

**BOARD OF REGISTRATION IN PHARMACY  
MEETING MINUTES  
TUESDAY, JULY 09, 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, James T. DeVita, R.Ph., and Dr. Robert P. Paone, R.Ph., Pharm. D.

The following Board staff were present: Charles R. Young, R.Ph., Executive Director, James D. Coffey, R.Ph., Associate Director, James C. Emery, C.Ph.T., Healthcare Investigator and Leslie S. Doyle, R.Ph., Healthcare Supervisor and Investigator.

**AGENDA ITEMS**

**1. 9:30 a.m.**

**Call to order: Business Conference Meeting**

Minutes for May 28, 2002:                      approve \_\_\_\_ amend X

Vote:

A Motion was made by Bob Paone to approve the minutes as amended.

The motion was seconded by Jim DeVita. The motion carried.

Minutes for June 11, 2002:                      approve \_\_\_\_ amend \_\_\_\_

Vote: Tabled

**2. 9:45 a.m. to 12:00 p.m.** – Board reviewed correspondence and took actions described below.

- a) Registrant Frances E. Chung, License Number 25040 correspondence regarding continuing education.

Motion/Bob Paone: Registrant to complete fifteen additional hours of continuing education by December 31, 2002. Second/Jim DeVita. The motion carried unanimously.

- b) Coram Healthcare Corporation, 233 South Street Hopkinton, MA request for advisory opinion related to proposed contract to provide pharmacy services to inpatients or hospital pharmacies.

Chuck Young informed the Board that he had spoken to Dr. Grant Carrow/DPH was advised that DPH/DCP has not taken a formal position on the matter.

**Motion/** Harold Sparr to invite Coram Healthcare to the Board to discuss the matter following DPH/DCP approval. Second/ Jim DeVita.

**Vote:** In Support: Bob Paone, Jim DeVita and Harold Sparr; Opposed: none. The motion carried.

- c) End of Life Care correspondence regarding access to pain medication.  
The Board decided to send response letter noting Board is sensitive to the expressed concern regarding limits on access to pain medications and recommending that a pharmacist be added to the commission membership.
- d) Request for Board Advisory Opinion: Christine M. Petraglia, Department of Pharmacy, Holyoke Hospital regarding the ACPE continuing education designation of "C".

Harold Sparr informed the Board that he had spoken to Anita Young, MCPHS, who reported it is the responsibility of the presenter to inform participants what portion of a program is live. Chuck Young stated that unless the presenter/provider specifically designates what portion of the program is approved as live and correspondence on the CE certificate, the CE will be considered to be home study. Reponse letter to be sent to Ms. Petraglia.

- e) MPHA correspondence: 121<sup>st</sup> Annual Convention, Friday, Sept. 20, 2002 through Sunday Sept. 22, 2002 at the Best Western Royal Plaza Hotel, Marlborough, MA. Board Exhibit Volunteers: Saturday, Sept. 21, 2002 - 12 p.m. to 2 p.m.  
Karen Ryle volunteered to station the Board exhibit booth at the convention; participate on discussion panel; and conduct CE (pharmacy technician regulations) presentation (with Board staff) on Sept. 22, 2002.
- f) AmerisourceBergen request to appear before the Board to regarding Central Fill/Processing Systems.

**Motion/** Karen Ryle to invite AmerisourceBergen to meeting. Second/Bob Paone. The motion carried unanimously.

**Motion/** Jim DeVita to place the Rx.com central fill correspondence on a future agenda for discussion purposes. Second/Harold Sparr. The motion carried unanimously.

- g) Syncor (MA Nuclear Pharmacy) correspondence seeking Board approval of the Nuclear Pharmacy Technician Training Program facilitated by the University of Tennessee College of Pharmacy.

**Motion /**Donna Horn to approve both the University of Tennessee College of Pharmacy Nuclear Pharmacy Technician Nuclear Training Program and Pharmacy Technician Assessment Examination with notice regarding use of Certified Pharmacy Technician title. Second/ Karen Ryle. The motion carried unanimously.

- h) Bob Paone request for Board discussion regarding addition of temperature charting to Best Practice Recommendations.

