

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
SEPTEMBER 9, 2008
MASSACHUSETTS COLLEGE OF PHARMACY and HEALTH SCIENCES
179 LONGWOOD AVENUE, WHITE HALL, 3rd Floor
BOSTON, MA 02115**

Present: Sophia Pasedis, R.Ph., Pharm.D., James DeVita, R.Ph., George Cayer, R.Ph., Kathy Fabiszewski, Ph.D., N.P., William Gouveia, R.Ph., M.S., Joanne M. Trifone, R.Ph., Michael Tocco, R.Ph., M.Ed., Marilyn Barron, MSW, Public Member, Donald Accetta, M.D., Stanley Walczyk, R.Ph., Steven Budish.

Staff: James Coffey, R.Ph., Dir., Margaret Cittadino, Assoc. Dir., Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Admin. Asst., Samuel Penta, R.Ph., Superv., James Emery, Inv.

1. 9:00 a.m. Pres. Pasedis called meeting to order.
2. 9:05 a.m. INTRODUCTIONS
 - a. Massachusetts College of Pharmacy & Allied Health Sciences (MCPHS)
Charles F. Monahan, Jr., R.Ph., Pres.
Douglas J. Pisano, Ph.D., Dean
Dennis G. Lyons, R.Ph., V.P., Alumni and Professional Affairs
Kathy Keough, MS, Ex. Dir., Government Affairs
 - b. Margaret C. Cittadino, Assoc. Dir., Board of Registration in Pharmacy
 - c. Board Extern - Nunziatina Fabbo, Pharm.D. Candidate 2008, MCPHS
3. 9:15 a.m. REVIEW/ADOPTION OF BOARD MINUTES
Motion/DeVita to approve June 24, 2008 meeting minutes. Second/Tocco.
All in favor.
4. 9:20 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Assoc. Dir. Cittadino

New Pharmacy/Pharmacy Department

CVS/pharmacy 5493 - Proposed: 336 Bridge St., Lowell 01850
CVS/pharmacy 1252 - Proposed: 874 Harrison Ave., Boston 02118
Target PharmacyT-2258 - Proposed: 1 Hawes Way, Stoughton 02072
Walgreens Pharmacy 10562 - Proposed: 4 Central Sq., Bridgewater 02324

Change of Manager

CVS/pharmacy 672, Malden (Reg. No. 24513)
CVS/pharmacy 1009, Charlestown (Reg. No. 1529)
CVS/pharmacy 26, Medford (Reg. No. 2912)

CAREPLUS CVS/pharmacy 8414, Worcester (Reg. No. 3235)
CVS/pharmacy 1845, Wilmington (Reg. No. 3595)

CVS/pharmacy 252, Medford (Reg. No. 17001)
CVS/pharmacy 5826, North Easton (Reg. No. 3291)
CVS/pharmacy 2283, Dorchester (Reg. No. 2844)
CVS/pharmacy 736, Bedford (Reg. No. 1039)
CVS/pharmacy 75, Lynn (Reg. No. 3535)
CVS/pharmacy 1247, Wareham (Reg. No. 2949)
Hannaford Pharmacy, Waltham (Reg. No. 3578)
North Shore Pharmacy, Wakefield (Reg. No. 3458)
Rite-Aid Pharmacy 10191, Dennisport (Reg. No. 2792)
Stop & Shop Pharmacy 498, Somerville (Reg. No. 3350)
Walgreens Pharmacy 10650 Brockton (Reg. No. 3562)
Wal-Mart Pharmacy 10-2012 North Oxford (Reg. No. 2749)

Renovation/Expansion

New England Life Care, Woburn (Reg. No. 3513)

Relocation – Pharmacy/Pharmacy Department

Rite-Aid Pharmacy 10153 - 1150 Saratoga St., Boston 02128
(Reg. No. 3099) TO 969 Bennington St., Boston 02128

Relocation – Nuclear Pharmacy

Mallinckrodt, Inc., 300 John Dietsch Blvd N. Attleboro 02763
(Nuclear Reg. No. 2) TO 65 Shawmut Ave., Canton 02021

Relocation – Wholesale Distributor:

Mallinckrodt, Inc. 300 John Dietsch Blvd, N. Attleboro 02763
(WD Lic. No. 387/Sched. VI) TO 65 Shawmut Ave., Canton 02021

Pharmacy Transfer of Ownership

West Concord Pharmacy, Inc., 1212 Main St., Concord 01742
(Reg. No. 1472) TO Concord Pharmacy, Inc. d/b/a West Concord Pharmacy,
1212 Main St., Concord, MA 01742 (Pending).

Motion/Cayer to approve applications, subject to compliant inspections and
noted conditions. Second /Gouveia. All in favor.

DeVita and Tocco recused from all above CVS applications.

Trifone recused from all above Walgreens applications.

5. 9:30 a.m. UPDATES - Dir. Coffey
 - a) Prescription Monitoring Program
 - b) Multistate Pharmacy Jurisprudence Exam MRC meeting -
Oct. 9-12, 2008 Chicago
 - c) NABP/AACP Districts 1 and 2 Annual Meeting - Oct. 16-18, 2008,
Gallow Township, NJ

6. 9:45 a.m. REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel
Closed Session (M.G.L. c. 112, s. 65C and c. 30A, s. 11A)

Review of PMP Regulation Revision Status

Pending receipt of approval from Office of Administration and Finance, Board advised to vote to file revisions to 247 CMR 2.00 (revise/insert definition of "Customer Representative" and 5.04 (PMP reporting requirement revisions) by emergency promulgation (to coordinate 1/1/09 implementation date of reporting requirements with DPH/DCP PMP regulation revisions) after A&F approval received. Public hearing on proposed revisions (within 90 days of filing date) will be scheduled.

