

This is Notice of the Regularly Scheduled Board of Registration in Pharmacy Meeting

BOARD OF REGISTRATION IN PHARMACY

MEETING AGENDA

January 11, 2011

239 Causeway Street

2nd Floor, Room 206

Boston, Massachusetts

1. 8:30 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
3. 8:40 a.m. APPLICATIONS
Pharmacy/Wholesale Distributor Applications
(no handout/applications on file) – Assoc. Dir. Margaret Cittadino
 - New - Community Pharmacy (3)
CVS 8906, 575 Broadway, Malden
Eaton Apothecary 2190, 409 West Broadway, 1st floor, South Boston
Target T 2570, 605 Boston Post Road East, Marlborough
 - Change of Manager (14)
CVS 843, 235 Center Street, Chicopee (DS89714)
CVS 1853, 737 Bridge Street, North Weymouth (DS3160)
CVS 1005, 54 Pleasant Street, South Weymouth (DS1525)
CVS 993, 239B Memorial Avenue, West Springfield (DS1755)
CVS 1234, 208 Elm Street, Westfield (DS3496)
Eaton Apothecary 2160, 637 Washington Street, Floor G, Dorchester (DS89730)
Rite Aid 10071, 25 Park Street, Lee (DS2553)
Sedells, 63 South Main Street, Assonet (DS1625)
Walgreens 7617, 800 River Street, Lawrence (DS3342)
Walgreens 4571, 220 South Broadway, New Bedford (DS2843)
Walgreens 3090, 838 Pleasant Street, New Bedford (DS2350)
Walgreens 1849, 972 American Legion Highway, Roslindale (DS1366)
Walgreens 1233, 100 East Main Street, Webster (DS3333)
Walgreens 10639, 99 Stafford Street, Worcester (DS3570)
 - Relocation -Community Pharmacy (1)
CVS 1250, 525 Belmont Street, Brockton from 735 Belmont Street (DS1954)
4. 8:45 a.m. UPDATES
Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
 - Board Dispositions
 - HIPDB and NPDB Reporting Compliance
 - Pharmacist Renewals

5. 9:00 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)
File Review - Samuel J. Penta, R.Ph., Supervising Investigator;
James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph.,
Investigator, William E. Frisch, Jr., R.Ph., Investigator, Leo A.
McKenna, Pharm.D., R.Ph., QA Coordinator

6. 11:45 a.m. LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel

MGL c. 112, s. 65C and MGL c. 30A, s. 11A- Review and Discussion
of Complaints and Other Matters: Closed Session

- Matter of Siobhan Rita-Marie Conley (Pharmacy Tech. Reg. No. 11964) /
Complaint No. PHA 2010 0218
- Matter of Efrat Ron, R.Ph. (License No. 25549 / Complaint No. PH-08-004
- Matter of Julie Whittaker (Pharmacy Tech. Reg. No. 385) / Complaint No.
PHA-2010-0231
- Matter of Jean Perez, R.Ph. (License No. 27757 / Complaint No. PHA-2010-
0225
- Matter of Richard Licciardi (Pharmacy Tech. Reg. No. 10376 / Complaint No.
PHA-2009-0182 (no handout)
- Matter of Karen L. Ramirez, R.Ph. (License No. 16431 / Complaint No. PHA-
2010-0183

7. FLEX DISCUSSION

A. NEW BUSINESS

- 1) **Daniel Ethan Fontaine** – Pharmacy Intern
Approve/Deny
- 2) **Caroline Ilene Ball** – Pharmacy Intern
Approve/Deny
- 3) **Lovini Gregory George** – Pharmacy Technician
Approve/Deny
- 4) **Michelle Rina Heydary** – Pharmacy Intern
Approve/Deny
- 5) **Olatunji Ogulwole Abimbola** – Pharmacy Intern
Approve/Deny

B. OLD BUSINESS

- 1) Matter of **Louis & Clark Drug, Inc.** Complaint Nos. DS-08-060; DS-08-053;
DS-08-059. Petition for termination of Probation/conversion to current status.
- 2) Matter of **Walgreens Pharmacy**, Shrewsbury, MA (Pharmacy License No. DS3407) /
Complaint Docket No. PHA-2010-0185 & **Amy Q. Folta**, R.Ph. (License No.
PH27227) / Complaint Docket No. PHA-2010-0169. Review and discussion related
to open complaints following request for additional information.
- 3) **David H. Jenkins**, R.Ph. (License. No. 17062) - Docket No. PHA20090171
Petition for termination of Suspension/conversion to probationary status.

