

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY JANUARY 30, 2007
239 CAUSEWAY STREET
SECOND FLOOR, ROOM 206**

Present: James DeVita, R.Ph., K. Ryle, R.Ph., M.S., George Cayer, R.Ph., William Gouveia, R.Ph., M.S. Sophia Pasedis, R.Ph., PharmD., Joel Berman, R.Ph., Kathy Fabiszewski, Ph.D., R.N. Donald Accetta, Marilynn Barron, MSW, Public Member, Steven Budish, Public Member, Michael Tocco, R.Ph., PharmD.

Staff: James D. Coffey, R.Ph., Interim Director, Susan Manning, Counsel, Leo McKenna, R.Ph., PharmD., CQI Surv., Carolyn Reid, Administrative Asst., Sam Penta, R.Ph., Inv. Superv.

1. 8:30 a.m. – Pres. Cayer called meeting to order.
2. Introduction of Michael J. Tocco, R.Ph., M.Ed., New Board Member
3. 8:35 a.m. - Review of Board Minutes
Motion/Pasedis to approve July 11, 2006 minutes. Second/Gouveia.
All in favor.
Motion/Pasedis to approve November 7, 2006 minutes. Second/Budish.
All in favor.
Motion/Gouveia to approve November 21, 2006 minutes.
Second/Berman. All in favor.
4. 8:40 a.m. - Pharmacy Applications – James D. Coffey, Interim Dir.

New

Wal-Mart Pharmacy 10-3409, proposed to be located at 1626 Main Street, Leicester
Eaton Apothecary #2120, proposed to be located at 160 Main Street, Brockton
Shaws DBA Osco Pharmacy #7406, proposed to be located at 2077 Main Street, Brockton

Relocation

CVS/pharmacy #1011, 299 Newbury Street TO 225 Newbury Street,

Danvers, (Pharmacy Reg. No. 1531) (01/29/07) (DeVita recused)
Walgreens Pharmacy #09966, 160 Littleton Road TO 145 Littleton
Road, Westford, (Pharmacy Reg. No. 3497) (01/29/07)

Change of Manager

Coram Healthcare, Hopkinton (Pharmacy Reg. No. 2584)

CVS/pharmacy #301, Stoneham (Pharmacy Reg. No. 15968)
CVS/pharmacy #1845, Wilmington, (Pharmacy Reg. No. 2164)
CVS/pharmacy #1859, E. Harwich, (Pharmacy Reg. No. 2945)
CVS/pharmacy #1258, Boston (Pharmacy Reg. No. 2636)
CVS/pharmacy #2322, Hyannis (Pharmacy Reg. No. 2827)
CVS/pharmacy #719, Orleans (Pharmacy Reg. No. 1906)
CVS/pharmacy #130, Arlington (Pharmacy Reg. No. 2535)
CVS/pharmacy #159, Melrose (Pharmacy Reg. No. 16605)
CVS/pharmacy #240, Cambridge (Pharmacy Reg. No. 5551)
CVS/pharmacy #717, Cambridge (Pharmacy Reg. No. 24854)
CVS/pharmacy #2655, Worcester (Pharmacy Reg. No. 2655)
CVS/pharmacy #1226, Ashland (Pharmacy Reg. No. 2022)
CVS/pharmacy #799, New Bedford (Pharmacy Reg. No. 1629)
(DeVita recused all CVS)

Critical care Systems, Burlington (Pharmacy Reg. No. 3328)
Nassif's Pharmacy, N. Adams (Pharmacy Reg. No. 2764)
Brooks Pharmacy #1212, N. Reading (Pharmacy Reg. No. 2420)
Target Pharmacy #T-1232, Holyoke (Pharmacy Reg. No. 2915)
Wal-Mart Pharmacy 10-2902, Framingham (Pharmacy Reg. No. 3181)
Walgreens Pharmacy #6805, Dorchester (Pharmacy Reg. No. 3246)
Walgreens Pharmacy #3759, Chelsea (Pharmacy Reg. No. 2701)
Walgreens Pharmacy #2861, Framingham (Pharmacy Reg. No. 2232)
Walgreens Pharmacy #2716, Lynn (Pharmacy Reg. No. 2236)
Walgreens Pharmacy #3300, Marlborough (Pharmacy Reg. No. 3412)