Motion DeVita/second Budish to promulgate by emergency adoption proposed regulation revisions regarding PMP. All in favor.

- a) Review of Senate Bill 2863 *An Act to Promote Cost Containment, Transparency and Efficiency in the Delivery of Quality Health Care* (Chapter 305 of the Acts of 2008, signed by Gov. Deval Patrick 8/10/08)

Section 17 of the bill inserted new Section 39D to M.G.L. c. 112 - mandating pharmacies to report to Board "improper dispensing of prescription drugs" resulting in "serious injury or death" not later than 15 days of discovery; the Board "shall promulgate regulations for administration and enforcement."

Staff will prepare proposed regulations and reporting form for Board consideration.

9:55 a.m. Motion/Gouveia to enter Closed Session. Second/DeVita.
All in favor.

10:15 a.m. Motion/Tocco to exit Closed Session. Second/Trifone.
All in favor.

- a) In the Matter of PH-PT-08-079/**Kelly Krause** (Pharmacy Technician No. 6402) – review of *Proposed Final Decision and Order by Default*. Motion/Tocco to adopt Proposed Final Decision and Order by Default and issue *Final Decision and Order by Default* revoking registration. Second/Walczyk. All in favor.
- b) **Jeffrey Buck** – Pharmacy Technician applicant. Motion/Cayer to approve application. Second/Tocco. All in favor.
- c) **Lester Meyer**: Review of inquiry regarding reinstatement. After review of disciplinary history, Motion/Tocco to provide information provided in 2006 communication. Second/Walczyk. All in favor.
- d) In the Matter of PH- 07-067/**Rodney Finch** (Pharmacist No. 19204) - review of inquiry regarding practice conditions. Motion/Budish for evaluation and recommendation from MPRS/Tim McCarthy. Second/Walczyk.
In Favor: Pasedis, DeVita, Fabiszewski, Cayer, Accetta, Barron, Gouveia, Budish, Tocco, Walczyk. Opposed: Trifone. Motion passed.

- e) In the matter of PH-PT-08-115/**Cheryl L. Pascarelli** (Pharmacy Technician No. 4513) – review of surrender statement pending resolution of complaint.
Motion/Barron to accept surrender statement in resolution of complaint. Second/Tocco. All in favor.
- f) In the matters of DS-08-060, DS-08-052 and DS-08-059/**Louis & Clark Drug Inc.** - Review and discussion of pending matters.
Motion/Cayer schedule investigative conference. Second/DeVita. All in favor.

- 7. 10:15 a.m. – NEW PHARMACY APPLICATION Appearance
Ameridose, LLC – Proposed: 205 Flanders Rd., Westborough 01581.
Proposed MOR - Stephen Perry, R.Ph. (Pharmacist No. 17303).
Present: Perry and Gregory Conigliaro, V.P.

Application includes waiver request 247 CMR 6.02(4) (variety of drugs).

President Pasedis recused and exited meeting room.

After discussion, Motion/Tocco to approve with waiver. Second/Cayer. All in favor.

- 8. 11:00 a.m. – REPORT OF OFFICE OF INVESTIGATIONS
File Review – Investigators Penta and Emery, CQI Surveyor McKenna

1	DS 08 046	Advisory Letter
2	DS 08 086 PH 08 090	Dismissed

- 9. 12:00 p.m. – LUNCH
- 10. 12:30 p.m. – Presentation of Public Service Recognition
Pharmacy Board Member Karen M. Ryle, M.S., R.Ph.
- 11. New Business

- a) Lauren A. Cardello - Pharmacy Intern applicant.
Motion/DeVita to approve application. Second/Walczyk. All in favor.
- c) Lois J. Garrison - Pharmacy Technician applicant.
Motion/Trifone to approve application. Second/DeVita. All in favor.
- d) Maria J. Fidalgo - Pharmacy Technician applicant.
Motion/DeVita refer to Office of Public Protection, deny until further status. Second/Pasedis. All in favor.
- e) Katherine M. Alberghene - Pharmacy Technician applicant.
Motion/Budish to approve application. Second/Barron. All in favor.
DeVita - Abstain.

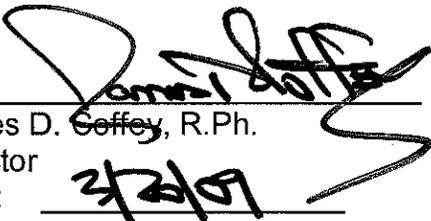
- e) September 30, 2008 Board meeting - scheduled review of Patient Safety Initiatives
- f) Ronald G. Lavenda, D.P.M., R.Ph. (Pharmacist License No. 17007/ Exp. 12/31/1978). Reinstatement inquiry.
Motion/Trifone complete 1500 internship hours, NAPLEX and MPJE. Second/DeVita. All in favor.
- h) Nicholas M. Manos (Pharmacist License No. 17627) - request for termination of probation.
Motion/Cayer to terminate probation. Second/Walczyk. All in favor
Recused: Tocco (exited meeting room)
- i) Gabriel Rusanescu, Ph.D., M.S. – request for accommodations.
Motion/Trifone to deny accommodations request. Second/DeVita.
All in favor.

12. Old Business

Pharmacy Board meeting scheduled for Tuesday, October 7, 2008

- 13. 3:30 p.m. – Motion/Pasedis to adjourn meeting. Second/Cayer. All in favor.

Respectfully submitted by:



James D. Coffey, R.Ph.
Director
Date: 2/24/09

Reviewed by Counsel: January 23, 2009
Draft approved: January 23, 2009
Board approved: February 24, 2009