

State of New Hampshire
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
ENFORCEMENT DIVISION

7 Eagle Square, Suite 400
Concord, N.H. 03301-2412
Telephone 603-271-2152

Lindsey B. Courtney
Executive Director

Jessica F. Kallipolites
Director



PRIVILEGED AND CONFIDENTIAL

The information in this report is CONFIDENTIAL and exempt from the provisions of RSA 91-A. Its contents may not be disclosed except as permitted by Statute and the Administrative Rules of this Board. See RSA 318:30, I; Ph 204.08 (a).

Licensee: CVS Pharmacy #00639
License No.: 0235
OPLC Case No.: 2022-PHA-CVS-0538
Hearing Counsel: TBD
Investigator: Kaitlyn Simoneau, PharmD, RPh.
Date of Report: October 3, 2022

REPORT OF INVESTIGATION

I. Complaint:

Enforcement received a complaint on May 31, 2022, from Christopher Griffin. Griffin is a patient at CVS located at 242 Main Street, Nashua, NH. In his complaint, Griffin explains the details of a series of encounters that he had with the pharmacy staff at this location. Griffin had requested to be removed from the text message notification system for a specific medication that he was no longer taking. He continued to receive notification about this prescription and received a notification that the prescription was ready for pickup at the pharmacy. When Griffin tried to address his concern with the pharmacist on April 16, 2022 he explains, "The Pharmacist questioned my reasoning for not picking up or taking the medications which led to a heated discussion between myself, and the Pharmacist and he hung up on me." Griffin also reports that he went to the pharmacy after the phone conversation and overheard the pharmacist telling his staff about the interaction. After he addressed his concerns with another pharmacist, he was assured that "the issue would be addressed and that (he) would be contacted." As of the date of his complaint, Griffin had not received any communication from either Pharmacist regarding his concerns.

II. Sources of Information:

5/31/22 Complaint received by Enforcement from Peter Griffin
6/8/22 Release of Medical Information Form received
6/13/22 Response received from PIC Spiro Kanellos (License #PHCY-01079)

III. Background:

CVS # is located at 242 Main Street in Nashua, NH. Spiro Kanellos, RPh (License #PHCY-01079) is the pharmacist-in-charge at this location and has been since January 2021. Kanellos is a 2017 graduate of the University of Rhode Island in Kingston, RI. This pharmacy had a series of violations in 2021 that resulted in a \$625 fine to the PIC in regard to cleanliness in the pharmacy, adulteration/misbranding of prescription products, and improper records of staff licensure/registration.

Craig Boardman, RPh (License #PHCY-01079) has been licensed in New Hampshire since October 2019. His license is active and in good standing. He is currently employed by CVS Pharmacy as a staff pharmacist.

IV. Results of Investigation:

I visited the CVS Pharmacy located on Main Street in Nashua on August 2, 2022. I spoke with PIC, Spiro Kanellos, privately. The complaint was presented to him. He was aware of the incident that was described in the complaint. I asked Kanellos, or the pharmacist that was involved in the incident, to complete the Quality Related Event (“QRE) Report with as much detail as possible and return to me. The QRE form was received by OPLC on August 12, 2022. It was completed by Kanellos.

In his response, Kanellos identifies the pharmacist involved in the incident as Craig Boardman, RPh. According to the response, Boardman called Mr. Griffin on April 16, 2022, as part of their adherence outreach call program. During the conversation, Griffin told the pharmacist that he was no longer taking the medication and swore at Boardman. Boardman in turn, hung up on him. The response goes on to explain that soon after the phone incident Boardman was discussing the incident with the front store supervisor when Griffin arrived at the store and overheard the conversation. Griffin identified himself and was upset because he thought Boardman was talking about him to other employees.

