application to renovate her community pharmacy. The plan is to build a new building on at the same address increasing the size of the pharmacy to accommodate a growing business. MOR Hubbard indicated that post construction it will be necessary to limit pharmacy services to drive thru and delivery services due to the demolition of the current pharmacy. The Board was concerned for public safety during this phase. Representatives from the pharmacy indicated that they were working closely with the town of Tyngsboro public safety officials to insure patients during the construction phases to keep patients informed.

ACTION: Motion by P. BOUVIER, seconded by, M. GODEK, and voted unanimously to approve Tyngsboro Family Pharmacy's application for renovation/expansion pending a successful inspection.

### TOPIC V.

### **REPORTS**

#### **Applications Approved Pursuant to Licensure Policy 13-01**

DISCUSSION: R. HARRIS noted that during the past month there have been thirty (30) change of managers, and one (1) relocation since the last Board meeting.

ACTION: So noted

#### **Report of activities Probation Monitor**

DISCUSSION: D. SENCABAUGH provided the December 2015, Board of Pharmacy Statistics Report for the Probation monitor, which noted that: there are fifty nine(59) licensees on probation, six (6) satisfactorily completed probation, one (1) licensee did not cure within 30 days, and there were no violations of probation.

ACTION: So noted

### TOPIC VI.

### **FLEX SESSION**

#### **1. Introduction of officers**

DISCUSSION: D. SENCABAUGH introduced to the audience the Board officers for 2016. President: E. TAGLIERI; President-elect: T. FENSKY; Secretary: M. GODEK.

D. SENCABAUGH thanked P.GANNON for his service to the Board in 2015.

#### **2. Staff Action Policy 16-01: Outsourcing Facility Licensing**

DISCUSSION: D. DUNN presented the Board a request for staff action to approve the licensure of resident and non-resident Outsourcing Facility that meet the requirements set forth in 247 CMR 21.00 and provide all the documentation requirements detailed in the application. D. DUNN informed members that the process would mirror the current Licensure Policy 13-01 with a monthly report to the Board of the number of facilities approved monthly.

ACTION: Motion by P. GANNON, seconded by K. CONLEY, and voted unanimously to approve Staff Action Policy 16-01: Outsourcing Facility Licensing.

#### **3. Advisory Committee Update:**

DISCUSSION: K.BARNES, A LAVINO, D. DUNN AND M. GODEK provided members with an update of the December 11<sup>th</sup> Advisory Committee meeting.

K. BARNES AND A. LAVINO presented the continued work on abnormal results encountered in an ISO 7 classified space. K. BARNES informed the Board of the response required of compounders in the event of an excursion in the IOS 7 space and the necessary remediation and changes to BUD required until the space is determined to be back in control.

The Board members were also updated of the Advisory Committee's desire to review 247CMR 17.00 approved at the November 24<sup>th</sup> meeting by the Board. The Board was informed that Advisory Committee members had been provided section 17.00 and that the committee would schedule a January meeting to review section 17.00 and provide comments for the Board to review.

D. DUNN AND M.GODEK updated the Board of the progress by the Advisory Committee work on shared pharmacy services and tele pharmacy. The members were informed that the committee desired to consider more information on the subject prior to offering a recommendation to the Board.

#### **4. Public Comment to USP <797>**

**DISCUSSION:** K. BARNES requested that the Board grant permission to her and Director of Pharmacy Compliance W. FRISCH to comment on the revised chapter USP<797>. K. BARNES informed the Board that comments are due January 31<sup>st</sup>. K. BARNES thought comment necessary as <797> is the baseline of section 17.00 and changes to the chapter would impact the section 17.00. P.GANNON noted that it would be valuable for the comments to be posted to the Board's website once completed.

**ACTION:** Motion by K. CONLEY, seconded by T. FENSKY and voted unanimously to authorize Board staff to provide public comment to the revised USP <797> during the public comment period and report those comments by to the Board.

