

The Georgia State Board of Pharmacy met on December 6, 2006, at the Office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA 31217.

Members Present:

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

Visitors:

Scott Biddulph, Target

Staff Present:

- Janet Wray, Attorney General's Office
- Rick Allen, Deputy Director, Georgia Drugs and Narcotics Agency
- Lisa Durden, Executive Director
- Dianne W. Patterson, Administrative Assistant
- Kathleen O'Neal, Legal Services

Absent:

- Fred Barber

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

Mr. Tatum moved, Ms. Gardner 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. Madden, Mr. McPherson, Mr. Dial, and Mr. Palmer.

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 G.K.S., and friend to discuss possible reinstatement of a Georgia Pharmacist license.
- The Board met with Monifa Y. Mwangi to discuss possible reinstatement of a Georgia Pharmacist license.

Gene Kyle Smith, RPH010593: Mr. Tatum made a motion to **approve** Mr. Smith's request for reinstatement of his Georgia Pharmacist license. The case will be forwarded to the Attorney General's Office for a Consent Order for Reinstatement. Mr. McPherson seconded the motion and it carried unanimously.

Monifa Y. Mwangi, RPH021894: Mr. Madden made a motion to **approve** Ms. Mwangi's request for reinstatement of her Georgia Pharmacist license. The case will be forwarded to the Attorney General's Office for a Public Consent Order. Mr. Tatum seconded the motion and it carried unanimously.

Janet Wray, Board Attorney General's Office:

Mrs. Wray updated the Board on all open cases in the Attorney General's Office and presented three Private Consent Orders, two Public Consent Orders, two Reinstatement Orders and information on one additional case.

- **R.O.H.:** Mr. Dial made a motion to **accept** the signed Private Consent Order. The motion was seconded by Mr. Palmer and it carried unanimously.
- **L.M.N.:** Mr. Dial made a motion to **accept** the signed Private Consent Order. The motion was seconded by Mr. Palmer and it carried unanimously.
- **F.M.:** Mr. Dial made a motion to **accept** the signed Private Consent Order. The motion was seconded by Mr. Palmer and it carried unanimously.
- **Deborah Lynne Gale, RPH014972:** Mr. Dial made a motion to **accept** the signed Consent Order for reinstatement. The motion was seconded by Mr. Palmer and it carried unanimously.
- **CVS Pharmacy #5631, PHRE005597:** Mr. Dial made a motion to **accept** the signed Public Consent Order. The motion was seconded by Mr. Palmer and it carried unanimously.
- **Gene Kyle Smith, RPH010593:** Mr. Dial made a motion to **accept** the signed Public Consent Order. The motion was seconded by Mr. Palmer and it carried unanimously.
- **Jonnala R. Presada, RPH017159:** Mr. Dial made a motion to **accept** the signed Public Consent Order. The motion was seconded by Mr. Palmer and it carried unanimously.
- **S.G.P.:** The Board voted to send a letter of concern to the Pharmacy where he is employed and close the case.

Bill Atkins, Director, Georgia Drugs and Narcotics Agency Report:

- **GPHA: Attended the Legislative retreat; GPHA hired two new lobbyists.**
- **Mail Order re: Prescriptions presented without a physician's original signature is not acceptable.**
- **Electronic Prescribing re: Federal Express delivering drugs, signing a waiver that UPS is acting as Agents.**
- **Committee formed: Charles Palmer, Janet Wray, Bill Atkins and Rick Allen to research mail orders to present during legislation.**
- **Prescriptive Monitoring re: Rick Allen, Deputy Director will check with Legislatives.**
- **Retirement re: Andy Cox retiring at the end of the year.**
- **Refills re: Whether or not to eliminate counseling on refills?**

Judy Gardner, Cognizant Board Member reported on the following cases:

Craig T. Rawlins, RPH011935, GDNA Case #A06-33: The cognizant member recommended accepting the signed Voluntary Surrender of License by the Pharmacist. Mr. Tatum made a motion to accept the cognizant's recommendation. Mr. McPherson seconded the motion and it carried unanimously.

GDNA Case #A06-39: The cognizant member recommended closing the case. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. McPherson seconded the motion and it carried unanimously.

GDNA Case #A06-41: The Cognizant member recommended accepting the signed Private Interim Consent Order by the Pharmacist. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. Dial seconded the motion and it carried unanimously.

Charles E. Toston, RPH011756, GDNA Case #06-42: The Cognizant member recommended accepting the signed Public Interim Consent Order by the Pharmacist upon receipt. Mr. Dial made a motion to accept the Consent Order upon receipt. Mr. Tatum seconded the motion and it carried unanimously.

GDNA Case #06-43: The Cognizant member recommended referring the case to Drugs and Narcotics Agency for an Investigative Interview. Mr. Dial made a motion to accept the cognizant's recommendation. Mr. Palmer seconded the motion and it carried unanimously.