**Motion /**Harold Sparr to add temperature charting to the Best Practice Recommendations. Second/Karen Ryle. The motion carried unanimously.

- i) MassPRO correspondence to Eli Lilly and Company regarding use of the term "Zydis" in relation to Zyprexa which have resulted in prescribing errors.

**Motion/**Bob Paone to send a letter to Eli Lilly and Company (cc: to ISMP, FDA and MassPRO) expressed similar concerns. Second/ Jim DeVita . The motion carried

unanimously.

- j) Clyde T. Pontoriero, C.Ph.T. request for advisory opinion regarding “registered” pharmacy technician/certified technician terminology.  
**Motion** / Jim DeVita to table the item for re-discussion at future Board meeting. Second/ Bob Paone. The motion carried unanimously.
- k) In the matter of DS-01-077 & PH-01-080; CVS Pharmacy #1873, 435 West Central Street, Franklin, MA & Registrant, Carol A. McCue, License Number 18760.  
Recused: Jim DeVita.  
Board reviewed documentation submitted by CVS.  
**Motion**/Karen Ryle to send a letter to Barry Jasilli, CVS Director of Professional Practices, requesting that CVS readdress documented “Customer Pick-Up Procedures #5 & #6” – specifically, any time a dispensed prescription drug and or device is not directly accompanied by a receipt in the pick-up bin/area, the pharmacy is responsible for adding a special notation to the receipt and or pick-up package to prompt verification that the receipt matches the dispensed prescription product.  
Second/ Donna Horn. Vote: In support: Harold Sparr, Bob Paone, Donna Horn and Karen Ryle; Opposed: none; Recused: DeVita. The motion carried.
- l) NABP correspondence regarding “Canadian and Lebanon Educational Programs: The Board to discuss the licensure matter after receipt of ACPE/NABP accreditation report or decision.
- m) North Carolina Board of Pharmacy “Prescription Error Policy. Chuck Young stated that prescription volume limits might stymie innovations in pharmacy technology. Jim DeVita noted various problems with prescription volume limitations.
- n) Attorney General’s Office correspondence regarding “Robert Forte/Osco Pharmacy”.: Discussion tabled pending a report Board Investigator Leslie Doyle.
- o) Board of Registration in Pharmacy Draft “Complaint” Review Policy.  
“Board staff” identified as the Executive Director, Associate Director, Board Counsel, Quality Assurance Surveyor and Disciplinary Coordinator (if position is created).  
Re: “The conduct complained of did not result in serious or lasting harm to the patient” (3,c page 1 of 6 and 3,c page 3 of 6) was agreed to be interpreted as referencing medication error complaints involving alleged ingestion. The Board agreed to address the proposed MPRS practice restrictions at a future date.  
**Motion**/Harold Sparr to adopt the “Board of Registration in Pharmacy Discipline Policy” . Second/Bob Paone. The motion carried unanimously.
- p) NABP/AACP District 1 Meeting, Newport, RI. Donna Horn requested that Executive Director Young send a letter to all District 1 boards regarding NABP nominating committee meeting protocols. Board members planning to attend the meeting: Harold Sparr, Bob Paone, Jim DeVita, Karen Ryle and possibly Donna Horn.
- q) Business administrative items added to the agenda for discussion purposes:  
In the matter of PH-00-104, Registrant Dennis J. O’Boyle, R.Ph. (License Number 17449, exp. 12/31/1998). The Board reviewed draft “Order to Show Cause”. A  
**Motion**/Harold Sparr to issue the Order to Show Cause. Second/Bob Paone. The motion carried unanimously.
- r) In the matter of PH-01-125, Registrant David C. Beck, R.Ph. (License Number 17515). Mr. Beck did not submit the change of manager application within five (5)

business days, as requested .

**Motion** / Donna Horn to request that a Board Investigator conduct an administrative inspection at Wayland Apothecary with investigator to hand deliver a change of manager application to the pharmacy and report findings to Board Executive Director Chuck Young for appropriate follow up action. Second/Jim DeVita.

Vote: In Support: Karen Ryle, Donna Horn, Bob Paone and Jim DeVita; Opposed: Harold Sparr. The motion carried.

