

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
TUESDAY, JULY 14, 2009
239 CAUSEWAY STREET, ROOM 204
BOSTON, MA 02114
8:30 am – 1:00 pm

Board Members Present	James T. DeVita, R.Ph., Stanley Walczyk, R.Ph., Sophia Pasedis, R.Ph., Pharm.D., Joanne Trifone, R.Ph., George Cayer, R.Ph., and Michael Tocco, R.Ph, M.Ed.
Board Members Absent	Steve Budish, Donald Accetta, M.D., MPH, Kathy Fabiszewski, Ph.D., R.N., William Gouveia, R.Ph., M.S.
Staff Present	James D. Coffey, R.Ph. Director; Margaret Cittadino, Associate Director; Leo McKenna, R.Ph., Pharm.D.; Samuel J. Penta R.Ph., Supv., and Despina Ioannidis, Board Intern.

1: 8:30 a.m. MEETING CALLED TO ORDER by President James T. DeVita, R.Ph.

2. 8:35 a.m. REVIEW/ADOPTION OF BOARD

Motion	To approve 3/31/09 minutes with one amendment: George Cayer was not present at the 3/31/09 meeting
Motion Made By	Joanne Trifone
Second	Stanley Walczyk
Vote	Approved unanimously

3. 8:40 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications –
Assoc. Dir. Cittadino

▪ New Store

Walgreens 11120, 1145 Main Street, Holden, 01520

Winchendon Family Pharmacy, 117 Central Street, Winchendon, 01475

▪ Nuclear Pharmacist

Amelia Brooke Barringer, (PH232465)

▪ Change of Manager

Critical Care Systems, 191 Baystate Drive, Braintree (DS3327)

CVS 8437, 188 Linden Street, Wellesley (DS3549)

CVS 2070, 467 Centre Street, Jamaica Plain (DS2711)

CVS 1002, 624 Massachusetts Ave., Cambridge (DS3060)

CVS 2128, 936 Highland Ave., Needham (DS2720)

CVS 1022, 211 Alewife Brook Parkway, Cambridge (DS1556)

Eaton Apothecary 2100, 416 Watertown Street, Newton (DS3254)

Louis & Clark, 2 Medical Center Drive, Springfield (DS1563)

Louis & Clark, 1481 Memorial Drive, Chicopee (DS1151)

Louis & Clark 1002, 300 Birnie Ave., Springfield (DS3244)

Rite-Aid 10170, 132 Granite Street, Quincy (DS3132)

Rite-Aid 10053, 32 Union Street, East Hampton (DS2383)

Walgreens 3130, 185 Centre Street, Malden (DS2338)

▪ Certificate of Fitness

Critical Care Systems, 191 Baystate Drive, Braintree (DS3327)

▪ Renovation

CVS 01056 , 1815 Middlesex Ave. Lowell (DS1646)

CVS 24373, 500 Grafton Street, Worcester (DS24373)

CVS 2926 , 197 Boston Turnpike Rte. 9, Shrewsbury (DS2926)

CVS 2401, 1880 Ocean Street, Marshfield (DS2401)

CVS 1257, 225 Bedford Street, East Bridgewater (DS1963)

PetNet Solutions Inc., 268 West Cummings Park, Woburn - Nuclear (NU15)

Walgreens 2208, 35 Main Street, Peabody (DS1744)

Motion	To approve applications subject to compliant inspections
Motion Made By	Sophia Pasedis
Second	Stanley Walczyk
Vote	Approved unanimously
Recuse	James DeVita and Michael Tocco recused from all CVS applications. Joanne Trifone recused from all Walgreens applications.

4. 8:45 a.m. UPDATES - Dir. James D. Coffey

Multi-State Pharmacy Jurisprudence Examination (MPJE)

NABP Survey of Pharmacy Law (2010)

Complaint Dispositions

Circulation of legal article from MIPA newsletter

Circulation of Petition received by the Board regarding Steven Grossman, R.Ph.

