

The Georgia State Board of Pharmacy met on May 25, 2004 at the University of Georgia, School of Pharmacy, Athens, GA.

Members Present:

- Mickey Tatum, President
- Eddie Madden, Vice-President
- Charles Palmer
- Bill Prather
- Fred Barber
- Robbie Dial
- Judy Gardner
- Pat McPherson

Staff Present:

- Bill Atkins, Director, Georgia Drugs and Narcotics Agency
- Rick Allen, Deputy Director, Georgia Drugs and Narcotics Agency
- Robert Renjel, Board Attorney
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Ylice Crews, Administrative Assistant

Visitors Present:

- Mr. Merrill Norton, Advocate

Mr. Tatum established that a quorum was present, and called the meeting to order at 10:10 a.m. At this time, Mr. Tatum welcomed our new Board Members, Judy Gardner and Pat McPherson.

Mr. Palmer 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. Dial, Mrs. Gardner, Mr. Madden, and Mr. McPherson.

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)

- Sara Colvin cancelled and rescheduled her appointment for July.
- The Board met with Jonathan Taylor and his advocate, Mr. Merrill Norton, to discuss possible reinstatement of pharmacist intern license.
- The Board met with C.S. and his advocate, Mr. Merrill Norton, to discuss possible reinstatement of pharmacist intern license.
- The Board met with David Shubeck and his advocate, Mr. Flagg Taylor, to discuss possible reinstatement of his pharmacist license.

Robert Renjel, Attorney General's Office:

- A status report on current cases was reviewed.
- Mr. Renjel presented the following consent orders for approval:
 - CVS Pharmacy #7662
 - Carter's Institutional Pharmacy
 - Eckerd Drugs #2662

- Kroger Pharmacy #324 (Fine Only)
 - S.W.
 - Sally Leonard
 - Jillian Ryan Chase
 - Edgar Richter
 - Samuel Kilgore
- Received a letter from Honorable Thurbert E. Baker referencing prescription drug importation developments.
- The Board requested legal advice from Janet Wray as it relates to what avenues the Board can pursue in the regulation of pseudoephedrine.

Bill Atkins, Director, Georgia Drugs & Narcotics Agency:

- Distributed copies of Senate Bill 179, "Patient Safe Prescription Drug Act" which will become effective July 1, 2004. At this time, he is requesting the Board amend their rules to reflect this new law.

Eddie Madden, Cognizant Board member reported on the following cases

- A04-20, A26979, A26980, A27015, B26818, B26953, B26954, B23987 and B27006.

Jonathon Taylor, PHI010351: Mr. Madden made a motion to **approve** Mr. Taylor's request to reinstate his pharmacist intern license. Mr. Prather seconded the motion and it carried unanimously.

C.S.: Mr. Prather made a motion to **approve** C.S.'s request to reinstate his pharmacist intern license. Mr. Palmer seconded the motion and it carried unanimously.

The following votes were made in reference to Mr. Renjel's report:

- **CVS Pharmacy #7662:** Mr. Madden made a motion to **accept** the public consent order as signed for CVS Pharmacy, #7662. Mr. Prather seconded the motion and it carried unanimously.
- **Carter's Institutional Pharmacy:** Mr. Palmer made a motion to **accept** the public consent order as signed for Carter's Institutional Pharmacy. Mr. Barber seconded the motion and it carried unanimously.
- **Eckerd Drug #2662:** Mr. Prather made a motion to **accept** the \$500 fine for Eckerd Drug #2662. Mr. Madden seconded the motion and carried unanimously.
- **Kroger Pharmacy #324:** Mr. Palmer made a motion to **accept** the \$500 fine for Kroger Pharmacy #324. Mr. Dial seconded the motion and it carried unanimously.
- **S.W.:** Mr. Madden made a motion to **accept** the private consent order signed by S.W. Mr. McPherson seconded the motion and it carried unanimously.
- **Sally Leonard:** Mr. Barber made a motion to **accept** the public consent order signed by Ms. Leonard. Ms. Gardner seconded the motion and it carried unanimously.
- **Jillian Ryan Chase:** Mr. Madden made a motion to **accept** the Voluntary Surrender and to close the case. Mr. Palmer seconded the motion and it carried unanimously.
- **Edgar Richter:** Mr. Prather made a motion to **accept** the public consent order signed by Mr. Richter. Mr. Palmer seconded the motion and it carried unanimously.
- **Samuel Kilgore:** Mr. Palmer made a motion to **accept** the public consent order signed by Mr. Kilgore. Mr. Prather seconded the motion and it carried unanimously.