- s) Registrant Rouba Ead, R.Ph., License Number 24740 correspondence regarding continuing education circumstances..

**Motion**/ Jim DeVita to grant a one (1) year waiver of LIVE CE with requirement to complete 15 hours of continuing education by correspondence or the internet.

Second/Bob Paone. The motion carried unanimously.

- t) NABP/PTCB partnership: Discussion regarding possible amendment of Board regulations to recognize only the NABP/PTCB examination for MA registration. Matter tabled - PTCB does not currently offer windowless exam testing and a NABP/PTCB examination has not been developed.

- u) Reconsideration **Motion**/Harold Sparr regarding matter of DS-02-051 (CVS Pharmacy #860, Harwichport) and PH-02-059 (Nancy K. Barsic, R.Ph.) and DS-02-016 (J.E. Pierce Apothecary, Brookline) and PH-02-066 (Stephen L. Grossman., R.Ph.). Second/ Karen Ryle.

Vote: In Support: Harold Sparr, Karen Ryle, Donna Horn; Opposed: Dr. Bob Paone; Recused: Jim DeVita. The motion carried.

**3. 12:00 p.m. to 12:30 p.m.**

**In the matter of PH-98-005; Registrant R.K.H., License Number 19141, Request for removal of probation.**

R.K.H described MPRS experience and current professional employment.

**Motion**/Donna Horn to remove probationary status commensurate with MPRS contract stipulations. Second/ Karen Ryle. The motion carried unanimously.

**4. 12:30 p.m. to 1:15 p.m.**

**Board Staff Update**

- Pharmacy Technician Registration – approx. 100 pharmacy technicians have been registered by the Board staff .
- Continuing Education Program applications -  
Committee Chairman Harold Sparr reviewed continuing education program approval requests with the Board.
- Pharmacy technician training programs/pharmacy technician assessment examinations:
  - a) **NACDS Pharmacy Technician Assessment Examination.**

**Motion/** Bob Paone to approve the examination amendments. Second/Donna Horn. The motion carried unanimously.

**b) Baystate Medical Center Pharmacy Technician Assessment Examination.**

**Motion/** Bob Paone to approve the examination amendments. Second/Jim DeVita. The motion carried unanimously.

**c) Stop & Shop Pharmacy Pharmacy Technician Assessment Examination & Training Program.**

**Motion/** Bob Paone to approve the examination amendments. Second/Donna Horn. The motion carried unanimously.

- Board Task Forces/working group Updates.

Karen Ryle: **Compounding Task Force** meeting to be held August 08, 2002.

Bob Paone: **Collaborative Practice Task Force** should include at a minimum designees from MPHA, MIPA, and MSHP. Dr. Paone will to schedule a first meeting for September of 2002. Chuck Young noted that Board Counsel was reviewing model legislation for task force consideration.

**5. 1:15 p.m. to 1:30 p.m.**

**Strategic Planning Meeting**

**Donna M. Horn, Secretary and Chair, Strategic Planning Committee.**

Discussion was tabled until future meeting with Board Counsel and Board staff. Donna Horn requested to be removed as Chairwoman of the committee being that the matter was a full Board project.

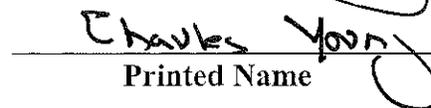
With regard to the draft memorandum regarding proposed "Guidelines for Pharmacy Services in Emergency Conditions", Karen Ryle stated that the fourth referenced guideline is ambiguous and should perhaps be re-written to state "If a patient presents no evidence of a non-controlled substance prescription and states they are in need of maintenance medication(s), using responsible professional judgement, the pharmacist may provide a quantity not to exceed a three (3) day supply. Chuck Young commented that the Board should consider the 5% distribution rule as it relates to 21 CFR (DEA) regulations.

**6. 1:30 p.m.**

**Motion/**Harold Sparr to adjourn the meeting. Second/Donna Horn. The motion carried unanimously. Meeting adjourned.

Respectfully submitted by:

 8-14-02  
Executive Director Date

  
Printed Name



Reviewed by counsel: July 31, 2002

Draft approved: August 01, 2002

Board adopted: August 13, 2002