Discussion regarding inclusion of Self-Assessment Form certification on renewal form to enhance compliance

5. 9:00 a.m. REPORT OF OFFICE OF GENERAL COUNSEL

Pending Legal Matters - Susan Manning, Board Counsel

CLOSED SESSION – M.G.L. c. 112, s. 30A (ADJUDICATORY)

M.G.L. c. 112, s. 65C (COMPLAINTS)

Policy Development

- a) UPDATE: Amendments to 247 CMR new sections 6.14 and 15.05 (Duty to Report Certain Drug Dispensing Errors to the Board) relative to retail pharmacy reporting requirement mandated per M.G.L. c. 112, s. 39D will be published in the Massachusetts Register on July 2009; effective date of regulations will be July 24, 2009 and implementation date of mandated reporting will be January 1, 2010.

b) REVIEW and DISCUSSION

Draft "Pharmacy Report of Drug Dispensing Error" Form. Revisions discussed will be provided to Board finalization of form in August.

Western New England College – proposed Doctor of Pharmacy Program Board and Mass. Dept of Higher Education will coordinate review of proposed new pharmacy program with Department of Elementary and Secondary Education in accordance with M.G.L. c.112, s. 24B.

Motion - 9:35 am	To enter Closed Session
Motion Made By	James DeVita
Second	Joanne Trifone
Vote	Approved unanimously

Motion - 9:50 am	To end Closed Session
Motion Made By	Michael Tocco
Second	Sophia Pasedis
Vote	Approved unanimously

c) Matter of Jerry C. Campagna, R.Ph. (License No. 16810) – Docket No. PH-03-043.
After review and discussion of Proposed Final Decision and Order,

Motion	To adopt the Proposed Final Decision and Order and REVOKE pharmacist license
Motion Made By	James DeVita
Second	George Cayer
Vote	Approved unanimously

9:55 – 10:10 Break

6. 10:10 a.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	PHA2009-0087 Pharmacy Technician	Surrendered; registration accepted unanimously
2	PHA2009-0073 Pharmacy Technician	Surrendered; registration accepted unanimously
3	PHA2009-0095 Pharmacy Technician NAME	Surrendered; registration accepted unanimously.
4	PHA2009-0100 Pharmacy Technician	Motion/Pasedis if surrender is not

	NAME	received; summarily suspend. Second/Cayer. Approved unanimously. Motion/Pasedis request Rite-Aid to provide description of controlled substance loss prevention management. Second/Cayer. Approved unanimously.
5	SA-INV-0443 Pharmacy Technician	Schedule Investigative Conference; with employment verification and prescription history to be provided.
6	PHA2009-0097 Pharmacy Technician	Motion/Pasedis if surrender is not received; summarily suspend. Second/Cayer. Approved unanimously.
7	PHA2008-0021 Pharmacy Technician	Pasedis recused/exited meeting room. Motion/Cayer to schedule Investigative Conference. Second/Tocco. Approved unanimously.
8	PHA2008-0016 Drug Store PHA2009-0055 Pharmacy Technician	Motion/DeVita for dismissal with Advisory Letters. Second/Cayer Approved unanimously.
9	PHA2009-0068 Drug Store	Schedule inspection.
10	SA-INV-0534 Drug Store	Motion/Trifone – Drug Store: Advisory Letter with 2 hours law CE. Second/Cayer and to dismiss against pharmacist. Approved unanimously.
11	PHA2009-0049 Drug Store PHA2009-0074 Pharmacist	Motion/Cayer - Pharmacist: Advisory Letter for CE matter. Second/Trifone. Approved unanimously. Motion/DeVita - Pharmacy: dismiss – no violation. Second/Pasedis. Approved unanimously.
12	PHA2009-0091 Pharmacist	Motion/DeVita to dismiss with Advisory Letter and completion of CEs. Second/Cayer. Approved unanimously.
13	SA-INV-0325 Drug Store	Motion/Cayer to dismiss - no violation. Second/Trifone. Approved unanimously.
14	SA-INV-0549 Pharmacist	Motion/Trifone to dismiss. Second/Pasedis. Approved unanimously.
15	PHA2009-0012 Drug Store PHA2009-0032 Pharmacist	Motion/Pasedis – Pharmacist: Advisory Letter with 2 CEs. Second/Cayer. Approved unanimously. Motion/Pasedis – Drug Store: Dismiss - no violation. Second/Cayer. Approved unanimously.
16	SA-INV-0283 Pharmacist	Motion/ Cayer – Advisory Letter with 2 CEs regarding customer care Second/Walczyk. Opposed: Pasedis.

		Motion approved.
17	SA-INV-0213 Drug Store	Motion/DeVita -- Drug Store: propose reprimand and corrective action verification. Second/Cayer. Approved unanimously.

