

**BOARD OF REGISTRATION IN PHARMACY
MINUTES: PHARMACY BOARD MEETING
TUESDAY, NOVEMBER 09, 2004
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

Present: James T. DeVita, R.Ph., Pres., Karen Ryle, R.Ph., M.S., Secretary, Harold Sparr, R.Ph., M.S., Marilyn M. Barron, MSW, Public Member, Steven Budish, Public Member, Donald Accetta, M.D., M.Ph., Joel Berman, R.Ph., George A. Cayer, R.Ph., Sophia Pasedis, R.Ph., Pharm.D., William Gouveia, R.Ph., M.S.

Staff present: Charles R. Young, R.Ph., Exec. Dir., James Coffey, R.Ph., Assoc. Dir., Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Jean Pontikas, DHPL Dir., Carolyn Reid, Administrative Asst.

1. 8:30 a.m. - Call to Order - Pres. DeVita
2. 8:35 a.m. - Review minutes from September 21, 2004 meeting.
Motion/Sparr to accept minutes. Second/Accetta. Vote: All in Favor
Except DeVita – Abstain.
3. 8:40 a.m. - Nominations for December 14, 2004 Board elections.
President – Motion/Sparr to nominate Karen Ryle. Second/DeVita.
President Elect – Motion/Ryle to nominate George Cayer. Second/
Pasedis.
Secretary – Motion/Sparr to nominate Sophia Pasedis. Second/DeVita.
4. 9:00 a.m. - 10:30 a.m. - **PUBLIC HEARING**

Proposed amendments to revisions of 247 CMR 2.00 (definitions); 3.00 (updated registration requirements), 4.00 (continuing education credits for instructors), 6.00 (application procedures, mandated patient consultation area), 8.00 (revising select intern and technician requirements), 9.00 (permitting select prescription transfers by technicians), 10.00 (terminology updates), 11.00 (deleting institutional pharmacies), 13.00 (nuclear pharmacy revision to conform with statute) and 15.00 (new continuous quality improvement program section).

Pres. DeVita opened hearing by reading the "Notice of Public Hearing on Proposed Amendments" in to the record. The Board had not received any written testimony as of November 9, 2004.

Oral testimony provided by:

Dave Sencabaugh, Mass. Chain Pharmacy Council

Jay Leary, Sutherland Pharmacy

Arthur Chaput, Solunet Pharmacy

Oral testimony concluded at 9:32 a.m. In response to telephone request from Mass. Pharmacists Association to Ex. Dir. Young on morning of November 9, 2004 (prior to start of hearing), Pres. DeVita extended deadline for written comments for 14 days to December 22, 2004 at 5:00 p.m.

5. 10:50 a.m. - Report of Offices

a) Office of Investigations

i) File Review - Healthcare Investigators Doyle and Emery

b) Board counsel – Susan Manning

i) Pending legal and adjudicatory matters

Motion/Sparr to enter adjudicatory session (G.L. c. 30a, s. 11A).

Second/Budish. Vote: Unanimous in Favor.

Motion/DeVita to return to open session. Second/Ryle.

Vote: Unanimous in Favor.

ii) Review and Discussion of

Tentative Sanction Hearing Decision in the Matter of Albert Chow, R.Ph. (Docket No. PH-023-093); Respondent's Objections to Tentative Sanction Hearing Decision; Prosecutor's Response to Respondent's Objections, and administrative record in matter.

Motion/Sparr to adopt Tentative Decision and issue Order revoking pharmacy license. Respondent may not apply for licensure sooner than 5 years from the date of Order. Second/Budish. Vote:

Unanimous in favor.

Motion/Sparr to order Respondent may not be registered as pharmacy technician during same time period.

Second/Budish. Vote: Unanimous in favor. Board to notify State of NH as to action.

Motion/DeVita to return to open session. Second/Ryle.

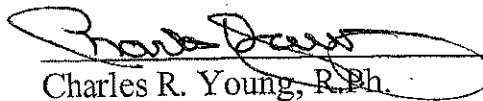
6. In the Matter of Mary L. Young, R.Ph., Lic. No. 15530/Boston Medical Center. Recused - Karen Ryle – exited the room.

Board reviewed and discussed Licensee's response to proposed Consent Agreement. Licensee provided information as to TPN training provided to BMC pharmacists in general and complaint related pharmacists in specific.

Motion/Cayer to dismiss complaint against Young as Director of Pharmacy. Second/Berman. Vote: In support: Pasedis, Berman, Gouveia, Accetta, Barron, and Budish. Opposed: DeVita and Sparr.

7. 11:30 a.m. - Report of Committees
 - i) Transfer of New Rx - Draft Policy - Pres. DeVita
 - ii) Pharmacist immunization program update - Ex. Dir. Young
 - a) Newsletter update - Ex. Dir. Young & Pres. DeVita
 - b) Long Term Care Advisory Committee Update - Cayer
8. 12:00 p.m. - New Business
 - a) Pharmacy Technician applicant -Rene De La Fuente.
Review of conviction. Motion/DeVita to accept application.
Second/Cayer. Motion carried.
 - b) Pharmacy Intern applicant - Tommy H. Nguyen.
Review of conviction. Motion/Berman to accept application.
Second/Budish. Motion carried.
 - c) MCPHS request for Pharmacy Internship registration waivers for Latin American Students - Dr. George Humphrey, Exec. Dir. of College Relations.
Motion/DeVita students must receive Authorization to Test, internship hours retroactive to July 1, 2004. Second/Ryle. Motion carried.
9. Strategic Retreat scheduled on December 8, 2004. Dir. Pontikas will send out notices to Board Members.
10. Motion/DeVita to adjourn meeting. Second/Berman. Meeting adjourned.

Respectfully submitted by:



Charles R. Young, R.Ph.

Executive Director

Date: 1/13/2005

Reviewed by counsel: December 13, 2004

Draft approved: December 13, 2004

Board approved: January 11, 2005