8. 12:30 p.m. LUNCH

9. 1:30 p.m. DISCUSSION

- October 2011 NABP/AACP District I & II Annual Meeting
- to be hosted by Massachusetts: Prospective Speakers for the District I & II Meeting.

10. INFORMATIONAL ITEMS (FYI)

11. 2:30 p.m. ADJOURNMENT

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES**

January 11, 2011

239 Causeway Street, 2nd Floor, Room 206
Boston, Massachusetts

Members Present Stanley Walczyk, R.Ph.; Michael Tocco, R.Ph., M.Ed.; Karen Ryle, R.Ph., M.S.; James T. DeVita, R.Ph.; George Cayer, R.Ph.; Sophia Pasedis, R.Ph.; Pharm.D.; Joanne Trifone, R.Ph.

Members Absent Kathy Fabiszewski, Ph.D, N.P.; Steven Budish, Donald Accetta, M.D., M.P.H.;

Staff Present James D. Coffey, R.Ph. Director; Margaret Cittadino, M.Ed., Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Latham R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; William E. Frisch, Jr., R.Ph., Investigator; Intern Kimberly Tum, Northeastern University

1. 8:30 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.
2. 8:40 a.m. APPLICATIONS
Pharmacy/Wholesale Distributor Applications - Assoc. Dir. Margaret Cittadino

New - Community Pharmacy

CVS 8906, 575 Broadway, Malden

Eaton Apothecary 2190, 409 West Broadway, 1st floor, South Boston

Target T 2570, 605 Boston Post Road East, Marlborough

Change of Manager

CVS 843, 235 Center Street, Chicopee (DS89714)

CVS 1853, 737 Bridge Street, North Weymouth (DS3160)

CVS 1005, 54 Pleasant Street, South Weymouth (DS1525)

CVS 993, 239B Memorial Avenue, West Springfield (DS1755)

CVS 1234, 208 Elm Street, Westfield (DS3496)

Eaton Apothecary 2160, 637 Washington Street, Dorchester (DS89730)

Rite Aid 10071, 25 Park Street, Lee (DS2553)

Sedells, 63 South Main Street, Assonet (DS1625)

Walgreens 7617, 800 River Street, Lawrence (DS3342)

Walgreens 4571, 220 South Broadway, New Bedford (DS2843)

Walgreens 3090, 838 Pleasant Street, New Bedford (DS2350)

Walgreens 1849, 972 American Legion Highway, Roslindale (DS1366)

Walgreens 1233, 100 East Main Street, Webster (DS3333)

Walgreens 10639, 99 Stafford Street, Worcester (DS3570)

Relocation -Community Pharmacy

CVS 1250, 525 Belmont Street, Brockton from 735 Belmont Street (DS1954)

Motion Ryle/Cayer to approve applications
Recused Trifone from all Walgreens applications, DeVita and Tocco from all CVS applications
Approved

3. 8:45 a.m. UPDATES

Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
 - Board Dispositions
 - HIPDB and NPDB Reporting Compliance
 - Pharmacist Renewals

4. 9:00 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

File Review - Samuel J. Penta, R.Ph. Supervising Investigator;
 James C. Emery, Investigator, Cheryl Latham, Pharm.D, R.Ph.
 Investigator, William E. Frisch, Jr., R.Ph. Investigator, Leo A.
 McKenna, Pharm.D. R.Ph., QA Coordinator

1	<p>PHA-2010-0166 Tura's Pharmacy Inc. DS8420</p> <p>PHA-2010-0221 Paul Tura PH16196</p> <p>PHA-2011-0006 Pamela J. Reed PT7552</p>	<p>Motion Trifone/DeVita to schedule Investigative Conference for all complaints Approved</p>
2	<p>PHA-2010-0150 Target Pharmacy T-2292 DS 3546</p>	<p>Motion Cayer/ DeVita to Dismiss with Advisory Letter and provide Pharmacy Corrective Action Plan with names and signatures of retrained employees to the Board Opposed Pasedis Approved</p>
3	<p>PHA-2010-0168 Rite Aid 10077 DS2392</p>	<p>Motion Cayer/ DeVita to Dismiss with Advisory letter with 2 CEs in Medication Error Prevention Approved</p>
4	<p>PHA-2010-0191 Rite Aid 10194. DS 2461</p>	<p>Board to requests Pharmacy to provide additional information regarding Corrective Action Plan focusing on production steps</p>
5	<p>SA-INV 1391 CVS 1181 DS2124</p>	<p>Motion Trifone/Cayer to Dismiss - No Violation. Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved</p>
6	<p>PHA-2010-0136 CVS 335 DS23295</p>	<p>Motion Cayer/Ryle to Dismiss - Insufficient Evidence Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved</p>

