STATE BOARD OF

Pharmacy

NEWSLETTER

Fall 2005



Inside:

Commonwealth of Pennsylvania

Edward G. Rendell Governor

Pedro A. Cortés Secretary of the Commonwealth

> Basil L. Merenda Commissioner, Bureau of Professional and Occupational Affairs

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Deputy Commissioner,

Bureau of Professional

and Occupational Affairs

For more information, visit us through the Pennsylvania homepage at www.state.pa.us or visit the Department of State directly at www.dos.state.pa.us

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Message from the Chairman by Michael J. Romano

I would like to take this opportunity to let our license holders know what the State Board of Pharmacy (Board) has been doing and what is planned in the future. These are exciting times for pharmacy practice in Pennsylvania and the Board has been very active and proactive regarding the regulatory process. We are awaiting final legislative approval of our Technology Regulations and the Act 102 Regulations. The latter is a major change in the Pharmacy Act that will finally recognize pharmacists for their clinical expertise in the monitoring and management of drug therapy in the institutional setting. Like boards of pharmacy in other states, our Board will continue to work to find ways to expand this capability to all areas of pharmacy practice. This will take time and the cooperation of pharmacists all over Pennsylvania.

When the proposed regulations relating to the administration of injectable medications, biologicals and immunizations are approved, pharmacists will be able to administer injectable medications, vaccines and biologicals to patients in any practice setting once the pharmacist meets the education, training standards and practice guidelines set by the Board . This will offer a great benefit to patients throughout the state of Pennsylvania.

The Board is actively involved in revising regulations related specifically to pharmacy supplies and doing a more general overall revision of all of the regulations. The changes will bring these regulations in line with pharmacy practice as it exists today. Another major effort underway is the promulgation of regulations regarding compounding. The Board has consulted with practitioners from various areas of compounding practice along with representatives of the Pennsylvania Society of Health-System Pharmacists and the Pennsylvania Pharmacists Association to aid in the initial drafting of these regulations. The regulations will involve all areas of compounding including sterile products.

The Board is also considering amending the regulations regarding continuing education (CE). Act 102 regulations will have a CE requirement for medication administration. We are also considering including 2 hours of medication safety continuing education as part of the 30 hours of CE required for license renewal. This is a very important aspect of pharmacy practice that continues to receive national attention.

The April meeting of the State Board took place at the Temple University School of Pharmacy in Philadelphia. This was the first time in years that the Board convened for a meeting outside of Harrisburg. This occurred because of the Bureau of Professional and Occupational Affairs' Commissioner, Basil Merenda, who wants to have all regulatory boards more accessible to the public. Thank you to Commissioner Merenda for taking us on the road and to the Temple University School of Pharmacy for being such gracious hosts. The October meeting is scheduled to take place in Pittsburgh at the University of Pittsburgh School of Pharmacy. Remember, all State Board of Pharmacy Meetings are open to the public so you are all invited to attend.

This is a brief overview of the Board's activities and I will endeavor to keep everyone updated on the progress of this as well as all of the regulatory changes as they occur.

New Regulations

The Board is in the process of promulgating new regulations pertaining to Biennial Renewal Fees, Automation and Technology, and Drug Therapy Management and Administration of Injectable Medications, Biologicals and Immunizations. Check the Board website under Special Notices for information about these regulations when they go into effect.

Let's Get to the "Point" Prescription Misinterpretations Due to Decimal Points

PROBLEM: Numbers containing decimal points are a major source of error and when misplaced, can lead to misinterpretation of prescriptions. Decimal points can be easily overlooked, especially on prescriptions that have been faxed, prepared on lined order sheets, or written or typed on carbon and no-carbon-required (NCR) forms (often used in hospitals and long-term care facilities). If a decimal point is missed, an overdose may occur. The importance of proper decimal point placement and prominence cannot be overstated.

For one thing, a decimal point should always be preceded by a whole number and never be left "naked." Decimal expressions of numbers less than 1 should always be preceded by a zero (0) to enhance the visibility of the decimal. For example, without a leading zero, a prescription for "Haldol .5 mg" (see image below) was misinterpreted and dispensed as "Haldol 5 mg." We have received similar reports with **RISPERDAL** (risperidone) in which "Risperdal .5 mg" was prescribed (instead of Risperdal 0.5 mg), but the patient received several 5 mg doses because the decimal point was overlooked.

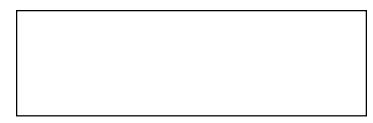
In addition, a whole number should never be followed with a decimal point and a zero. These "trailing zeros" (e.g., "3.0") are a frequent cause of 10-fold overdoses and should never be used. For example, when prescriptions have been written for "Coumadin 1.0 mg," patients have received 10 mg in error. Similarly, a prescription for "Synthroid 25.0 mcg" could be misread as "Synthroid 250 mcg."

