



Board of Pharmacy

Office of Professional Regulation, Vermont Secretary of State

89 Main Street, 3rd Floor • Montpelier, VT 05620-3402
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Unapproved Meeting Minutes

Remote Meeting

Wednesday, May 26, 2021, at 9:00 a.m.

1. Call to Order

The meeting was called to order at 9:00 A.M., by William Chatoff, RPh, Chair

Members Present: Stephanie Ibey, RPh (via web); James Arisman, Esq., public member, Secretary (via web); Catherine Haraden, CPhT (via web); Robert Carpenter, RPh (via web); and William Chatoff, RPh Chair (via web).

Member(s) Absent: Michael Carroll, RPh, Vice Chair; Corey Duteau, RPh; and Judith Wernecke, public member.

OPR Personnel Present: Carrie Phillips, Executive Officer (via web); Gabriel Gilman, General Counsel (via web); and Corey Young, Licensing Administrator I (via web).

Guests: Emma Shouldice (via web); Lauren Bode (via web); Andrew Cartmell (via web); Stephanie Winters (via web); Susan Deleo (via web); Nancy Hogue (via web); Misa Heysler (via web); Jeenu Philip (via web); Rebecca Brookes (via web); Susan Tevnan (via web); Denise Frank (via web); Dana Bourne (via web); Kathleen Wobby (via web); and Lisa Hurteau (via web).

2. Changes to the Agenda

Mr. Gilman asked that the Board add to today's agenda, the topic of amending the COVID-91 Pharmacy Emergency Guidance document to strike elements no longer necessary.

3. Approval of previous minutes:

Mr. Carpenter made a motion to approve the minutes for the **April 28th, 2021 meeting** as provided. Mr. Arisman seconded the motion, motion approved.

4. Discipline: None

5. Topics for discussion:

- a. Ms. Phillips presented to the board her Executive Officer report and the recent pharmacy license approvals.
- b. Rebecca Brookes, Lisa Hurteau, Dana Bourne & Nancy Hogue spoke to the Board on Vermont Department of Health's tobacco cessation initiative and 802quits.
- c. Ms. Phillips provided legislative updates regarding the following bills:
 - H.289 -- An act relating to professions and occupations regulated by the Office of Professional Regulation (The OPR Bill) *Passed House & Senate*
 - H.225 – An act relating to possession of therapeutic dosage of Buprenorphine. *Passed House & Senate*
 - H.212 – An act relating to expanding the distribution and availability of opioid antagonists; *no activity, didn't pass*
 - H.353 – An act relating to pharmacy benefit management; *no activity, didn't pass*
 - H.85 – An act relating to requiring employment breaks; *no activity, didn't pass*
 - H.50 - An act relating to Pharmacists providing information on proper disposal of unused regulated drugs; *no activity, didn't pass*
- d. Gates Healthcare Inspection services

- During April's BOP meeting, Ms. Denise Frank presented Gates Healthcare Inspection services to the Board but deferred a decision until this month. Mr. Carpenter moved to accept inspections performed by Gates Healthcare Inspection services for new, and current, nonresident entities. Ms. Ibey seconded the motion, motion passed.

- e. Request from BCBSVT: Discuss definition and scope of "accessory-type devices" addressed by 26 V.S.A. § 2023(b)(3), particularly in reference to continuous glucose monitors.

Mr. Carpenter moved to accept the Office of Professional Regulations view on accessory type devices:

"In the opinion of OPR General Counsel, the term accessory suggests a device that is adjunctive or supplemental to a primary device or primary purpose.

- Transmitters, sensors, test strips, and external meters, can reasonably be regarded as "accessory-type devices."
- CGMs, however, are primary, wearable medical devices that require special training.
 - Available systems are not interchangeable. They vary in design and function, and prescribing physicians may have specific medical reasons to prefer one to another, which would not be known to the pharmacist.
- For this reason, CGMs fall outside the definition of "accessory-type devices" and cannot be autonomously prescribed at the pharmacy pursuant to 26 V.S.A. §2023(b)(3)."

