

BOARD OF REGISTRATION IN PHARMACY  
MEETING MINUTES  
TUESDAY JUNE 2, 2009  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MA 02114

**Present:** Joanne Trifone, R.Ph., Pharm.D., George Cayer, R.Ph., Donald Accetta, M.D., Sophia Pasedis, R.Ph., Michael Tocco, R.Ph., M.Ed., Stanley Walczyk, R.Ph., William Gouveia, R.Ph., M.S., Steven Budish, Public Member

**Absent:** James DeVita, R.Ph., Kathy Fabiszewski, Ph.D., N.P.

**Staff:** James D. Coffey, R.Ph., Director, Margaret C. Cittadino, Assoc. Dir., Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Admin. Asst., Samuel Penta, R.Ph., Superv.

1. 8:30 a.m. CALL TO ORDER  
President-Elect Trifone called meeting to order.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
3. 8:40 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications

New Store

Greater Lawrence Family Health Center, 700 Essex Street, Lawrence

Change of Manager

CVS 257, 107 West Street, Pittsfield (DS3331)  
CVS 1131, 55 Veteran's Memorial Drive, North Adams (DS2190)  
Rite-Aid 10067, 180 Elm Street, Pittsfield (DS2552)  
Rite-Aid 10087, 1217 Worcester Road, N. Grafton (DS2419)  
Rite-Aid 10084, 1031 Main Street, Clinton (DS2780)  
Walgreens 1478, 501 Foundry Street, North Easton, (DS3429)  
Walgreens 9152, 937 West Boylston Street, Worcester (DS3515)  
Wal-Mart 10-2640, 440 Highland Ave, Salem (DS2813)

Renovation

CVS 1094, 137 Federal Street, Greenfield (DS1627)  
CVS 1198, 9 Nelson Street, Leominster (DS2831)  
CVS 0041, 284 Winthrop Street, Taunton (DS2679)  
CVS 2138, 8 Pilgrim Hill Road, Plymouth (DS2815)  
CVS 0207, 1620 President Ave., Fall River (DS2864)  
CVS 1505, 8 East Washington Street, No. Attleboro (DS1505)  
CVS 2283, 715 Morrisey Blvd., Dorchester (DS2844)  
CVS 0915, 19 Dodge Street, Beverly (DS3395)  
Hannaford Pharmacy 192, 301 Pleasant Street, Dracut (DS2697)  
Wal-Mart 10-2683, 337 Russell Street, Hadley (DS2952)(temporary pharmacy)

Closings

Rite-Aid 10179, 479 N. Franklin Street, Holbrook (DS3112). Inventory and prescription files transferred TO Rite Aid 10173, 11 Pearl Street, Braintree (DS3100)

Motion/ Walczyk to approve applications, subject to compliant inspections and noted conditions. Second/Gouveia. All in favor with Tocco recused from all above CVS applications; Trifone recused from all above Walgreens applications.

4. 8:45 a.m. UPDATES - Dir. James D. Coffey  
Outreach Program  
Pharmacy Advisory H1N1 (Swine Flu) Influenza A Virus  
Board Dispositions

5. 9:30 a.m. PUBLIC HEARING

Proposed amendments to 247 CMR new sections 6.14 and 15.05 (Pharmacy Duty to Report Certain Improper Drug Dispensing to the Board), mandated per M.G.L. c. 112, s. 39D.

President Elect Trifone conducted the public hearing on proposed regulations. The hearing and testimony provided was recorded. The public comment period ends on June 12, 2009. The Board will review comments at June 23 meeting.

6. 10:15 a.m. LEGAL/REPORT OF OFFICE OF INVESTIGATIONS  
Pending Legal Matters - Susan Manning, Board Counsel

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)  
M.G.L. c. 30A, s. 11A (Adjudicatory)

Matter of J.E. Pierce Apothecary, Inc. (Reg. No. 1297), Complaint Docket No. PHA-2009-0075 and Stephen L. Grossman, R.Ph. (Reg. No. 18342) - Complaint Docket No. PHA-2009-0076

Present: Owner/MOR Stephen L. Grossman

10:15 a.m. Motion/Walczyk to enter into Closed Session. Second/Pasedis.  
All in favor.