	PHA-2010-0198 Brian Lovely PH 23285	Motion Trifone/Ryle to Dismiss with Advisory Letter with conditions related to CE deficiencies Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved
7	PHA-2010-0137 CVS 703 DS24412 PHA-2010-0199 Ange F. Sibailly PH27285	Matters tabled pending Pharmacy inspection
8	PHA-2010-0143 CVS 229 DS17722 PHA-2010-0143 Sanjay Kharida PH25845	Motion Walczyk/Ryle to Dismiss – No Violation Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved Motion Pasedis/Cayer to Dismiss with Advisory Letter with conditions related to CE deficiencies Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved
9	PHA-2010-0181 CVS 1882 DS3047 PHA-2010-0222 Joanne Barrone PH17236	Motion Cayer/Ryle to Dismiss – Lack of Evidence Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved Motion Pasedis/Walczyk to Dismiss with Advisory Letter letter with 2 CEs in Medication Error Prevention Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved
10	PHA-2010-0182 CVS 736 DS 1039 PHA-2011-0007 Michael K. Wynne PH17353	Matters tabled. Board to request Pharmacy to provide information regarding RTS policy
11	PHA-2010-0197 CVS 2325 DS2850 PHA-2011-0012 Melissa J. Goulet PH25820	Matters tabled. Board to request Pharmacy to provide information regarding scanning policies and procedures

	PHA-2011-0013 Adalgisa A. Knight PT2710	
12	PHA-2010-0208 CVS 669 DS2850	Motion Walczyk/Ryle to Dismiss with Advisory Letter Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved
	PHA-2010-0178 Jose Luis Paredes Amado PH232883	Motion Pasedis/Ryle to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved
	PHA-2010-0152 Alicia Regan PT 7027	Motion Pasedis/Trifone to propose Consent Agreement for Reprimand (expired license). Recused Tocco and DeVita (not present in meeting for discussion or vote) Approved

5. 11:55 a.m. LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel

MGL c. 112, s. 65C and MGL c. 30A, s. 18 – 21: Review and Discussion of Complaints and Other Matters: Closed Session

11:55 a.m. **Motion** Pasedis/Tocco to move into Closed session **Approved**

12:35 p.m. **Motion** Ryle/Trifone to end Closed session. **Approved**

- Matter of Siobhan Conley (PT11964) - Complaint No. PHA 2010 0218
Motion Ryle/Pasedis to accept voluntary surrender of technician registration.
Approved

- Matter of Efrat Ron, R.Ph. (PH25549) - Complaint No. PH-08-004
Motion Pasedis/Ryle to terminate monitoring period of *Non-Disciplinary Agreement* and recommend supervision when employment commences.
Approved

- Matter of Julie Whittaker (PT385) - Complaint No. PHA-2010-0231
Motion Pasedis/Cayer to issue *Temporary Order of Summary Suspension* if voluntary surrender not received.
Approved

Recused Tocco and DeVita all matters above (not present in meeting for discussion or vote)

- Matter of Jean Perez, R.Ph. (PH27757) - Complaint No. PHA-2010-0225

Motion Cayer/Pasedis to refer licensee for evaluation to be completed by February 25, 2011; to be reviewed by Board for next action.

Recused Trifone (not present in meeting for discussion or vote)

Approved

• Matter of Richard Licciardi (PT10376 / Complaint No. PHA-2009-0182)
Motion Ryle/Cayer to provide Consent Agreement for probationary status and agreement not to renew on May 12, 2011 expiration date.

Approved

• Matter of Karen L. Ramirez, R.Ph. (License No. 16431 / Complaint No. PHA-2010-0183.

Motion Ryle/Cayer to issue *Order of Suspension based on Violation of Consent Agreement* requiring reinstatement petition to include one year of successful MPRS participation prior to petition.

