

**VIRGINIA BOARD OF PHARMACY
MINUTES OF SPECIAL CONFERENCE COMMITTEE**

Thursday, August 28, 2008
Second Floor
Board Room 1

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233

CALL TO ORDER: A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:00 a.m.

PRESIDING: Dave Kozera, Committee Chairman

MEMBERS PRESENT: Bobby Ison

STAFF PRESENT: Cathy M. Reiniers-Day, Deputy Executive Director
Mykl D. Egan, DHP Adjudication Specialist

WILLIAM R. WIMBISH
License #0202-004743

William R. Wimbish appeared with Gordon Hair, his CVS/pharmacy supervisor, to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the August 8, 2008 Notice.

Mr. Kozera stated that he also works for CVS/pharmacy and could make a fair and impartial decision in this case.

Closed Meeting: Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.27 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of William R. Wimbish. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene: Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision: After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the

Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 1.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Wimbish unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Wimbish within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

RICHARD K. SNYDER
License #0202-007670

Richard M. Snyder appeared to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the August 6, 2008 Notice.

Closed Meeting:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.27 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Richard K. Snyder. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 2.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Snyder unless a written request to the Board for a formal hearing on the allegations made against him is received

from Mr. Snyder within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

ALFRED M. LAWSON
Pharmacist Applicant

Alfred M. Lawson appeared to discuss his application for licensure and allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the August 15, 2008 Notice.

Closed Meeting:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.27 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Alfred M. Lawson. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 3.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Lawson unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Lawson within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

TERRI MCDANIEL
Registration #0230-002594

Terri McDaniel appeared with Michael L. Goodman, her attorney, to discuss allegations that she may have

violated certain laws and regulations governing the practice of pharmacy technicians as stated in the May 28, 2008 Notice.

Closed Meeting:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.27 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Terri McDaniel. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 4.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Ms. McDaniel unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. McDaniel within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

BRENDA PLANTZ
License #0202-004298

Brenda Plantz appeared with Joseph P. McMenamin, her attorney, to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the May 28, 2008 Notice.

Closed Meeting:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.27 of the Code of Virginia for the purpose of

deliberation to reach a decision in the matter of Brenda Plantz. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

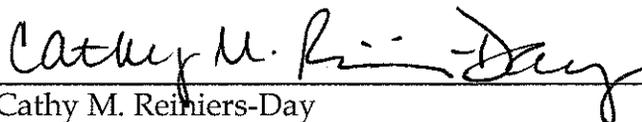
Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 5.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Ms. Plantz unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Plantz within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

ADJOURN:

With all business concluded, the meeting adjourned at 5:45 p.m.



Cathy M. Reiniers-Day
Deputy Executive Director



David C. Kozera, Chair

12/10/08

Date

Attachment 1
Minutes - Board of Pharmacy
Special Conference Committee
August 28, 2008

William R. Wimbish

Findings of Fact and Conclusions of Law:

- William R. Wimbish holds license number 0202-004743 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Mr. Wimbish's employment as pharmacist-in-charge of CVS/pharmacy #1555, Charlottesville, Virginia, he violated § 54.1-3316(1) and (7), § 54.1-3320(A)(1) and (6), § 54.1-3457(16) and § 54.1-3462(A)(1) of the Code, and 18 VAC 110-20-270(C) of the Board of Pharmacy Regulations, in that on May 10, 2008, he dispensed RX #126731 with doxycycline 100mg (Schedule VI) instead of the prescribed dicyclomine 10mg (Schedule VI). The bottle was mislabeled as containing dicyclomine.

Sanction

- It is hereby ORDERED that William R. Wimbish be issued a REPRIMAND. Further, the Board ORDERS that Mr. Wimbish shall successfully complete six (6) hours of continuing pharmacy education in the subject of medication errors.

Attachment 2
Minutes - Board of Pharmacy
Special Conference Committee
August 28, 2008

Richard K. Snyder

Findings of Fact and Conclusions of Law:

- Richard K. Snyder holds license number 0202-007670 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Mr. Snyder's employment as pharmacist-in-charge at K-Mart Pharmacy #4090, Charlottesville, Virginia:
 - Mr. Snyder violated § 54.1-3316(6) and (7) and § 54.1-3303(A) and (B) of the Code and 18 VAC 110-20-270(C) of the Board of Pharmacy Regulations ("Regulations") in that on March 30, 2007, he altered a legitimate prescription (RX #4436462) in that he changed the quantity from 100 tablets to 150 tablets of Lortab 10/500 (hydrocodone/APAP 10/500, Schedule III).
 - Mr. Snyder violated § 54.1-3316(1) and (7) of the Code, and 18 VAC 110-20-320(D) of the Regulations in that, between December 31, 2006, and February 17, 2008, he dispensed and refilled fifteen (15) prescriptions for Lortab 10/500 written for members of his family between nineteen (19) and three (3) days early. This failed to conform to the medications' reasonable use as indicated by the practitioner.

Sanction

It is hereby ORDERED that Richard K. Snyder be issued a REPRIMAND. Further, the Board ORDERS that Mr. Snyder shall successfully complete five (5) hours of continuing pharmacy education in the area of substance abuse.

