

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING
TUESDAY, DECEMBER 03, 2002
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

The meeting was called to order by President Harold B. Sparr at 9:30 a.m.

The following Board members were present: Harold B. Sparr, R.Ph., MS, President, Donna M. Horn, R.Ph., Secretary, Karen M. Ryle, R.Ph., MS, and Marilyn M. Barron, MSW (excused at 12:20 p.m.). Absent: Dr. Paone and James T. DeVita, R.Ph.

The following Board staff were present: Charles R. Young, R.Ph., Executive Director, Susan Manning, J.D., Administrative Board Counsel, James D. Coffey, R.Ph., Associate Director, James C. Emery, C.Ph.T., Healthcare Investigator, Alan Van Tassel, Healthcare Investigator, and Leslie S. Doyle, R.Ph., Healthcare Supervisor and Investigator.

AGENDA ITEMS

1. 9:30 a.m. **Call to Order**
Investigative Conference and Business Meeting.
2. 9:35 a.m.
Board Election: President and Secretary.
President: Donna Horn was elected President.
Secretary: Election was tabled until January 07, 2003 meeting.
3. 9:45 a.m.
Review of Board Minutes
January 22, 2002: **Motion**/Horn to approve. Second/Barron. The motion carried.
September 10, 2002: **Motion**/Horn to approve as amended (page 2: #4 strike: "In Massachusetts, this would also include A-rated generics substitutions for levothyroxine sodium as well." Second/Barron. The motion carried.
October 1, 2002: Tabled.
4. 9:50 a.m.
Administrative Business Items
A) NABP correspondence - Constitution and Bylaws Revision.
Motion/Horn to strongly support NABP Exec. Comm. recommendations for NABP Constitution and Bylaw revisions. Second/Ryle. The motion carried.
B) Applicants for Pharmacy Technician Registration

Barbara Anne Rafferty - Board reviewed application (discipline).

Motion/Sparr to request the applicant to appear before the Board to discuss the matter. Second/Ryle. The motion carried.

An Minh Can - Board reviewed application. **Motion/Horn** to approve application (conviction). Second/Sullivan. The motion carried.

Steven J. Leslie - Board reviewed application (conviction). **Motion/Horn** to approve the application. Second/Ryle. The motion carried.

C) In the matter of DS-02-081 & PH-02-091; CVS Pharmacy #1226, Ashland and Registrant Sherwin Solomon, R.Ph. The Board took the matter under advisement after the August 27, 2002 conference pending review of a CQI survey.

The Board reviewed the complaint documentation and the CQI survey. **Motion/Sparr** to issue an Advisory Letter to Registrant Solomon and CVS Pharmacy #1226 requiring: (1) CVS to file a Medication Error Report with USP PRN; and (2) Registrant to complete a two-hour medication error reduction continuing education program. Second/Horn. The motion carried.

D) In the matter of DS-02-077 & PH-02-090; Spring Street Drug, Springfield and Registrant Terese A. Girard-Majka, R.Ph. The Board took the matter under advisement after the August 27, 2002 conference.

The Board reviewed the complaint documentation and entertained discussion on the matter. **Motion/Horn** to issue an Advisory Letter to the Registrant and Spring Street Drug requiring: (1) pharmacy to file a Medication Error Report with USP PRN; and (2) Registrant to complete a two hour medication error reduction continuing education program. Second/Sullivan. The motion carried.

E) In the matter of DS-03-015 & PH-03-022; Shoppers Drug, Springfield and Monty Schwartz DS-03-010 & PH-03-026; Shoppers Drug, Springfield and Monty Schwartz. Board discussion and vote related to October 22, 2002 decision in the matter of DS-02-115 & PH-03-006; Shoppers Drug, Springfield and Registrant Monty Schwartz. The Board reviewed the complaint decision matter. **Motion/Sparr** to add requirements to prior consent agreement terms: 1) Registrant shall implement proper policies and procedures related to identification of the checking and or verification pharmacist, subject to inspection and approval of Board; 2) pharmacy shall not exceed the documented industry standard for prescriptions filled per hour by a pharmacist; 3) pharmacy shall implement requirements within 30 days after consent agreement date; and 4) pharmacy shall appear to discuss compliance issues ninety days after consent agreement date. Second/Ryle. The motion carried.

F) Legal Issues - Board counsel review. Conscience Clause: Information provided regarding other jurisdictions and federal legislative efforts. The Board directed no further effort on this topic at this time. Pending disciplinary matters: **Motion/Sullivan** to convene executive session. Second/Horn. The motion carried.

Return to Open Session at 10:20 a.m.

5. 10:20 a.m. to 11:00 a.m.

Investigative Conference PH-02-121

In the matter of Registrant Allan W.K. Yiu, R.Ph. (License #16976)

The purpose of the conference was to discuss a complaint filed with the Board alleging the failure to adhere to proper standards of pharmacy practice. The complaint alleged that on or about May 30, 2002, the Registrant contacted the police department related to belief of fraudulent Quinine prescription at Shaw's Pharmacy, 75 Spring Street, West Roxbury, Massachusetts.

Present for discussion:

Consumer: Not present

Registrant: Allan W.K. Yiu

Shaw's Pharmacy Representatives: Jim McGrath and Tim McCrystal, Esq.

CE's: compliant.

The Registrant stated he noted a drug interaction (Level III) with Coumadin in the patient's medication profile. Patient had not previously received Quinine from Shaw's Pharmacy. The same physician wrote both prescriptions (Quinine and Coumadin). Registrant called the physician's office (physician not available) twice to discuss the medication concerns before calling the police department. Extended discussion of visiting nurse's prescribing authority and future action in similar circumstances. Decision: **Motion**/Sullivan to dismiss the matter based upon a lack of sufficient information to support a violation of Board regulations. Second/Ryle. The motion carried.

