

The Georgia State Board of Pharmacy met on April 20-21, 2005 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia.

WEDNESDAY, APRIL 20, 2005

Members Present:

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

Members Absent:

- Charles Palmer

Staff Present:

- Janet Wray, Board Attorney, Attorney General's Office
- 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:

- Jim Bartling, Advocate
- Lynn, Advocate

Mr. Madden established that a quorum was present, and called the meeting to order at 10:04 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. Barber, Mr. Dial, Mrs. Gardner, 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 W.T. and his treatment advocate, Jim Bartling, to discuss possible reinstatement.
- The Board met with K.H. and his treatment advocate, Lynn, to discuss possible reinstatement.
- The Board met with M.A. and his advocate, Jim Bartling, to discuss possible reinstatement.

W.T. (Applicant No. 15799): Mr. Tatum made a motion to approve W.T.'s request for reinstatement of his license. Mr. Prather seconded the motion and it carried unanimously.

K.H. (Applicant No. 8647): Mr. Dial made a motion to approve K.H.'s request for reinstatement of his license. Mrs. Gardner seconded the motion and it carried with Mr. Barber, Mr. Tatum and Mr. McPherson opposing.

M.A. (Applicant No. 3440): Mr. Dial made a motion to approve M.A.'s request for reinstatement of his license. Mrs. Gardner seconded the motion and it carried unanimously.

Janet Wray, Attorney General's Office:

- A status report (as of April 20, 2005) on current cases was reviewed.
- Reviewed advice in proposed rule change – Rule 480-2-.03 & Rule 480-2-.04 (Experience Requirement/Education).

Mr. Dial made a motion to approve the following Public Consent Orders:

Laurie Payton, Martin Dotson and John Marzullo

Mr. Prather seconded the motion and it carried unanimously.

Mr. Prather made a motion to approve the following Private Consent Orders:

K.L.(Applicant No. 10582) , W.T. (Applicant No. 15799), and M.A. (Applicant No. 3440)

Mr. Tatum seconded the motion and it carried unanimously.

Mr. Dial made a motion to approve **M.G.H.'s (Applicant No. 8220)** Consent Order upon receipt. Mrs. Gardner seconded the motion and it carried unanimously.

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

- GDNA #B05-08, #A05-09, #A05-10, #A05-12, #A27313, #A27316, and Board Case PHAR050033 (GDNA #B27226).

Mr. Dial made a motion to approve the following Cognizant Board Member's recommendations:

Nichols, Barry, RPH07981: The cognizant member recommended accepting the Voluntary Surrender.

Sanders, Billy Martin, RPH018034: The cognizant member recommended accepting the signed Interim Public Consent Order.

#A05-10: The cognizant member recommended offering the pharmacist a Voluntary Surrender. If she refuses, refer case to the Attorney General's office for a Summary Suspension.

#A27313: The cognizant member recommended referring the case to the Board office to update the system showing that the business has closed and to void the license.

#A27316: The cognizant member recommend scheduling an Investigative Interview.

#B27226 (PHAR050033): The cognizant member recommended closing the case.

Mrs. Gardner seconded the motion and it carried unanimously.

GDNA #A05-12: Mr. Dial made the motion to refer to the Cognizant Board Member for an Investigative Interview. Mrs. Gardner seconded the motion and it carried unanimously.

Bill Atkins, Director, Georgia Drugs and Narcotics:

- Received an update on all bills pending and approved through the House and Senate during this last legislative session.
- Received approval to hire one agent. In addition, the new computer system is being installed with all agents receiving digital cameras.

Sandy Bond, Executive Director:

- Review of 2005 Examination Dates: Mr. Prather made a motion to reschedule the September 22, 2005 Practical Examination to August 25, 2005 in Savannah. Mrs. Gardner seconded the motion and it carried unanimously.
- Received a letter from the Department of Community Health as it relates to physicians who have been placed on the OIG Exclusion List.
- Reviewed letter from William York, RPh, with Concord, Inc., ref: prescriptions orders that state "Use As Directed". The Board directed that Ms. Bond send Mr. York a letter stating that it is not appropriate to accept prescription orders with "Use As Directed" per O.C.G.A. § 16-13-41 and 16-13-74 and Rule 480-10-15.
- Review of Anonymous Complaints Received: Mr. Dial made a motion not to accept anonymous complaints. Mr. Prather seconded the motion and it carried unanimously.

Reinstatement Application J.S. (Applicant No. 14509): Mr. Tatum made a motion to grant J.S.'s request for an appearance before the Board to discuss possible reinstatement of license. Mr. McPherson seconded the motion with Mr. Dial opposing.

Reinstatement Application for P.T. (Applicant No. 15959): Mr. Barber made a motion to approve P.T.'s application for reinstatement. Mr. Prather seconded the motion and it carried unanimously.

Nuclear Pharmacist Application for W.T. (Applicant No. 15788): The Board instructed the office to send W.L.T. a letter requesting verification of employment as a nuclear pharmacist from 1980-1983. Once this documentation is received, the Board will make a final decision.

