(FINAL APPROVED)

MINUTES OF SUMMARY SUSPENSION

Tuesday, October 15, 2013
Commonwealth Conference Center
Second Floor
Board Room 2

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

Orders/Consent Orders referred to in these minutes are available upon request

CALL TO ORDER: A meeting of the Board of Pharmacy ("Board") was called to order at 9:45 a.m.

PRESIDING: Jody H. Allen, Chair

MEMBERS PRESENT:
R. Crady Adams
David C. Kozera
Empsy Munden
Robert M. Rhodes
Ellen B. Shinaberry
Pratt P. Stelly

STAFF PRESENT:
Caroline Juran, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Eusebia L. Joyner, Disciplinary Program Specialist
Erin Barrett, Assistant Attorney General
Corie Tillman Wolf, Senior Assistant Attorney General
Mykl Egan, DHP Adjudication Specialist

QUORUM: With seven (7) members participating and three (3) unable to participate, a quorum of the Board of Pharmacy ("Board") was established.

ERIKA M. REYNOLDS
Pharmacy Technician
Registration # 0230-007005

Corie T. Wolf, Assistant Attorney General, presented a summary of the evidence in this case for the panel to consider a summary suspension. Mykl D. Egan, DHP Adjudication Specialist, was also present.

Closed Meeting: The Board voted unanimously 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 a possible summary suspension and that Cathy Reiniers-Day, Caroline D. Juran, Eusebia Joyner and Erin Barrett attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. (Motion by D. Kozera, second by C. Adams).

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the panel re-convened in open meeting and announced the decision.

Decision:

The Board voted unanimously in favor of the motion that, according to the evidence presented the continued practice by Erika M. Reynolds as a pharmacy technician poses a substantial danger to the public; and therefore, Ms. Reynolds' registration to practice as a pharmacy technician be summarily suspended. (Motion by J. Allen and second by C. Adams).

The Board unanimously voted that, in lieu of a hearing, a Consent Order shall be offered to Ms. Reynolds for the indefinite suspension of her registration for a period of not less than two years. (Motion by D. Kozera, second by C. Adams).

LISA MARIE BARTLETT
Pharmacist
License Number 0202-211858

Corie T. Wolf, Assistant Attorney General, presented a summary of the evidence in this case for the Board to consider a summary suspension. Mykl D. Egan, DHP Adjudication Specialist, was also present.

Closed Meeting:

The Board voted unanimously 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 a possible summary suspension and that Cathy Reiniers-Day, Caroline D. Juran, Eusebia Joyner and Erin Barrett attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. (Motion by E. Shinaberry, second by R. Rhodes).

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the panel re-convened in open meeting and announced the decision.

The Board voted unanimously in favor of the motion that, according to the evidence presented the continued practice by Lisa Marie Bartlett as a

pharmacy technician poses a substantial danger to the public; and therefore, Ms. Bartlett's registration to practice as a pharmacy technician be summarily suspended. (Motion by Ms. E. Shinaberry and second by R. Rhodes).

The Board unanimously voted that, in lieu of a hearing, a Consent Order shall be offered to Ms. Bartlett for the indefinite suspension of her registration for a period of not less than two years. (Motion by P. Stelly, second by D. Kozera).

Adjourn: With all business concluded, the meeting adjourned at 10:45 a.m.

Jody H. Allen, Chair

Cathy M. Reiniers-Day
Deputy Executive Director

12-12-13
Date

(FINAL APPROVED)

MINUTES OF A PANEL FORMAL HEARING

Tuesday, October 15, 2013
Commonwealth Conference Center
Second Floor
Board Room 2

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

Orders/Consent Orders referred to in these minutes are available upon request

CALL TO ORDER: A meeting of a panel of the Board of Pharmacy ("Board") was called to order at 10:45 a.m.

PRESIDING: Jody H. Allen, Chair

MEMBERS PRESENT:
R. Crady Adams
David C. Kozera
Empsy Munden
Robert M. Rhodes
Ellen B. Shinaberry
Pratt P. Stelly

STAFF PRESENT:
Caroline D. Juran, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Eusebia L. Joyner, Disciplinary Program Specialist
Erin Barrett, Assistant Attorney General
Wayne T. Halbleib, Senior Assistant Attorney General
Mykl Egan, DHP Adjudication Specialist

QUORUM: With seven (7) members participating and three unable to participate, a Panel of the Board of Pharmacy ("Board") was established.