Stop & Shop Pharmacy #407, Saugus (Pharmacy Reg. No. 2213)
Stop & Shop Pharmacy #398, Edgartown (Pharmacy Reg. No. 3368)
Stop & Shop Pharmacy #17, Quincy (Pharmacy Reg. No. 3084)
Stop & Shop Pharmacy #429, Dorchester (Pharmacy Reg. No. 3430)
Stop & Shop Pharmacy #487, E. Weymouth (Pharmacy No. 2604)
(Joel Berman recused all Stop & Shop)

Transfer of Ownership

Pelham Community Pharmacy, Inc. Allston (Pharmacy Reg. No. 3402)
(01/15/07)

PETNET Solutions, Inc., Woburn (Nuclear Pharmacy Reg. No. TBD)
CVS/pharmacy DBA Spring Street Drug, Inc., Springfield (Pharmacy
reg. No. TBD) (01/27/07) (DeVita recused)

Closing

Highland Chemist, Inc., 1681 Washington Street, Braintree (Wholesale
Distributor Reg. No. 3392) (12/15/06)

CVS/pharmacy #50, Cape Cod Mall, Hyannis (Pharmacy Reg. No.
2827) (01/06/07) (DeVita recused)

Renovation/Expansion

BJ's Pharmacy #67, S. Hadley (Pharmacy Reg. No. 3526)

Wal-Mart Pharmacy 10-2368, Ware (Pharmacy Reg. No. 2756)

Walgreens Pharmacy #1867, Revere (Pharmacy Reg. No. 1377)

CVS/pharmacy #2161, Oxford, (Pharmacy Reg. No. 2832)

CVS/pharmacy #765, Southbridge, (Pharmacy Reg. No. 2910)

CVS/pharmacy #1199, W. Roxbury, (Pharmacy Reg. No. 1981
(DeVita recused all CVS)

Motion/Cayer to approve all of the above-referenced applications.
Second/Pasedis. All in favor.

5. 9:00 a.m. - **Public Hearing** regarding proposed revisions to 247 CMR

247 CMR 6.11- 6.13 (Inspection of Pharmacies, Deficiency Statements
and Plans of Correction) and 247 CMR 10.03
(Grounds for Discipline)

Oral testimony (copy of comments provided) provided by Patrick
Huntington, Massachusetts Chain Pharmacy Council.

Written comments also submitted by Institute for Safe Medication
Practices, Massachusetts Independent Pharmacists Association, and
National Association of Chain Drug Stores.

Director Jean Pontikas provided comments in support of regulations.

Pres. DeVita ended Public Hearing at 9:19 a.m. Comments to be reviewed at the next Board meeting.

7. 9:30 a.m. - Report of Offices

Office of General Counsel - Susan Manning, Board Counsel

9:30 a.m. - Motion/Pasedis to exit Open Session. Second/Tocco. All in favor.

10:20 a.m. - Motion/Budish to return to Open Session. Second/Ryle. All in favor.

In the Matter of Michael Kippenberger, R. Ph. (Docket No. PH-06-054) Recused – DeVita (exited meeting room). Review of Licensee response to proposed Consent Agreement.

Motion/Cayer issue Advisory Letter with Module 2 (law component) within six months. Second/Berman. All in favor.

Updates

DPH/DCP/PMP proposed revisions to 105 CMR 7.01. Pharmacy Board regulatory revisions (various sections) will be necessary to conform with any changes made by Public Health Council to Prescription Monitoring Program. No date set at this time for PMP regulation changes.

Pharmacy Peer Review legislation – Chapter 437 of the Acts of 2006 was signed by Governor Romney on January 4, 2007 (amends M.G.L. c. 112, ss. 1, 203 and 204).

Shoppers Drug/Monty Schwartz, R. Ph. – sentencing now scheduled for April 30, 2007.

8. 10:45 a.m. – Review of Board Objectives 2007 – Pres. DeVita
9. 11:15 a.m. - Wal-Mart Pharmacy Central Processing Proposal

Susanne Hiland, Pharm.D., Director, Pharmacy Professional Services/Government Relations, provided overview of Wal-Mart Central Processing proposal.

Motion/DeVita to take matter under advisement. Second/Pasedis. All in favor.

After discussion, Motion/Tocco to advise Wal-Mart of Board concerns, including multiple prescriptions for one patient to be processed at one pharmacy location, data entry shall be batched together to include all prescriptions for an individual patient at such pharmacy, pair up stores for collaborative working partnerships, advise pharmacists as to opt in and opt out. Board to approve if concerns are addressed.

Second/Gouveia. All in favor.

11. 12:15 p.m. – Lunch

12. 1:15 p.m.

Meeting with Marcia Cohen, R.Ph. regarding pharmacist reciprocity application.

