

BOARD OF REGISTRATION IN PHARMACY

Meeting Minutes

July 13, 2010

239 Causeway Street, 2d Floor, Room 206

Boston, MA

Board Members Present

Joanne Trifone, R.Ph.; Stanley Walczyk, R.Ph.; Michael Tocco, R.Ph., M.Ed.; James T. DeVita, R.Ph.; Kathy Fabiszewski, Ph.D., N.P.; Sophia Pasedis, R.Ph., Pharm.D.; George Cayer, R.Ph.; Donald Accetta, M.D.; M.P.H.; Karen Ryle, R.Ph., M.S.

Staff Present

James D. Coffey, R.Ph., Director; Margaret Cittadino, M.Ed., Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Lathum R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; William E. Frisch, Jr., R.Ph., Investigator; Anita Jung, Northeastern University, Intern

1. 8:30 a.m. CALL TO ORDER
President Joanne M. Trifone, R.Ph.
2. 8:35 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Associate Director Margaret Cittadino
 - New Store
CVS 84, 215 College Highway, Southwick
Eaton Apothecary 3035, 100 Cummings Center, Beverly
 - Change of Manager
CVS 1543, Route 134 Patriot Square, South Dennis (DS1543)
CVS 2025, Route 10, 118 Northampton Street, East Hampton (DS2685)
Hannaford Supermarket and Pharmacy 017, 55 Russell Street, Waltham (DS3578)
Hannaford Supermarket and Pharmacy 191, 66-2 Drum Hill, Chelmsford (DS89694)
Hannaford Supermarket and Pharmacy 327, 777 Rogers Street, Lowell (DS89695)
Integriscrypt Inc., 95B Ashley Avenue, West Springfield (DS89726)
Osco 7584, 115 Great Road, Stow (DS3061)
Preferred Pharmacy Solutions, 35 Avco Road, Haverhill (DS3542)
RiteAid 10121, 265 Main Street, North Reading (DS2420)
RiteAid 3245, 520 West Street, Hyannis (DS3245)
RiteAid 10194, 918 Main Street, Yarmouthport (DS2853)
RiteAid 10200, 323 William S. Canning Boulevard, Fall River (DS2934)
Serios Pharmacy, 63 State Street, Northampton (DS11314)
Walgreens 11797, 465 Cambridge Street, Allston (DS89665)
Walgreens 3016, 416 Warren Street, Roxbury (DS2277)
Walgreens 89685, 1 Wrentham Street, Bellingham (DS89685)
Walgreens 4403, 418 Quincy Avenue, Quincy (DS2805)
Walgreens 10639, 99 Stafford Street, Worcester (DS3570)

Walgreens 10401, 220 Grafton Street, Worcester (DS3553)
Wal-Mart Pharmacy 10-2660, 72 Main Street, North Reading (DS2735)

- Renovation/Expansion - Retail Drugstore/Pharmacy
CVS 2125, 137 West Central Street, Natick (DS2763)
CVS 2592, 468 Blue Hill Avenue, Dorchester (DS3011)
CVS 1263, 10 Bassett Street, Milton (DS1967)
Wal-Mart 10-1970, 280 Washington Street, Hudson (DS2237)

▪ Store Closings

Shan-Lor Drug, 44 Willow Street, Malden (DS 9573); closing 7/12/2010. Records, controlled and non-controlled drugs to be transferred to CVS 1001, 60 Broadway Plaza, Malden (DS1523).

