

## VERMONT BOARD OF PHARMACY–UnApproved Minutes

Secretary of State, Office of Professional Regulation  
89 Main Street, 3<sup>rd</sup> Floor, Montpelier, VT 05620-3402  
**October 29, 2014 at 9:00 AM**

1. The meeting was called to order at 9:01 AM, by Larry Labor, Chair.

Members Present: Mr. Larry Labor, RPh, Chair; Mr. King Milne, RPh, Vice Chair; Ms. Judith Wernecke, Public Member, Secretary; Mr. Jeffrey Firlik, RPh; Ms. Stephanie Ibey, RPh; Mr. Robert Carpenter, RPh; and Mr. James Arisman, Esq., Public Member.

OPR Personnel Present: Mr. Ronald Klein, RPh, Executive Officer; Mr. Larry Novins, Board Counsel; and Ms. Aprille Morrison, Licensing Board Specialist.

Guests: Craig Coffenberg, Lisa Brouillette Hurteau and Anthony Otis.

2. The Chair called for approval of the Minutes of the September 24, 2014 meeting. Mr. Arisman made a motion to approve the minutes as written. Mr. Carpenter seconded the motion. Motion passed.

3. **Hearings/Stipulations/Reports of Concluded Investigation *et al*:**

Report of Concluded Investigation 2014-576. Mr. Firlik made a motion to accept the report as presented. Mr. Arisman seconded the motion. Mr. Carpenter did not participate in the vote as he was the Investigative Team Member. Motion passed.

Report of Concluded Investigation 2014-602. Mr. Firlik made a motion to assign a Board member for review of the investigative report and to reject the proposed closing report. Mr. Arisman seconded the motion. Motion passed. Mr. Gilman spoke to the Board regarding the circumstances of the investigation and the criminal matter where a suspect has been arrested. The Board requested the normal process for cases be followed and Mr. Carpenter was assigned as the Investigative Team member.

Report of Concluded Investigation 2014-644. Mr. Carpenter made a motion to accept the report as presented. Ms. Wernecke seconded the motion. Mr. Firlik did not participate in the vote as he was the Investigative Team Member. Motion passed.

4. **Guests:** None

5. **Case Manager's Report:** There are currently 37 active cases. Fifteen (15) are under investigation, three (3) are pending a closing report (two approved at today's meeting), two (2) are pending hearing, eleven (11) are pending investigative team meetings, two (2) are pending charges, two (2) have had charges filed and two (2) are in intake status.

6. **Legislation/Rulemaking:**

Pharmacy Technician Discussion – The Board was provided with draft rules for pharmacy technicians from Mr. Novins. A subcommittee of the Board met the previous week by teleconference to discuss changes. Mr. Novins will prepare a draft of the proposed pharmacy technician rules for the Board to review, discuss and approve for public comment at the December 17<sup>th</sup> Board meeting. Once approved, the Board will move forward with the vetting process to the public. The Board would also like Mr. Klein to research with Ohio Board of Pharmacy on how their rules changes were managed.

7. **Application Review:** None

8. **Executive Officer Report:**

Mr. Klein informed the Board that he attended the National Association of Boards of Pharmacy (NABP) Executive Officer meeting. There were several updates regarding outsourcing pharmacies. The FDA has set up this status for facilities that compound sterile prescriptions and sell them in bulk to registrants such as hospitals. The Board questioned the fact that the current "outsourcer" does not have to be a registered pharmacy per FDA guidelines, there only needs to be a licensed pharmacist involved. Mr. Firlik proposed adding a rule to the current administrative rules requiring that an outsourcing facility be licensed in Vermont as a pharmacy. Mr. Klein stated New York has current regulations on outsourcing pharmacies and will review their laws to see if anything applies or can be added to Vermont laws. Mr. Klein also reported there was a discussion of individuals who hold medical marijuana cards and how regulators feel these individuals should be reporting to the individual states prescription monitoring programs. Mr. Klein informed members there was also discussion regarding physician dispensing and laws on regulating them. Mr. Klein informed the Board that there is a program available, Pharmacists Assessment for Remediation Evaluation (PARE), which could be used if the Board has questions regarding a pharmacists' competency to practice.

Mr. Klein also attended the National Association of State Controlled Substances Authorities (NASCSA) meeting the week of October 20<sup>th</sup>. He informed the Board he is the Secretary/Treasurer for this organization.

The Board requested an update on Naturopathic Physician prescribing. Mr. Klein informed the Board that the pharmacology examination is up and running. Currently the office has had three naturopathic physicians test with one passing and obtaining the endorsement on his license and two failing the examination.

The Board also asked about Board member appointments. Mr. Klein informed the Board that he was informed that the Governor is not reviewing or appointing potential Board members until after the general election.

Mr. Carpenter informed the Board that he attended the NABP District 1 & 2 meeting and informed the Board of proposed resolutions the Districts are looking into.

Mr. Klein informed the Board that that Mr. Labor will be attending the NABP member forum held in December.

9. **Discussion Items:**

Medical Device Distributor Licensure – Mr. Klein spoke to the Board regarding medical grade Oxygen distributors and how other states license the distribution facilities as wholesale distributors.. Mr. Firlik and Mr. Labor believe Medicaid CMS currently regulates oxygen distribution. MR. Klein will investigate this further and report back to the Board.

DEA Drug Disposal Regulation – The Board was provided with the new DEA regulation for drug disposal prior to the October meeting and asked to review for discussion at the meeting. Mr. Labor feels the Board should support the federal guidelines and make sure there isn't anything in their current Rules that would prohibit facilities, hospitals and nursing homes from participating. This will be a discussion item again at the December board meeting. Mr. Firlik informed the Board that he will be speaking on this topic as a Pharmacy Law meeting on November 9<sup>th</sup>.

Prescribers meeting on December 1<sup>st</sup> – OPR will be holding a prescribers meeting at the office on the evening of Monday, December 1<sup>st</sup>. Mr. Klein informed the members they will be receiving

a communication from the office shortly detailing the discussion items. Mr. Klein would like Board members to attend if their schedule permits.

10. **Newsletter:**

Some of the topics suggested by the Board for the next newsletter are: DEA Drug Take Back Program, Naturopathic Physician prescribing and the election of officers for the Vermont Board.

11. Mr. Carpenter made a motion to adjourn at 12:13 pm. The motion was seconded by Mr. Firlik. Motion Passed.

Respectfully Submitted:

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Judith Wernecke, Secretary  
Vermont Board of Pharmacy

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Ronald J. Klein, RPh  
Executive Officer  
Vermont Board of Pharmacy