#### **TOPIC VII:**

#### **REGULATIONS**

#### **247 CMR 3.00: Personal Registration Requirement**

**DISCUSSION:** V.BERG presented to the Board proposed changes to 247 CMR 3.00. The changes are the result of the mandatory regulatory review required by E.O. 562. V. BERG noted the incorporation of Valor Act language and a new "retired" license status that a licensee could select at the end of a career that would more accurately reflect the licensee as retired as opposed to expired. V. Berg the Board would retain flexibility for discipline if necessary and that this status would not be a revolving door. V. BERG indicated that Board staff would work on guidance document and FAQ posting to the Board's website to advise licensees.

**ACTION:** Motion by M. GODEK, seconded by P. GANNON and voted unanimously to approve draft proposed amendments to 247 CMR 3.00 and to continue on with the E.O. 562 administrative review process and if no substantive changes submit for public hearing and public comment.

#### **Promulgation of revision to 247 CMR 11.00: Registration under the Controlled Substance Act.**

**DISCUSSION:** V. BERG informed the Board of the results of the public hearing and comment regarding 247 CMR 11.00: V. BERG noted that no changes were suggested.

**ACTION:** Motion by P.GANNON, seconded by C. BASILE and voted unanimously to approve the revisions to 247 CMR 21.00 as noted promulgate and file with the Secretary of State.

#### **Promulgation of revision to 247 CMR 21.00: Registration of Outsourcing Facilities**

**DISCUSSION:** V. BERG informed the Board of the December 10 public hearing. V. BERG noted that the Board received two (2) written comments and one (1) public testimony that resulted in some technical changes: (a) the removal of a relocation fee, and updates to what will be considered notification of a FDA inspection.

**ACTION:** P.GANNON and seconded by C. BASILE and voted unanimously to approve the revisions to 247 CMR 21.00 as noted promulgate and file with the Secretary of State.

#### **Update on 247 CMR 4.00: Personal Registration Renewal; Continuing Education Requirements**

**DISCUSSION:** V. BERG informed the Board that 247 CMR 4.00 is scheduled for public hearing and comment on Friday January 29<sup>th</sup>, from 10-2.

#### **Proposed new regulation 247 CMR 19.00: Hazardous Drugs**

DISCUSSION: K.BARNES provided the Board with a preview of the new section on Hazardous Drugs. K. BARNES noted the regulation would be based on USP <800> and would be ready for consideration at a future meeting.

**Proposed new regulation, 247 CMR 20.00: Mandatory Reporting**

DISCUSSION: H. ENGMAN presented to the Board the new sections of Mandatory Reporting. H. ENGMAN noted that the new section resulted from reporting requirement relocated from various sections of 247 CMR and the reporting requirements required by c. 159. H. ENGMAN noted that the consolidation of all the reporting requirements will make it easier for licensees to comply and the readability has been improved. H. ENGMAN displayed the new regulation on the screen for Board members and the audience to review; members' comments were captured via track changes. The Board had much debate regarding the capturing of licensee certification/accreditation and if notices from these agencies should constitute discipline

ACTION: Motion by P. GANNON and seconded by G. CAVANAUGH, to approve draft new section 247 CMR 20.00: Mandatory Reporting and to send on to administrative review process and if no substantive changes are require proceed on to public hearing and comment.

