

(FINAL/APPROVED)

VIRGINIA BOARD OF PHARMACY  
MINUTES OF A PANEL OF THE BOARD

February 27, 2019  
Commonwealth Conference Center  
Second Floor  
Board Room 4

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

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

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CALL TO ORDER: A meeting of a panel of the Board of Pharmacy ("Board") was called to order at 9:08 a.m.

PRESIDING: Rafael Saenz, Chair

MEMBERS PRESENT: Melvin Boone  
Glenn Bolyard  
Jim Jenkins  
Cheryl Nelson  
Kris Ratliff  
Patricia Richards-Spruill

STAFF PRESENT: Ellen Shinaberry, Deputy Executive Director  
James Rutkowski, Assistant Attorney General  
Wayne Halbleib, Senior Assistant Attorney General  
(departed at 9:25 am)  
Anne Joseph, Deputy Executive Director, APD  
(departed at 9:25 am)

QUORUM: With seven (7) members of the Board present, a quorum was established.

**POSSIBLE SUMMARY SUSPENSION**

GWENDOLYN BOYKIN  
License No. 0202-006898

Wayne Halbleib, Senior Assistant Attorney General, presented a summary of the evidence in the case for the Board to consider a summary suspension. Anne Joseph, Deputy Executive Director APD, was also present.

CLOSED MEETING: Upon a motion by Mr. Bolyard, and duly seconded by Mr. Boone, 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 regarding the matter of Gwendolyn Boykin. Additionally, he moved that Ellen Shinaberry and Jim Rutkowski 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 quorum re-convened an open meeting and announced the decision.

**DECISION:** Upon a motion by Mr. Jenkins and duly seconded by Ms. Richards-Spruill, the Board unanimously voted that, with the evidence presented, the practice as a pharmacist by Gwendolyn Boykin poses a substantial danger to the public; and therefore, the license of Ms. Boykin shall be summarily suspended, and that a Consent Order shall be offered to Ms. Boykin for the indefinite suspension of her license to practice as a pharmacist for not less than two years, in lieu of a formal administrative hearing.

**FORMAL HEARING**

**ADDITIONAL MEMBERS  
ARRIVING** Cynthia Warriner (arrived at 9:25 am)

**QUORUM:** With eight (8) members of the Board present, a quorum was established.

**ROBERT CLOUTIER**  
License #: 0202-006751  
A formal hearing was held in the matter of Robert Cloutier, pharmacist, to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy in Virginia. Mr. Cloutier did not appear on his own behalf and was not represented by counsel.

Claire Foley, DHP Adjudication Specialist, presented the case.

Bradley Zaretsky, District Asset Protection Leader, CVS, testified in person on behalf of the Commonwealth.

Cheryl Hodgson, DHP Senior Investigator, testified by telephone on behalf of the Commonwealth.

**CLOSED MEETING:** Upon a motion by Ms. Warriner, and duly seconded by Ms. Nelson, 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 regarding the matter

of Robert Cloutier. Additionally, she moved that Ellen Shinaberry and Jim Rutkowski 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 quorum re-convened an open meeting and announced the decision.

DECISION:

Upon a motion by Ms. Warriner and duly seconded by Ms. Nelson, the Board unanimously voted to suspend the pharmacist license of Robert Cloutier indefinitely for no less than 2 years .

**CONSIDERATION OF CONSENT ORDER**

AMEX PHARMACY  
License No. 0214001251

Ms. Shinaberry presented a Consent Order for reinstatement of the pharmacy permit for AmEX Pharmacy.


DECISION:

Upon a motion by Ms. Warriner and duly seconded by Mr. Boone, the Board unanimously voted to accept the Consent Order.

ADJOURNED:

With all business concluded, the meeting adjourned at 10:48 am.

  
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Rafael Saenz, Chair

  
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Caroline D. Juran  
Executive Director

3/26/19  
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