

The Georgia State Board of Pharmacy met on February 18, 2004 at the Professional Licensing Boards Office, 237 Coliseum Drive, Macon, GA.

Members Present:

- Mickey Tatum, President
- Fred Barber
- Jeff Lurey
- Eddie Madden
- Charles Palmer
- Bill Prather

Staff Present:

- Rick Allen, Deputy Director, Georgia Drugs and Narcotics Agency
- Janet B. Wray, Board Attorney
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Ylice Crews, Administrative Assistant/Board Secretary

Visitors Present:

- Dr. Ray Gaskin, Advocate
- Jim Bartling, Advocate
- Leroy Tolliver, Attorney
- Ms. Karen Melvin
- Sam Gloyd, LPC, Advocate
- Jessica Huff, Legal Intern

Mr. Tatum established that a quorum was present, and called the meeting to order at 10:05 a.m.

Mr. Lurey moved, Mr. Prather seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §§43-1-19(h)(2) and 43-1-2(k) to review applications, deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board Members Mr. Barber, Mr. Madden, and Mr. Palmer.

At the conclusion of EXECUTIVE SESSION the Board returned to **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business.

APPOINTMENT (S)

- The Board met with **Cynthia Johnson** and her advocate to discuss possible reinstatement.
- The Board met with **Michael G. Manos and his advocates** to discuss possible reinstatement.
- The Board met with **Michael Melvin** to discuss possible reinstatement.
- The Board met with **Martin Dotson** and his advocate to discuss possible reinstatement.
- The Board met with **Wanda Jackson** to review Georgia Practical Exam results.

Rick Allen, Deputy Director, Georgia Drugs & Narcotics Agency:

- Updated the Board on the status of HB502.
- Currently, GDNA is down nine agents, but plans are underway to hire three additional agents by the end of June.

Janet B. Wray, Attorney General's Office:

- A status report on current cases was reviewed.
- Mrs. Wray presented the following consent orders for approval:
 - Bi-Medical, Inc.
 - Charles Joseph Landers
 - M.H.
 - Nicholas Collora
 - Charles Lewis Posey (Amended Consent Order)
 - C.S.S. (Amended Consent Order)

Eddie Madden, Cognizant Board member reported on the following cases:

- #A03-54; #A26930; #B25558; #B26716; #B26857; #B26913; Investigative Interview O.I. and Investigative Interview B.C.

Sandy Bond, Executive Director:

- Presented a letter from Melissa Madigan, RPH, JD, questioning Board Rule #7.
- Reviewed Rule 480-2-.03 referencing internship credits.
- Reported on Prescriptive Authority and the role of the Advanced Practice Registered Nurse.

Cynthia Johnson, RPh: Mr. Lurey made a motion to **approve** Ms. Johnson's request for reinstatement of her pharmacist license. The motion was seconded by Mr. Madden and approved by the Board.

Michael G. Manos, RPh: Mr. Madden made a motion to **approve** Mr. Manos' request for reinstatement of his pharmacist license. The motion was seconded by Mr. Prather and approved by the Board.

Michael Melvin, RPh: This request was tabled until March while GDNA receives the necessary medical records requested.

Martin Dotson, RPh: Mr. Prather made a motion to **deny** Mr. Dotson's request for reinstatement of his pharmacist license. The motion was seconded by Mr. Lurey and approved by the Board.

Wanda Jackson, PLB - Testing: Mr. Lurey moved to **approve** the Georgia Practical Exam Results for January 22, 2004. The motion was seconded by Mr. Palmer and approved by the Board.

The following votes were made in reference to the Cognizant Member's report:

#A03-54: The cognizant member recommended placing RPH on two years probation. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Barber and approved by the Board.

#A26930: The cognizant member recommended issuing a letter of concern. Mr. Palmer made a motion to approve the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

#B25558 (Board Case # 03-02-00-013): The cognizant member recommended closing the case with no violations. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Barber and approved by the Board.

#B26716 (Board Case #PHAR030186): The cognizant member recommended closing the case with GDNA sending a cease and desist letter. Mr. Lurey made a motion to accept the recommendation. The motion was seconded by Mr. Barber and approved by the Board.

#B26857 (Board Case #PHAR040035): The cognizant member recommended closing the case with no violations. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Barber and approved by the Board.

#B26913 (Board Case #PHAR040049): The cognizant member recommended issuing a letter of concern. Mr. Lurey made a motion to accept the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

Board Case No. PHAR0030180: The cognizant member recommended that a \$500 fine be imposed for the pharmacist and a \$500.00 fine to the pharmacy involved with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain 15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling. Mr. Lurey made a motion to accept the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

Board Case No. PHAR0400024: The cognizant member recommended that a \$500 fine to the pharmacy involved with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. In addition, GDNA will issue a strong letter of concern to the Pharmacist In Charge. Mr. Prather made a motion to accept the recommendation. The motion was seconded by Mr. Barber and approved by the Board.

Board Case No. PHAR040060: The cognizant member referred this case to the Board for review. Mr. Prather made a motion to refer complaint back to the company since the Board does not have jurisdiction over procedural matters within retail pharmacies. The motion was seconded by Mr. Barber and approved by the Board.

