

**VIRGINIA BOARD OF PHARMACY
MINUTES OF TELEPHONE CONFERENCE CALL**

Wednesday, May 13, 2015

Department of Health Professions
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233

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

TIME & PURPOSE: A quorum of the Board convened at 1:00 p.m. on Wednesday, May 13, 2015, by telephone conference call in order to consider a settlement proposal for cases currently pending before the Board.

PRESIDING: Empsy Munden, Vice-Chair

MEMBERS PRESENT: Melvin Boone
Sheila Elliott
Ryan Logan
Ellen Shinaberry
Rebecca Thornbury
Cindy Warriner

STAFF PRESENT: Caroline Juran, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Mykl Egan, DHP Adjudication Specialist
Wayne T. Halbleib, Senior Assistant Attorney General
Jim Rutkowski, Senior Assistant Attorney General

POLL OF MEMBERS: The Board members were polled as to whether they were able to attend a regular meeting at the office in a timely manner for the purpose of hearing evidence in a possible summary suspension cases. The Board members stated that they would not have been able to attend.

With seven (7) board members participating and three (3) members unable to participate, it was established that a quorum could not have been convened in a regular meeting to consider this matter.

WESTBURY PHARMACY
Permit #0201-002508

Mr. Halbleib presented a summary of the evidence in this case.

Closed Session: Upon a motion by Ms. Shinaberry and duly seconded by Ms. Warriner, the Board voted 7-0 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 Westbury Pharmacy. Additionally, she moved that Cathy M. Reiniers-Day, Caroline D. Juran and James Rutkowski participate in the closed session because their presence in the closed session was deemed necessary and would aid the Board in its deliberations.

Reconvene:

The quorum of the Board returned to open session and voted unanimously that only public business matters lawfully exempted from open session requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed session were heard, discussed or considered during the closed session.

MOTION:

Upon a motion by Ms. Shinaberry and duly seconded by Ms. Elliott, the Board voted 7-0 in favor of the motion that the Board agreed to enter into a Consent Order that accepts the Statement of Particulars from the formal hearing Notice as the Findings of Fact with two additions: (1) that the open containers and "will call" drugs were embargoed and (2) that they reached a settlement with the third party insurance company. Also, the pharmacy permit for Westbury Pharmacy shall be revoked and Westbury is responsible for having the embargoed drugs destroyed and must pay the cost of destruction. Further, a monetary penalty in the amount of \$65,050.00 shall be imposed.

FAIZ A. OLEY, JR.
License #0202-010741

Mr. Halbleib presented a summary of the evidence in this case.

Closed Session:

Upon a motion by Ms. Shinaberry and duly seconded by Ms. Warriner, the Board voted 7-0 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 Faiz A. Oley, Jr. Additionally, she moved that Cathy M. Reiniers-Day, Caroline D. Juran and James Rutkowski participate in the closed session because their presence in the closed session was deemed necessary and would aid the Board in its deliberations.

Reconvene:

The quorum of the Board returned to open session and voted unanimously that only public business matters lawfully exempted from open session requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed session were heard, discussed or considered during the closed session.

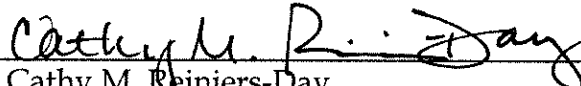
Caroline Juran departed at 3:10 p.m.

MOTION:

Upon a motion by Ms. Warriner and duly seconded by Mr. Logan, the Board voted 7-0 in favor of the motion that the board accepts the Statement of Particulars from the formal hearing Notice as the Findings of Fact and that the pharmacist license for Faiz A. Oley, Jr., be revoked. Also, a monetary penalty in the amount of \$55,050.00 shall be imposed.

ADJOURN:

3:20 p.m.



Cathy M. Reiniers-Day
Deputy Executive Director



Empsy Munden, Vice Chair

6-15-15

Date