GDNA Case #A06-44: The Cognizant member recommended referring the case to the Attorney General's Office for drafting of a Public Consent Order to include a fine of \$500 for the Pharmacist and a fine of \$500 for the Pharmacy involved for failure to offer patient counseling, which resulted in a prescription mis-fill, not verifying the worked performed by the technician and re-dispensing of drugs. The Pharmacist must attend the "Patient Safety: A Look at Current and Emerging Concepts to Prevent Medication Errors" class offered by the University of Georgia. Send letter to read and follow the Georgia State Board of Pharmacy Laws and Rules. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. Dial seconded the motion and it carried unanimously.

Kenneth Lee Arthur, RPH013139, GDNA Case #A06-45: The Cognizant member recommended referring the case to Drugs and Narcotics Agency to send Agent for inspection and offer Voluntary Surrender Order of both the Pharmacist and Pharmacy licenses. If respondent will not comply, proceed with expedited revocation. Mr. Tatum made a motion to accept the cognizant's recommendation. Mr. Dial seconded the motion and it carried unanimously.

GDNA Case #A06-46: The Cognizant member recommended accepting the signed Private Interim Consent Order upon receipt. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.

GDNA Complaint #B27874/PHAR070137: The Cognizant member recommended referring the case to local law enforcement authorities and closing the case. Mr. Tatum made a motion to accept the cognizant's recommendation. Mr. Madden seconded the motion and it carried unanimously.

GDNA #B27877/#PHAR070140: The Cognizant member recommended closing the case with no violation. Mr. Dial made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.

GDNA #B27880/PHAR070144: The Cognizant member recommended to send a letter of concern. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.

Melody Hart, RPH021610, GDNA Complaint #B27881/PHAR070145: The Cognizant member recommended referring the case to the Attorney General's Office for a Public Consent Order requiring the Pharmacist to attend the "Patient Safety: A Look at Current and Emerging Concepts to Prevent Medication Errors" class offered by the University of Georgia. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.

GDNA #B27882/PHAR070146: The Cognizant member recommended closing the case. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. Dial seconded the motion and it carried unanimously.

Ela Amin, RPH015174, GDNA Complaint #A-27886: The Cognizant member recommended to refer case to Drugs and Narcotics Agency to send a Voluntary Surrender Order. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. Dial seconded the motion and it carried unanimously.

GDNA Complaint #A-27918: The Cognizant member recommended referring the case to Drugs and Narcotics Agency for an Investigative Interview. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. Dial seconded the motion and it carried unanimously.

GDNA Complaint #A-27921: The Cognizant member recommended referring the case to Drugs and Narcotics Agency for an Investigative Interview with the Pharmacist on duty and the Risk Manager. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.

GDNA Complaint #A-27922: The Cognizant member recommended referring the case to Drugs and Narcotics Agency for an Investigative Interview with the Pharmacist on duty. Mr. Madden

made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.

GDNA Complaint #A-27923: The Cognizant member recommended referring the case to the Attorney General's Office for a Cease and Desist Order. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. McPherson seconded the motion and it carried unanimously.

GDNA Case #A06-30: The Cognizant member recommended accepting the Voluntary Consent Order signed by the pharmacist. Mr. Tatum made a motion to accept the cognizant's recommendation. Mr. McPherson seconded the motion and it carried unanimously.

James E. Hubbard, RPH022263, GDNA Case #A-06-47: The Cognizant member recommended referring the case to the Attorney General's Officer for a Public Consent Order. Mr. Madden made a motion to accept the cognizant's recommendation. Mr. McPherson seconded the motion and it carried unanimously.

Lisa Durden Executive Director's Report:

- Renewals re: Approximately 5,114 Pharmacists have renewed along with 25 Nuclear Pharmacists.
- Continuing Education Audits re: Approximately 155 C.E. hours are current
- Board of Pharmacy meeting dates re: Board meetings and examinations dates have been posted on website
- Rule re: Compounding Rule will be effective December 12, 2006.
- Pharmacy Newsletter re: Sandy Bond finalizing the contract.
- Interns re: Have been in contact with Georgia College and State University regarding interns to assist the Board of Pharmacy with compliance issues.
- Complaints re: Follow up with Rick Allen, Drugs and Narcotics Agency.
- Kathleen O'Neal discussed the renewal process.

- **Executive Session Items:**

Information submitted by M.C.M.: Mr. Madden made a motion to **deny** M.C.M.'s request to waive the requirement to reciprocate licensure from the State of original licensure. Mr. Tatum seconded the motion and it carried unanimously.

