

**BOARD OF REGISTRATION IN PHARMACY
BOARD MEETING MINUTES
TUESDAY, NOVEMBER 19, 2002
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

The meeting was called to order by Secy. Donna Horn at 9:30 a.m.

The following Board members were present: Donna M. Horn, R.Ph., Secy., Karen M. Ryle, R.Ph., MS, James T. DeVita, R.Ph., Robert P. Paone, R.Ph., Pharm. D., and Marilyn M. Barron (10:25 a.m.), MSW. Absent: Harold B. Sparr, R.Ph. and Daniel Sullivan, R.Ph.

The following Board staff were present: Charles R. Young, R.Ph., Ex. Dir., Susan Manning, Adm. Counsel, James D. Coffey, R.Ph., Assoc. Dir., James C. Emery, C.Ph.T., Healthcare Inv. and Alan Van Tassel, Healthcare Inv.

AGENDA ITEMS

1. 9:30 a.m. to 10:10 a.m.

Call to Order, Investigative Conference and Business Meeting

Noel R. Bouvier (Lic. No. 13824/Exp. 12/31/98) - Reinstatement Petition

Recused: Donna Horn

CEs: 14 home study CEs (MCPHS) with the same date and an additional 9.5 CEs.

Registrant retired in 1999. Two weeks prior, he started an internship working 20 hours per week for Brooks Pharmacy. The Registrant worked part time about 15-20 hours per week for Bouvier Pharmacy from 1993-1998. The Board suspended Registrant's license in 1992 for controlled substance violations/reinstated 1993.

Board Decision: Motion/Ryle to reinstate provided Registrant completes a 500-hour pharmacist apprenticeship under the direct supervision of a MA registered pharmacist and passes the MPJE. Second/DeVita. Vote: In support; Paone, Ryle, DeVita. Opposed: none. Abstain: Horn. The motion carried.

2. 10:10 a.m. to 10:50 a.m.

Investigative Conference: DS-02-117 & PH-02-124 & PH-03-001

In the matter of Brooks Pharmacy #556, 131-133 Main Street, Middleboro, MA (Permit #3126); Robert Manning, R.Ph. (License #17443); and Jeffery Boudette, R.Ph. (License #24778)

Recused: Donna Horn

Complaint alleged dispensing error – On May 15, 2002, Manning dispensed Colchicine instead of Clonidine 0.2mg. Boudette alleged to have had

unsympathetic response to the error and failed to provide requested information about medication dispensed in error.

Present for discussion:

Investigator: James C. Emery
Complainant: Present
Registrants: Robert Manning & Jeffery Boudette
Brooks Representatives:
Healthcare Supervisor: Steve Horn
Manager of Record: Debbie Hallet

CEs: Not reviewed.

Manning acknowledged responsibility for the medication error. He stated he circles and initials the NDC number and visually compares the contents of the dispensed prescription product to the stock bottle.

The complainant stated the patient took on or about six tablets of incorrect medication. The complainant said the medication error interaction with Hallet and Boudette occurred at the pharmacy in the morning.

Mr. Boudette stated that the complainant's recollection of events was not correct. Boudette represented that he did not speak with the complainant until after consulting with both his partner Debbie Hallet and the emergency room physician. Boudette said that the complainant never asked him for written drug information such as was provided voluntarily. Boudette and Hallet stated the medication error discussion with the complainant took place in the pharmacy around 5 p.m. rather than the morning.

Ms. Hallet outlined the corrective measures implemented after the incident to include the basket filling method, circling of the NDC number and hand initialing of the prescription label by the checking pharmacist and pharmacist staffing increases.

Mr. Horn stated that Brooks Pharmacy implemented a company wide quality assurance program and is in the process of updating the pharmacy software system to include pill imaging capabilities.

Board Decision: Motion/DeVita to take the matter under advisement.

Second/Ryle. The motion carried.

Motion/DeVita for re-discussion. Second/Paone. The motion carried.