Dangerous use of decimals can also be problematic if they appear in electronic order entry systems or on computer-generated labels. A newly admitted hospital patient told her physician that she took phenobarbital 400 mg PO three times daily. Subsequently, the physician wrote an order for the drug in the dose relayed by the patient. A nurse saw the prescription vial and verified that this was the correct dose. However, prior to dispensing, a hospital pharmacist investigated the unusually high dose. When he checked the prescription vial, he found that it was labeled as "phenobarbital 32.400MG tablet." The label indicated that 30 tablets were dispensed with instructions to take 1 tablet 3 times daily. The hospital pharmacist contacted the outpatient pharmacy and suggested that the computer expressions including trailing zeros be changed to avoid serious medication errors. The pharmacy management agreed that trailing zeros appearing on labels might pose a risk and they made the change immediately.

SAFE PRACTICE RECOMMENDATIONS: In order to avoid misinterpretations due to decimal point placement, pharmacists should consider the following:

Always include a leading zero for dosage strengths or concentrations less than 1.

- Never follow a whole number with a decimal point and a zero (trailing zero).
- Educate staff about the dangers involved with expressing doses using trailing zeros and naked decimal points.
- Eliminate dangerous decimal dose expressions from pharmacy and prescriber electronic order entry screens, computer-generated labels, preprinted prescriptions, etc.
- Avoid using decimals whenever a satisfactory alternative exists. For example, use 500 mg in place of 0.5 gram, 125 mcg instead of 0.125 mg, or 2 ½ mg instead of 2.5 mg.
- Identify drugs with known 10-fold differences in dosage strength (e.g., Cytomel 5 mcg and 50 mcg, Coumadin 1 mg and 10 mg, levothyroxine 25 mcg and 250 mcg) and place reminders in electronic order entry systems and on pharmacy shelves to alert practitioners to double check the dosage strength.
- When sending and receiving prescriptions via fax, healthcare practitioners should keep in mind that decimal points can be easily missed due to "fax noise." Whenever possible, encourage prescribers to give original prescriptions (with an indication that it has bee faxed) to their patients to take to the pharmacy for verification. Pharmacists should carefully review faxed prescriptions and clarify prescriptions that contain fax noise.
- Eliminate the lines on the back copy of NCR forms so that a person receiving can clearly see decimal points or other marks that were made on the top copy.
- Notify prescribers of the potential for error if misinterpretations due to decimal point usage are discovered.



Editor's note: This is the fourth featured article about medication errors from the Institute for Safe Medication Practices (ISMP). ISMP is an independent nonprofit agency that works closely with USP and FDA in analyzing medication errors, near misses and potentially hazardous conditions as reported by pharmacists and other practitioners. ISMP then makes appropriate contacts with companies and regulators, gathers expert opinion about prevention measures, then publishes prevention recommendations. If you would like to report a problem confidentially to these organizations, go to the ISMP web site (www.ismp.org) for links with USP, ISMP and FDA. Or, call 1 800 23 ERROR to report directly to the USP-ISMP Medication Errors Reporting Program. ISMP address: 1800 Byberry Road, Suite 810, Huntingdon Valley, PA 19006. Phone 215-947-7797. E-mail: ismpinfo@ismp.org.

Secundum Arthem Reaching Pharmacists with Help (S.A.R.P.H.)

S.A.R.P.H. is a pharmacist peer assistance program that works with the Bureau of Professional and Occupational Affairs' Professional Health Monitoring Program. Representatives of S.A.R.P.H. will investigate or intervene with any pharmacist licensee or pharmacy intern in Pennsylvania who, by reason of mental or physical illness or excessive use of alcohol, drugs and other substances, is unable to practice pharmacy with reasonable skill and safety. S.A.R.P.H. facilitates getting the licensee into treatment and monitors the licensee's recovery and fitness to practice. The minimum length of such monitoring is three years.

S.A.R.P.H. provides any person who refers a pharmacist or pharmacy student who is suspected of being unable to practice their profession with reasonable skill and safety guidance on interventions, mandatory reporting requirements, involvement with loss prevention, treatment referrals and return to practice/monitoring issues.

The most common drug of abuse is hydrocodone, followed by alcohol. Employers are reminded that all instances of diversion of any medication are to be reported to the Pennsylvania State Board of Pharmacy under the Practice Act's mandatory reporting requirements.

If you know of any pharmacist or pharmacy student in need of help, please contact Kathie Simpson, Director, S.A.R.P.H., 258 Wolff Lane, Irwin, Pa. 15642; 800-892-4484; e-mail SARPH@RCN.COM.

UNETHICAL OR UNLICENSED ACTIVITY

If you believe the practice or service provided by a licensed professional to be unethical, below an acceptable standard or out of the scope of the profession; or if you are aware of unlicensed practice, please call the Bureau of Professional and Occupational Affairs complaints hotline at:

In Pennsylvania: 1-800-822-2113

Out of State: 1-717-783-4854

A complaint form is available on the Department of State's internet site at www.dos.state.pa.us

Special Notice: Return to Stock of Unused Drugs

On October 17, 2003, the Board adopted a statement of policy that issues guidelines for the return of stock of undelivered medication. The Board issues this notice to clear up confusion regarding that statement of policy and the acceptance back of drugs from patients.

Section 5(a)(9)(xi) of the Pharmacy Act prohibits the acceptance back and redistribution of any unused drug, or part thereof, **after it has left the premises of any pharmacy**, whether issued by mistake or otherwise, **unless** it is in the original sealed container with the name, lot number and expiration date on the original intact manufacturer's label.