Minutes - Board of Pharmacy
Special Conference Committee
August 28, 2008

Alfred M. Lawson

Findings of Fact and Conclusions of Law:

- Pursuant to an application received by the Board on April 10, 2008, Alfred M. Lawson applied for a license to practice pharmacy in the Commonwealth of Virginia.
- Several of Mr. Lawson's co-workers and employers stated that he was a careful and conscientious pharmacy intern.
- Mr. Lawson's application is properly before the Committee.

Sanction

- It is hereby ORDERED that upon submission of written proof that Alfred M. Lawson has taken and passed the drug law exam within six (6) months of the date of entry of this Order, Mr. Lawson's application for licensure to practice pharmacy in the Commonwealth of Virginia shall be APPROVED.

Attachment 4
Minutes - Board of Pharmacy
Special Conference Committee
August 28, 2008

Terri McDaniel

Findings of Fact and Conclusions of Law:

- Terri McDaniel holds registration number 0230-002594 issued by the Board to practice as a pharmacy technician in the Commonwealth of Virginia.
- During the course of Ms. McDaniel's employment as a pharmacy technician at Parkway Pharmacy, Crozet, Virginia, from on or about August 2007 until February, 2008:
 - Ms. McDaniel violated § 54.1-3316(6) and (7) and § 54.1-3320 of the Code and 18 VAC 110-20-180(A)(4) and 18 VAC 110-20-190(B)(1) of the Board of Pharmacy Regulations ("Regulations") in that she possessed a key to the prescription department and access to the alarm system for the prescription department.
 - Ms. McDaniel violated § 54.1-3316(6) and (7) and § 54.1-3320 of the Code and 18 VAC 110-20-190(C) of the Regulations in that she entered the pharmacy department using said key and the access code without a pharmacist present.
- The Albemarle County Commonwealth Attorney's Office and an investigator with the Virginia Lottery provided documentation to the Committee indicating that they requested the assistance of Ms. McDaniel to obtain evidence of lottery fraud by a Parkway Pharmacy employee and advised Ms. McDaniel that the evidence needed to be kept in a secure location to ensure chain of custody.
- Ms. McDaniel stated to the Committee that in order to ensure a chain of custody, the evidence incriminating the employee was kept within the prescription department and that she would enter the prescription department early in the morning before any pharmacists arrived in order to compile the evidence against the employee. If she had altered the work schedule, it would have caused the employee suspected of stealing lottery tickets to be suspicious as she owned a store across the street from the pharmacy.
- Ms. McDaniel continued to enter the prescription department after the employee was arrested and the employee was aware of the charges against her to compile additional evidence against the employee concerning the criminal charges.

Sanction

It is hereby ORDERED that the Committee shall IMPOSE NO SANCTION.

Minutes - Board of Pharmacy
Special Conference Committee
August 28, 2008

Brenda Plantz

Findings of Fact and Conclusions of Law:

- Brenda Plantz holds license number 0202-004298 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Ms. Plantz's employment as pharmacist-in-charge of Parkway Pharmacy, Crozet, Virginia, from on or about August 9, 2007 until February, 2008:
 - Ms. Plantz violated § 54.1-3316(6) and (7), § 54.1-3320, and § 54.1-3434 of the Code and 18 VAC 110-20-180(A)(4) and 18 VAC 110-20-190(B)(1) of the Board of Pharmacy Regulations ("Regulations") in that she allowed a pharmacy technician to possess a key to the prescription department and access to the alarm system for the prescription department.
 - Ms. Plantz violated § 54.1-3316(6) and (7) and § 54.1-3434 of the Code and 18 VAC 110-20-190(B)(2) of the Regulations in that she kept a key to the prescription department taped to the wall behind shelves outside the prescription department, in an unsecured place and not within a sealed envelope.
 - Ms. Plantz violated § 54.1-3316(6) and (7), § 54.1-3320, and § 54.1-3434 of the Code and 18 VAC 110-20-190(C) of the Regulations in that she allowed a pharmacy technician to enter the pharmacy department using said key and the access code without a pharmacist present.
- The Albemarle County Commonwealth Attorney's Office and an investigator with the Virginia Lottery provided documentation to the Committee indicating that they requested the assistance of Ms. Plantz to obtain evidence of lottery fraud by a Parkway Pharmacy employee and advised Ms. Plantz that the evidence needed to be kept in a secure location to ensure chain of custody.
- Ms. Plantz stated to the Committee that in order to ensure a chain of custody, the evidence incriminating the employee was kept within the prescription department and that the pharmacy technician would enter the prescription department early in the morning before any pharmacists arrived in order to compile the evidence against the employee. If she had altered the work schedule, it would have caused the employee suspected of stealing lottery tickets to be suspicious as she owned a store across the street from the pharmacy.
- The pharmacy technician continued to enter the prescription department after the employee was arrested and the employee was aware of the charges against her to compile additional evidence against the employee concerning the criminal charges.

Sanction

- It is hereby ORDERED that Brenda Plantz be issued a REPRIMAND.