Motion/DeVita to issue an Advisory Letter to the Manning for the failure to fill a prescription properly requiring the filing of USP Medication Error report with USP PRN and 2-hour medication error reduction continuing education program. Second/Paone. The motion carried.

Motion/Paone to issue an Advisory Letter to both the Boudette

and Brooks Pharmacy #556, Middleboro related to the lack of clinical dialogue sought by the pharmacy with the prescribing practitioner. The pharmacy also to be advised to review corporate policy for follow-up notification following reports of alleged medication errors. Second/DeVita. The motion carried.

3. 11:00 a.m. to 11:40 a.m.

Investigative Conference: DS-03-004 & PH-03-003

In the matter of Stop & Shop Pharmacy #61, 470 N. Main St., E. Longmeadow, MA (Permit # 2661) and Kimberly Torretti, R.Ph. (License # 24950).

Complainant alleged that on May 17, 2002, Torretti failed to fill a prescription for Vicoprofen within a reasonable amount of time, causing complainant's medications to be placed in the wrong bin and dispensed a medication with the wrong doctor's name on it.

Present for discussion:

Investigator:	Alan Van Tassel
Complainant:	Present
Registrant:	Kimberly Torretti
Stop & Shop Representatives	
Healthcare Supervisor:	Gregg Jones and Thomas Fraser
Manager of Record:	Matthew B. Belleville

CEs: Registrant and Manager of Record complaint.

The complainant dropped a Vicoprofen prescription off on Thursday and was told it was unavailable on Friday.

The Registrant stated she ordered the drug from the wholesaler on Thursday. The Manager of Record stated he ordered the drug on Friday and learned the product that was unavailable (manufacturer backorder). The Registrant said that the dentist called her to determine how to get the Vicoprofen filled in a timely fashion. The Registrant offered to transfer the prescription to another pharmacy. The prescription was eventually filled at another Stop & Shop Pharmacy on Monday, May 20, 2002 and was picked up by the complainant on Wednesday.

Mr. Jones stated that Stop & Shop Pharmacy's policy regarding out of stock medications was to order the product for the patient and provide appropriate notice to the patient and if warranted contact the physician to determine whether an alternative therapy is necessary.

Board Decision: Motion/Paone to take the matter under advisement. Second/Ryle
The motion carried.

Motion/DeVita for re-discussion. Second/Paone. The motion carried.

Motion/DeVita to Dismiss the complaints and request that the Board's Quality Assurance Surveyor develop a Best Practice Recommendation regarding the

continuation of therapy in situations when medications are not immediately available to meet the dispensing needs of patients. Second/Horn. The motion carried.

4. 11:40 a.m. to 12:20 p.m.

Investigative Conference: DS-02-107 & PH-03-002

In the matter of CVS Pharmacy #946, 158 North Main Street, Route 122, Uxbridge, MA (Permit #1457) and Jennifer Skillen, R.Ph., (License #24066).

Complaint alleged medication error - On February 14, 2002, the Registrant filled a prescription for Diazepam 5mg instead of Ditropan 5mg as prescribed.

Present for discussion:

Investigator:	Alan Van Tassel
Complainant:	Not present
Registrant:	Jennifer Skillen
CVS Representatives:	
Healthcare Supervisor:	Bill Leach
Manager of Record:	Edwin Szczepanik

Recused: Jim DeVita

CE's: Skillen deficient in 2001 (additional CEs submitted) and Szczepanik compliant.

The Registrant stated she misread the prescription. A pharmacy technician completed the data entry for the prescription at issue. The Registrant was the pharmacist responsible for the final check.

Mr. Szczepanik stated the pharmacy was first notified about the error by the Board in May 2002. Szczepanik stated the patient returned the medication to the pharmacy and that the pharmacy would have handled the situation differently if staff knew of error.