Griffin called to speak with the PIC two days later. Kanellos informed Griffin that he supported Boardman decision to end the conversation after being yelled at and sworn at by Griffin. Kanellos states that Griffin admitted to yelling and swearing at Boardman. Kanellos states “(Griffin) gave me a deadline on Thursday to call him back and let him know what action we were taking against Craig. I don’t report to Mr. Griffin, so I didn’t do so.” Kanellos also states that the pharmacy has since updated Griffin’s profile so they would no longer call him.

In this situation, the pharmacy was trying to ensure patient compliance, as they would do with any patient that fills at their pharmacy. This can be met with resistance if a patient does not want to be

taking a medication. Kanellos states, “We will assist our patients with taking their meds consistently. If they don’t want phone calls, we will assist them in doing so.”

I. LAWS AND RULES FOR CONSIDERATION:

Ph 501.01 Standards of Conduct.

- (a) The ethical standards set forth in this part shall bind all licensees, and violation of any such standard shall be a basis for the imposition of disciplinary sanctions.
- (b) A licensed pharmacist shall:
- (1) Hold the health and safety of patients to be of first consideration and render to each patient the full measure of his/her ability as an essential health practitioner;
 - (2) Never condone the dispensing, promoting or distributing of drugs or medical devices, or assist therein, which are not of good quality, which do not meet standards required by law or which lack therapeutic value for the patient;
 - (3) Always strive to perfect and enlarge his/her professional knowledge;
 - (4) Utilize and make available his/her knowledge as might be required in accordance with his/her best professional judgment;
 - (5) Observe the law, uphold the dignity and honor of the profession, and accept its ethical principles;
 - (9) Respect the confidential and personal nature of professional records, except in emergency situations where the best interest of the patient requires or the law demands, and shall not disclose such information to anyone without patient authorization;
 - (13) Fulfill all professional obligations conscientiously and with due respect for the physical and well-being of the community, and, uphold at all times the standards of the profession of pharmacy.

II. RECOMMENDATION:

Compliance recommends **NO FUTURE ACTION** regarding CVS#00639 (License #0235) in Nashua, NH.

COMPLAINT

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION DIVISION OF ENFORCEMENT

7 Eagle Square
Concord, N.H. 03301-2412
Telephone 603-271-2152



RECEIVED
MAY 31 2022
OPLC-ENF

COMPLAINT FORM

Name of Profession: New Hampshire Board of Pharmacy

Name of Licensee: Unknown License # if known: Unknown

Address where incident took place: CVS Pharmacy, 242 Main Street, Nashua NH 03060
Address, City, State, Zip Code

Name of business, if known: CVS Pharmacy

Name of Complainant: Christopher Griffin

Mailing Address: 56 Tyler Street, Apt 202, Nashua NH 03060
Street, City, State, Zip Code

Phone Number: 603-204-8857 E-Mail Address: Not Available

Dated 2/17/21

COMPLAINT DETAILS

Date(s) of Incident: January, 2022 through April 24, 2022

Witnesses/Observers: *Complete all known information*

Name:	Title:	Address:	Telephone #
<hr/>			
<hr/>			

Have you attempted to resolve your complaint with the licensee? Yes: No:

Have you consulted an attorney in this matter? Yes: No:

Name(s) and Address(s) of attorneys: _____

Has this complaint been reported to any other agencies? Yes: No:

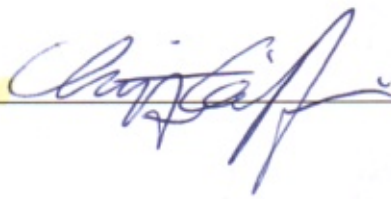
If yes, who was the complaint reported to? _____

Clearly explain your complaint. List all facts and details in the order in which they occurred including names, dates, places, and times. In addition, include the specific statute(s) and/or rule(s) governing the practice area complained of that you feel have been violated. Statutes and rules may be found here: <https://www.oplc.nh.gov/>. Attach copies of any documents to your email submission which support your complaint.

