

**STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION
COMMISSION OF PHARMACY
April 26, 2006**

10:00 a.m. The regular meeting of the Commission of Pharmacy was called to order by Chairman Summa. The meeting was held at the University of Connecticut's School of Pharmacy, 69 North Eagleville Road, Storrs, CT 06269.

Commissioners Present:

Steve Beaudin	Edith G. Goodmaster
Robert Guynn, R.Ph.	Jean Mulvihill, R.Ph.
William Summa, Jr., R.Ph.	Frederick Vegliante, R.Ph.

Staff Present:

Michelle Sylvestre, R.Ph. [Drug Control Agent/Board Administrator]

Others Present:

Wesam Abdrabouh	Jennifer Bayette
Jeff Burgess	Garrett Cavanaugh
Kevin Chamberlin	Cindy Chan
Julie Chen	Jeffrey D'Alessandro
George Delcampo	Ryan Duff
Lucrezia Finegan	Steven Gattuso
Catherine Jansson	John J. Kuzia
Kevn McNamara	Karl A. Nieforth
Robin Page	Katherine Shea
Sokpoleak So	Meg Tartisinis
Jason Tremblay	Concetta Welton
Kathryn Wheeler	Peter Zoob

Interview of Reciprocity Candidates

The following candidates were sworn in and interviewed by the Commissioners. Various questions were asked of the individual candidates. A few of the questions were as follows:

1. Why do you want to be licensed in Connecticut?
2. What are Connecticut's requirements for continuing education?
3. Have you ever had a problem with drugs and/or alcohol?

4. Have you ever been before a Board of Pharmacy in the past?

Kevn Mabrey McNamara
Jason Michael Tremblay
Kathryn Elizabeth Wheeler

From Illinois
From Massachusetts
From Massachusetts

Commission Action: Commissioner Guynn moved, seconded by Commissioner Beaudin and passed by a vote of (6-0) to accept the above applications for licensure by reciprocity.

'First Time' Pharmacy Managers

The following individual appeared before the Commission of Pharmacy as 'first time' pharmacy managers:

Jennifer Bayette
Cindy Chan
George Delcampo
Catherine Jansson
Kyung Kim
Michael P. Palkimas
Concetta Welton

CVS/Pharmacy – Old Saybrook, CT
A&P Super Foodmart – Danbury, CT
CVS/Pharmacy
Brooks Pharmacy – Uncasville, CT
Rite Aid Pharmacy – New Haven, CT
Target Pharmacy – Orange, CT
Arrow Pharmacy & Nutrition Center –
Wolcott, CT
Arrow Pharmacy & Nutrition Center

Kitty Wong

New Pharmacy Applications

EZPharm LLC
166 Waterbury Road
Prospect, CT 06712
PCY.2052

Jeffrey P. Dalessandro
Pharmacy Manager
PCT.7101

John Kuzia and Pharmacy Manager Jeffrey P. Dalessandro appeared before the Commission of Pharmacy to represent EZPharm LLC. John Kuzia informed the Commission that there will be no doctor ownership/involvement with this pharmacy.

Please Note:

John Kuzia informed the Commission of Pharmacy that:

- 1. the EZPharm LLC located in Hartford has been withdrawn. The pharmacy never opened for business.*
- 2. the EZPharm LLC located in Middlebury closed for business yesterday, Tuesday, April 25, 2006. The*

prescription records were transferred to a Stop & Shop Pharmacy.

Commission Action: Commissioner Vegliante moved, seconded by Commissioner Guynn and passed by a vote of (6-0) to accept the above new pharmacy application provided all the requirements set forth in the Connecticut Pharmacy and Drug Laws as enforced by the Commission of Pharmacy are met. The pharmacy was classified as a community pharmacy.

Pharmacy Remodels

Stop & Shop Pharmacy #663 did not appear before the Commission of Pharmacy.

Legal Matters

Docket Number 06-556

[John F. Tuite – PCT.3376]

Commissioner Guynn 'stepped down'. Attorney Steve Schwane presented this case involving a pharmacist:

- who was licensed in South Carolina and North Carolina.
- whose South Carolina pharmacist license was temporarily suspended July 2005. A final order on December 12, 2005 suspended the pharmacist's license for allowing a pharmacy for which he was pharmacist-in-charge to operate without his presence and supervision.
- whose North Carolina pharmacist license was summarily suspended on March 07, 2006. The pharmacy license where he pharmacy manager was summarily suspended, too.
 - The basis for the North Carolina Board's action was evidence that the pharmacy was operating as an Internet-based "pill mill" dispensing thousands of Internet-based, illegitimate prescriptions for controlled substances and legend drugs. The evidence obtained appears to validate the North Carolina Board's concern that the pharmacist was in knowing violation of statutes and regulations, federal and state, governing the practice of pharmacy.
- who began employment at the above-mentioned North Carolina pharmacy on September 01, 2005.