Board Decision: Motion/Paone to issue an Advisory Letter to the Registrant and CVS Pharmacy #946, Uxbridge for the failure to fill a prescription properly requiring: 1) the pharmacy to file a Medication Error Report with USP PRN with copy to Board and practitioner; and 2) the Registrant to complete a two-hour medication error reduction continuing education program. Second/Horn. The motion carried.

5. 12:20 p.m. to 1:20 p.m.

Lunch

6. 1:20 p.m. to 2:00 p.m.

Investigative Conference: PH-03-009

In the matter of James M. McCabe, R.Ph. (License #24677)

Complaint alleged failure to adhere to professional standards of pharmacy practice and unlawful possession of a controlled substance.

Present for discussion:

Investigator: James C. Emery on behalf of Leslie S. Doyle
Registrant: James M. McCabe
DPL MPRS Coordinator: Tim McCarthy

CEs: compliant

Motion/Horn to enter into Executive Session at 1:30 pm. Second/Paone. The motion carried. Motion/Paone to return to Open Session at 2:00 p.m. Second/DeVita. The motion carried.

Board Decision: Motion/Paone to offer the Registrant a consent agreement with stipulations to include compliance with the MPRS contract and 5 years probation. Second/DeVita. The motion carried.

7. 2:00 p.m. to 2:40 p.m.

Investigative Conference: PH-03-004

In the matter of Jeffrey S. Cone, R.Ph.,(License #19191).

Complaint alleged failure to comply with an employer Conditional Reinstatement Agreement and professional standards of pharmacy practice.

Present for discussion:

Investigator: James C. Emery on behalf of Leslie S. Doyle
Registrant: Jeffrey S. Cone
DPL MPRS Coordinator: Tim McCarthy

CEs: compliant

Motion/Horn to enter into Executive Session at 2:00 p.m. Second/Paone. The motion carried. Motion/Paone to return to Open Session at 2:40 p.m. Second/DeVita. The motion carried.

Board Decision: Motion/Horn to refer the complaint to the investigator for additional information from employer regarding allegations; with MPRS to be offered if substantiation provided. Second/DeVita. The motion carried.

8. 2:40 p.m. to 3:20 p.m.

Investigative Conference: DS-03-1007

In the matter of Brooks Pharmacy #531, of 1150 Saratoga St., East Boston, MA (Permit #3099).

Complaint alleged medication error – On July 14, 2002, pharmacy was unable to process physician called in prescription due to computer problems. The complainant also stated that the pharmacist on duty refused to hand write the prescription label and to dispense one-day supply of the medication. The complainant was able to obtain the four hours later.

Present for discussion:

Investigator: Leslie S. Doyle
Complainant: Present
Registrant: Adam Wilczek
Brooks Representatives:
Healthcare Supervisor: Robert Bryant
Manager of Record: Adam Wilczek

Recused: Donna Horn

CEs: compliant (submitted copies of CE for lost originals)

The complainant stated he filed the complaint because the pharmacist made no effort to accommodate his immediate prescriptive needs after being advised that the complainant's current medical condition caused him to be hospitalized in the past.

The Manager of Record noted the incident occurred on July 13th. He apologized to the complainant for the incident and stated the pharmacist should have provided the patient with at least one-dose of medication until the computer issues could be corrected. Mr. Bryant said the pharmacist should have ascertained the patient's needs and that he will counsel the pharmacist involved with the incident.

Board Decision: Motion/Ryle to issue an Advisory Letter to Brooks Pharmacy #531, E. Boston requiring company to develop policies and procedures to address future incidents. Second/DeVita. The motion carried.