Letter from D.R.G. requesting her Intern License be Renewed or Extended (Applicant No. 24158): Mr. Dial made a motion to approve her request upon receipt of documentation from the school showing that she is currently enrolled. Mr. Tatum seconded the motion and it carried unanimously.

Application of Examination for D.F.E. (Applicant No. 951078): Mr. Tatum made a motion to approve D.F.E.'s application for examination. Mr. Barber seconded the motion and it carried unanimously.

Reciprocity Application of D.C.B. (Applicant No. 962473): Mr. Prather made a motion to approve D.C.B.'s reciprocity application. Mr. Tatum seconded the motion and it carried unanimously.

Reinstatement Application for R.A. (Applicant No. 3022): Mr. Dial made a motion to approve R.A.'s application under a Private Consent Order for Unlicensed Practice and a fine of \$500. Mr. Barber seconded the motion and it carried unanimously.

Letter from Norman K. Logan, RPH009842: Mr. Tatum made a motion to approve Mr. Logan's request to lift his supervised practice restriction. Mr. Dial seconded the motion and it carried unanimously.

Letter from Samuel Kilgore, RPH09884: Mr. Dial made a motion to deny Mr. Kilgore's request to lift the Pharmacist-In-Charge restriction. Mrs. Gardner seconded the motion and it carried unanimously.

Letter from Michael Manos, RPH012598: Mr. Prather made a motion to approve Mr. Manos' request to lift the Pharmacist-In-Charge restriction. Mr. McPherson seconded the motion and it carried unanimously.

Letter from Sally Haislip, RPH020258: Mr. Tatum made a motion to approve Mrs. Haislip's request to terminate her probation. Mr. Dial seconded the motion and it carried unanimously.

Letter from Kellie Garrett, RPH018228: Mr. Dial made a motion to approve Mrs. Garrett's request to terminate her probation. Mr. Tatum seconded the motion and it carried unanimously.

Letter from H. Phil Lazarus: Mr. Prather made a motion to deny Mr. Lazarus' request for reinstatement/reactivation of license. Mr. Dial seconded the motion and it carried unanimously.

Letter from Joe Bill Dickerson, RPh with DM & ADR Inc.: Mr. Tatum made a motion to approve Mr. Dickerson's waiver request in reference to Rule 480-18-.05 as it relates to equipment requirements. Mr. Prather seconded the motion and it carried unanimously.

Letter from Loa Ajisafe, RPh, with West Georgia Infectious Disease Services: Mr. Tatum made a motion to approve Ms. Ajisafe's waiver request in reference to Rule 480-10-.12 as it relates to equipment requirements. Mr. Prather seconded the motion and it carried unanimously.

Letter from Harry J. Howard with Home Medical Oxygen Services: Mr. Tatum made a motion to approve Mr. Howard's waiver request in reference to Rule 480-10-.12 as it relates to equipment requirements. Mr. Prather seconded the motion and it carried unanimously.

Letter from William L. Stevens, RPh, with Rx.com: The Board requested that both Rick Allen with Georgia Drugs and Narcotics and Janet Wray, Assistant Attorney General review Mr. Steven's response to Rx.com's system operations.

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

Draft – March 16, 2005 Board Meeting Minutes: Mr. Dial made a motion to approve the minutes as written. Mr. Barber seconded the motion and it carried unanimously.

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

Other Business:

- ❖ **Discussion in reference to County Coroner's legal right to confiscate prescriptions and to review a patient's pharmacy records.** The Board would like to invite a representative from the Training Council of Coroner's to come and meet with the Board to discuss the role of a coroner confiscating prescription drugs.
- ❖ **Review of the Georgia Practical Exam.** The Board reviewed the problems to be used during the Georgia Practical Exam on June 1st.

There being no further business to be discussed, the meeting was adjourned at 5:05 p.m.

THURSDAY, APRIL 21, 2005

Members Present:

- Eddie Madden, President
- Mickey Tatum
- Fred Barber
- Robbie Dial
- Pat McPherson
- Judy Gardner

Members Absent:

- Charles Palmer
- Bill Prather, Vice-President

Staff Present:

- Janet Wray, Board Attorney, Attorney General's Office
- 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

Mr. Madden established that a quorum was present, and called the meeting to order at 10:00 a.m.

Mr. Tatum moved, Mr. McPherson 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, and Mrs. Gardner.

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.

Approval of Additional Consent Order:

A.D. (Applicant No. 893201): – Mrs. Gardner moved to accept the Private Consent Order of A.D. upon receipt of original. Mr. Tatum seconded the motion and it carried unanimously.

Review of Proposed Rule Changes: After careful consideration of all the comments made during the March Rules Hearing, the Board reviewed Rule 480-10-.16 and Rule 480-35 and made the necessary revisions.

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. Tatum and approved by the Board

Review and Approval to Post Rule 480-35, Pharmacist Modification of Drug Therapy: 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. §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.

There being no further business, the meeting adjourned at 4:00 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