- whose Connecticut pharmacist license reflects a South Carolina address.

The pharmacist who was not identified by Attorney Schwane was present at the meeting and requested to speak. After being sworn in by Chairman Summa, the pharmacist identified himself as John Tuite.

Commission Action: Commissioner Goodmaster moved, seconded by Commissioner Mulvihill and passed by a vote of (3-1) to summarily suspend John Tuite's Connecticut pharmacist license.

- Commissioner Beaudin opposed the vote.
- Commissioner Vegliante abstained from the vote.
- Commissioner Guynn did not vote since he 'stepped down'.

Docket Number 06-316

[Louis Houle, Jr. - PCT.3886]

Commissioner Guynn 'stepped down'. Attorney Steve Schwane presented this case involving a pharmacist who dispensed prescriptions for a Schedule III controlled substance to a friend without authorization. The patient has been prescribed this drug by a physician in the past but there was no existing prescription at that time. The pharmacist had surrendered his license by an agreement approved on February 22, 2006. The agreement reinstates the license and places it on probation for two years.

Commission Action: Commissioner Goodmaster moved, seconded by Commissioner Vegliante and passed by a vote of (5-0) to accept the above-mentioned settlement agreement.

Docket Number 06-327

[David M. Siwy - PCT.8788]

Attorney Steve Schwane presented this case involving a pharmacist who is being investigated for testing positive on a drug screen performed by his employer. The pharmacist has agreed to voluntarily surrender his pharmacist license.

Commission Action: Commissioner Vegliante moved, seconded by Commissioner Guynn and passed by a vote of (6-0) to accept the above-mentioned settlement agreement.

Docket Number 06-328

[Michael W. Giusani - PCT.8657]

Commissioner Goodmaster 'stepped down'. Attorney Steve Schwane presented this case involving a pharmacist license that was suspended by agreement on May 25, 2005. The Department is satisfied that this pharmacist has taken the necessary steps to regain his license. The proposed agreement is typical for this kind of situation.

Commission Action: Commissioner Guynn moved, seconded by Commissioner Beaudin and passed by a vote of (5-0) to accept the above-mentioned settlement agreement.

Docket Number 06-511

[Paul A. Dimmock - PCT.8996]

Commissioner Goodmaster 'stepped down'. Attorney Steve Schwane presented this case involving a pharmacist who dispensed the legend drug Nicotrol NS to himself without a prescription. The agreement calls for a one week suspension and a one year probation.

Commission Action: Commissioner Guynn moved, seconded by Commissioner Vegliante and passed by a vote of (4-0) to accept the above-mentioned settlement agreement. Commissioner Mulvihill abstained from the vote.

Pharmacy Files 03-109, 04-56, 05-85, 05-125, 05-126, 05-152, 2006-153 and 2006-164

Attorney Schwane presented these cases involving pharmacists who committed prescription errors. The pharmacists have completed the USP Practitioners' Reporting Network error form and taken the continuing education program concerning prescription errors. Attorney Schwane recommended that the Commission vote to dismiss these cases.

Commission Action: Commissioner Vegliante moved, seconded by Commissioner Goodmaster and passed by a vote of (6-0) to dismiss these cases.

Regulation Update

- The proposed "Flu Vaccine" regulations were sent to the Attorney General's office on April 10, 2006.
- The proposed "TOEFL and TSE" regulations are still with the Governor.

- A public hearing needs to be scheduled for the proposed “Nuclear Pharmacy” regulations.

eRx

Commissioner Beaudin asked for an update regarding the requested language change to Section 20-609(b) of the Connecticut General Statutes.

- Marghie Giuliano informed the Commission that the Connecticut Pharmacists Association (CPA):
 - has drafted the appropriate language.
 - would like to attach the new language to an electronic monitoring bill currently in this legislative session.

Generic Substitution Penalty

The Commissioners would like to have a Commission member “step down”, review each case individually and decide the appropriate “penalty”.

Attorney Schwane informed the Commission of Pharmacy that he received 21 new cases from the Drug Control Division since the March 29, 2006 Commission of Pharmacy meeting.