TOPIC VIII

**Request for Early Termination of Probation**

Village Fertility Pharmacy	DS89658	PHA-2013-0020
Stuart Levin, R. Ph.	PH16082	PHA-2013-0051

DISCUSSION: K. FISHMAN presented and summarized the facts of the cases. The pharmacy and pharmacist were placed on three years probations in 2013. K. FISHMAN noted that the licensees had complied with the terms and conditions of the probation. It was noted that Village Fertility is no longer engaged in High Risk compounding which resulted in the probation. The licensee is seeking early termination of probation in order to provide care for all Village Fertility patients as some insurers have disallowed pharmacy claims due to the probationary status of the drug store license. The Board members were empathetic to the licensee and wanted additional information from the registrant. The Board was also concerned about the precedent that would be set by terminating the probation early. T. FENSKY noted that Village Fertility was becoming URAC certified informing the members that this certification is difficult to obtain. A. STEIN was concerned that the compounding landscape has changed and that by decreasing the options to patients will force patients out of the state to facilities not under the jurisdiction of the Board. The Board was concerned to undo action of a previous Board and the precedent it would set. The Board was also concerned that the probation was a negotiated settlement agreed to by both parties and that changes should not be made.

ACTION: Motion by T. FENSKY, seconded by A. STEIN and voted by majority to deny the request by Village Fertility Pharmacy to shorten the probationary period.

ACTION: Motion by T. FENSKY, seconded by A. STEIN and voted by majority to deny the request by Stuart Levine to shorten the probationary period.

TOPIC IV

**OPEN FILE REVIEW**

**1. PHA-2015-0056 Boston Community Pharmacy DS3459**

RECUSAL: M.GODEK recused himself and was not present for the discussion or vote on this matter.

DISCUSSION: M. VASQUEZ presented and summarized the investigation report that pertained to these matters. Pharmacy Compliance Investigators attempted to conduct a retail compliance inspection on 4/6/15 at Boston Community Pharmacy and were not able to gain access to the pharmacy. The pharmacy executed a voluntary surrender of DEA registration. The pharmacy was never opened due to significant financial constraints at the time. No narcotics or legend drugs in the pharmacy were ever in the pharmacy and never hire

any support personnel since the pharmacy never opened. The registrant failed to respond to multiple requests for the surrender of the pharmacy's drug store and controlled substance permits.

ACTION: Motion by G. CAVANAUGH, seconded by R. TINSLEY, and voted unanimously to refer the matter to the office of the prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for stayed probation until proper closure notification in accordance with 247 CMR 6.09 is received by the Board.

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**2. SA-INV-7992      Rite Aid #10116      DS3393**

RECUSAL: G. CAVANAUGH recused himself and was not present for the discussion or vote on this matter.

DISCUSSION: M. VASQUEZ presented and summarized the investigation report that pertained to these matters. The OPP received a DEA 106 report regarding a loss of #100 methadone tablets at Rite Aid #10166 in Methuen, MA. The MOR indicated reason for the loss was a suspected dispensing error and not a diversion or theft. The MOR submitted a POC that included: Double count every CII script and back count each CII medication to make sure it matches the CII log book before it is dispensed. Only the pharmacists have access to the safes. Pharmacy does weekly counts of our CII medication and has not had any incidents since this event. No prior DEA 106 forms submitted

ACTION: Motion by C. BASILE, seconded by P. GANNON, and voted unanimously, to close SA-INV-7992 with discipline not warranted.

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**3. PHA-2015-0089      CVS Pharmacy #8437      DS3549**

RECUSAL: S. CORNACCHIO recused and was not present for the discussion or vote on this matter.

DISCUSSION: M. VASQUEZ presented and summarized the investigation report that pertained to these matters. Pharmacy Compliance Investigators indicated during retail compliance inspections conducted on December, 2014 and April, 2015, that the pharmacy had improper pharmacist to technician ratios in violation of 247 CMR 8.06 (3) (a) and a licensee working with an expired license in violation of 247 CMR 8.07. MOR Goodman provided OPP with staffing schedules from March 29, 2015 to June 20, 2015. The schedules were analyzed for compliance with staff ratios. CVS #8437 appeared to have 66 days of non-compliance. The certified technician with the expired registration renewed her license on May 23, 2015. The MOR provided extensive corrective action, and a third retail compliance inspection was conducted on November 23, 2015. The inspection was satisfactory.