11:15 a.m. Motion/Accetta to end Closed Session. Second/ Budish.  
All in favor.

After review and discussion of the inspection report and matters discussed with Mr. Grossman in closed session, Motion/Budish that pharmacy not be authorized reopen under ownership and management of current owner/manager at this time. Second/Tocco. All in favor.

Regarding the pharmacist registration of the owner/manager of record, Motion/Gouveia to seek minimum one year suspension of license with probationary terms on termination of suspension, MPJE, and continuing

education compliance. Second/Budish. All in favor.

Matter of Timothy J. Madeira, PH technician no. 10716 – Docket No. PHA-2009-0053 – admission to diversion; failure to respond to Board requests for response (3).

Motion Accetta to summarily suspend. Second/Gouveia. All in favor.

Trifone recused/exited meeting room.

8. 11:15 a.m. INVESTIGATIVE CONFERENCE.

Matter of Renee M. Collins (Pharmacist Registration No. 25229);  
Complaint Docket No. PHA-2009-0023. regarding complaint alleging unprofessional conduct related to prescriptions filled at Hannaford Pharmacy, 182 Summer Street, Kingston, MA.

Present: Renee Collins

Pharmacist admitted to filing fraudulent prescription after feeling threatened and intimidated by the patient; states she understands what she should do in the future if similar circumstance occurs.

After review of investigative conference appearance, Motion/Cayer refer to MPRS for evaluation. Second/Walczyk. All in favor.

9. 12:00 p.m. NEW PHARMACY APPLICATION/Appearance  
American Homecare Federation, Inc. – Proposed:  
95E Ashley Avenue, West Springfield, MA 01089.

Proposed Manager of Record – Donald J. Eumenidi, R.Ph. (Reg. No. 232470) and Paul E. Dufresne, R.Ph., M.S. (Reg. No. 15681) Pharmacy Manager (Enfield, CT pharmacy location).

Applicant seeks to provide specialty services related to bleeding, genetic and acquired immune disorders. Application seeks waivers:

247 CMR 6.02: Conditions for Continuing Registration and Operation of a Pharmacy or Pharmacy Department:

- (4) The pharmacy or pharmacy department shall maintain on the premises at all times a sufficient variety and supply of medicinal chemicals and preparations which are necessary to compound and dispense commonly prescribed medications in accordance with the usual needs of the community.

A pharmacy or pharmacy department shall have a reasonably-sized sign affixed to the main entrance of the business or otherwise installed in an easily observable area outside the premises, identifying the presence of a pharmacy or pharmacy department.

- (8) A pharmacy or pharmacy department shall meet the following requirements concerning the posting of hours of operation:

(a) The hours of operation shall be prominently posted at all consumer entrances to the pharmacy and, in the case of a pharmacy department, the hours shall also be posted at all consumer entrances to the retail store and at the pharmacy department;

(b) If the hours of operation of a pharmacy department, subject to the requirements of 247 CMR 6.02(6)(e) and (10), are different from those of the retail store in which it is located, all advertising referring to the pharmacy department shall clearly specify the pharmacy department's hours of operation; and

(c) If the hours of operation of a pharmacy's prescription area, subject to the requirements of 247 CMR 6.02(10), are different from the hours of operation for its non-prescription business, all advertising for the pharmacy shall clearly specify the hours of operation of the pharmacy's prescription area.

247 CMR 9.01: Code of Professional Conduct for Registered Pharmacists, Pharmacies and Pharmacy Departments:

(15) Unless otherwise provided for by law, a pharmacist shall not limit his or her services to a particular segment or segments of the general public.

(16) A pharmacist shall not refuse to compound customary pharmaceutical preparations except upon extenuating circumstances.

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

10. 12:30 p.m. LUNCH

11. 1:30 p.m. REPORT OF OFFICE OF INVESTIGATIONS  
File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator;  
Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator.