Motion Walczyk/Cayer to approve all applications
Recused Trifone for Walgreens; DeVita/Tocco for CVS
Approved

3. 8:40 a.m. UPDATES

- Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
- Introduction of NEU Board Intern (APPE) Anita Jung
 - Introduction of Board Investigator William Frisch, R.Ph.
 - Board Appointments: New appointee Karen Ryle, R.Ph.; Re-appointment of James DeVita, Dr. Donald Accetta, Kathy Fabiszewski and Steven Budish
 - Update: Case dispositions since June 1 meeting
 - Update: Board of Registration in Pharmacy Regulations concerning Collaborative Drug Therapy Management (247 CMR 16.00), eff. June 25, 2010

4. 8:50 a.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review - Samuel J. Penta, R.Ph., Supervising Investigator;
 James C. Emery, Investigator; Cheryl Lathum, Pharm.D., R.Ph.,
 Investigator; William E. Frisch, Jr., R.Ph., Investigator, Leo A. McKenna,
 Pharm.D., R.Ph., QA Coordinator

1	PHA-2010-0084 April C. DiBona PH25773	Motion Walczyk/DeVita to accept voluntary surrender. Approved
2	SA-INV-1320 PHA 2010-0099 Brian Joao PH23652	Motion DeVita/Walczyk to accept voluntary surrender. Approved
3	PHA 2010-0077 George Demetroulakas PH19800 (expired 2/12/2009)	Motion Walczyk/Ryle for Consent Agreement for Reprimand and MPJE within 6 months. Approved
4	PHA 2009- 0129 Maureen Ikpeazu PH18727	Motion DeVita/ Walczyk to dismiss without prejudice. Approved
9:25 a.m. Motion Walczyk/Pasedis to enter Closed Session. Approved		
9:35 a.m. Motion Pasedis/Accetta to end Closed Session. Approved		

5	SA-INV-1086 Apothecare DS89659	Motion DeVita/Cayer to open complaints regarding pharmacy and managers of record Lisa Cordeiro and Susan Nelson; schedule management and involved staff for investigative conference. Approved
6	SA-INV-1251 Theatre Pharmacy DS8761	Motion Walczyk/Cayer to Dismiss without prejudice. Approved
7	PHA-2010-0086 Rite Aid 10173 DS3100	Motion DeVita/Pasedis to dismiss/no violation. Approved
	PHA-2010 - 0110 Sabine Chibueze PH23402	Motion DeVita/Pasedis for advisory letter with 2 continuing education credits (CEs) medication error prevention. Approved
	PHA-2010 - 0109 Patrick Dodd PT9273	Motion DeVita/Pasedis for advisory letter with 2 CE medication error prevention. Approved
8	PHA-2010-0029 Rite Aid 10093 DS2381	Motion Pasedis/Cayer to dismiss/no violation. Approved
	PHA 2010 -0103 Peter Motyka PH15364	Motion Pasedis/Cayer for advisory letter with 2 CE medication error prevention. Approved
	PHA-2010 - 0112 Donna Mandelenakis PT1656	Motion Pasedis/Cayer for advisory letter with 2 CE medication error prevention. Approved
9	PHA 2009-0011 Rite Aid 10086 Milbury DS2408	Motion DeVita/Pasedis to table review of pharmacy complaints pending receipt/review of pharmacy responses. Approved
	PHA-2009-0045 Rite Aid 10095 Worcester DS1993	
	PHA 2009-0042 Kristin Butler PH21606	Motion Cayer/DeVita for advisory letter with 2 CE medication error prevention. Approved
	PHA 2009-0043 Yana Rabkin PH26097	Motion Cayer/DeVita for advisory letter with 2 CE medication error prevention. Approved
	PHA 2009-0044 Donna McRobert PT5270	Motion Cayer/DeVita for advisory letter with 2 CE medication error prevention. Approved

5. 10:50 a.m. LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel
Closed Session: MGL c. 112, s. 65C and MGL c. 30A, s. 11A - Review and Discussion of Complaints and Other Matters

10:50 a.m. **Motion** Tocco/Cayer to enter Closed Session.

11:15 a.m. **Motion** Pasedis/Fabiszewski to end Closed Session.

