

**Illinois Department of Financial and Professional Regulation**

**Division of Professional Regulation**

**Illinois Board of Pharmacy**

**Open Minutes**

**Date:** May 11, 2010  
**Call to Order:** 9:30 a.m.  
**Location:** Illinois Division of Professional Regulation  
James R. Thompson Center  
100 W. Randolph, Suite 9-171 b & c  
Chicago, Illinois  
**Adjournment:** 11:30 a.m.  
**Board Members Present:** Sudhir C. Manek, R.Ph., Chairperson  
Robert Anselmo, R. Ph., Vice-Chairperson  
Gordon John Mazzotti, R.Ph., Member  
Yatin M. Shah, M.D., Member  
Ned Milenkovich, R.Ph., Member  
Miriam Mobley Smith, R.Ph., Member  
Ronald A. Weinert, R.Ph., Member  
**Board Members Absent:** Joe Conover, Member  
**Division Staff Present:** Daniel A. Kelber, Senior Legal Counsel  
Kristine Gleason, Office of Legal Counsel  
Dr. Yash Amin, Director Drug Compliance  
Scott Golden, Health Related Prosecutions  
**Guests Present:** Yash Patel, CVS Pharmacy  
Mellissa Whittle, Target  
Avery Spunt, Midwestern School of Pharmacy  
Chris Wong, Walgreens  
Henry Gould, I.Ph.A.  
Catanya Norwood, C.C.H.H.S.  
Scott Meyers, I.C.H.P.  
Ingrid Samuelson, CVS/Caremark  
Brian Raymond, Target  
Sarah Anderson, Target  
Alia Salem, Midwestern School of Pharmacy  
Bill Powers, Walgreens  
Kristen Goliak, U.I.C.-C.O.P.  
Victoria Pervilka, Wal-mart

<b>TOPIC</b>	<b>DISCUSSION</b>	<b>ACTION</b>
<b>Welcome and Introductions</b>	<p>Mr. Manek welcomed everyone to the meeting of the Illinois Board of Pharmacy and ask Mr. Weinert as a new member of the Board to introduce himself to the Board and guests.</p> <p>Mr. Weinert stated he looked forward to serving on the Board and work with the other members for pharmacy.</p> <p>The remaining members of the Board, Staff and guests introduced themselves.</p>	
<b>Appreciation Letter</b>		<p>The Board requested that an appreciation letter be mailed to Mr. Khatau in appreciation of his work on the Board.</p>
<b>Open Meetings Act</b>	<p>Mr. Kelber explained the requirements and restrictions of the Illinois Open Meetings Act to the Board and reminded them that the Act also included email communications between the Board members.</p> <p>Mr. Kelber explained that this included emails and any information the Board wanted to send via this method should be sent to Mr. Scott who could forward to the rest of the Board. If a reply is requested it should only be sent to Mr. Scott and not the rest of the members of the Board.</p>	
<b>Agenda Review</b>	<p>The Board reviewed the Agenda and there were no additions.</p>	

<b>Minutes Approval</b>	The Board reviewed the minutes of the March 9, 2010 meeting of the Board.	Mr. Burgess made a motion to approve the minutes as presented. Mr. Anselmo seconded the motion.
<b>Rules Update</b>	<p>Mr. Kelber announced that the Joint Committee on Administrative Rules had approved the proposed Pharmacy Rules and they were effective on 04/29/2010. Mr. Kelber explained that the Rules could not be printed by IDFPR until they were published, but Mr. Scott will mail the members copies as soon as they are available.</p> <p>Mr. Kelber gave the Board background information on how the Rules were negotiated and approved by J.C.A.R.</p> <p>The Board discussed the Rules at length.</p> <p>Mr. Anselmo stated that the M.J.P.E. will need to have new questions now that the Rules are in effect.</p> <p>Mr. Kelber stated that he hoped that the public would read the new Rules before they call the Division, but if there is a “grey” area to call him or email with the question.</p> <p>Dr. Amin discussed how the new Rules will affect Drug Compliance and the investigators with the Board. Dr. Amin reviewed some the basic requirements for pharmacy as they are contained in the approved Pharmacy Rules.</p>	

