

BOARD OF REGISTRATION IN PHARMACY  
MINUTES  
TUESDAY SEPTEMBER 15, 2009  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MA 02114

**Board Members  
Present**

James T. DeVita, R.Ph., Stanley Walczyk, R.Ph.,  
Joanne Trifone, R.Ph., George Cayer, R.Ph., and Michael  
Tocco, R.Ph, M.Ed., Kathy Fabiszewski, Ph.D., N.P., William Gouveia,  
R.Ph., M.S., Sophia Pasedis, R.Ph., Pharm.D.

**Staff Present**

James D. Coffey, R.Ph. Director; Margaret Cittadino, Associate  
Director; Leo McKenna, R.Ph., Pharm.D.; Samuel J. Penta R.Ph.,  
Supervising Investigator., and Amanda Mytkowitz, Board Intern.

1. 8:30 am. CALL TO ORDER - President James T. DeVita, R.Ph.
2. 8:35 am. LICENSING: Pharmacy/Wholesale Distributor Applications - Assoc. Dir.  
Cittadino

New Store

**CVS 3890**, to be located at 207 Market St., Brighton  
**Target T-2480**, to be located at 199 Plain St., Lowell  
**Target T-2532**, to be located at 1167 Washington Ave, Hanover  
**Walgreens 12323**, to be located at 1 Main St., Maynard  
**Walgreens 12399** to be located at 226 Broadway, Taunton  
**Wal-Mart Supercenter 2128**, to be located at 295 Plymouth St., Halifax

Relocation

**CVS 1085**, FROM 76 Swan St., Methuen TO 64 Swan St., Methuen (DS1724)

Change of Manager

**CVS 1876**, 900 Commonwealth Av., Boston (DS2064)  
**CVS 25**, 60 Leonard St., Belmont (DS2238)  
**CVS 109**, 1010 Revere Beach Pkwy., Chelsea (DS3586)  
**CVS 1010**, 88 High St., Medford (DS1530)  
**CVS 26**, 590 Middlesex Fells Pkwy., Medford (DS2912)  
**CVS 114**, 12 Harvard Str., Waltham (DS2821)  
**CVS 860**, Main Street, Post Office Sq., Harwichport, (DS1406)  
**CVS 2071**, 400 Beech St., Holyoke, (DS3589)  
**CVS 632**, 1140 Bridge St., Lowell,(DS24183)  
**Eaton Apothecary**, 683 High St., Westwood (DS2503)  
**Hannaford Food & Drug**, 333 Mass. Ave, Lunenburg (DS2468)  
**Oscor Pharmacy** 7470, 50 Boston Turnpike Rd., Shrewsbury (DS2978)  
**Rite-Aid 10178**, 28 Depot St., Duxbury (DS2382)  
**Rite-Aid 10149**, 540 Gallivan Blvd, Dorchester (DS3106)  
**Specialty Scripts**, 187 Plymouth Ave., Fall River (DS3509)  
**Target Pharmacy T-2292**, 2421 Cranberry Highway, Wareham (DS3546)  
**Target Pharmacy T-1374**, 79 Commerce Way, Seekonk (DS3050)  
**Target Pharmacy T-2173**, 385 Centre Ave., Abington (DS3483)

Walgreens 2669, 20 Weston St., Waltham (DS2152)  
Wal-Mart 10 2336, 300 Colony Place, Plymouth (DS3400)

Closing

**Louis & Clark 688**, 2 Medical Center Dr., Springfield (DS1563) , inventory and files to be transferred to Louis & Clark 102, 300 Birnie St., Springfield (DS3244)

**Motion/DeVita**, second/Trifone to approve applications pending compliant inspections  
Vote/Approved

Recused/ DeVita for CVS applications and Trifone for Walgreens applications

3. 8:35 a.m. UPDATES - Director Coffey

- Multi-State Pharmacy Jurisprudence Examination (MPJE®)
- CDC H1N1 Flu Vaccination Program
- Board-approved Report Form: "Pharmacy Report of Improper Drug Dispensing"; Resulting in Serious Injury or Death
- Board Dispositions