Application submitted by M.J.H.: Mr. Madden made a motion to **approve** the applicant's request for reinstatement of licensure due to failure to renew with a \$250 fine. A letter of concern will be sent to the employer explaining the need to check licenses of employees. Mr. Tatum seconded the motion and it carried unanimously.

Information submitted by Pharmacists for Continuing Education Audits: Mr. Madden made a motion to accept the following pharmacists Continuing Education hours for the renewal period 2007-2008. Mr. Tatum seconded the motion and it carried unanimously. The Board directed that the Executive Director could approve for renewal anyone who disclosed they had been convicted of a misdemeanor, except those crimes which involved moral turpitude.

D.G	M.H.	A.E.
R.C.	A.K	J.W.
S.F	E.K.	M.M
D.J.K.	R.M.	

Information submitted by John D. Bauer, PHI-010637: Mr. Madden made a motion to **approve** Mr. Bauer's extension and renewal of intern license. Ms. Gardner seconded the motion and it carried unanimously.

Information submitted by John A. Marzullo, RPH010875: Mr. Tatum made a motion to **approve** Mr. Marzullo's request to lift the supervision restriction in Consent Order. Mr. Madden seconded the motion and it carried unanimously.

Information submitted by Robert L. Medders, RPH009325: Mr. Madden made a motion to **deny** Mr. Medders request to meet with the Board to discuss possible reinstatement of his pharmacist license. Mr. Tatum seconded the motion and it carried unanimously.

Information submitted by Jeffrey W. Allen, RPH012713: Mr. Tatum made a motion to **deny** Mr. Allen's request to meet with the Board to discuss possible reinstatement of his pharmacist license. Mr. Madden seconded the motion and it carried unanimously.

NABP E-News: Regulatory and Association News for the State Boards of Pharmacy: The Board reviewed this as informational.

Private and Public Consent Orders: The Board discussed Private and Public Consent Orders.

Information submitted by Kenya Howery, U.S. Department of Justice/Drug Enforcement Administration: Mr. Madden made a motion to **approve** Ms. Howery's request for records. Mr. Tatum seconded the motion and it carried unanimously.

Information submitted by Robyn B. Sterner, U.S. Regional Ophthalmics Head: Mr. Madden made a motion to **approve** Mr. Sterner's request for exemption of a drug from dangerous drug list. Mr. Tatum seconded the motion and it carried unanimously.

Information submitted from the Florida Department of Health: The Board reviewed this as informational.

Chapter 480-15 - Penalties: The Board voted to table this item until the February 2007 meeting.

List of Newly Licensed Pharmacists and Pharmacy Interns 11/02/06-11/27/06: Mr. Madden made a motion to **approve** the list of newly licensed pharmacist and pharmacy interns. Mr. Tatum seconded the motion and it carried unanimously.

LICENSE NUMBER	NAME	PROFESSION	ISSUE DATE
RPH023417	Carroll, Awana Una	Pharmacist	11/2/2006 00:00:00
RPH023418	Gerber, James L	Pharmacist	11/3/2006 00:00:00
RPH023419	Eze, Chiedozie Chukwudi	Pharmacist	11/6/2006 00:00:00
RPH023420	Boateng, Bernard Okyere	Pharmacist	11/8/2006 00:00:00
RPH023421	Bush, Thomas Ray	Pharmacist	11/8/2006 00:00:00
RPH023422	Johnson, Charles, Jr.	Pharmacist	11/15/2006 00:00:00
RPH023423	Weinstein, Alfred	Pharmacist	11/15/2006 00:00:00
RPH023424	Ward, Erin Rose	Pharmacist	11/15/2006 00:00:00
RPH023425	Dsilva, Vickers Vincent	Pharmacist	11/17/2006 00:00:00
RPH023426	Maack, Jo Ann	Pharmacist	11/17/2006 00:00:00
RPH023427	McLure, Kathryn Ruth	Pharmacist	11/17/2006 00:00:00
RPH023428	Mitchell, Margaret Ann	Pharmacist	11/17/2006 00:00:00
RPH023429	Abbasi, Farah	Pharmacist	11/17/2006 00:00:00
RPH023430	Greer, Mary Charlene	Pharmacist	11/21/2006 00:00:00
RPH023431	Easton, Pamela P.	Pharmacist	11/21/2006 00:00:00
RPH023432	Rozier, Ivie S.	Pharmacist	11/21/2006 00:00:00

LICENSE NUMBER	NAME	PROFESSION	ISSUE DATE
PHI-013064	Garcia, Raena Colleen	Pharmacist Intern	11/13/2006 00:00:00
PHI-013065	Schrimsher, Paul McCollum	Pharmacist Intern	11/15/2006 00:00:00
PHI-013066	Guillory, Angela Carol	Pharmacist Intern	11/15/2006 00:00:00

PHI-013067	Nemyer, Stephanie Marie	Pharmacist Intern	11/14/2006 00:00:00
PHI-013068	Vangapandu, Surya Narayana	Pharmacist Intern	11/17/2006 00:00:00
PHI-013069	Hyer, Chase Mahon	Pharmacist Intern	11/27/2006 00:00:00

Draft of November 14, 2006 Board Meeting Minutes: Mr. Madden made a motion to **accept** the minutes as amended. Mr. Tatum seconded the motion and it carried unanimously.