This does not prohibit the acceptance back and redistribution of all drugs. If the drug is in the original sealed container with the name, lot number and expiration date on the original intact manufacturer's label then the drug may be returned to the pharmacy. Further, Section 5(a)(9)(xi) requires the pharmacy to maintain records of all such returns, and issue a full refund to the original purchaser, including a third-party payer.

Section 27.102(a) of the Board's regulations, 49 Pa. Code §27.102(a), does not prohibit the return to stock of all medication. It references Section 5(a)(9)(xi) of the Pharmacy Act and goes on to explain how **undelivered** medication may be returned to the active stock. Once a drug has left the premises of the pharmacy Section 5(a)(9)(xi) controls whether that drug may be returned to the active stock.

Remaining 2005 Board Meeting Dates

October 26 Pittsburgh

* November 15-16

* December 15

*Meetings will be held at the Penn Center facility located at 2601 North 3rd Street, Harrisburg.

Licensee Spotlight Fred Moll

For 36 years, pharmacist Fred Moll has lived and worked in the Commonwealth of Pennsylvania. He has filled prescriptions and come to know the customers who stand at his counter. He also finds a common ground with those customers by discussing his fascinating work researching and writing about the covered bridges scattered throughout the state.

Years ago, while he was dating the young woman who would later become his wife, his interest was piqued by the covered bridge that was next to her grandfather's property. Intrigued by the bridge and the auto-free, quiet time of the nation's history that it represented, he began to research the bridge and others throughout Pennsylvania. In time, Berks County took over the property that his original covered bridge rested on and made it over into a tourist attraction. Since then, he has given several bridge tours at their request. For the past 14 years, he has been the historian for the Theodore Burr Covered Bridges Society of Pennsylvania.

It was the realization of just how much he had accumulated regarding covered bridges that led to his next big covered bridge project. After spending three decades collecting pictures and stories and records, he decided that he didn't want all of his work to be lost when he passed away. The result was the writing and publication of Covered Bridges of Berks County, Pennsylvania in 2001. At the time, he decided one book would be his limit, but has since published two more gorgeously photographed and researched books: Pleasantville Covered Bridge Restoration and, most recently, Pennsylvania's Covered Bridges. When asked if he plans on writing another, he replied, "No. Three's the limit." After a pause, he continued, "Well, I said one was the limit. Who knows? I might, but I don't plan on it." In the meanwhile, he is working on a brochure that will be stocked by visitor's centers throughout Pennsylvania.

Whether or not he publishes another book on covered bridges, his interest and knowledge has enriched both his life and career. "I get people who come in the drugstore who... bring me pictures, books," he says. "It gives me common ground with them."

Use of Pharmacy Technicians

Pharmacy technicians are an integral part of pharmacy practice today. By performing many of the non-judgmental tasks in processing prescriptions, they allow pharmacists the freedom to counsel patients and interact with other health care providers. Unfortunately, there seems to be a growing trend among pharmacy technicians of overstepping the boundaries set for them by regulation, and of pharmacists and pharmacies allowing, even encouraging, them to do so. By overstepping these bounds, a pharmacy technician's actions could constitute the unlicensed practice of pharmacy. The Board has, and will, take disciplinary action against pharmacy technicians engaged in the unlicensed practice of pharmacy and against the pharmacy and pharmacists allowing this to occur.

Of concern to the Board are reports of pharmacy technicians taking verbal orders over the phone for new prescriptions and refill authorizations, telephoning physicians to change prescription orders, dispensing prescriptions that have not been checked by a pharmacist and making DUR decisions without involving the pharmacist.

Section 27.12(d) of the Board of Pharmacy regulations details the duties which a pharmacy technician may perform and activities which a pharmacy technician is prohibited from performing. A pharmacy technician may not accept or transcribe an oral order or telephone prescription, enter or be in a pharmacy if a pharmacist is not on duty or perform any act within the practice of pharmacy that involves discretion or independent professional judgment. Additionally, there are Board of Pharmacy regulations which require only a pharmacist to perform certain duties related to prescription processing. Section 27.12(b)(2) requires that the pharmacist review the prescription or drug order and verify the final product before a prescription is dispensed. Section 27.19(b) requires that a pharmacist perform a Prospective Drug Review before filling a new prescription and Section 27.19(f)(1) provides that only a pharmacist may counsel a patient on their prescription.

Ultimately, the pharmacist is responsible for the actions of a pharmacy technician working under his/her supervision. Each pharmacy technician must have a written protocol which details the technician's specific duties within the pharmacy. Periodic review of the protocol and of Board regulations with the technician helps to ensure the safety of patients, the citizens of this Commonwealth that the Board is sworn to protect.

Disciplinary Actions

The following is a listing of disciplinary actions taken by the Board from July 2004 through June 2005. Each entry includes the name, certificate or registration number (if any), and last known address of the respondent; the disciplinary sanction imposed; a brief description of the basis of the disciplinary sanction; and the effective date of the disciplinary sanction.

Every effort has been made to ensure that the following information is correct. However, this information should not be relied on without verification from the Prothonotary's Office of the Bureau of Professional and Occupational Affairs. One may obtain verification of individual disciplinary action by writing or telephoning the Prothonotary's Office at P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686. Please note that the names of persons listed below may be similar to the names of persons who have not been disciplined by the Board.