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MAY 27 2022
OPIC-FINANCE
24

In the beginning of January 2022, I began receiving automated text message notifications from CVS Pharmacy, 242 Main Street, Nashua NH 03060, notifying me that my prescriptions were ready to be picked up or refilled. The text messages included an option to opt of the automated messages which I replied with the necessary "STOP" text to opt out of receiving the messages. Despite my efforts I continued to receive the automated messages for three months. Subsequently, I contacted an individual working at CVS Pharmacy via telephone and informed them of my concerns. I informed the individual that I was no longer taking the prescriptions, so the refills and notifications were unnecessary. Following my phone call, I had not received a text message notification in two weeks. Unfortunately, after those two weeks I received a phone call from a Pharmacist on April 16, 2022, informing me that I had refills in the Pharmacy that I needed to pick up. I again informed the Pharmacist of my prior communication notifying him that I would no longer be refilling the prescriptions due to the anxiety the medications were causing me. The Pharmacist questioned my reasoning for not picking up or taking the medications which led to a heated discussion between myself, and the Pharmacist and he hung up on me. Since I live just down the road from the CVS Pharmacy, I decided to address the issue at hand with the Pharmacist in person. I presented to CVS Pharmacy and upon my arrival to the counter the Pharmacist began informing a Pharmacy Technician and another CVS employee that a man had just called the pharmacy that was upset about his prescription refills and that he needed to hang up on him. Although the pharmacist did not identify me, he was divulging all of the specifics regarding my medications and the conversation that we had just had on the telephone. Upon listening to this conversation, I revealed my identity and that I was the individual that he had just spoken to on the phone. An additional heated conversation took place between myself, and the Pharmacist and I exited the building. I attempted to address my concerns later on that evening and the Pharmacist refused to speak with me. Two days later I again presented to the Pharmacy to address my concerns with another Pharmacist who was working at the counter. I informed him of the incident that had occurred, and he stated that the issue would be addressed and that I would be contacted. I have not received any communication from either Pharmacist regarding my concerns.

Signature: _____



Submit

Dated 2/17/21

For the following professions please be sure to include in your explanation if known those items listed below:

Nursing Complaint:

- Please note the specific provision(s) of RSA 326-B: 37, II or Nur 402.02 on which the complaint is based.

Pharmacy/Pharmacist Complaint:

- Prescription number(s) of prescription(s) involved in this complaint;
- Patients Name if different from complainant;
- Relationship to the complainant;
- Was the a new or refill prescription order;
- Was the “offer to counsel” given and was it given or was it refused;
- From the prescription bottle and record the initial of the dispensing pharmacist, which are printed on the label; and
- Have you spoken with anyone at the corporate level, if yes who.

Professional Engineers, Architects, Land Surveyors, Natural Scientists, Foresters, Professional Geologists, Landscape Architects, Court Reporters, Home Inspectors, Manufactured Housing Installers, Real Estate Appraisers, Electricians and Certified Public Accountants:

- Whether or not the job was inspected by local authorities;
- The date(s) and the inspector(s) who performed inspections;
- Was the licensee informed about the filing of this complaint;
- Was any civil action taken and what was the outcome; and
- Was any other licensed professional consulted about the problem.

Real Estate:

- Name and address of the seller;
- Name and address of the purchaser;
- Location of the Property; and
- Was any agreements made orally or in writing (if in writing include a copy).

All Medical complaints must complete the “Medical Release Form”