ACTION: Motion by M. GODEK, seconded by R. TINSLEY and voted unanimously to refer the matter to the office of the prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for REPRIMAND and issuance of Board approved Advisory Letter Re: Staffing Ratios.

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**8. PHA-2015- 0129      CVS Pharmacy #1181      DS2124**

RECUSAL: S. CORNACCHIO recused and was not present for the discussion or vote on this matter.

DISCUSSION: C. LATHUM presented and summarized the investigation report that pertained to these matters. Pharmacy Compliance Investigators noted that inspections 7/31/14 (ISP-1390) and 3/23/15 (ISP-2651).had multiple deficiencies each inspection. Deficiencies included but not limited to: door to pharmacy did not lock; no sign about lock box; expired CII not on perpetual; sink not accessible (file cabinet blocking sink); mold on sink drain; hinged countertop over sink; sink had leak; two water stained ceiling tiles; dirt/dust/dead bugs in storage bins for vials/bottles/caps; expired RTS thermometer in small refrigerator.

3/23/15: Do to pharmacy did not lock; expired CII no on perpetual; five ceiling tiles water stained; shelves dusty and dirty; pick-up refrigerator no compliant unit; one refrigerator 32F at time of inspection.

Extensive plan-of-correction submitted for 7/31/14 (ISP-1390) and 3/23/15 (ISP-2651).

New refrigerator obtained, door to pharmacy automatically locks; expired CII on perpetual inventory; pharmacy cleaned; new sink that is accessible; monthly check for expired medications; certified thermometer obtained; ceiling tiles replaced; temp logs compliant.

7/30/15: No deficiencies (ISP-3504)

ACTION: Motion by M. GODEK, seconded by C. BASILE, and voted unanimously by those present DISMISS PHA-2015-0129, further discipline not warranted; remediation complete.

**9. PHA-2015-0087 CVS Pharmacy #730 , DS1048**

RECUSAL: S. CORNACCHIO recused and was not present for the discussion or vote on this matter.

DISCUSSION: C. COLLINS presented and summarized the investigation report that pertained to these matters. Pharmacy Compliance Investigators noted that retail compliance inspection conducted in September, 2014 and follow up inspection in April, 2015 that the pharmacy had a repeated deficiency of improper pharmacist to technician ratios.

The pharmacy was originally counting a certified unlicensed tech as a certified tech in the ratio. MOR Owusu-Amo submitted the certified techs license which as issued on May 4, 2015 and submitted schedules dated March 15, 2015 through June 27, 2015. An analysis of the schedule revealed that the store was out of ratio on at least 47 dates during that time period for a total amount of calculated deficient hours to be at least 245.

ACTION: Motion by G. CAVANAUGH, second by C. BASILE, and voted unanimously, to refer the matter to the office of the prosecution for the issuance of an order to show cause and to authorize resolution of the matter by a consent agreement for REPRIMAND and issuance of Board approved Advisory Letter of Staffing Ratios.

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**10. PHA-2015-0088 Benfred Owusu-Amo PH235002**

RECUSAL: S. CORNACCHIO recused and was not present for the discussion or vote on this matter.

DISCUSSION: C. COLLINS presented and summarized the investigation report that pertained to these matters. Pharmacy Compliance Investigators noted that retail compliance inspection September, 2014 and follow up inspection in April, 2015 that the pharmacy had a repeated deficiency of improper pharmacist to technician ratios. The pharmacy was originally counting a certified unlicensed tech as a certified tech in the ratio. MOR Owusu-Amo submitted the certified tech's license which as issued on May, 2015. The technician schedules submitted date March 15, 2015 through June 27, 2015, revealed that the store was out of ratio on at least 47 dates during that time period for a total amount of calculated deficient hours to be at least 245.

ACTION: Motion by P. GANNON, seconded by T. FENSKY, and voted unanimously DIMISS complaint PHA-2015-0088 and issuance of a Board approved advisory letter regarding staffing ratios.

TOPIC IX.

