

The Georgia State Board of Pharmacy met on January 26, 2005 at Mercer University Southern School of Pharmacy, 3001 Mercer University Drive, Atlanta, Georgia.

Members Present:

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

Members Absent:

- Fred Barber

Staff Present:

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

Visitors Present:

- Leroy Tolliver, Attorney
- Jim Bartling
- Dean Matthews

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

Mr. Tatum moved, Mr. Palmer 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. Dial, Mrs. Gardner, Mr. Palmer, Mr. McPherson, and Mr. Prather.

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

APPOINTMENT (S)

- The Board met with Kurt A. Boesger and his attorney, Leroy Tolliver, to discuss possible reinstatement.
- The Board met with Dr. Femi Ajayi, Director of Exams, to discuss the upcoming Georgia Practical Examination.

Kurt A. Boesger: Mr. Dial made a motion to approve Mr. Boesger's request for reinstatement of his license. Mr. Palmer seconded the motion and it carried unanimously.

Janet Wray, Attorney General's Office:

- A status report (as of January 26, 2005) on current cases was reviewed.
- Mrs. Wray requested approval for the following Public/Private Consent Orders for Philip Fowler, David Shubeck and R.T.
- The Board discussed the law and rules and regulations governing Physician's Assistants. After discussion with Mrs. Wray, the Board requested that Mr. Tatum draft a letter to the Medical Board requesting their assistance in articulating the prescriptive practice of Physician's Assistants, especially those relocating to Georgia.
- In addition, Mrs. Wray forwarded the Medical Board's concerns that pharmacist were not sharing certain patient information with MD's. The Board requested that Mr. Tatum draft a letter to the pharmacy retail drugstores requesting their assistance in working with MD's who request drug information about their patients.

The following vote was made in reference to Mrs. Wray's report:

- Mr. Tatum made a motion to accept the Public Consent Orders of Philip Fowler and David Shubeck. Mr. Palmer seconded the motion and it carried unanimously.
- Mr. Tatum made a motion to accept the Private Consent Order of R.T. Mr. Barber seconded the motion and it carried unanimously.

Bill Prather, Cognizant Board member reported on the following cases:

- A04-66, A05-01, A05-02, B27254, A27140, B27225 (#PHAR050032), B27218 (#PHAR050028), B27162 (#PHAR050016), B27170 (#PHAR050022) and B27160 (#PHAR050023) .

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

#A04-66: The cognizant member recommended scheduling an interview before the Board with C.C. to discuss the Pharmacy Practice Act, especially as it relates to reporting impaired pharmacist. Mr. Tatum made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

Charles Cosgrove, RPh017077: The cognizant member recommended accepting the signed Voluntary Surrender. Mr. Palmer made a motion to approve the recommendation. Mr. Tatum seconded the motion and it carried unanimously.

#A05-02: The cognizant member recommended issuing a Consent Order to include a \$500.00 fine and three years probation for preparing fraudulent prescriptions for himself. Mr. Palmer made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#B27254: The cognizant member recommended closing this case. Mr. Dial made a motion to approve the recommendation. Mr. Tatum seconded the motion and it carried unanimously.

#A27140: The cognizant member recommended issuing a Letter of Concern for providing unauthorized refills. Mr. Tatum made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#B27225/PHAR050032: The cognizant member recommended closing the case. Mr. McPherson made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#B27218/PHAR050028: The cognizant member recommended issuing a Letter of Concern to both the Pharmacist and Pharmacy for dispensing the wrong person's medication to a customer. Mr. Tatum made a motion to approve the recommendation. Mr. Palmer seconded the motion and it carried unanimously.

#B27162/PHAR050016: The cognizant member recommended issuing a public reprimand to the pharmacist to include a fine of \$500.00. In addition, the pharmacist must complete a CEU course in misfills. Mr. Dial made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#B27170/PHAR050022: The cognizant member recommended issuing a public reprimand to include a fine of \$500.00. In addition, the pharmacist must complete a CEU course in misfills. Mr. Tatum made a motion to approve the recommendation. Mr. McPherson seconded the motion and it carried unanimously.

#B27160/PHAR050023: The cognizant member recommended sending a letter of concern to both pharmacists. In addition, the Board has requested that Ms. Bond send a letter to the physician explaining the pharmacist scope of practice.

Sandy Bond, Executive Director:

- Mrs. Bond presented a request from Mr. Buck Stevens requesting a personal appearance in March to discuss the opening of Rx.com pharmacy.
- Mrs. Bond requested confirmation of this year's examination dates. The Board agreed to keep the schedule as is but will make accommodations in 2006 for South University.

The Board voted for the following regarding submitted applications and requests:

Letter from K.L.: Mr. Tatum made a motion to approve K.L.'s request to meet with the Board to discuss reinstatement of license. Mr. Prather seconded the motion and it carried unanimously.

Reciprocity Application from E.L.: Mr. Palmer made a motion to notify E.L. that she must have her moral voucher filled out by a pharmacist in Iowa as required in the application. Mr. Prather seconded the motion and it carried unanimously.

Reinstatement Application of J.S.: Mr. Tatum made a motion to deny J.S.'s application for reinstatement/reactivation. Mrs. Gardner seconded the motion and it carried unanimously.