- 15 prescription error cases (one case involves technician issues)
 - 1 abuse/diversion issues
 - 2 pharmacy technician issues
 - 2 miscellaneous (pharmacy failed to report drug loss, pharmacy exceeded number of allowed emergency closings)
 - 1 legend drug taken without a prescription

Miscellaneous

Commissioner Guynn explained to the pharmacy students the issues that have arisen at the Masonic and Hebrew Homes involving Medicare Part D.

Please Note: Representatives from the Masonic and Hebrew Homes did not appear before the Commission of Pharmacy.

Request for CE Waivers/Requests

Mark Cox

Waive the requirement for five (5) live credits in the 2006 calendar year – a minimum of one written credit must be on the subject matter of

	pharmacy law or drug law – this request must be submitted annually
Grace Hafner	Waive the requirement for five (5) live credits in the 2006 calendar year – a minimum of one written credit must be on the subject matter of pharmacy law or drug law – this request must be submitted annually
Ethan M. Stier	Transcript needed for statistical analysis of clinical trials coursework and Annual Meeting of the American Association of Pharmaceutical Scientists

Commission Action: Commissioner Guynn moved, seconded by Commissioner Beaudin and passed by a vote of (6-0) to approve the above-mentioned continuing education requests.

Request for CE Program Approval

Medication Error in the Community Practice

Approval Number:	2006-02a	2006-02b
Date of Program:	April 26, 2006	May 05, 2006
Credit(s):	3.0 Live	3.0 Live

Commission Action: Commissioner Beaudin moved, seconded by Commissioner Goodmaster and passed by a vote of (6-0) to approve the above-mentioned continuing education program.

Approval of Minutes

Commissioner Goodmaster moved, seconded by Commissioner Vegliante and passed by a vote of (6-0) to accept the minutes from the March 29, 2006 Commission of Pharmacy meeting.

Non-Resident Pharmacy Applications

Pro Care Pharmacy	Steele, MO 63877
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Commission Action: Commissioner Guynn moved, seconded by Commissioner Beaudin and passed by a vote of (6-0) to approve the above-mentioned non-resident pharmacy application.

Healix Infusion Therapy, Inc. Sugar Land, TX 77478
Pending Copy of Current Pharmacy License
Independence Home Pharmacy Murray, KY 42071
Pending Copy of Current Pharmacy License and Most Recent Inspection Report
McKesson Specialty Pharmaceuticals LLC Pittsburgh, PA 15222
Pending Copy of Current Pharmacy License and Most Recent Inspection Report

Commission Action: Commissioner Guynn moved, seconded by Commissioner Beaudin and passed by a vote of (6-0) to approve the above-mentioned non-resident pharmacy applications pending receipt of the required documentation.

New Business

Wesam Abdrabouh appeared before the Commission of Pharmacy to discuss the suspension of his New Jersey pharmacist license on June 13, 2000. His New Jersey pharmacist license was reinstated on December 27, 2000.

Please Note: Wesam Abdrabouh is in the process of reciprocating his New Jersey pharmacist license to the State of Connecticut.

Commission Action: Commissioner Goodmaster moved, seconded by Commissioner Beaudin and passed by a vote of (6-0) to accept Wesam Abdrabouh's application for reciprocity and deem him eligible for the Multi-state Pharmacy Jurisprudence Examination (MPJE).

Commissioner Goodmaster reported to the Commission of Pharmacy on the progress of Northeast Recycling Council's (NERC) efforts to remove unwanted medication from consumers.

- An event is scheduled to take place in Vermont. Commissioner Goodmaster is planning on viewing this event and asked if the Department of Consumer Protection would reimburse her for mileage expenses.
- NERC is in the process of setting up events in Connecticut.

Please Note: NERC's efforts are documented on Pages 2562 and 2563 of the December 28, 2005 Commission of Pharmacy Meeting Minutes.

The Commission of Pharmacy discussed the pharmacy calculations examination and the need for this examination to be psychometrically sound.

Commission Action: Chairman Summa asked Commissioner Beaudin if he would work with the University of Connecticut's School of Pharmacy to determine if:

1. the pharmacy calculations examination is psychometrically sound.
 2. current legislative language needs to be changed to remove the requirement of the pharmacy calculations examination.
- Commissioner Beaudin agreed to work with the University of Connecticut's School of Pharmacy (Dean Robert McCarthy) and Michelle Sylvestre to make a recommendation on how the Commission should proceed with the pharmacy calculations examination.

There being no further business, Chairman Summa adjourned the meeting.

Respectfully Submitted,

William J. Summa, Chairman

Prepared by:

Michelle Sylvestre, Drug Control Agent/Board Administrator