Lucky O. Anighoro, license no. RP-045203-R, of Union, NJ, was ordered to pay a civil penalty of \$125, because Anighoro procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (07-20-04)

John P. Barickman, license no. RP-037791-R, of West Chester, Delaware County, was ordered to pay a civil penalty of \$100, because Barickman procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (07-20-04)

Shelby L. Berg, license no. RP-044852-L, of Lafayette Hill, Montgomery County, was ordered to pay a civil penalty of \$275, because Berg procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (07-20-04)

James F. Brennan, license no. RP-044235-L, of Bensalem, Bucks County, was indefinitely suspended for no less than three (3) years to be immediately stayed in favor of no less than three (3) years of probation, because Brennan was unable to practice the profession with reasonable skill and safety to patients by reason of illness, addition to drugs or alcohol or mental incompetence. (07-20&21-04)

Howard Lipschutz, license no. RP-020566-L, of Wynnewood, Montgomery County, permanently voluntarily surrendered his license and all property rights in renewing and/or reactivating his pharmacist license, because Lipschutz pled guilty to a felony. (07-20&21-04)

Dennis M. Rach, license no. **RP-036243-L**, of Monongahela, Washington County, was indefinitely suspended based upon respondent pleading guilty to two felonies. (07-21-04)

Thomas R. Nock, license no. **RP-034803-L**, of Philadelphia, Philadelphia County, was reinstated on probation after having met the requirements for reinstatement. (07-21-04)

Michael A. Sheeto, license no. RP-033837-R, of Bethlehem, Northampton County, was indefinitely suspended based upon respondent breaking the VRP Agreement by having two or more positive urine screenings. (07-28-04)

Ronald M. Hyman, license no. RP-033583-L, of Huntingdon Valley, Montgomery County, was automatically suspended based on findings that he pled guilty to knowingly and intentionally distributing a Schedule II controlled substance in violation of the Controlled Substance, Drug, Device and Cosmetic Act. (08-13-04)

Gregory Hansung Lee, certificate no. **PI-098804- L**, of Maple Glen, Montgomery County, was suspended, for three years, retroactive to November 18, 2003, based on findings that he violated the terms of the Consent Agreement and Order issued November 13, 2001. (08-13-04)

Eric Paul Harting, license no. RP-034463-L, of Oil City, Venango County, was suspended for five years to commence retroactively, *nunc pro tunc*, on February 26, 2001, stayed in favor of probation, because Harting pled guilty to an offense in connection with the practice of pharmacy. (08-17-04)

Karen S. Medley, license no. RP-039975-L, of Kensington, Westmoreland County, was ordered to pay a civil penalty of \$50, because Medley violated the Act in that Respondent procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (08-17-04)

Thomas John Osborne, license no. RP-043296-L, of Montrose, Susquehanna County and Honesdale, Wayne County, was ordered to pay a civil penalty of \$2,000 and Respondent's license shall be suspended for no less than three years to commence retroactively on April 17, 2003, because Osborne is unfit to practice pharmacy due to an impairment, and pled guilty to an offense in connection with the practice of pharmacy (08-17-04)

Cambria Pharmacies, Inc, license no. PP-413813-L and PP-411736-L and PP-411737-L, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$900, because Respondent failed to notify the Board of a change in controlling interest within the required thirty (30) days. (08-17&18-04)

Cooks Pharmacy, license no. PP-410958-L, of Shavertown, Luzerne County, was ordered to pay a civil penalty of \$1,800, because Respondent failed to notify the Board of a change in ownership within thirty (30) days. (08-17&18-04)

Fairchance Pharmacy, license no. PP-410720-L, of Fairchance, Fayette County, was ordered to pay a civil penalty of \$450, because Respondent failed to notify the Board of a change in controlling interest within the required thirty (30) days. (08-17&18-04)

Chad C. Morris, license no. **RP-043327-L**, of Virginia Beach, VA, will have a public reprimand placed on his permanent Board record, because he received disciplinary action by the proper licensing authority of another state. (08-17&18-04)

Rite Aid Pharmacy 3607, license no. **PP-410553-L**, of Carlisle, Cumberland County, was ordered to pay a civil penalty of \$500, because Respondent misbranded a drug and sold that drug. (08-17&18-04)

David Shorr, license no. **RP-022141-L**, of Pittsburgh, Allegheny County, license is revoked. Respondent shall cease and desist from practice as a

Disciplinary Actions, cont'd...

pharmacist and shall not represent himself as a board licensee in any manner whatsoever, because Shorr pled guilty in the disposition of felony charges to offenses connected with the practice of pharmacy in the United States Court for the Western District of Pennsylvania, Criminal No. 04-161. (08-18-04)

Mary C. Cardone, license no. RP-041749-L, of Virginia Beach, VA, had a public reprimand placed on her permanent Board record, because Cardone has had disciplinary action taken on her license to practice pharmacy by the proper licensing authority of another state. (09-21&22-04)

New Salem Pharmacy, license no. PP-411685-L, of New Salem, Fayette County, was ordered to pay a civil penalty of \$900, because Respondent failed to notify the Board of a change in controlling interest within thirty (30) days and failed to notify the Board of a change in pharmacist manager within fifteen (15) days (09-21& 22-04)