	<p>Mr. Burgess asked if there would be time allowed for the profession to review and become familiar with the new Rules.</p> <p>Dr. Amin stated that allowances will be made for this.</p>	
<b>Newsletter</b>	<p>Mr. Manek stated the Board needs to get to work on a newsletter so that it can become available on the Division's web site.</p> <p>Mr. Anselmo volunteered to be the point person for the preparation of a newsletter with Ms. Smith and Mr. Weinert assisting in the process.</p> <p>Mr. Anselmo stated he will be contacting all Board members for articles and ideas for the newsletter.</p>	
<b>Black Box Warning</b>	<p>Mr. Kelber explained that the Division had received a complaint regarding a Black Box warning and gave the Board the background on the complaint.</p> <p>Dr. Amin further explained the problem with Black Box warnings and the requirements regarding them.</p> <p>The Board discussed the issue of Black Box warnings and counseling by pharmacist in general at length.</p> <p>Mr. Milenkovich asked if there needed to be a Rule and if so would that raise the standard of care.</p> <p>Ms. Smith stated that she felt that it is a pharmacist responsibility to help ensure</p>	

	<p>the safety and wellbeing of the patient when using medication and black box warnings should be communicated to patients via the counseling process.</p> <p>Mr. Anselmo stated that the only way it could be done would be to require counseling for each and every patient.</p> <p>Mr. Milenkovich stated that he was in favor of counseling by the pharmacist, but questioned it should be required for every patient.</p> <p>The Board discussed the issue at length.</p> <p>Mr. Kelber stated that if this was to become a requirement it would require a Rules amendment.</p>	
<p><b>Legislative Update</b></p>	<p>Mr. Patton that the I.Ph.A. monitored over 77 Bills during this session of the Illinois General Assembly.</p> <p>Mr. Patton explained that a lot of the Bills involved notifications by a pharmacist. Mr. Patton stated he did not see any further changes coming out of the session as they will be involved with the budget problem facing Illinois.</p> <p>Mr. Patton distributed to the Board a general overview of the Bills that had been introduced during the session that affected pharmacy and gave a brief synopsis of each one.</p> <p>Mr. Patton discussed the Schedule III questions he is receiving from his</p>	

	<p>members.</p> <p>Mr. Kelber explained the refill requirements for Controlled Substances.</p> <p>The pharmacist to fill 3 separate schedule II prescriptions (30 day supply each), which were written on the same by the physician, and could be filled consecutively within 90 days. All 3 cannot be filled at the same time nor could they be filled after the 90 day timeframe if all had been filled or not.</p> <p>Mr. Patton stated that he would like to see everyone come together after the session to work on rewriting the Illinois Controlled Substance Act.</p> <p>Mr. Kelber explained current procedures regarding controlled substance procedures.</p> <p>Mr. Kelber explained that everyone must follow D.E.A. guidelines.</p> <p>The Board asked several questions regarding the regulations and how they affect dispensing by a pharmacist. Mr. Kelber answered the Board's questions.</p>	
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<p><b>Pharmacy Prosecutions Report</b></p>	<p>Mr. Golden gave the Board an overview of the cases currently being handled and the reasons the cases were brought against the licensee. Mr. Golden stated that there are currently 97 cases being handled by the Division. Diversion is the biggest issue according to Mr. Golden.</p> <p>Mr. Golden further added that sister state discipline is also accounts for a large number of the cases he is handling.</p> <p>Mr. Burgess asked Dr. Amin if he was going to get additional staff to conduct inspections.</p> <p>Dr. Amin stated he is discussing the issue with the Director at this time.</p>	<p>The Board asked they be on record as strongly supporting additional staffing for Drug Compliance.</p>
<p><b>M.J.P.E. Item Writing Workshop</b></p>	<p>Mr. Manek stated that he had contacted the N.A.B.P. about setting up a time and date for an Item Writing Workshop for the M.J.P.E.</p> <p>Mr. Burgess discussed new items that need to be placed on the examination in the future.</p>	<p>Mr. Manek, Mr. Anselmo, Mr. Burgess and Mr. Milenkovich will assist in the item writing.</p>