Approved.

6. FLEX DISCUSSION

A. NEW BUSINESS - Applications

1) **Daniel Ethan Fontaine** – Pharmacy Intern
Motion Pasedis/Ryle to request MPRS evaluation.
Approved

2) **Caroline Hene Ball** – Pharmacy Intern
Motion Ryle/Walczyk to approve application.
Approved

3) **Lovin Gregory George** – Pharmacy Technician
Motion Cayer/Trifone to deny application.
Approved

4) **Michelle Rina Heydary** – Pharmacy Intern
Motion Walczyk/Cayer to approve application.
Approved

5) **Olatunji Ogulwole Abimbola** – Pharmacy Intern
Motion Trifone/Ryle to approve application.
Approved

B. OLD BUSINESS

1) **Louis & Clark Drug, Inc.** (Multiple PH License Nos.)
Complaint Nos. DS-08-060; DS-08-053 and DS-08-059
Petition for termination of Probation/conversion to current status.

Motion Walczyk/Pasedis to terminate probation at all pharmacies (3).
Approved

2) **Walgreens Pharmacy (DS3407)**, Shrewsbury - Complaint No. PHA-2010-0185
Amy Q. Folta, R.Ph. (PH27227) - Complaint No. PHA-2010-0169
Review and discussion of complaints following receipt of additional information.

Motion DS Complaint - DeVita/Tocco to Dismiss -- No Violation.
Recused Trifone not present in meeting for discussion or vote
Approved

Motion PH Complaint - DeVita/Tocco to Dismiss with an Advisory Letter with 2
CEs in Medication Error Prevention
Recused Trifone (not present in meeting for discussion or vote)
Approved

- 3) **David H. Jenkins, R.Ph. (PH17062) - Docket No. PHA20090171**
Petition for termination of Suspension/conversion to probationary status.
Motion Cayer/Trifone to terminate Suspension and convert to Probation status.

7. 12:30 p.m. LUNCH

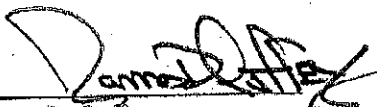
8. 1:30 p.m. DISCUSSION
October 2011 NABP/AACP District I & II Annual Meeting
to be hosted by Massachusetts: Prospective Speakers for the District I & II Meeting.

9. INFORMATIONAL ITEMS (FYI)

2:30 p.m. Motion Ryle/Cayer to adjourn meeting.

2:30 p.m. ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: July 12, 2011

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
JANUARY 11, 2011
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, ss. 18 – 21 (Adjudicatory)

11:55 a.m. LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel

11:55 a.m. Motion Pasedis/Tocco to move into closed session
Approved

- Matter of Siobhan Conley (PT11964) - Complaint No. PHA 2010 0218
Motion Ryle/Pasedis to accept voluntary surrender of technician registration.
Approved

- Matter of Efrat Ron, R.Ph. (PH25549) - Complaint No. PH-08-004
Motion Pasedis/Ryle to terminate monitoring period of *Non-Disciplinary Agreement* and advise licensee to practice in supervised role.
Approved

- Matter of Julie Whittaker (PT385) - Complaint No. PHA-2010-0231
Motion Pasedis/Cayer to issue *Temporary Order of Summary Suspension* if
voluntary surrender not received.
Approved

Recused Tocco and DeVita all matters above (not present in meeting for
discussion or vote)

- Matter of Jean Perez, R.Ph. (PH27757 - Complaint No. PHA-2010-0225
Motion Cayer/Pasedis to refer licensee for evaluation to be completed by February
25, 2011; to be reviewed by Board for next action.
Recused Trifone (not present in meeting for discussion or vote)

- Matter of Richard Licciardi (PT10376 / Complaint No. PHA-2009-0182
Motion Ryle/Cayer to provide Consent Agreement for probationary status and
agreement not to renew on May 12, 2011 expiration date.
Approved

- Matter of Karen L. Ramirez, R.Ph. (PH16431/Complaint No. PHA-2010-0183)
Board reviewed December 8, 2010 positive screening result. Consent Agreement for screens was based on prior positive results.
Motion Ryle/Cayer to issue *Order of Suspension based on Violation of Consent Agreement* requiring reinstatement petition to include one year of successful MPRS participation prior to petition.
Approved.

12:35 p.m. **Motion Ryle/Trifone to end closed session.**
Approved