Motion/Cayer to approve application. Second/Pasedis. All in favor.

13. 1:45 p.m. - Report of Office of Investigations

a) File Review - Healthcare Investigator: Samuel J. Penta,
Supervisor/Investigator and CQI Coordinator Dr. Leo McKenna

1	SA DS 07 064	Dismissed			
2	SA DS 07 061	Dismissed			
3	DS 07 035	Advisory Letter			
4	PH 07 064	Legal			
5	DS 07 030	Advisory Letter			

6	PH 07 062	Voluntary Surrender			
7	PH 07 061	Voluntary Surrender			

14. New Business

- a) Deanna C. Michalowicz R.Ph., Pharmacist Lic. No. 17147: Request for extension related to reinstatement conditions.
Motion/Pasedis to grant final extension until June 1, 2007 (90 days).
Second/Ryle.
In Favor: DeVita, Ryle, Pasedis, Gouveia, Fabiszewski, Accetta, Barron, Budish
Opposed: Berman, Cayer, Tocco. Motion carried.
- b) Ekaette Dumel, Pharm.D., R.Ph., Pharmacist Lic. No. 24517 – CE advisory request.
Motion/DeVita issue an Advisory Letter. Second/Pasedis. All in favor.
- c) Richard S. Harold, D.M.D., J.D., R.Ph., Pharmacist Lic. No. 16265/ Exp. 12/31/1984: Request for MPJE waiver related to application for pharmacist reinstatement.
Motion/Ryle to deny request for MPJE waiver. Second/Pasedis.
All in favor.
- d) Matthew Z. Argo - Pharmacy Internship Registration applicant.
Motion/Cayer to approve application. Second/Pasedis. All in favor.
- e) Thu T. Trang - application for pharmacist licensure.
Motion/DeVita to approve application. Second/Ryle. All in favor.
- f) Marie E. Alfson, R.Ph., Pharmacist Lic. No. 1883/Exp. 12/31/2000: Request for pharmacist reinstatement.
Motion/Cayer to advise of CE requirements for reference to letter stating what she needs to comply with regarding continuing educations for 2001- 05. Second/DeVita. All in favor.
- g) NABP Travel Program- Annual Meeting 5/19-22/07 Portland OR
Nominations for Delegate and Alternate Delegate:
Motion/Cayer - Marilyn Barron for Delegate. Second/Ryle.
All in favor.

Motion/Ryle - Sophia Pasedis for Alternate Delegate.
Second/Accetta. All in favor.

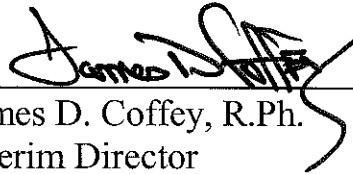
15. Old Business

Margolis Pharmacy complaints (11/21/06 meeting – taken under advisement).

Motion/DeVita schedule inspection. Second/Pasedis. All in favor.

16. 3:00 p.m. – Motion/Cayer to adjourn meeting. Second/Pasedis. All in favor.

Respectfully submitted by:



James D. Coffey, R.Ph.
Interim Director

Date:

Reviewed by counsel: March 14, 2006

Draft approved: March 14, 2006

Board approved: March 20, 2006

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CLOSED MEETING MINUTES
TUESDAY JANUARY 30, 2007
239 CAUSEWAY STREET
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9:30 a.m. – Exit Open Session

Jorge M. Palma, R.Ph., Pharmacist Lic. No. 21401/Voluntary Surrender 06/01/1998: Request for pharmacist reinstatement (Complaint No. PH-98-018). MPRS coordinator Tim McCarthy provided information.

Board will request clarification of employment situation and review additional information. Second/Tocco.

(DeVita recused/not present in meeting room)

In the Matter of Paul Kippenberger, R. Ph. (Docket No. PH-06-054) –).

Review of counsel response to proposed Consent Agreement. Board reviewed complaint allegations and update of store operations with CQI Surveyor and Inv. Penta. Board discussed matters disclosed during investigative conference realting to inventory and MOR replacement.

Board to issue advisory letter with terms.

(DeVita recused – not present in meeting room)

DeVita returned to meeting room.

In the Matters of Debra Howie, R.Ph. and Ronald Cohen, R.Ph.

(Docket Nos. PH-07-031 and PH-07-032), Brooks Pharmacy, Middleboro.

Review of counsel response to proposed Consent Agreement. Board declined to revise terms.

Return to Open Session at 10:30 a.m.