7. FLEX DISCUSSION

NEW BUSINESS

- a) **Edward Tchernai** - Pharmacy Technician Applicant
 Motion/Walczyk - approve. Second/Trifone. Opposed: Pasedis. Motion approved.
- b) **Sean Ackerman** - Pharmacist Applicant
 Motion/Trifone - approve. Second/Walczyk. Approved unanimously.
- c) **Joanne T. Marron, R.Ph.** (Registration No. 21377 - CE inquiry 2009)
 Advise registrant of applicable webinar CEs.
- d) **Curtis R. Souza, R.Ph.** (Pharmacist License No. 18953/Exp. 12/31/2004).
 Request for reinstatement (2007 CEs compliant/2008 CEs; 14 (2 live) completed)
 Motion/Pasedis - schedule appearance. Second/Walczyk. Approved unanimously.

OLD BUSINESS

- a) **CVS Caremark** correspondence regarding proposed Pharmacy Care Center
 • Due to limited staff availability in August, request CVS to appear in September to update/review the proposal.
- b) Discussion related to 4/14/09 presentation by Robert Hansen, Pharm.D., V.P., Pharmacy Services for Asteres, Inc. related to utilization of **ScriptCenter®**.

Dir. Coffey reviewed the request and the possible options for the Board in response to the request. Also provided additional resource information related to the device. Issues related to the integrity of the technology, accuracy and safety need to be confirmed. Board concern noted as to any limit to refills and non-federally controlled substances. Joanne Trifone will survey other jurisdiction available regulations for Board consideration.

12:10 FILE REVIEW - continued

DeVita and Tocco recused/exited meeting.

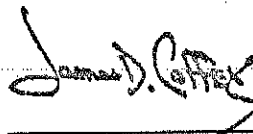
18	PHA2009-0070 Drug Store	Motion/Cayer - Advisory Letter to all involved registrants. Second/Walczyk. Approved unanimously.
19	PHA2009-0058 Drug Store	Motion/Cayer - Advisory Letter. Second/Pasedis. Approved unanimously.

		Motion/Trifone – Pharmacist complaint and Advisory Letter. Approved unanimously.
20	PHA2009-0057 Drug Store PHA2009 –Pharmacist PHA2009 –Technician	Motion/ Pasedis – Pharmacist: Advisory Letter. Second/Walczyk. Approved unanimously. Motion/Cayer – Drug Store: Advisory Letter with CQI requirements. Second/Pasedis. Approved unanimously.
21	SA-INV-0444 Drug Store	Motion/Trifone - Advisory Letter with 2 CEs. Second/Cayer. Approved unanimously.
22	SA-INV-0363 Drug Store	Motion/Cayer to dismiss - no violation. Second/Trifone. Approved unanimously.
23	SA-INV-0326 Drug Store	Motion/ Trifone to dismiss - no violation. Second/Pasedis. Approved unanimously.
24	SA-INV-0280 Drug Store	Motion/Pasedis to dismiss – no violation. Second/Trifone. Approved unanimously.
25	SA-INV-0282 Drug Store	Motion/ Cayer to dismiss – no violation. Second/Pasedis. Approved unanimously.
26	SA-INV-0365 Drug Store	Motion/Pasedis to dismiss – no violation. Second/Trifone. Approved unanimously.

Motion	To adjourn meeting
Motion Made By	George Cayer
Second	Sophia Pasedis
Vote	Approved unanimously

8. 1:00 p.m. Meeting Adjourned

Respectfully submitted by:



 James D. Coffey
 Director
 Date: 11/17/09

Reviewed by Counsel: September 15, 2009
 Draft approved: September 15, 2009
 Board approved: November 17, 2009

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CLOSED SESSION – M.G.L. c. 112, s. 30A (ADJUDICATORY)
M.G.L. c. 112, s. 65C (COMPLAINTS)
Policy Development

Motion - 9:35 am	To enter Closed Session
Motion Made By	James DeVita
Second	Joanne Trifone
Vote	Approved unanimously

Matter of Jerry C. Campagna, R.Ph. (License No. 16810) – Docket No. PH-03-043.
Board reviewed Proposed Final Decision and Order and noted no conditions envisioned pursuant to which registrant should qualify for licensure as a pharmacist in the future.

Motion - 9:50 am	To end Closed Session
Motion Made By	Michael Tocco
Second	Sophia Pasedis
Vote	Approved unanimously