Peter A.Grujich, license no. **RP-032717-**L, of Saxonburg, Butler County, was granted reinstatement of a probationary license pursuant to the terms of a consent agreement approved by the Board on February 17, 2004. (09-23-04)

Donald Lester Koehler, license no. **RP-022043-L**, of Nazareth, Northampton County, was indefinitely suspended based upon failure to provide proof of continuing education credits. (09-23-04)

Marc Elliot Garber, license no. RP-031171-L, of Cherry Hill, NJ, was suspended for three years, retroactive to January 22, 2002 based on findings that he violated the terms and condition of a Board order issued January 18, 2001. (09-24-04)

Sharon Kay Richardson, license no. **RP-034825- L**, of Allentown, Lehigh County, was suspended for three years, retroactive to January 22, 2002 based on testimony that drugs had been found in a recent screening which violated the terms and condition of a Board order issued May 18, 1999. (09-24-04)

Theodore W. Earl, license no. RP-045141-R, of Homestead, Allegheny County, was indefinitely suspended for no less than three years, to be immediately stayed in favor of no less than three years of probation, because Earl received an Accelerated Rehabilitative Disposition on charges relating to moral turpitude. (10-19-04)

Joy Priscilla Alonzo, license no. RP-033490-L, of Orange Park, FL, was ordered to pay a civil

penalty of \$1,000, because Alonzo failed to produce certificates proving the information provided to the Board on the form submitted with Respondent's renewal application as required by the regulations. (10-20-04)

Kerry Dwain Stetler, license no. RP-032539-L, of York, York County, was formally reprimanded for procuring a drug by fraud, deceit, misrepresentation or subterfuge and pleading guilty to an offense in connection with the practice of pharmacy. (10-20-04)

Charles Jeffery Christian, license no. RP-044022-R, of Tennessee, was denied reinstatement of his license to practice pharmacy for failure to demonstrate that he is fit to practice pharmacy. (10-20-04)

James Edward Clausius, license no. RP-027991-L, of Reading, Berks County, had the terms of his probation modified. (10-20-04)

Brian D. Kilmartin, license no. **RP-034734-L**, of Norristown, Bucks County, was reinstated to probationary status. (10-20-04)

Colleen Mae Hogue, license no. RP-035975-L, of Monroeville, Allegheny County, was indefinitely suspended for no less than four years, because Hogue is deemed unfit to practice pharmacy because of intemperance in the use of alcoholic beverages, controlled substances or any other substance which impairs the intellect and judgment to such an extent as to impair the performance of professional duties. (11-17-04)

Robert Harry Rendler, license no. RP-026687-L, of Collegeville, Montgomery County, was assessed a civil penalty of \$100, based upon respondent failing to complete his continuing education in a timely manner. (11-17-04)

Fred R. Weingarten, license no. RP-026541-L, of Westford, VT, was reprimanded due to actions taken by the proper licensing authority in another state. (11-17-04)

Sheila Jani, license no. **RP-039803-L**, of Glen Mills, Delaware County, was reprimanded because of disciplinary action taken in another state. (11-19-04)

Michael J. Palladini, license no. RP-041148-R, of Beaver, Beaver County, was automatically suspended after he pled guilty to one count of possession with intent to deliver. (11-24-04)

Thomas R. Prendergast, license no. **RP-023419-L**, of Morgantown, WV, was automatically suspended after he pled guilty to three counts of possession with intent to distribute. (12-2-04)

Timothy J. Morelli, license no. **RP-030177-L**, of Mercer, Mercer County, was automatically suspended based on a guilty plea to one count of possession with intent to deliver, manufacture or create a controlled substance. (12-6-04)

J. Bryan Mayes, license no. **RP-032411L**, of North East, Erie County, was automatically suspended after he pled guilty to one count of possession of a controlled substance. (12-7-04)

Robert Choinski, license no. RP-036458-R, of Lebanon, CT, was ordered to pay a civil penalty of \$100, because Choinski procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (12-14-04)

Kerry Dwain Stetler, license no. RP-032539-L, of York, York County, was formally reprimanded for procuring a drug by fraud, deceit, misrepresentation or subterfuge and pleading guilty to an offense in connection with the practice of pharmacy. (10-20-04)

Cynthia M. Minto, license no. **RP-041047-L**, of Elwood City, Beaver County, was indefinitely suspended and assessed a civil penalty of \$1,000 based upon guilty pleas of retail theft. (11-17-04)

Jay Michael Paul, license no. RP-026676-L, of Jamison, Bucks County, was granted reinstatement of his license to probationary status upon taking and passing the licensing examinations and proving completion of at least 150 hours of ACPE-approved continuing education. (12-16-04)

David C. Curry, license no. **RP-437178**, of Parkville, MD, was revoked, based on the proper licensing authority of another state revoking his license. (12-16-04)

Victor U. Ezeibe, license no. RP-035072-L, of York, York County, was suspended with the suspension immediately stayed in favor of probation and assessed a total of \$5,000 in civil penalties for failing to complete thirty hours of ACPE-approved continuing education, procuring a license through fraud, misrepresentation, or deceit, and submitting falsified continuing education certificates to the Board. (12-16-04)

Disciplinary Actions, cont'd.....