Reinstatement Application of C.C.A.: Mr. Dial made a motion to deny C.C.A.'s application for reinstatement/reactivation. Mr. Palmer seconded the motion and it carried unanimously.

Letter from Jim W. Loyd, RPH10978: Mr. Tatum made a motion to approve Mr. Loyd's request to lift probation. Mr. Prather seconded the motion and it carried unanimously.

Letter from Henry Carter, RPH15306: Mr. Prather made a motion to approve Mr. Carter's request to lift his supervised practice requirement. Mrs. Gardner seconded the motion and it carried unanimously.

Pharmacist Intern Application from Henry Nettey, PHI-009578: Mr. Tatum made a motion to approve Mr. Nettey's application for reinstatement of his pharmacist intern license. Mr. Dial seconded the motion and it carried unanimously.

Letter from Charles Mania, PHI-011721: Mr. Prather made a motion to approve Mr. Mania's request of non-conventional intern hours on a one (1) for two (2) basis. Mr. Tatum seconded the motion and it carried unanimously.

Approval to Post Rule 480-10-.16 , Security System Approval: Mr. Dial moved It is the Board's opinion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 26-4-27, 26-4-87, and 26-4-110 and that it is not legal or feasible to meet the objectives of O.C.G.A. 26-4-27, 26-4-28, 26-4-87, and 26-4-110 to adopt or implement differing actions for business as listed at O.C.G.A. § 50-13-4(3)(A),(B),(C) & (D). The Board also states that the formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Pharmacy.

The Board moves to post the proposed amendment to Georgia Board of Pharmacy Rules and Regulations, Chapter 480-10-.16 Security System Approval. Amended. The motion was seconded by Mr. Prather and approved by the Board

Practice Questions from Lorelei Charters and Gloria Machalk: The Board reviewed both of these questions.

Memorandum from National Association of Boards of Pharmacy ref: Electronic Signatures The Board reviewed this information.

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

Draft – December 15, 2004 Board Meeting Minutes: Mr. Prather made a motion to approve the minutes. Mr. Palmer seconded the motion and it carried unanimously.

Listing of Administratively Approved Nuclear Pharmacist Applications: Mr. Tatum made a motion to approve the nuclear pharmacist applications, administratively approved by the Board staff. Mr. Dial seconded the motion and it carried unanimously. (Attachment 2)

Letter from Christopher Jones Mr. Tatum made a motion to approve Mr. Jones' request of non-conventional intern hours on a one (1) for two (2) basis. Mr. Prather seconded the motion and it carried unanimously.

Application for Intern Reinstatement for Nahid Hosseini: Mr. Madden made a motion to approve Ms. Hosseini's application for reinstatement of pharmacist intern license PHI-009784. Mr. McPherson seconded the motion and it carried unanimously.

Letter from Laurie Payton: Mr. Tatum made a motion to approve Mrs. Payton's request for a meeting with the Board to discuss possible reinstatement of her license. Mr. Prather seconded the motion and it carried unanimously.

Letter from A.D: Mr. Prather made a motion to approve A.D.'s request to meet with the Board to discuss possible reactivation of pharmacist license. Mr. McPherson seconded the motion and it carried unanimously.

Reinstatement Application of M.D.: Mr. Palmer made a motion to approve M.D.'s application for reinstatement under Consent Order. Mr. Prather seconded the motion and it carried unanimously.

Letter from Thomas Barrett, RPH015110: Mrs. Gardner made a motion to approve Mr. Barrett's request to meet with the Board to discuss lifting certain restrictions that have been placed on his pharmacist license. Mr. Dial seconded the motion and it carried unanimously.

Review and Approval to Post Rule 480-35, Pharmacist Modification of Drug Therapy: Mr. Prather moved it is the Board's opinion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §16-13-41, 16-13-74, 26-4-6, 26-4-27, 26-4-28, 26-4-50, 26-4-81, 43-1-7, and 43-34-26.2 and that it is not legal or feasible to meet the objectives of O.C.G.A. §16-13-41, 16-13-74, 26-4-6, 26-4-27, 26-4-28, 26-4-50, 26-4-81, 43-1-7, and 43-34-26.2 to adopt or implement differing actions for business as listed at O.C.G.A. § 50-13-4(3)(A),(B),(C) & (D). The Board also states that the formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Pharmacy.

The Board moves to post the proposed amendment to Georgia Board of Pharmacy Rules and Regulations, Chapter 480-35. Pharmacy Modification of Drug Therapy. The motion was seconded by Mr. Tatum and approved by the Board.

Rick Allen, Deputy Director, Georgia Drugs and Narcotics

Mr. Allen reported that GDNA is going to request funds to allow them to mail out a newsletter to all licensees. The newsletter would be approximately 4 pages long and would include disciplinary actions taken by the Board. Mr. Allen will keep us posted on the approval process.

Tabled Item – Letter from XCEL Pharmaceuticals requesting clarification on HB585, Sec. 3/Rule 480-7-.07, Credit for Returned Expired Drugs

Mr. Madden has requested that Bill Prather and Judy Gardner review this information and determine the best way to respond to XCEL Pharmaceuticals.

There being no further business to be discussed, the meeting was adjourned at 4:15 p.m.

Eddie Madden, 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**