Ms. Haraden seconded the motion, motion passed.

- f. Mr. Chatoff moved to approve the emergency rules for clinical pharmacy, as required by Act 178 session law, be put in place by July 1, 2021. Mr. Carpenter seconded the motion, motion passed.

- g. Waiver requests for Rule 6.2(a) regarding required 2 years' experience for pharmacy manager at two different Walgreens locations.

- Winooski location #17485 – Jessica Tardie
 - Mr. Carpenter moved to accept the waiver request; Ms. Ibey seconded the motion. Motion passed unanimously.
- Morrisville location #18977 – Mobahil Ahmad
 - Mr. Carpenter moved to accept the waiver request; Ms. Ibey seconded the motion. Motion passed unanimously.
- Burlington location #19448 – Brianna Robare
 - Mr. Carpenter moved to deny the waiver request; Ms. Ibey seconded the motion. Motion passed unanimously.

Ms. Phillips reminded attendees that change of pharmacy manager involves compliance with the requirements in [Administrative Rule 6.7](#).

- h. Administrative Rule Revision

- MPJE - The Board took public comment on the elimination of the MPJE.
 - Andrew Cartmell, second vice president of Vermont Pharmacists Association (VPA), informed the Board that VPA is in favor of eliminating the MPJE as a requirement for pharmacist licensure in Vermont. No other public comment was received.
- Pharmacy Technician Rule Revision
 - Tech-check-tech (TCT)

- Ms. Phillips recommends the Board read the two articles provided by both her and BOP member Mike Carroll about Iowa and Tennessee states' models.
- Mr. Gilman proposed utilizing Department of Labor grant funds directed at pharmacy technician regulations efforts and have OPR's Data Analyst to gather data on other states/jurisdictions that have implemented TCT-type programs to aid in BOPs rule-making decisions on this topic.
- Registration requirement for pharmacy technicians working for a 503B outsourcer
 - Decision tabled for June's meeting

i. Pharmacy Emergency Guidance

- Mr. Carpenter moved to amend the COVID-19 Pharmacy Emergency Guidance, initiated March 2020 and last amended in March 2021 to remove the following sections" Conservation of PPE & Garb; Interruption of operations: Wholesale; and Interruption of operations: Retail.
Ms. Ibey seconded the motion, motion passed.

j. Review of state protocol for clinical pharmacy prescribing – Tobacco Cessation Products

- Vermont Medical Society's Stephanie Winters, and VPA's Lauren Bode spoke to the Board about their stakeholders' comments regarding prescribing of FDA-approved tobacco cessation drugs varenicline and bupropion
- The Board has tabled deliberation on this protocol until June's meeting.

k. UVM white bagging update – this topic was referred to the Interdisciplinary Task Force on non-pharmacy dispensing and compounding

- Ms. Phillips provided the following links for Vermont's pharmacy, and other, stakeholders adversely affected by the phenomenon of white bagging for their review in possible legislative approaches to address the issue
https://pharmacy.ca.gov/meetings/agendas/2021/white_bagging_presentations.shtml
 - PDFs of presentations shown
https://www.youtube.com/watch?v=jPeakqi_Ejc
 - The webcast of the meeting
https://pharmacy.ca.gov/meetings/agendas/2021/white_bagging_comments.pdf
 - Comments supplied

NABP's 2018 "*White and Brown Bagging Emerging Practices, Emerging Regulation*"

6. Other business:

- a. NABP correspondence – Ms. Phillips shared with the Board NABP's recent meeting.

7. Public Comment: none

8. Adjournment:

Mr. Arisman made a motion to adjourn the meeting at 12:56 pm; Mr. Carpenter seconded the motion. Motion passed.

Next Scheduled Meeting –Wednesday June 23rd, 2021
Please check the [OPR Meeting Calendar](#) for updates