4. 8:50 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 | PHA-2009-0122  | Accepted Surrendered registration   |
| 2 | PHA-2009-0121  | Accepted Surrendered registration   |
| 3 | PHA-2009-0120  | Voluntary Surrender pending criminal charges.<br><b>Motion</b> Trifone/Pasedis to refer case to prosecution.<br>Approved.   |
| 4 | PHA-2009-0056 (DS)   | <b>Motion</b> DeVita/Pasedis to send advisory letter to pharmacy to include recommendation for updating of technology related to product selection.<br>Approved<br><b>Motion</b> Cayer/Walczyk to send advisory letter to pharmacist to include statement related to caution concerning reliance on technology for product selection.<br>Approved<br>Opposed/ DeVita. |
| 5 | PHA2009-0085<br>PHA2009-0125<br>PHA2009-0126<br>PHA2009-0123<br>PHA2009-0124<br>PHA2009-0127 | <b>Motion</b> DeVita/Pasedis to table decisions concerning the alleged medication until additional information is received by the investigator.<br>Approved<br><br><b>Motion</b> Trifone/Walczyk for triple CEs for each pharmacist who is deficient in ALL CEs.<br>Approved.   |

- 6 PH2009-0086  
PH2009-0132  
**Motion** Pasedis/DeVita for advisory letter to drugstore.  
Approved  
Opposed/Cayer
- 7 PHA2009-0005  
20081023DS025  
**Motion** Trifone/DeVita for advisory letter to pharmacist.  
Approved  
Opposed/Cayer  
**Motion** Pasedis/Cayer to dismiss due to no violation.  
Approved
- 8 PHA2009-0077  
Pharmacist complaint was previously resolved .  
**Motion** Pasedis/Walczyk to open a pharmacist complaint and issue advisory letter to the last verifying pharmacist.  
Approved
- Motion** Pasedis/Walczyk to open a pharmacist complaint on the manager of record with an advisory letter to be issue stating the manager should re-familiarize self policies regarding technician-in-training duties.  
Approved
- 9 PHA-2009-0041  
PHA-2009-0114  
**Motion** Pasedis/Gouveia for dismissal against the drugstore due to no violation.  
Approved  
Opposed /Walczyk  
**Motion** Pasedis/Cayer for advisory letter for pharmacist complaint  
Approved
- 10 PHA2009-0047  
**Motion** Cayer/Walczyk to dismiss the drugstore complaint due to no violation  
Approved  
**Motion** Cayer/Gouveia to dismiss complaint due to no violation  
Approved
- 11 PHA2009-0072  
PHA-2009-0101  
**Motion** Cayer/Walczyk for an advisory letter to pharmacist restating that company's policies and procedures regarding multiple bottles and report the issue to ISMP regarding the visual similarity in pills of 20 and 40 mg.

Approved

**Motion** Cayer/Walczyk for an advisory letter to drugstore restating that company's policies and procedures regarding multiple bottles.

Approved

5. 10:20a.m. INVESTIGATIVE CONFERENCE

**Debra Kaplan, R.Ph.** (PH18733) / Complaint Docket No. PHA-2009-0112

**Motion** DeVita/Pasedis to provide licensee with 30 days to provide original CE documentation for hours completed in 2007 and 2008.

Approved

6. 10:30a.m. INVESTIGATIVE CONFERENCE

**PharMerica** (DS3559) / Complaint Docket Nos.PHA-2009-0090 & SAINV-0281

**Motion** Pasedis/Gouveia to issue advisory letter on the pharmacist complaint to the Manager of Record related to the late notification to the Board of a change of manager.

Approved

Recused/ Tocco and Cayer exited the room.

**Motion** DeVita/Pasedis to issue Advisory Letter to the drugstore related to the late notification to the Board of a change in Manager of Record.

Approved

Recused/Cayer and Tocco

**Motion** DeVita/Trifone for advisory letter for pharmacist complaint related to a medication error.

Approved

Recused/Cayer and Tocco

**Motion** DeVita/Trifone to hold resolution to the drugstore complaint until a future meeting with corporate representatives related to other problems at the facility

Second/Trifone

Approved

Recused/Cayer and Tocco

7. 11:10a.m. LEGAL/REPORT OF OFFICE OF INVESTIGATIONS

Pending Legal Matters - Susan Manning, Board Counsel

MGL C.112, S.65C and MGL C.30A, S.11A

Review and Discussion of Complaints & Other Matters: Closed Session

**Motion** DeVita/Trifone at 11:10 to go into closed Executive Session

Approved

**Motion** DeVita/Trifone at 11:35 to end closed Executive Session and return to open

session  
Approved

8. 11:30a.m. PHARMACY TECHNICIAN/Appearance - **Renee Theresa Lucaroni**

**Motion** Tocco/Cayer to accept the application as a Pharmacy Technician.  
Approved  
Recused/Walczyk

12:00p.m. Kathy Fabiszewski departs meeting.