9. 3:20 p.m. to 4:00 p.m. – Correspondence Review and Actions

- A) Frank P. Castronovo Jr. Ph.D. (License No. 22691) - CE inquiry/ pharmacist Instructors. Decision: **Motion/Ryle** to deny the request for CE credit on the basis that the Board interprets regulations to apply to Board-approved CE instructors rather than college/school instructors. Second/DeVita. The motion carried.
- B) Micheline D. Marshall (License No. 19361) – CE inquiry. **Motion/Horn** to approve the CE waiver request on a one-time basis. Second/DeVita. The motion carried.
- C) Review of Board Minutes – **Motion/Paone** to approve Dec. 4, 2001 minutes. Second/Ryle. The motion carried
- D) Annalisa Lubrano (License No. 24198) – CE inquiry. **Motion/Paone** to approve the waiver provided Registrant substitutes correspondence CE for live CE. Second/DeVita. The motion carried.

E) Pharmacy Technician Registration discussion.

The Board approved foreign high school degrees (or equivalent) as qualifying for registration.

F) Applicant for Pharmacy Technician Registration (Umme Salma M. Alam) - conviction. **Motion/Horn** to approve the application, Second/Paone. The motion carried. Recused: DeVita.

G) Application for Pharmacy Technician Registration (Beverly Ann Kuszewski) - conviction. **Motion/DeVita** to approve the application. Second/Ryle. The motion carried.

H) Applicant for Pharmacy Technician Registration (Barbara Anne Rafferty) - discipline. **Motion/Horn** to obtain additional information from the MA Board of Nursing related to disciplinary action. Second/Paone. The motion carried.

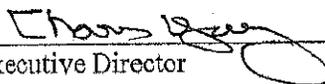
I) Applicant for Pharmacy Intern Registration (Ky Ngo) -conviction. **Motion/Paone** approve the application. Second/DeVita. The motion carried.

J) Name blank to be added to CE audit forms.

K) Closed ballot to be used for the December Board elections.

10. 4:30 p.m. **Motion/DeVita** to adjourn. Second/Paone. The motion carried.
Meeting adjourned.

Respectfully submitted by:


Executive Director

1-17-03
Date

Charles Young
Printed Name

Reviewed by counsel: December 31, 2002

Draft approved: December 31, 2002

Board adopted: January 07, 2003

Executive Session Board Minutes
November 19, 2002

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

Investigative Conference: PH-03-009

In the matter of James M. McCabe, R.Ph. (License #24677).

The purpose of the conference was to discuss a complaint filed with the Board alleging the failure to adhere to professional standards of pharmacy practice and unlawful possession of a controlled substance.

Present for discussion:

Investigator: James C. Emery on behalf of Leslie S. Doyle
Registrant: James M. McCabe
DPL MPRS Coordinator: Tim McCarthy

The Registrant self-reported a positive screen to the NH Board of Pharmacy while under monitoring agreement. The Registrant stated that he noted his NH disciplinary action on his reciprocity application to MA. He is enrolled in the MPRS program. His current pharmacy employer is aware of both the incident and the MPRS contract. He is employed in the oncology department at U. Mass. Medical Center. He has no access to federally controlled substances in current employment.

2:00 p.m. to 2:40 p.m.

Investigative Conference: PH-03-004

In the matter of [REDACTED]

The purpose of the conference was to discuss a complaint filed with the Board alleging the failure to comply with an employer Conditional Reinstatement Agreement and the failure to adhere to professional standards of pharmacy practice.

Present for discussion:

Investigator: James C. Emery on behalf of Leslie S. Doyle
Registrant: Jeffrey S. Cone
DPL MPRS Coordinator: Tim McCarthy

The Registrant stated that a hospital employee both filed a false sexual harassment complaint against him and informed the hospital that he had a former drug and alcohol problem (both attended the same AA meetings). To keep his job he signed a 2-year conditional reinstatement agreement with his employer that included fluid monitoring provisions.

The Registrant said that was not interested in finding out what drug he allegedly tested positive for because he was just tired of the situation. He does not believe the positive test result is valid due to improper testing procedures but he did not challenge the test results noting that exposure to radioactive medications may have caused a false positive drug test. He was terminated by the hospital. He is willing to be assessed by MPRS but will not pay for costs. The Registrant is a [REDACTED] and was drug tested as a condition of hire.