John James Davis, license no. RP-028924-L, of Norristown, Montgomery County, was suspended for two years with the first three months active and the remainder stayed in favor of probation based upon pleading guilty to an offense in connection with the practice of pharmacy.

(12-16-04)

Denise B. Willis, license no. RP-029829-L, of Petersburg, VA, was reprimanded because of disciplinary action taken in another state. (12-16-04)

Timothy J. Morelli, license no. RP-030177-L, of Mercer, Mercer County, was automatically suspended based on a guilty plea to one count of possession with intent to deliver, manufacture or create a controlled substance. (01/6/05)

Laura D. Doria-Hebeler, license no. RP-032833-T, of Lakewood, NJ, was ordered to pay a civil penalty of \$300, because Doria-Hebeler procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations (01-18-05)

Valeria Valiga Wymer, license no. RP-034411-R, of Leesburg, VA, had a public reprimand placed on her permanent Board record, because Wymer had disciplinary action taken against her license by the proper licensing authority of another state. (01-18-05)

Triet Ngoc Nguyen, license no. RP-044184-R, of Falls Church, VA, had a public reprimand placed on his permanent Board record, because Nguyen has had disciplinary action taken on his license to practice pharmacy by the proper licensing authority of another state (01-18-05)

Rostraver Pharmacy, Inc., license no. PP413847L, of Belle Vernon, Fayette County, was assessed a civil penalty of \$1,000, for improperly filing Schedule II prescriptions. (01-20-05)

James P. Lezotte, license no. RP-040201-L, of Philadelphia, Philadelphia County, was granted reinstatement on probation of his license to practice pharmacy. (01-20-05)

Dawn Cherie Muntean, license no. RP030749L, of Meadville, Crawford County, was suspended, based on her violating terms of a previous Board order. (01-25-05)

Michelle Amy Shapiro, license no. RP-038467-L, of Mason, OH, had a public reprimand placed on Respondent's permanent Board record, because Shapiro had other disciplinary action taken on her license to practice pharmacy by the proper licensing authority of another state. (02-15-05)

Glenn A. Myer, license no. RP-032740-L, of Stowe, VT, was ordered to pay a civil penalty of \$1,000 and had a public reprimand placed on his permanent Board record, because Myer departed from or failed to conform to the standards of acceptable and prevailing pharmacy practice dispensing a drug that was not properly labeled. (02-15&16-05)

Main Line Hospital, Inc. - Bryn Mawr Campus Pharmacy, license no. HP-418024-L, of Bryn Mawr, Montgomery County, was ordered to pay a civil penalty of \$3,000, because they failed to provide adequately controlled access to the Schedule II controlled substances as required by the regulations; did not maintain prescription orders for controlled substances in Schedule III, IV and V either in a separate prescription file or in such form that they were readily retrievable from the other prescription records of the pharmacy, by marking the face of the prescription in red ink in the lower right corner with the letter "C"; did not create and maintain a written protocol for each pharmacy technician employed in the pharmacy; and prepackaging and labeling in convenient quantities for subsequent use was not done under the direct personal supervision of a registered pharmacist and no prepackaging log was maintained. (02-16-05)

Harding Gilbert Williams, license no. RP-034913-L, of Schwenksville, Montgomery County, was ordered to pay a civil penalty of \$3,000, because Williams, Pharmacy Manager of Main Line Hospital-Bryn Mawr Campus, did not provide adequately controlled access to the Schedule II controlled substances as required by the regulations; did not maintain prescription orders for controlled substances in Schedules III, IV and V either in a separate prescription file or in such form that they were readily retrievable from the other prescription records of the pharmacy, by marking the face of the prescription in red ink in the lower right corner with the letter "C"; did not create and maintain a written protocol for each pharmacy technician employed in the pharmacy; and prepacking and labeling in convenient quantities for subsequent use was not done under the direct personal supervision of a registered pharmacist and no prepackaging log was maintained. (02-16-05)

Kingsley Laiard Bilcher, license no. RP-043086-R, of Houlton, ME, permanently voluntarily surrendered his license, because he had disciplinary action taken against his license by the proper licensing authority of another state. (03-15&16-

The Medicine Shoppe, license no. PP-415214-L, of Barto, Berks County, was ordered to pay a civil penalty of \$350, because of failure to mark prescription orders in red ink in the lower right corner with the letter "C", no less than one inch high, on prescriptions for Schedule III, IV and V controlled substances that were filed with prescriptions for non-controlled substances; and for having inadequate security for Schedule II Controlled Substances. (03/16/05)

Terry Lynn Tompkins Hudon, license no. RP-038516-L, of Barto, Berks County, was ordered to pay a civil penalty of \$350, because Hudon failed to mark prescription orders in red ink in the lower right corner with the letter "C", no less than one inch high on prescriptions for Schedule III, IV and V controlled substances that were filed with prescriptions for non-controlled substances; and for having inadequate security for Schedule II Controlled Substances. (03/16/05)

Nicholas Sychak, license no. RP-030279-L, of Pittsburgh, Allegheny County, was revoked based on the fact that he knowingly, intentionally, and unlawfully conspired to distribute and possess with intent to distribute, Schedule II, Schedule III and Schedule IV controlled substances which is a felony under the "Drug Act". (02-17-05)

Jeffrey P. Yannello, license no. RP-033196-L, of Kingsville, MD, was denied reinstatement for failing to demonstrate that he has the moral and professional character required of pharmacists. (03-16-05)

Michael Shim, unlicensed, of Livingston, NJ, was assessed a \$48,700 civil penalty after engaging in the practice of pharmacy without the proper licensing. (3-16-05)

Richard William Saxe, license no. RP-026321-L, of Pittsburgh, Allegheny County, was indefinitely suspended and stayed for the period of time remaining on his PHMP monitoring agreement, after he pled guilty to theft by unlawful taking or disposition and procurement of drugs by fraud, deceit, misrepresentation or subterfuge in violation of 18 Pa. C.S. § 3921(a) and 63 P.S. § 390-8(13)(i), respectively. (03-18-05)

Disciplinary Actions, cont'd.....