**EXECUTIVE SESSION:**

DISCUSSION: E. TAGLIERI called the session to order.

ACTION: at 1:39 voted unanimously by roll call to enter into Executive Session: E. TAGLIERI; yes, T. FENSKY; yes, M. GODEK; yes, P. BOUVIER; yes, C. BASILE; yes, S. CORNACCHIO; yes, W. COX; yes, A. STEIN; yes, R. TINSLEY; yes.  
G. CAVANAUGH, yes,

TOPIC XI.

**M.G.L. c. 65C Session**

DISCUSSION: E. TAGLIERI called the session to order

ACTION: At 2.14PM motion by T. FENSKY, seconded by M. GODEK and voted unanimously to enter into M.G.L. c. 65C Session.

**M.G.L. c. 65C Session**

DISCUSSION: E. TAGLIERI called the session to order

ACTION: At 3:32PM motion by C. BASILE , seconded by A. STEIN and voted unanimously to return to M.G.L. c. 65C Session.

TOPIC XI.

**ADJUDICATORY SESSION**

DISCUSSION: E. TAGLIERI, called the session to order.

ACTION: At 3:32 p.m. motion by P. GANNON, seconded by R. TINSLEY, and voted unanimously to enter into Adjudicatory session.

TOPIC XII.

**ADJOURNMENT OF MEETING**

DISCUSSION: NONE

ACTION: At 4:04PM motion by T.FENSKY, seconded by R. TINSLEY, and voted unanimously to adjourn the meeting.

LIST OF EXHIBITS USED DURING THE OPEN SESSION OF THE MEETING

1. Draft Agenda for the January 5, 2016, regularly scheduled meeting of the Board of Registration in Pharmacy.
2. Draft December 1, 2015, Open session minutes.
3. Application to Manage and Operate a New Community Pharmacy Cape cod Healthcare Pharmacy at CCH.
4. Application to Operate and Manage a New Community Drugstore, Nimble Pharmacy, Inc.
5. Application to Operate and Manage a New Community Drugstore, Metrowest Pharmacy
6. Application for Transfer of Ownership of a Pharmacy or Pharmacy Department SBNRX, Inc. of Galaxy Pharmacy.
7. Application Renovation/Expansion request for Board Approval, Tyngsboro Family Pharmacy
8. Report of Applications approved pursuant to licensure policy 13-01
9. Report from Probation Monitor
10. Draft Licensure Policy 16-01; Staff Action on Application pertaining to Outsourcing Facilities
11. Draft proposed amendments to 247 CMR 3.00: Personal Registration
12. Draft proposed new regulation 247 CMR 11.00: Registration under the Controlled Substance Act.
13. Draft proposed new regulation, 247 CMR 21.00: Registration of Outsourcing Facilities
14. Draft proposed new regulation, 247 CMR 20.00: Mandatory Reporting
15. Draft proposed new regulation, 247 CMR 20.00: Mandatory Reporting, with track changes
16. Memo Village Pharmacy, DS89658, Docket No. PHA-2013-0020; Stuart Levine, PH16082, Docket no. PHA-2013-0051, Request for Termination of Probation.
17. Memo Steven Mitchell, PH1690-0, PHA-2011-0319, Notice of Probation Violation.
18. Investigation Report in the matter of, Rite Aid Pharmacy #10066, DS2427, PHA-2015-0128f
19. Investigation report in the matter of Boston Community Pharmacy, PHA-2015-0056
20. Investigation report in the matter of Rite Aid #10116, DS3549, PHA-2015-7761
21. Investigation report in the matter of CVS Pharmacy #8437, DS3518, PHA-2015-0067
22. Investigation report in the matter of CVS #1181, DS2124, PHA-2015-0129
23. Investigation report in the matter of Benfred Owusu-Amo, PH235002, PHA-2015-0088

Respectfully submitted by:  
M. GODEK, R.Ph.

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