16 Tyler St. #202
Manchester NH, 03106

MANCHESTER NH 03106
26 MAY 2022 PM 3 L

Office of Professional
Licensure and Certification
Enforcement

7 Eagle Square
Concord NH 03301



03301-458093





THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



RESPONSE



State of New Hampshire Board of Pharmacy

7 Eagle Square - Concord, NH 03301
Tel: (603) 271-2350 Fax: (603) 271-2856
Website: www.oplc.nh.gov/pharmacy/

Attn: Enforcement
Kaitlyn Simons



RECEIVED

AUG 12 2022

Quality Related Event (QRE) Report

2022-PHA-CVS-0538

Due: 8/12/22

Date of Report: 8/9/22		Date of Incident: 4-16-22		Time of Incident: 2:00		<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	
Type of Prescription Involved:		How Received:		Adherence call			
<input type="checkbox"/> New <input checked="" type="checkbox"/> Refill		<input type="checkbox"/> Hard Copy Rx <input type="checkbox"/> Telephoned In <input type="checkbox"/> Fax or E-Prescription					
If Telephoned In, Order Was Taken By:		<input type="checkbox"/> Pharmacist <input type="checkbox"/> Certified Pharmacy Technician <input checked="" type="checkbox"/> Not Applicable					
At What Level Was the Event Discovered?		<input checked="" type="checkbox"/> Patient <input type="checkbox"/> Prescriber <input type="checkbox"/> Pharmacist <input type="checkbox"/> Pharmacy Staff <input type="checkbox"/> Other:					
Was the Patient Harmed?		Describe Incident Type (Check All That Apply)		<input type="checkbox"/> Wrong Medication <input type="checkbox"/> Transcription Error <input type="checkbox"/> Incorrect Dosage <input type="checkbox"/> Labels Switched <input type="checkbox"/> Mislabeled/Misread <input type="checkbox"/> Allergy Not Listed in Profile <input type="checkbox"/> Communication Error <input type="checkbox"/> Incorrect Directions or Usage <input checked="" type="checkbox"/> Other: Patient was called and asked to refill metformin			
Describe in detail what happened - be specific using facts only - no opinions. Do not include names or any other patient, prescriber or pharmacy staff identifiers. Attach additional sheet if required.							
(Craig (rph), called Mr Griffin on 4-16-22 at about 2PM to check to see if he needed a refill on metformin, which he was last dose on. Mr Griffin then told Craig we are putting drugs onto him and swore at Craig so Craig hung the phone up on him. It then immediately came into store to complain about the interaction. Craig was explaining the situation to a FS supervisor and Mr Griffin overheard the conversation. Mr Griffin then said Craig was talking about him and identified himself. Craig let the customer know he wouldn't discuss the matter further since Mr Griffin was yelling and swearing.							
Medication Ordered				Medication Actually Dispensed			
Name	NA			Name			
Strength				Strength			
Quantity				Quantity			
Directions				Directions			
Using the description of the six stages of filling a prescription (explained at end of this form), at what stage of the process does it appear that the problem originated:							
NA <input type="checkbox"/> Stage One <input type="checkbox"/> Stage Two <input type="checkbox"/> Stage Three <input type="checkbox"/> Stage Four <input type="checkbox"/> Stage Five <input type="checkbox"/> Stage Six							
Whom was the initial cause of the error related to:		<input type="checkbox"/> Pharmacist <input type="checkbox"/> Intern <input type="checkbox"/> Technician <input type="checkbox"/> Prescriber <input type="checkbox"/> Patient <input type="checkbox"/> Prescriber's Office Staff <input checked="" type="checkbox"/> Other: No prior occurred					
Did the error reach the patient?		Did the patient use/ingest the medication?		Patient's Age:			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No NA		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No NA		60 years old			
Was the patient counseled?		Is documentation of patient counseling available?		Was a "Prospective Drug Review" completed?		Where in the process was the "Prospective Drug Review" Completed?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 1		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No NA		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> During Rx data entry NA <input type="checkbox"/> During Rx final verification	
Was this a "Central Fill Processing" Prescription?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		* If Yes, name and location of pharmacist?			