Seil Kim, license no. RP-037100-L, of Philadelphia, Philadelphia County, was suspended for one year based upon pleading guilty or nolo contendere to the charges of knowingly or intentionally possessing a controlled or counterfeit substance and buying controlled substances from unauthorized persons, which are misdemeanors under the Drug Act. (04-01-05)

Rite Aid Pharmacy 447, license no. PP-413240-L, of Douglasville, Berks County, was ordered to pay a civil penalty of \$700, because Respondent did not have a permit showing the name of the current pharmacy manager, did not notify the Board of a change in pharmacy manager within 15 days and did not have adequate security for the Schedule II controlled substances because the cabinet could not be securely locked. (04-20-05)

Anthony Mark Scalies, license no. RP-036864-L, of West Brandywine, Chester County, was ordered to pay a civil penalty of \$500, because Scalies did not have a current license to practice pharmacy and had charge of Honeybrook Pharmacy. (04-20-05).

Honeybrook Pharmacy, license no. PP-415604-L, of Honeybrook, Chester County, was ordered to pay a civil penalty of \$500, because Respondent did not insure that a pharmacist duly licensed in Pennsylvania was in charge of said pharmacy at all times that the pharmacy was open. (04-20-05)

Michael S. Keyes, license no. RP-035095-T, of Churchville, Bucks County, permanently voluntarily surrendered his license, because he was guilty of incompetence, gross negligence or other malpractice, or the departure from, or failure to conform to, the standards of acceptable and prevailing pharmacy practice. (04-20-05)

Robert A. Crystal, applicant, of Albany, NY, was granted his application for reciprocal licensure as a pharmacist on probation, based on having received discipline by the proper licensing authority of another state. (04-26-05)

Daniel Carmen Gebbia, license no. **RP-038983-L**, of New Castle, Lawrence County, permanently voluntarily surrendered his license, because Gebbia pled guilty to three felony charges. (05-17&18-05)

Weis Market #52, license no. PP-414074-L, of Williamsport, Lycoming County, was ordered to pay a civil penalty of \$1,000, because it used a computerized record keeping system that failed to have adequate safeguards to prevent actual erasure. (05-17&18-05)

Jay M. Ambrose, license no. RP-034517-R, of Virginia Beach, VA, was ordered to pay a civil penalty of \$1,000 and was suspended with suspension stayed in favor of probation concurrent with his criminal probation, because Ambrose pleaded guilty to an offense in connection with the practice of pharmacy. (06-14-05)

John A Bender, license no. RP-026419-L, of Emsworth, Allegheny County, had his license suspended for no less than three (3) years, retroactive to December 16, 2003, stayed in favor of no less than three (3) years of probation, because Bender pled guilty to an offense in connection with the practice of pharmacy. (06-14-05)

Brenda M. Ford, license no. RP-041804-L, of Girard, Erie County, was ordered to pay a civil penalty of \$725, because Ford procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (06-14-05)

Integrity Healthcare Services, Inc., license no. PP-414162-L, of Wexford, Allegheny County, was ordered to pay a civil penalty of \$300, because Integrity Healthcare Services, Inc. failed to file with the Board an application for a change in controlling interest within the required thirty (30) days. (06-14-05)

Edward G. Krystopowicz, license no. RP-026975-L, of Rumson, NJ, permanently and voluntarily surrendered his license to practice pharmacy in the Commonwealth of Pennsylvania, because Krystopowicz procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (06-14-05)

Frank C. Lagattuta, license no. RP-023197-L, of Easton, Northampton County, permanently and voluntarily surrendered his license, because Lagattuta procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (06-14-05)

Brenden T. Le, license no. **RP-437320**, of Bensalem, Bucks County, was publicly reprimanded and received a civil penalty of \$2,800, because Le procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (06-14-05)

James A. Lemon, license no. RP-025855-L, of Titusville, Crawford County, was ordered to pay a civil penalty of \$100, because Lemon procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (06-14-05)

Robert P. Levan, license no. RP-025877-L, of Allentown, Lehigh County, was ordered to pay a civil penalty of \$50, because Levan procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (06-14-05)

Ernest C. Sampson, license no. RP-029856-L, of Columbiana, OH, was ordered to pay a civil penalty of \$700, because Sampson procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (06-14-05)

Richard David Sweet, license no. RP-025758-L, of Parma, OH, permanently voluntarily surrendered his license, because Sweet had disciplinary action taken on his license to practice pharmacy by the proper pharmacist licensing authority of another state. (06-14-05)

Brian D. Wieczorek, license no. RP-033785-L, of Erie, Erie County, was ordered to pay a civil penalty of \$100, because Wieczorek procured a license through fraud, misrepresentation or deceit by falsely indicating that Respondent had 30 continuing education credits and by failing to complete 30 hours of continuing education as required by the regulations. (06-14-05)

Meet Deputy Commissioner Marks

Peter V. Marks, Sr. was appointed Deputy Commissioner of the Bureau of Professional and Occupational Affairs by Governor Edward G. Rendell on January 31, 2005.