9. 12:00p.m. PROBATION MONITORING/REPORT OF COMPLIANCE

Complaint Docket No. PH-07-023 / **Steven A. Shraiar, R.Ph.** (PH14861): Request for Termination of Suspension.

**Motion/** DeVita/Cayer to terminate suspension and begin 3 years of probation.  
Approved

Complaint Docket Nos. DS-08-009 & DS-07-055 / **CVS #220, Marlboro** (DS17722): Request for Termination of Probation.

**Motion** Cayer/Pasedis to terminate the probationary period  
Approved  
Recused/ DeVita and Tocco

10. 12:20p.m. RECOGNITION - Tim McCarthy, MPRS Coordinator

12:30p.m. Motion DeVita/Trifone to adjourn for lunch and reconvene at 1:30p.m  
Approved

11. 1:30p.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance  
**PHARMARAMA, Inc** – 99 West St. Suite F, Medfield, MA. 02052.

The applicant proposes to distribute Schedule II-VI controlled substances to include for investigational medical products for clinical trails. The applicant will be represent facility designated representative Tammy Bishop Owner/President Rosemary Bensley.

**Motion** Pasedis/Tocco to approve application pending compliant inspection.  
Approved unanimously

2:05 p.m. James DeVita and Michael Tocco depart meeting.

12. 2:05p.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review continues - Samuel J. Penta, R.Ph., Supervisor/Investigator; James C. Emery, Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

13 PHA2009-0071

**Motion** Cayer/Walczyk for an advisory letter to both the pharmacist and the drugstore.

- 14 PH2009-0096 Approved unanimously  
**Motion** Cayer/Walczyk for an advisory to the drugstore emphasizing the importance verification at the drive through window.  
Approved unanimously
- 15 PHA2009-0117 **Motion** Walczyk/Pasedis for an advisory letter to both the drugstore and the pharmacy technician noting the importance of verification at pick-up.  
Approved unanimously

13. 2:15p.m. NEW BUSINESS

- a) **Nomination** of Voting Delegate & Alternate Delegate for the District I NABP/AACP District I & II Annual Meeting: Sept. 24 – 26<sup>th</sup>, 2009: Rhode Island

**Motion** DevitaTocco to nominate Trifone as delegate.  
Approved

**Motion** Trifone/Gouveia to nominate Pasedis as alternate delegate.  
Approved

- b) **Hannaford Bros. Co.** request for Advisory Opinion regarding prescription labeling requirements.

Board Counsel will provide written response to Hannaford.

- c) **Frank C. Condella, Jr., R.Ph.** (Pharmacist License No. 16817 / Exp. 12/31/2000). Request for reinstatement

**Motion** DeVita/Cayer that licensee must take NAPLEX and MPJE exams and complete 1500 internship hours.  
Approved unanimously

- d) **Russell Gronger**, Pharmacy Technician Applicant

**Motion** Cayer/Pasedis to withhold approval for pharmacy technician registration until confirmation of dismissal of case against licensee.  
Approved unanimously

14. 2:30p.m. OLD BUSINESS

- a) Discussion related to 8/18/09 presentation by CVS/pharmacy representatives concerning **Pharmacy Care Center** proposal to utilize a centralized call center located and licensed in Rhode Island.

Tabled until October meeting.

b) Discussion related to 7/21/09 presentation by **Specialty Scripts** representatives regarding a proposal to engage in bifurcated order entry and prescription filling practices.

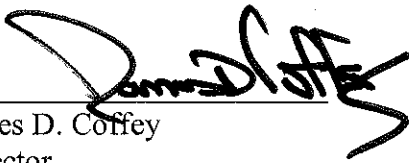
JD distributed draft pilot project letter for Board review

14. 2:35p.m. INFORMATIONAL ITEMS (FYI)

2:40p.m. **Motion** to adjourn Cayer/Walczyk. Approved

ADJOURNED

Respectfully submitted by:

  
James D. Coffey  
Director

Date: 3/10/10

Reviewed by Counsel: February 26, 2010

Draft approved: February 26, 2010

Board approved: March 9, 2010

**BOARD OF REGISTRATION IN PHARMACY  
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BOSTON, MA 02114  
September 15, 2009**

**CLOSED SESSION MINUTES  
MGL c.112, s. 65C and MGL c.30A, s. 11A**

**Motion** DeVita/Trifone at 11:10 to enter Closed Session. Approved.

Board Counsel reviewed Complaint Docket Nos. PHA-2008-0021 and PHA-2009-0178 in the Matters of Julie Lannon (PT No. 2212) with Investigator Sam Penta.

**Motion** DeVita/Trifone at 11:35 to end Closed Session. Approved.