- Review of **Open Meeting Law** amendments (MGL c. 30A, ss. 18-25) - effective July 1, 2010; Regulations promulgated by the Office of the Attorney General (940 CMR 29.00) and distribution of certification of receipt of Open Meeting Law documents to each Board member.
- Matter of **Amadiegwu O. Onujiogu**, R.Ph. (PH18128/License Suspended 8/6/09) - Docket No. PHA-2009-0116 and Codman Square Pharmacy (DS2692/Reg. Suspended 8/6/09) - Docket No. PHA-2009-0115. Review of proposed *Final Decision and Order by Default*.

Motion Trifone/Cayer to adopt *Final Decision and Order by Default* revoking Pharmacist and pharmacy registrations of Amadiegwu O. Onujiogu and Codman Square Pharmacy.

Approved (DeVita not present for vote)

- License Application review - **Martin W. Siegal** (Docket No. PH-07-098)
Appearance: Martin Siegal

Mr. Siegal declined the opportunity to conduct the review in executive session.

Mr. Siegal appeared to address the Board regarding his previously filed application for pharmacist licensure. Board members reviewed a June 7, 2010 letter from Mr. Siegal, with enclosed letters (3) of support, regarding his previously filed application for pharmacist licensure and requesting Board advisement as to satisfaction of the moral character requirement for licensure as pharmacist in the Commonwealth. Board members again reviewed Complaint File Docket No. PH-97-098 (License PH13033; Revoked effective Feb. 10, 1999, 53 criminal counts: *United States of America v. Martin Siegal*; U.S. District Court Case No. 1:97CR10002-001) as well as all communication with Mr. Siegal since the November 17, 2009 licensure application denial related to the moral character requirement, including the Board's December 15, 2009 reconsideration of the application, at Mr. Siegal's request.

Mr. Siegal addressed the Board regarding his interest in being licensed as a pharmacist again, requesting the members to consider the letters of support he submitted from individuals who knew or employed him when he was in pharmacy school (early 1950s) and a former employer (Kornfield Pharmacy 6/07-10/09). Mr. Siegal responded to questions from Board members.

After Mr. Siegal addressed the Board and responded to questions, Board members did not identify any avenue for Mr. Siegal to qualify for pharmacist licensure in the future.

7. 11:35 a.m. PRESENTATION – Daniel F. Luce, R.Ph., MBA, Director, Pharmacy Affairs, Walgreens Pharmacy (Trifone not present)

Daniel Luce provided overview of Walgreens *Virtual Imaging System to Improve Operations Nationwide (VISION) Program*.

8. 11:50 a.m. ~~NEW COMMUNITY PHARMACY APPLICATION~~/Appearance
NEPONSET HEALTH CENTER PHARMACY – Proposed: 398 Neponset Avenue, Dorchester, MA 02122
Present: Proposed MOR and President/Director Michael McNamara, R.Ph. (PH23534) and Nancy Bucken, Exec. Dir., Neponset Health Center

Applicant (DPH HCQ licensed clinic) seeks retail pharmacy license; proposes to dispense Schedule II-VI controlled substances (non-sterile compounding only) to patients from the community as well as health center patients (including 340B).

Motion to approve application pending compliant inspection.

Recused: Tocco

Approved

9. 12:10 p.m. PRESENTATION – David Ring, M.Ed., Coordinator, Massachusetts Professional Recovery System (MPRS).
David Ring presented overview of the MPRS Program and responded to questions from Board members.

10. 12:20 p.m. DISCUSSION
- Subcommittee for 2011 NABP/AACP District I Annual Meeting to be hosted by Massachusetts: Margaret Cittadino, Sophia Pasedis, Joanne Trifone, Karen Ryle and Stanley Walczyk

11. 12:30 p.m. FLEX DISCUSSION

NEW BUSINESS

- A. **Applications**
- a) **Jason Crockwell** - Pharmacy Technician Applicant
Motion Walczyk/Ryle to approve.
Not present Tocco and DeVita
Approved
 - b) **Charmyra Fleming** - Pharmacy Technician Applicant
Motion Ryle/Walczyk to approve.
Not present Tocco and DeVita
Approved
 - c) **Samantha Spiegel** - Pharmacy Intern Applicant
Motion Cayer/Pasedis to approve.
Not present Tocco and DeVita
Approved
 - d) **Lauren Kathleen Young** Pharmacist Applicant
Motion Cayer/Ryle to approve.
Recused Trifone
Not present Tocco and DeVita