- **Review Rules & Regulations ref: Pseudoephedrine:** Mr. Prather made a motion requesting Sandy Bond, Executive Director, contact Janet Wray, Assistant Attorney General, asking for legal advice on holding an emergency rule hearing as it pertains to the drug Pseudoephedrine. Mr. Dial seconded the motion and it carried unanimously.

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

#A04-20: The cognizant member recommended that Georgia Drugs and Narcotics obtain a Voluntary Surrender from the pharmacist. Mr. Prather made a motion to approve the recommendation. Mr. Barber seconded the motion and it carried unanimously.

#A26979: 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. McPherson made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#A26980: The cognizant member recommended that a \$500 fine be imposed on the pharmacist along with a public consent order for violating the Drug and Cosmetic Act by dispensing expired medications and for dispensing drugs outside of a licensed pharmacy. In addition, the pharmacist must obtain 15 hours of additional continuing education on pharmacy law and retake and pass the MPJE. Mr. Barber made a motion to approve the recommendation. Mr. McPherson seconded the motion and it carried unanimously.

#A270415: The cognizant member recommended sending a letter of concern. Mr. Barber made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#B26818 (Board Case #PHAR0400023): Mr. Dial made the motion to refer to the Federal Drug Administration. Mr. Palmer seconded the motion and it carried unanimously.

#B26953 (Board Case #PHAR0400056): The cognizant member recommended closing the case. Mr. Prather made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#B26954 (Board Case #PHAR0400057): The cognizant member recommended closing the case. Mr. Barber made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#B26987 (Board Case #PHAR0400065): The cognizant member recommended closing the case. Mr. Barber made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#B27006 (Board Case #PHAR040073): 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 and for failure to properly supervise staff which resulted in the wrong medication being given to a customer. 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. Prather made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

The Board made the following votes regarding the submitted applications and requests:

- **D.V.L.:** Mr. Madden made a motion to **approve** D.V.L.'s application for a nuclear pharmacist license. Mr. Prather seconded the motion and it carried unanimously.
- **J.C.A.:** Mr. Madden made a motion to **approve** J.C.A.'s application by examination. Mr. Prather seconded the motion and it carried unanimously.
- **C.U.C.:** Mr. Prather made a motion to **approve** C.U.C.'s application by examination. Mr. Barber seconded the motion and it carried unanimously.

- **M.L.C.**: Mr. Barber made a motion to **approve** M.L.C.'s application by examination. Mr. Madden seconded the motion and it carried unanimously.
- **C.M.H.**: Mr. Prather made a motion to **approve** C.M.H.'s application by examination with a Letter of Concern. Mrs. Gardner seconded the motion and it was approved with Mr. Barber abstaining.
- **M.R.M.**: Mr. Madden made a motion to **approve** M.R.M.'s application by examination. Mrs. Gardner seconded the motion and it carried unanimously.
- **A.N.P.**: Mr. Barber made a motion to **approve** A.N.P.'s application by examination. Mr. Prather seconded the motion and it carried unanimously.
- **A.E.P.**: Mr. Madden made a motion to **approve** A.E.P.'s application by examination. Mrs. Gardner seconded the motion and it carried unanimously.
- **M.E.J.**: Mr. Prather made a motion to **approve** M.E.J.'s application by examination to include the transfer of scores from KY. Mr. Madden seconded the motion and it carried unanimously.
- **R.L.P.**: Mr. Madden made a motion to **approve** R.L.P.'s application by reciprocity. Mr. Prather seconded the motion and it carried unanimously.
- **Susanne Gardner**: Mr. Prather made the motion to send Ms. Gardner a letter stating that she could either fulfill the requirements to be reinstated as a licensed pharmacist in Georgia, or if NABP agrees, she could complete a new application for reciprocity. Mr. Palmer seconded the motion and it carried unanimously.