Bill Prather, President's Report:

- Presentation re: Lisa Durden, Dianne W. Patterson, and Wanda Jackson.
- Staff recognition re: Bill Atkins, Director, Drugs and Narcotics Agency, Rick Allen, Deputy Director, Drugs and Narcotics Agency, Rick Karsten, Agent, Drugs and Narcotics Agency and Janet Wray, Attorney, Attorney General's Office were recognized for their dedication and hard work.
- 2007 Board Member Election re: Judy Gardner, President, and Pat McPherson, Vice-President and Cognizant Member.

OTHER BUSINESS AGENDA:

Information submitted by Paul D. Arp, RPH015598: Mr. Tatum made a motion to **approve** Mr. Arp's request for an appointment with the board to discuss possible reinstatement of licensure. Mr. Madden seconded the motion and it carried unanimously.

Information submitted by Charles Hilton Grow, RPH015458: Mr. Tatum made a motion to **approve** Mr. Grow's request for an appointment with the board to discuss possible reinstatement of licensure. Mr. Palmer seconded the motion and it carried unanimously.

Information submitted by Brad M. Cherson, RPH013914: The Board directed that a letter be sent to the Georgia Therapy Association to verify the pharmacist in charge.

Information submitted by Amber Hawkins, RPH023403: The Board directed that a letter be sent to Ms. Hawkins to seek guidance from her employer.

Rule 480-7: Manufacturer's Permit: The Board voted to post rule.

Rule 480-7-.01: Manufacturer's Permit.

(1) Applications for registration for a manufacturer's permit must be filed with the Office of the Georgia State Board of Pharmacy ("Board") in duplicate with the required fee.

(2) Registration of a manufacturer will be considered on the basis of the application filed, fee paid, and a report from the Director of the Georgia Drugs and Narcotics Agency (GDNA) certifying the applicant possesses the necessary qualifications for a permit.

(3) Application fees shall NOT be refundable.

(4) Permits shall not be transferable. Permits become null and void upon the sale, or change of mode of operation of the business, or location of business.

(5) Licenses are renewed for two years and expire on June 30th of each odd numbered year and may be renewed upon the payment of the required fee and the filing of an application for renewal. If the application for renewal is not made and the fee paid before September 1st of the odd numbered year, the license shall lapse and shall not be renewable except by application for a new license.

(6) Pursuant to Code Section 26-4-29, whenever any manufacturer holding a permit issued by the Board causes a dangerous drug or controlled substance

product to be marketed or distributed in this state, upon request that manufacturer shall provide, at no cost to this state, a quantity of one gram or more of the pure compound of each such product to the Board, state chemist or one working under the direction of the state chemist. Such quantities of pure compound will only be used for testing and analysis purposes.

(a) All quantities of a pure compound provided to the Board or state chemist will be accounted for using a perpetual inventory system, and a copy of each product inventory will be available for review upon request by the Board or upon written request to the Board by the manufacturer providing the compound.

(b) As the manufacturer is required by this subsection to submit the dangerous drug or controlled substance for analysis, the results of any chemical analysis shall be considered a trade secret within the meaning of Code Section 50-18-72(b)(1).

Authority O.C.G.A. Secs. 26-4-111, 26-4-120. **History.** Original Rule entitled "Rules and Regulations Concerning the Chief Drug Inspectors Office" was filed and effective on June 30, 1965. **Amended:** Rule repealed and a new Rule entitled "Manufacturer's Permit" adopted. Filed October 6, 1970; effective October 26, 1970. **Amended:** Filed August 2, 1974; effective August 22, 1974. **Amended:** Filed March 3, 1977; effective March 23, 1977. **Amended:** Filed March 26, 1982; effective April 15, 1982. **Amended:** Filed October 18, 1983; effective November 7, 1983. **Repealed:** New Rule, same title, adopted. F. Aug. 6, 2001; eff. Aug. 26, 2001.

Rule 480-27: Electronic Prescribing: The Board directed Eddie Madden to research further.

There being no further business, the meeting adjourned at 3:30 p.m.

Bill Prather, President

Lisa Durden, Executive Director
Professional Licensing Boards Division

Minutes Prepared By: Dianne W. Patterson, Administrative Assistant
Reviewed/Edited By: Lisa Durden Executive Director

Minutes approved by the Board at its January 10, 2006 Board meeting.