1	PHA2009-0011	Investigative Conference
2	PH2009-0050	Dismiss
3	DS2008-020	Dismiss
4	DS2009-063	Advisory Letter
5	PH2009-0033	Advisory Letter
6	DS2009-0019	Advisory Letter
7	PH2009-0052	Advisory Letter
8	PH2009-0051	Advisory Letter
9	DS2009-035	Advisory Letter
10	PH2009-081	Advisory Letter
11	PH2009-082	Advisory Letter

12. 2:00 p.m. **FLEX DISCUSSION - New Business**

- a) Brent Sabacek, Pharmacy Intern Applicant  
Motion/Cayer to approve application. Second/Pasedis. All in favor.
- b) Jackie Silago, Pharmacy Technician Applicant  
Motion/Cayer to approve application. Second/Pasedis. All in favor
- c) Ryan Dull, Pharmacist Applicant  
Motion/Cayer to approve application. Second/Tocco.  
In Favor: Cayer, Trifone, Tocco, Walczyk, Budish  
Opposed: Pasedis
- d) Emily Ann Pohlman, Pharmacist Applicant  
Motion/Cayer refer to MPRS. Second/Tocco. All in favor.
- e) Timothy Haberern, Pharmacy Intern Applicant  
Motion/Cayer to approve application. Second/Tocco.  
In Favor: Pasedis, Cayer, Tocco, Walczyk, Budish,  
Opposed: Trifone
- f) Matter of Complaint Docket No. PH-04-063 / Brandon A. Brown,  
R.Ph., Pharmacist Lic. No. 25219 – Petition for Termination of Probation.  
Motion/Tocco to termination Probation. Second/Cayer. All in favor.
- g) Delegate Update: Sophia Pasedis; NABP 105<sup>th</sup> Annual Meeting, May  
16-19, 2009, Miami, FL. Rescheduled to June 23, 2009.
  
- h) Thoa Ly – request for Extension of Intern Registration  
PI51696 issued 7/28/2003.  
Motion/Trifone approved extension of Intern Registration to May 2010.  
Second/Walczyk. All in favor.

13. 2:30 p.m. Motion/Trifone to adjourn meeting. Second/Walczyk. All in favor.

Respectfully submitted by:

James D. Coffey, R.Ph.  
Director

Date:   
9/23/09

Reviewed by Counsel: September 9, 2009

Draft approved: September 9, 2009

Board approved: November 17, 2009

**BOARD OF REGISTRATION IN PHARMACY  
239 CAUSEWAY STREET, BOSTON, MA 02114  
CLOSED SESSION MINUTES  
TUESDAY, JUNE 2, 2009**

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)  
M.G.L. c. 30A, s. 11A (Adjudicatory)

10:15 a.m. Motion/Walczyk to enter into Closed Session. Second/Pasedis.  
All in favor.

Matter of J.E. Pierce Apothecary, Inc. (Reg. No. 1297), Complaint  
Docket No. PHA-2009-0075 and Stephen L. Grossman, R.Ph. (Reg. No.  
18342) Complaint Docket No. PHA-2009-0076

Present: Owner/MOR Stephen L. Grossman

Investigators Sam Penta and Leo McKenna inspected J.E. Apothecary located  
at 1180 Beacon Street in Brookline on May 19, 2009. Grossman agreed to  
cease pharmacy operations on the day of the inspection. The inspection  
report was presented to the Board, including photographs of the pharmacy  
premises and operations.

Grossman, practicing at J.E. Pierce Apothecary for 30 years, acknowledged  
he deficient conditions apparent in the photographs. He stated the pharmacy  
is the only independent pharmacy located in Brookline and they provide  
delivery services for the patients. He described the corrective action taken.

Updates pending complaints: Meetinghouse Pharmacy  
Jerry C. Campagna  
Nicholas Creanza  
Monty Schwartz  
Codman Square Pharmacy & Adamiegwu  
O. Onujiogu

Matter of Timothy J. Madeira, PH technician no. 10716 – Docket No. PHA-  
2009-0053 – admission to diversion; failure to respond to Board requests for  
response (3). Advised to summarily suspend.

11:15 a.m. Motion/Accetta to end Closed Session. Second/ Budish.  
All in favor.