- Approved**
- e) **Daniel Rossman** - Pharmacist Applicant
Motion Trifone/Walczyk to approve.
Not present Tocco and DeVita
Approved
- f) **Jeffrey Dale Kuenhoff** - Reciprocal Pharmacist Applicant
Motion Tocco/Walczyk to approve.
Approved
- g) **Annika M. Mitchell**, R.Ph.(PH25998) - Docket No. PHA20090067
Petition for termination of Suspension/conversion to Probationary status
Motion Walczyk/DeVita to grant petition and convert to probation.
Approved
- h) **Steven L. Grossman**, R.Ph.(PH18342) - Docket No. PHA20090076
Petition for termination of Suspension/conversion to Probationary status
Motion Walczyk/Tocco to grant petition and covert to probation.
Approved
- i) **Ronald P. Patry** (PH17812/Exp. 12/31/1990) – reinstatement inquiry.
Motion DeVita/Walczyk to advise standard reinstatement conditions.
Approved

12:55 Tocco and DeVita exit meeting

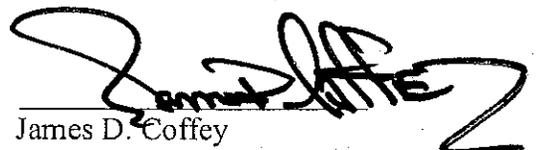
OLD BUSINESS

- a) Matter of **Rite Aid Pharmacy #10086, Millbury/PHA-2009-0011 and Rite Aid Pharmacy #10095, Worcester/PHA-2009-0045**. Review and discussion related to follow up correspondence to 10/20/09 Investigative Conference.
See disposition on file review chart above.
- b) **Judith Fallavolitta** (PH17988/Exp. while on Suspension 12/31/1996) - Docket No. PH-95-115). Reinstatement inquiry.
Motion Cayer/Tocco to schedule candidate appearance before Board.
Approved
- c) Matters of Docket Nos. PH96-083/**John Serio** (PH18057); PH96-082/**Paul A. Serio** (PH20379) and PH96-081/**Cosimo Serio** PH11336
Motion Walczyk/Trifone to terminate **Paul A. Serio** Probation (MPJE completed).
Approved

1:15 **Motion** Walczyk/Pasedis to adjourn.
Approved

13. 1:15 p.m. ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director
Date: 10/19/10

Board approved: October 19, 2010

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
JULY 13, 2010
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 11A (Adjudicatory)

10:50 a.m. Motion Tocco/Cayer to enter Closed Session.

Matter of **Amadiogwu O. Onujiogu**, R.Ph. (PH18128/ Lic. Suspended 8/6/09)) Docket No. PHA-2009-0116 and **Codman Square Pharmacy** (DS2692/Reg. Suspended 8/6/09) Docket No. PHA-2009-0115.

Board reviewed complaint file and proposed *Final Decision and Order by Default*.

Medical Pharmacy, Inc. (DS1709) and Owner./MOR **George A. Marra**, R.Ph. (PH16593) – Docket nos. PHA-2009-0223 and PHA-2010-0026.

Board reviewed communication from Atty. Garbarini re: proposed Consent Agreement. After discussion, no change to Board's proposed settlement terms.

UPDATES:

Nicholas Creanza, R.Ph. (PH16229) – Docket nos. 20080211PH043 and 20050817PH006. Prosecutor has advised that surrender expected to be agreed to in resolution of pending complaints.

Margolis Pharmacy, Inc. (DS2974), 447 Broadway, Chelsea – embargo remains in place with surrender agreement outstanding.

11:15 a.m. Motion Pasedis/Fabiszewski to end Closed Session.