CHRISTINE A. KROEL
Registration # 0230-002385

A formal hearing was held in the matter of Christine A. Kroel, following the summary suspension of her pharmacy technician registration on August 26, 2013, to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians in Virginia.

Ms. Kroel was not present at the hearing. The Board proceeded with the hearing in Ms. Kroel's absence as the Notice of Formal Hearing dated August 26, 2013, was mailed to her legal address of record, both by regular and certified mail. Ms. Allen ruled that adequate notice was provided to Ms. Kroel.

Wayne T. Halbleib, Senior Assistant Attorney General, prosecuted the case with the assistance of Mykl Egan, DHP Adjudication Specialist.

Kevin Schwar, Asset Protection Division Manager, Rite Aid Pharmacy; and Patricia Harte-Byers, DHP Senior Investigator, testified on behalf of the Commonwealth.

Closed Meeting:

Upon a motion by Ms. Shinaberry and duly seconded by Mr. Adams, the panel voted 7-0, to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code"), for the purpose of deliberation to reach a decision in the matter of Christine A. Kroel. Additionally, he moved that Cathy Reiniers-Day, Caroline D. Juran, Eusebia Joyner and Erin Barrett attend the closed meeting.

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the panel re-convened in open meeting and announced the decision.

Decision:

Upon a motion by Mr. Kozera and duly seconded by Ms. Shinaberry, the panel voted 7-0 to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Halbleib, amended by the panel and read by Ms. Barrett.

Upon a motion by Mr. Kozera and duly seconded by Mr. Adams, the panel voted 7-0 that Ms. Kroel's registration to practice as a pharmacy technician shall be revoked.

RACHAEL N. TESTER
Registration # 0230-009883

A formal hearing was held in the matter of Rachael N. Tester, following the summary suspension of her pharmacy technician registration on August 26, 2013, to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians in Virginia.

Wayne T. Halbleib, Senior Assistant Attorney General, prosecuted the case with the assistance of Mykl Egan, DHP Adjudication Specialist.

Jason S. Lotts, Loss Prevention Specialist, CVS/pharmacy #7561; and Kimberly B. Lynch, DHP Senior Investigator, testified on behalf of the Commonwealth.

Closed Meeting: Upon a motion by Ms. Shinaberry and duly seconded by Ms. Stelly, the panel voted 7-0, to convene a closed meeting pursuant to § 2.2-3711(A)(15) of the Code of Virginia ("Code"), for the purpose of consideration and discussion of medical records of Rachael N. Tester that are excluded from the Freedom of Information Act of § 2.2-3705(A)(5) of the Code of Virginia. Additionally, she moved that Cathy Reiniers-Day, Caroline D. Juran, Eusebia Joyner and Erin Barrett attend the closed meeting.

Reconvene: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the panel re-convened in open meeting.

Closed Meeting: Upon a motion by Ms. Shinaberry and duly seconded by Ms. Stelly, the panel voted 7-0, to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code"), for the purpose of deliberation to reach a decision in the matter of Rachael N. Tester. Additionally, she moved that Cathy Reiniers-Day, Caroline D. Juran, Eusebia Joyner and Erin Barrett attend the closed meeting.

Reconvene: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the panel re-convened in open meeting and announced the decision.

Decision: Upon a motion by Mr. Kozera and duly seconded by Mr. Adams, the panel voted 7-0 to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Halbleib, amended by the panel and read by Ms. Barrett.

Upon a motion by Mr. Kozera and duly seconded by Mr. Rhodes, the panel voted 7-0 that Ms. Tester's registration to practice as a pharmacy technician shall be continued on indefinite suspension with the suspension stayed contingent upon her entering into a contract with the Health Practitioners Monitoring Program.

Adjourn:

With all business concluded, the meeting adjourned at 3:45 p.m.

Cathy M. Reniers-Day
Deputy Executive Director

Jody H. Allen, Chair

12-12-13
Date