The following votes were made in reference to Mrs. Wray's report:

- **Bi-Medical, Inc.:** Mr. Lurey made a motion to **accept** the public consent order signed for the wholesale distributor. The motion was seconded by Mr. Barber and approved by the Board.
- **Charles J. Landers, RPH:** Mr. Lurey made a motion to **accept** the public consent order signed by Mr. Landers. The motion was seconded by Mr. Barber and approved by the Board.
- **Charles Lewis Posey, RPh:** Mr. Madden made a motion to **accept** the amended public consent order signed by Mr. Posey. The motion was seconded by Mr. Prather and approved by the Board.
- **Nicholas Collora, RPh:** Mr. Madden made a motion to **accept** the public consent order signed by Mr. Collora. The motion was seconded by Mr. Palmer and approved by the Board.
- **C.S.S.:** Mr. Prather made a motion to **accept** the amended private consent order signed by C.S.S. The motion was seconded by Mr. Palmer and approved by the Board.
- **M.W.H., RPh:** Mr. Madden made a motion to **accept** the private consent order signed by Mr. M.W.H. The motion was seconded by Mr. Prather and approved by the Board.

The following recommendations were made in reference to Mrs. Bond's report:

- **Letter from Melissa Madigan, RPh, JD ref: Board Policy #7, Electronic Drug Orders:** The Board requested that Sylvia Bond send correspondence to Ms. Madigan thanking her for her letter and reaffirming O.C.G.A. 26-4-80i and referring her to Senate Bill 179.
- **Review of Rule 480-2-03 ref: Internship Credits:** The Board requested that Mr. Williams send the Board a written request seeking approval of this program.

The Board made the following votes regarding the submitted applications:

- **O.A.O.:** Mr. Madden made a motion to **approve** the applicant's request for licensure by reciprocity. The motion was seconded by Mr. Prather and was approved by the Board.
- **A.K.P.:** Mr. Palmer made a motion to **approve** the applicant's request for reinstatement. The motion was seconded by Mr. Barber and was approved by the Board.

- **M.J.N.**: Mr. Prather made a motion to **approve** the applicant's request for reinstatement and to issue a letter of concern. The motion was seconded by Mr. Madden and was approved by the Board.
- **J.R.H.**: Mr. Lurey made a motion to **deny** the applicant's request for reinstatement. The motion was seconded by Mr. Prather and was approved by the Board.
- **D.L.A.**: Mr. Lurey made a motion to **approve** the applicant's request for licensure as a nuclear pharmacist. The motion was seconded by Mr. Palmer and was approved by the Board.
- **J.C.D.**: Mr. Palmer made a motion to **approve** the applicant's request for licensure as a nuclear pharmacist. The motion was seconded by Mr. Barber and was approved by the Board.

Letter from R.A.M., RPh: Mr. Prather made a motion to **approve** R.A.M.'s request to lift PIC restrictions only. The motion was seconded by Mr. Palmer and approved by the Board.

Letter from Brian Gulley, RPh: Mr. Lurey made a motion to **deny** Mr. Gulley's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Barber and approved by the Board.

Letter from J.M., RPh: Mr. Madden made a motion to **approve** J.M.'s request to lift work hour restrictions so that he can work a total of 80 hours per a two-week period. The motion was seconded by Mr. Prather and approved by the Board.

Newly Licensed Pharmacists/Pharmacy Interns: Mr. Lurey made a motion to **ratify** all newly licensed pharmacists/pharmacy interns. The motion was seconded by Mr. Prather and approved by the Board. (Attachment 1)

Listing of Administratively Approved Reinstatement Applications: Mr. Madden made a motion to **approve** the reinstatement applications administratively approved by the Board staff. The motion was seconded by Mr. Lurey and approved by the Board. (Attachment 2)

Draft – January 2004 Minutes: Mr. Barber made a motion to **approve** the January minutes as presented. The motion was seconded by Mr. Prather and approved by the Board.

Review Information pertaining to SureScripts: This item was viewed as informational by the Board.

Review letter from Department of Health & Community Services (CDC): Mr. Madden made the motion to **approve** their request for a license as a wholesaler. The motion was seconded by Mr. Lurey and approved by the Board.

Review letter from Rufus M. Spears , RPh: Mr. Lurey made a motion to approve Mr. Spears' request to terminate his Consent Order. The motion was seconded by Mr. Palmer and approved by the Board.

Review letter from Cliff Dodgen, RPh: Mr. Prather made a motion to approve Mr. Dodgen's community service request. The motion was seconded by Mr. Palmer and approved by the Board.

Review verbal request from Britt G. Roberts, RPh: Mr. Lurey made a motion to send Mr. Roberts a reinstatement application along with a letter stating Board Policy #3A. The motion was seconded by Mr. Palmer and approved by the Board.

Letter from Redmond Regional Medical Center: Mr. Prather made a motion to **deny** Redmond Regional's request to repackage and bar code medication for Polk Medical Center since there is no pharmacist on-site at Polk. The motion was seconded by Mr. Lurey and approved by the Board.

Review of Rules & Regulations ref: Pseudoephedrine: A presentation will be presented during the March meeting concerning this drug.

Jeff Lurey:

- Received a flyer from the U.S. Department of Health and Human Services concerning drugs being purchased outside the United States. Mr. Madden made the motion to see if the Georgia Board of Pharmacy 's name could be placed on the flyer as an endorsement. The motion was seconded by Mr. Lurey and approved by the Board.

There being no further business to be discussed, the meeting was adjourned at 3:51 p.m.

Mickey Tatum, President

**Mollie L. Fleeman, Division Director
Professional Licensing Boards Division**

**Minutes Prepared By: Ylice Crews, Administrative Assistant/Board Secretary
Reviewed/Edited By: Sylvia L. Bond, Executive Director**