<p><b>N.A.B.P. Annual Meeting</b></p>	<p>Mr. Manek stated that Mr. Milenkovich, Mr. Wienert, Mr. Anselmo, Mr. Burgess and himself will be attending the meeting.</p> <p>Mr. Manek stated that one of the issues that will be discussed at the meeting will be the issuance of a national license.</p>	
<p><b>Application Review</b></p>	<p>The Board reviewed and discussed the following applications and requests.</p> <p>Sara Nadra Wadih Course of Clinical Instruction. Action Sheet#101147</p> <p>Dipak R. Patel Course of Clinical Instruction. Action Sheet #101144</p> <p>Mohammed J. Alahmed Course of Clinical Instruction. Action Sheet #101145</p>	<p>Mr. Anselmo made a motion to recommend to the Director that the Course of Clinical Instruction be approved.</p> <p>Dr. Shah seconded the motion.</p> <p>Motion carried.</p> <p>Mr. Burgess and Mr. Weinert recused themselves.</p> <p>Mr. Burgess made a motion to recommend to the Director that the Course of Clinical Instruction be approved.</p> <p>Mr. Anselmo seconded the motion.</p> <p>Motion carried.</p> <p>Mr. Anselmo made a motion to recommend to the Director that the Course of Clinical Instruction be</p>

	<p>Dana I. Shatti Course of Clinical Instruction. Action Sheet #101146</p> <p>Brad Bartels Remedial Training. Action Sheet #101148</p> <p>Better Health Pharmacy Inc. Variance Request. Action Sheet #101149</p> <p>Advanced Patient Care LLC. Variance Request. Action Sheet #101143</p>	<p>approved. Mr. Weinert seconded the motion. Motion carried.</p> <p>Mr. Burgess made a motion to recommend to the Director that the Course of Clinical Instruction be approved. Mr. Anselmo seconded the motion. Motion carried.</p> <p>Mr. Anselmo made a motion to recommend to the Director that the Remedial Training be approved. Mr. Burgess seconded the motion. Motion carried.</p> <p>Mr. Burgess made a motion to recommend to the Director that the request for a variance be denied. Mr. Weinert seconded the motion. Motion carried.</p> <p>Mr. Mazzotti made a motion recommend to the Director that the request for a variance be denied. Mr. Anselmo seconded the motion. Motion carried.</p>
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<p><b>Motion to enter into Closed Session</b></p>		<p>At 11:05 a.m. Mr. Anselmo made a motion that the Board go into Closed Session for the purposes set forth in Section 2(c)(15) of the Illinois Open Meetings Act.</p> <p>Mr. Burgess seconded the motion.</p> <p>Mr. Manek – Yes  Mr. Anselmo – Yes  Mr. Burgess – Yes  Mr. Mazzotti – Yes  Ms. Smith – Yes  Mr. Milenkovich – Yes  Mr. Weinert – Yes  Dr. Shah</p> <p>Motion carried.</p>
<p><b>Deliberations</b></p>	<p>The following Deliberations were reviewed and discussed.</p> <p>Nicole R. Crawford  (049-189438)  Case # 2009-06403</p> <p>Kelly R. McClinton  (049-149190)  Case #2008-04692</p>	

<p><b>Motion to enter into Open Session</b></p>		<p>At 11:20 a.m. Mr. Anselmo made a motion that the Board enter into Open Session.  Dr. Shah seconded the motion.  Motion carried.</p>
<p><b>Deliberations</b></p>		<p>Mr. Anselmo made a motion to affirm the following decisions that were reached in Closed Session.</p> <p>Nicole R. Crawford  (049-189438)  Case #2009-06403  Recommend to the Director that the license be revoked.</p> <p>Kelly R. McClinton  (049-149190)  Case #2008-04692  Recommend to the director that the license be revoked.</p> <p>Mr. Mazzotti seconded the motion.  Motion carried.</p>

<p><b>Findings of Fact, Conclusions of Law and Recommendation to the Director</b></p>		<p>The Board signed the following Findings of Fact, Conclusions of Law and Recommendation to the Director.</p> <p>Nicole R. Crawford (049-189438) Case #2009-06403 Revoke license.</p> <p>Kelly R. McClinton (049-149190) Case #2008-04692 Revoke license.</p>
<p><b>Adjournment</b></p>		<p>Mr. Anselmo made a motion to adjourn the meeting.</p> <p>Mr. Milenkovich seconded the motion.</p> <p>Motion carried, meeting adjourned.</p>