As Deputy Commissioner, he is primarily responsible for the day-to-day administrative oversight of the Bureau. The administrative responsibilities include Bureau staffing, budget and training. Other responsibilities include supervising Commissioner office staff, the Professional Health Monitoring Program (PHMP) as well as the Revenue Office. Deputy Marks assists the Commissioner in all relevant licensing board issues and acts as the Commissioner's designee on various boards and commissions.

Peter has served as Trustee on various Health, Welfare, Pension and Pre-Paid Legal Funds. He also functioned as lobbyist at the Pennsylvania State Legislature. Two notable successes in lobbying were the Pennsylvania Public Employee Collective Bargaining Act and the Pennsylvania Anti-Polygraph Law.

Deputy Marks has also served as Director of Organizing, Director of Education and as Director of Collective Bargaining (dealing with approximately 250 Collective Bargaining Agreements and supervising a staff of Representatives).

Peter designed and implemented a pre-paid dental program for approximately 14,000 people. He served as Arbitrator for the Philadelphia Court system and was President of the Philadelphia Municipal Court Association of Arbitrators. He has been a New Jersey Superior Court Arbitrator and Arbitrator for the United States District Court of New Jersey.

Deputy Marks is a member of the American Bar Association, Labor and Employment Law Section and the Alternative Dispute Resolution Committee.

A native of Philadelphia, Peter earned a bachelor's degree in personnel and labor relations from LaSalle University and a law degree from Delaware Law School.

Peter has eight children, 10 grandchildren and currently resides in Dauphin County.

Full Online License Renewal

The Bureau of Professional and Occupational Affairs is now capable of offering licensees full online renewal of licenses. The online renewal process makes renewing licenses faster, more effective and efficient.

Approximately 90 days prior to your license expiration, the Board will notify you by mail that it is now time to renew your license online. This reminder will include instructions and your unique renewal code which will be required to complete your online renewal.

You may download, complete and submit your renewal application directly from our website. Licensees will still be permitted to mail their renewal application to our office for processing, however processing time could be lengthy depending upon volume. If you do not have access to the Internet, you will be required to make a written request via mail or fax for an application after you receive the renewal notice. Due to anticipated high call volume during the renewal period, Board staff will be unable to accommodate telephone requests for paper renewal applications.

Licensees can verify a license and renew their present licenses at https://www.mylicense.state.pa.us.

Validity of Pharmacy Intern Registration

The Pennsylvania State Board of Pharmacy requires enrollment in a school of pharmacy accredited by the Accreditation Council for Pharmacy Education in order for an individual to be registered and to work as a Pennsylvania pharmacy intern. Please keep in mind that if a pharmacy intern ceases enrollment in his or her school of pharmacy (i.e. drops out of school), his/her pharmacy intern registration immediately becomes null and void and the individual can no longer work as a pharmacy intern.

*A pharmacy intern who has graduated from their school of pharmacy may continue to work as a pharmacy intern until his or her pharmacy intern registration expires. In most cases, a Pennsylvania pharmacist license will be issued to the pharmacy intern prior to the expiration date of the pharmacy intern registration. If a pharmacist license is issued prior to that expiration date, the pharmacy intern registration will automatically become null and void on the date that the pharmacist license was issued.

Board Members and Staff

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Richard R. Smiga, R.Ph.

Lititz, Lancaster County

David Summer, Esq.

Bureau of Consumer Protection Office of Attorney General

Basil L. Merenda, Commissioner

Bureau of Professional and Occupational Affairs

Carole L. Clarke, Esq.

Counsel

Melanie Zimmerman, R.Ph.

Executive Secretary

Right-to-Know Act and Home Addresses

The Bureau of Professional and Occupational Affairs is sensitive to its licensees' concerns about personal privacy. However, the Pennsylvania Right-to-Know Act, 65 P.S. § 66.1, mandates release of information contained in a "public record" stored by that agency if a member of the public requests it.

The Bureau will take all reasonable steps to safeguard personal information contained in your licensure records. We realize that many of you use your home address on the licensure records maintained by the Bureau. However, given the uncertainty over what the Right-to-Know Act requires, neither the Bureau nor the board that issues your license can guarantee the confidentiality of the address shown on your licensing record. Therefore, we recommend that if you have a personal security concern, you might want to consider what many of our licensees have already done: use a business address or box number as the official address on licensure records.

Also, with the arrival of the License 2000 computer system, you may indicate to the Board an address for release to the public that may be different from your home address.

To further protect your privacy and identity, the Bureau will only accept a request to change a licensee's address if it is submitted in writing and includes the licensee's social security number, license number and the old and new addresses.

State Board of Pharmacy

P.O. Box 2649 Harrisburg, PA 17105-2649

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