Mr. Prather made a motion to send the following individuals Reinstatement Applications, along with copies of the Board policies (#3A, #3B and #4). Mrs. Gardner seconded the motion and it carried unanimously.

David Shubeck
 Steven F. Wright
 Richard T. Webb
 Brian Gulley, Sr.
 Bryan S. Goins
 Ray Adamson

Letter from Ronald Varner, RPh: Mr. Madden made a motion to **approve** Mr. Varner's request to meet with the Board to discuss possible reinstatement. Mr. Palmer seconded the motion and it carried unanimously.

Letter from Tommie Beller: The Board reviewed his e-mail referencing ethical rules for pharmacists as informational since the Board has no jurisdiction.

Letter from Accreditation Council for Pharmacy Education: Mrs. Gardner volunteered to be the Board Representative during ACPE's evaluation of UGA's School of Pharmacy in October, 2004.

Letter from Jeffrey D. Evans: Mr. Madden volunteered to call Mr. Evans to discuss his request to send a Board Member to speak to his Law & Ethics Class at South University School of Pharmacy.

Letter from Larry Aull: The Board reviewed Mr. Aull's letter and his example of a Collaborative Practice Agreement. The Board recommended contacting Mr. Aull apprising him that neither the staff nor the Board Members are allowed to dispense legal advise to third parties. It was suggested that he review the Free Clinic Guidelines.

Letter from Michael McGee: The Board reviewed Mr. McGee's request for a modification of Rule 480-8-09, "Inspections of Prison Clinic Pharmacies". Mr. Madden made a motion to approve Mr. McGee's recommendation to amend this rule to allow for quarterly inspections instead of monthly inspections. Mr. Prather seconded the motion and it carried unanimously.

Review memorandum from NABP ref: Suspicious Internet Pharmacy: The Board reviewed this as informational only.

Newly Licensed Pharmacists/Pharmacy Interns: Mr. Madden made a motion to **ratify** all newly licensed pharmacists/pharmacy interns. Mr. Barber seconded the motion and it carried unanimously. (Attachment 1)

Draft – April 2004 Minutes Mr. Madden made a motion to **approve** the April minutes as presented. Mr. Palmer seconded the motion and it carried unanimously.

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

Application for Approval of Internship Program for Christopher Vaughan: Mr. Madden made a motion to **approve** Mr. Vaughan's request for non-conventional intern hours on a one (1) to two (2) basis. Mr. Barber seconded the motion and it carried unanimously.

Letter from Florie Belle Simmons: Mr. Madden made a motion to **approve** Ms. Simmons' request to attend the following course, "A Review of Pharmacy"" in order to complete 18 hours of CEU's as mandated by her consent order. Mr. Prather seconded the motion and it carried unanimously.

Letter from Leslie Fuch: Mr. Madden made a motion to **approve** Ms. Fuch's request of non-conventional intern hours (500) and conventional intern hours (500) in order to obtain her 1,000 "intern-like" hours to reinstate her pharmacist license. Mr. McPherson seconded the motion and it carried unanimously.

Letter from Kathleen M. Premo, Corporate Attorney for Eckerd Corporation: The Board reviewed Ms. Premo's letter outlining the pending change to the controlling stockholder of Eckerd Corporation. The Board asked that Robert Renjel, Attorney General's Office and Rick Allen, Georgia Drugs & Narcotics collaborate on the best method to administratively change all pharmacy licenses affected by this.

Report from Sylvia Bond, Executive Director:

None at this time.

Wanda Jackson, Senior Consultant, Testing & Examination:

- Ms. Jackson presented a brief overview of the Georgia Practical Exam scheduled for Thursday, May 26th and Friday, May 27th.

Report from Mickey Tatum, President:

- Mr. Tatum presented an overview of the NABP Annual Meeting.

There being no further business to be discussed, the meeting was adjourned at 4:50 p.m.

Mickey Tatum, President

Mollie L. Fleeman, Division Director
Professional Licensing Boards Division

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