on 4/18/22 Mr. Griffin called the Rx and spoke to Pharmacy Manager Spio about the situation. Mr. Griffin wanted me to take action against Craig for the interaction. I let Mr. Griffin know I support Craig for ending the conversation after being yelled at and sworn at. We were making sure Mr. Griffin was taking his medication, something we do every day. Mr. Griffin admitted to swearing and yelling at Craig. He then tried to accuse Craig of ruining his health in front of customers. Craig did not do so he simply informed the front store employee about the situation, since ~~the~~ Mr. Griffin brought the situation up to the employee. I told Mr. Griffin that he identified himself and Craig doesn't have to assist anyone who yells or swears at him or other employees. He gave me a deadline on Thursday to call him back and let him know what action we were taking against Craig. I don't report to Mr. Griffin so I didn't do so. He then called me at 9:13 AM on 4/24 to tell me that he got an automated call to refill his simvastatin. He said we were harassing him and will file a complaint because he has mental issues.

Initial data entry of prescription information was performed by:	<input checked="" type="checkbox"/> Pharmacist <input type="checkbox"/> Intern <input type="checkbox"/> Certified Technician <input type="checkbox"/> Registered Technician *				
*If registered technician, has technician been trained on data entry?	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA	* Is there documentation available that the registered technician completed Board approved data entry training?	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
Upon completing the data entry, did the computer identify any problem with drug interaction, dosage alert, etc.?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Did the computer require the pharmacist or technician to do a "manual over-ride"?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
During the dispensing process, did the "stock" bottle accompany the finished product up to the time of final verification?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Did the "original" hard copy prescription physically follow the order through the process to the point of verification?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Was the "original" prescription "scanned" into the system?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Was the dosage ordered (for administration) different than the commercially available form of the medication? (example: Zantac @ 75mg/5ml Sig: 25 mg once daily.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
How many hours was the pharmacy open the day the incident occurred?	24		Staffing level at pharmacy on the day of the incident?	<input checked="" type="checkbox"/> Usual staffing level <input type="checkbox"/> Reduced staffing level *	
If staffing was reduced / lower than usual, please explain why (i.e. vacation, sick, etc.)					
Number of pharmacists on duty at the time of incident?	1	Total number of pharmacist hours that day?	12	Total time in hours of pharmacist "overlap" on day of incident? (i.e. more than 1 RPh on duty at same time)	0
Number of pharmacy technicians on duty at the time of incident?	4	Does the PIC (Pharmacist-In-Charge) or staff pharmacist have the ability to regulate the scheduling of pharmacists and/or technicians?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Scheduling is done by? (title only)	BA Pharmacist
Does the PIC (Pharmacist-In-Charge) have any input into the scheduling?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Did any other store personnel become involved in the incident? (i.e. front store manager, PDM, etc.)	<input type="checkbox"/> Yes * <input checked="" type="checkbox"/> No	If Yes, identify all involved by title only:	
Total number of prescriptions (new & refill) that were filled at the pharmacy on the date of the incident?	<input type="checkbox"/> 0 - 50 <input type="checkbox"/> 51 - 100 <input type="checkbox"/> 101 - 150 <input type="checkbox"/> 151 - 200 <input type="checkbox"/> 201 - 250 <input type="checkbox"/> 251 - 300 <input type="checkbox"/> 301 - 350 <input type="checkbox"/> 351 - 400 <input checked="" type="checkbox"/> 401 - 500 <input type="checkbox"/> 501 - 600 <input type="checkbox"/> Over 600				

Any unusual distractions on the date of the incident? (If so, explain)

This incident occurred on a weekend which is when we do ~~admission~~ the bulk of our adherence outreach calls.

Any other issues that might have contributed to the incident? (Be brief and specific)

NA

How could the handling of the incident been improved?

We input into the system to no longer call Mr. Griffith. If he let us know he was no longer taking any meds due to mental issues we could have taken out his phone number entirely.

What system or process changes could help to avoid a similar recurrence?

We will assist our patients with taking their meds consistently. If they don't want phone calls we will assist them in doing so.

Submitter's Title:

- Pharmacist-In-Charge Staff Pharmacist Pharmacy Intern Pharmacy Technician
 Other