6. 11:00 a.m. to 11:50 a.m.

Transfer of Ownership Applications.

PharmaCare Pharmacy, Inc., One CVS Drive, Woonsocket, Rhode Island, 02895 will acquire fifteen Fallon Clinic Pharmacy located in Auburn, Charlton, Fitchburg, Worcester, Holden, Leominster, Milford, Millbury, Spencer, Sturbridge, Webster and Westboro on 1/1/03.

Present for discussion:

PharmaCare Pharmacy, Inc. - Jim Wise, Vice President & General Manager; Carmine DeNardo, R.Ph., Area Vice President; and Maria Klecha, Operations Manager.

Fallon Clinic Pharmacy - William E. Frisch, Jr., R.Ph., Co-Director of Pharmacy and Patrick Reilly, R.Ph. Co-Director of Pharmacy.

Board reviewed and discussed proposed transaction. Fallon Clinic mail order pharmacy will close on 1/1/03. No waivers will be submitted with the transfer of ownership applications. PharmaCare maintains a real time on-line computer database. DPH DCP and HCQ have approved the related license transfer. PharmaCare is an open network pharmacy that will fill prescriptions for patients outside the Fallon Clinic plan. PharmaCare Managers of record will be counseled regarding responsibilities. Signage will be in accordance with regulations. Accounting process will compute adjustments for purchase pricing differentials. Clinic patients have been notified over the past six-month period.

Michael J. Mozzer stated that DPH/DCP did not have any problems with the transfer of ownership applications.

Decision: **Motion**/Ryle to approve the transfer of ownership applications.
Second/Horn. The motion carried.

7. 11:50 a.m. to 12:20 p.m.

Pharmacy Technician Registration Discussion

The Board discussed matter of current technicians who do not possess high school diploma or equivalent. **Motion**/Horn for Board to accept applicants without a high school diploma (or equivalent) who apply to PCS (postmark) by December 31, 2002. All other registration requirements to include experience and competency assessment must also be met by the applicant in order to qualify for registration as a pharmacy technician. Second/Sullivan. The motion carried.

Transfer of Prescriptions by Certified Pharmacy Technicians: Ex. Dir. Young recommended Board seek an opinion from the DEA Office of Diversion.

8. 12:20 p.m. to 1:20 p.m.
Lunch.

9. 1:20 p.m. to 2:00 p.m.

Reinstatement Petition

In the matter of Yoko Said, R.Ph., License No. 15939, Exp. Date 12/31/2002.

CE's: the Registrant submitted 30.5 CE's for 2002

Registrant stopped working as a pharmacist on January 31, 1995 to take care of father and children. She has worked for Target Pharmacy as Pharmacy Technician since June 2002.

Board decision: **Motion**/Sparr to reinstate provided Registrant completes a 500-hour pharmacy apprenticeship under the direct supervision of a registered pharmacist and passes the MPJE examination. Registrant is not required to register as a pharmacy intern). Second/Ryle. The motion carried.

10. 2:00 p.m. to 3:00 p.m.

State Ethics Commission Education Seminar

Peter Sturges, Esq., Exec. Dir., State Ethics Commission conducted a Conflict of Interest Law Seminar for the Board and DPL employees.

11. 3:00 p.m.

Quality Assurance Surveyor Report

Arthur J. Chaput, R.Ph., Pharm. D., Quality Assurance Surveyor
Review Survey #101702B

Dr. Chaput provided overview and Board reviewed the survey. The Board approved of the survey results and report.

Review of draft Best Practice Recommendation regarding continuation of therapy for out of stock and or unavailable medications.

Dr. Chaput and Board Extern Kabeer Mago reviewed the proposed Best Practice

Recommendation with the Board. Ryle to adopt the Best Practice Recommendation provided X (if known). Second/Sparr. The motion carried.

12. 3:30 p.m.

January 07, 2003 Board Meeting Discussion Items:

- ✓ Root cause analysis presentation by Quality Assurance Surveyor.
- ✓ Review of the GED process by Board staff.
- ✓ Overview of State Ethics Commission presentation by Board counsel.
- ✓ Review of PCAT by Board staff.
- ✓ Request Robert A. Motha, Director of Pharmacy, St. Luke's Hospital, New Bedford, MA to appear before the Board to discuss November 29, 2002 correspondence proposing contracted pharmacy services.

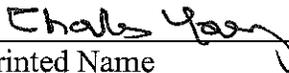
13. 3:45 p.m.

Motion/Sullivan to Adjourn. Second/Sparr. The motion carried. Meeting adjourned.

Respectfully Submitted by:


Executive Director

1-17-03
Date


Printed Name

Reviewed by Counsel: December 31, 2002

Draft approved by Counsel: December 31, 2002

Adopted by the Board: January 07, 2003

EXECUTIVE SESSION MINUTES

Time: 9:50a.m.

In the matter of PH-02-130; Registrant (Richard Strauss), License No. 16671. Board reviewed complaint with Board. **Motion**/Sparr to accept Registrant's agreement not to renew license in resolution of complaint. **Second**/Horn. The motion carried.

In the matter of PH-02-101; Registrant (Kevin Tam), License No. 24615.

Recused: Donna Horn.

Investigator Leslie S. Doyle reviewed complaint information with the Board. general discussion of proposed settlement terms. **Motion**/Sparr to offer consent agreement with three year suspension and two years probation. **Second**/Ryle. Vote: In support; Sparr, Sullivan, Barron and Ryle. Opposed: none. Recused: Horn. The motion carried.

Motion to return to Open Session: