GEORGIA BOARD OF PHARMACY Philadelphia College of Osteopathic Medicine (PCOM) 625 Old Peachtree Rd, NW Suwanee, GA 30024

August 17, 2022 9:00 a.m.

The following Board members were present:

Dean Stone, President Michael Azzolin, Vice-President Jim Bracewell Michael Brinson Young Chang Cecil Cordle

Chuck Page

Staff present:

Eric Lacefield, Executive Director Michael Karnbach, Deputy Director, GDNA Alec Mathis, Special Agent, GDNA Max Changus, Assistant Attorney General Clint Joiner, Attorney Brandi Howell, Business Support Analyst I

Visitors:

Leigh Carpenter, Hemophilia of Georgia Melissa Reybold, GPhA Jonathan Marquess, GPhA Kanita Ahmad, ACPHS Stephanie Kirkland, ElderCare Becca Hallum, GHA Shea Ross-Smith, Kaiser Permanente

Shea Ross-Smith, Kaiser Permanent Hannah Irvin, TPS

Hannah Irvin, TPS Heather Hughes, Publix

Jody Smith, Floyd Medical Center

Matthew Watson Robert Kokoszka

Open Session

President Stone established that a quorum was present and called the meeting to order at 9:04 a.m.

Approval of Minutes

Mr. Brinson made a motion to approve the Public and Executive Session minutes from the July 13, 2022, meeting. Mr. Chang seconded, and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

Mr. Brinson made a motion to ratify the list of licenses issued. Mr. Cordle seconded, and the Board voted unanimously in favor of the motion.

Correspondences

Correspondence from Alicia Elam: The Board considered this correspondence requesting the Board apply the 15 hours Ms. Elam earned from the "30th Annual Primary Care Conference Session II" held July 4, 2022 – July 8, 2022, towards the continuing education requirement for this biennium. The Board recommended denying the request as the provider and sponsor of the course is not board approved. Additionally, the course is not an American Council on Pharmaceutical Education approved course.

Correspondence from Jody Smith, Atrium Health Floyd: The Board considered this correspondence regarding the construction and operation of a free-standing emergency department (FSED) in Chattooga County, Georgia. The facility is planned to house six exam rooms with two additional observation rooms. The FSED will be open 24 hours a day, seven days per week and will operate as a traditional emergency department. Medications will be delivered from Floyd Medical Center's pharmacy to the FSED, where they will be secured using an automated dispensing cabinet (Omnicell). The Omnicell will be stocked by a pharmacist on a schedule to ensure that medications are available in sufficient quantity for anticipated use.

Deputy Director Karnbach commented that this business model is already in existence and that the purpose is just an emergency room. He added that it is not a hospital where patients are being admitted. He stated that in the past, the Board has allowed for the facility to receive a clinic permit, which would allow them to do what they are asking for. Deputy Director Karnbach further stated that he was not aware of any issues that would prohibit them from operating.

President Stone inquired if a representative from the facility was present. A representative of the facility was present. President Stone asked the representative if the facility had thought about obtaining a clinic permit. The representative responded that it would be something he would bring back to the planning group. Mr. Brinson inquired if the facility would be inspected. Deputy Director Karnbach responded by stating that the facility would be inspected just like any other that submits an application.

After further discussion was held, Mr. Changus commented that whatever route the facility chooses to select, it would be mindful for it to follow the law and rules that are related to that specific route. The representative asked if, in regard to the clinic permit route, that involves any space devoted to a pharmacy on site. Deputy Director Karnbach responded by stating that the clinic pharmacy space requirements shall be a minimum of 150 square feet, but it takes into account any space controlled by the hospital. He added that storage space can factor into that space as well. He explained that the facility could submit a rule petition if the space does not meet the requirements. Deputy Director Karnbach stated that, for inspection, GDNA would look for 150 square feet.

Georgia Drugs and Narcotics Agency - Michael Karnbach

Deputy Director Karnbach reported that GDNA conducted 255 inspections and received 49 complaints for FY2023.

Attorney General's Report - Max Changus

Mr. Changus reported that the Section Chief at the Attorney General's office is leaving, and as such, new obligations would be imposed on personnel in his section. He stated that he is looking to have Ms. Kimberly Emm assist the board. Mr. Changus requested the Board's continued patience and stated he would further discuss how this will affect certain things going forward in Executive Session.

Executive Director's Report – Eric Lacefield

Continuing Education Report: Mr. Brinson made a motion to ratify the below continuing education programs approved since the previous meeting. Mr. Page seconded, and the Board voted unanimously in favor of the motion.

Date of	Hours	Sponsoring Group	Program Title	CE Code
Program				
08/10/2022	1	Kaiser Permanente	Providing Criteria Based Feedback	2022-0007

08/01/2022	0.5	Atrium Health – Navicent	Tenecteplase (TNKase) for	2022-0008
			Thrombosis	

2022 Maltagon Annual Meeting: Mr. Lacefield reported that he previously forwarded information to the Board regarding the annual meeting scheduled for September 18-21 in New Orleans.

September Board Meeting: Mr. Lacefield reported that the Board's September meeting will be held in person at the GPhA offices. He added that he will send more information to the Board when it is available.

Legal Services – Clint Joiner

Correspondence from Sidney Welch, Akerman LLP: Mr. Joiner discussed this correspondence, which requests clarification on non-physician providers (RNs and PAs) ability to dispense prescription medications in a private health clinic practice, non-governmental/non-tax exempt health clinic, or a health center sponsored by a municipality for the benefit of municipality employees. Mr. Joiner stated the correspondence further discusses the applicable laws, O.C.G.A. § 26-4-130 and § 43-34-23. He further stated that Ms. Welch is requesting the Board's interpretation regarding this matter.

Mr. Changus commented that he received this letter as well. He stated Ms. Welch is correct in that RNs and PAs do not have unfettered ability to dispense prescription medications. He added that RNs and PAs are not considered practitioners under O.C.G.A. § 26-4-130. In response to the inquiry, he recommended the Board direct staff to respond by stating that RNs and PAs may only dispense pursuant to O.C.G.A. § 43-34-23.

Miscellaneous

Rule 480-10-.01 Controlled Substances and Dangerous Drugs: Inspection, Retention of Records and Security: President Stone explained the rule contained a grammatical error that has been corrected.

Mr. Brinson made a motion to post Rule 480-10-.01 Controlled Substances and Dangerous Drugs: Inspection, Retention of Records and Security with the corrections noted. Mr. Cordle seconded, and the Board voted unanimously in favor of the motion.

Rule 480-10-.01. Controlled Substances and Dangerous Drugs: Inspection, Retention of Records and Security

- (1) Every retail pharmacy, possessing or having possessed any controlled substances and/or dangerous drugs, within a period of two years, and/or possessing any record related to the same, which is required to be kept by O.C.G.A. T. Ch. 16-13, shall exercise diligent care in protecting such controlled substances and/or dangerous drugs and/or records related to the same from loss or theft.
 - (a) Every licensed retail pharmacy shall ensure that all controlled substances and/or dangerous drugs are purchased from and/or returned to firms holding a current permit issued by the Georgia State Board of Pharmacy (Board). This requirement can be met by a pharmacy maintaining a copy of such firms' current Georgia Board permit.
 - (b) It shall be the responsibility of the pharmacist on duty to sign the invoice(s), including signature, legible Georgia pharmacist license number, and date, for all controlled substances upon receipt and verification.
- (2) All controlled substances and/or dangerous drugs shall be kept in the prescription department, accessible only to an authorized person, except where contained in a collection receptacle compliant with state and federal law and regulation.
- (3) The Georgia Drugs and Narcotics Agency (GDNA) shall have the authority to conduct

inspections of any place or premises used by any such licensed retail pharmacy in relation to such controlled substances and/or dangerous drugs and/or any records pertaining to their acquisition, dispensing, disposal, or loss.

- (4) The GDNA shall have the authority to examine, copy, or remove all such records, and to examine, copy, remove, or inventory all such controlled substances and/or dangerous drugs.
 - (a) It shall be the responsibility of such person possessing such controlled substances and/or dangerous drugs and/or records to make the same available for such inspection, copying, examination, or inventorying by said GDNA.
 - (b) At the conclusion of an inspection, the GDNA personnel examining said drugs and/or records shall have the responsibility of providing to such retail pharmacy a copy of an inspection report on which any deficiencies or violations are made along with any recommendations, if any, concerning the satisfactory storage, keeping, handling and security of controlled substances and/or dangerous drugs.
- (5) Any person possessing controlled substances and/or dangerous drugs and/or records may request that such an inspection be made, and upon receipt of such written request, the GDNA Director shall make, or cause to be made, without unreasonable delay, an inspection in compliance with said request.

Rule 480-2-.04 Examinations: President Stone stated that the amendment adopted by the Board allowed the candidate to be permitted a maximum of five attempts to pass the NAPLEX and jurisprudence examinations. However, the Governor has sent the rule back stating that restricting the number of times an applicant may take examinations creates unnecessary barriers to entry for the profession. President Stone suggested striking the proposed language in (2)(b). He stated that after three attempts, the applicant must obtain the Board's approval to retake the exam, which is required by law.

Mr. Azzolin made a motion to post Rule 480-2-.04 Examinations as amended. Mr. Page seconded, and the Board voted unanimously in favor of the motion.

Rule 480-2-.04. Examinations

- (1) For licensure, an individual must successfully pass the NAPLEX, and a jurisprudence examination approved by the Board and a practical examination approved by the Board.
 - (a) An individual is not eligible to take the examinations for licensure until such individual has graduated from an approved college or school of pharmacy and has completed all internship requirements.
- (2) The NAPLEX examination is made available throughout the year, with the jurisprudence and practical portions of the examinations being given at specified times. Applications must be in the Board office in accordance with the deadlines established by the Board.
 - (a) Candidates for a Georgia license are required to make a minimum grade of 75 on the NAPLEX examination. Applicants are also required to obtain a minimum score of 75 on the Georgia Practical examination, and a minimum score of 75 on the jurisprudence examination. A score of less than 70 on any section of the Georgia practical examination invalidates all the scores from that administration of the Georgia Practical examination; and
- (3) The Board will provide reasonable accommodation to a qualified applicant with a disability in accordance with the Americans with Disabilities Act (ADA). The request for an accommodation by an individual with a disability must be made in writing and received in the Board's office by the application deadline along with appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines.

Mr. Cordle made a motion and Mr. Page seconded that the formulation and adoption of the proposed rule amendments does not impose excessive regulatory cost on any licensee and any cost

to comply with the proposed rule amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board also votes that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of the proposed rule amendments will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

Mr. Lacefield noted that the two rules will come back for a public hearing.

Low THC: President Stone stated that there were changes to the law in 2019 and 2021. He added that the Board of Pharmacy no longer has to work with the Georgia Access to Medical Cannabis Commission to promulgate rules. President Stone stated that the Executive Director of the Georgia Access to Medical Cannabis Commission will provide an update to the Board at next month's meeting. He further stated that the Board must ensure the safety and welfare of Georgia citizens. President Stone continued by stating the Board needs to discuss management and inventory, pharmacist's involvement, training, and the licensing of pharmacies that will dispense low THC.

Mr. Brinson discussed the need for pharmacists to educate patients about low THC showing up in the bloodstream, once pharmacists are authorized to dispense it.

Mr. Lacefield stated that Mr. Andrew Turnage is the Executive Director of the Georgia Access to Medical Cannabis Commission, will speak to the Board at its September meeting and provide an update. Mr. Lacefield inquired if the Board wanted to further discuss low THC at its two day meeting in November. President Stone responded affirmatively.

CE Monitoring: Mr. Chang stated that as the Board looks at what is coming in the future with monitoring, pharmacy technician continuing education is on the horizon. He explained that he provided a draft of what NABP does and how it monitors continuing education across different boards. He stated that Louisiana is currently doing a pilot program with NABP where they are collaboratively checking licenses.

Mr. Chang commented that the Board has several options. He stated that he understands board staff are currently reviewing other continuing education monitoring companies. He suggested adding this topic to the Board's two day meeting to further discuss. Mr. Chang added that NABP can be a good source for the Board to utilize. He continued by stating that a representative from NABP could answer questions from the Board if need be. Mr. Chang stated that what he has seen from other boards is that they have instituted rules pertaining to CE monitoring. President Stone responded by stating that it would be hard to require everyone utilize a certain CE monitoring program, but anything that could help ease the burden of monitoring continuing education would be helpful.

Renewals: Mr. Lacefield commented that pharmacists must renew this year and he hopes to have the online renewal portal live in October. He explained that House Bill 1013 was approved this year and requires the Board of Workforce Development to provide data regarding healthcare providers. He stated that the Board of Pharmacy was mentioned, and as such, a survey will be added to the renewal application that asks if the licensee provides services to the mental health population. Mr. Bracewell suggested adding this information to the Board's quarterly newsletter. The Board agreed.

What a Pharmacist Can Add to a Prescription: President Stone stated that the Board started receiving many questions regarding this matter. He further stated that a national chain put out a statement saying they had a conversation with the DEA. President Stone stated that the Board could

not answer questions on behalf of the DEA. He added that Georgia's law and rules are the same, and GDNA is enforcing those the same.

Updated Rules Information: President Stone stated that Mr. Lacefield and Mr. Joiner have updated the "Rules Status" document on Sharepoint. He explained that the document provides information on the current status of rules voted on by the Board, such as pending public hearing or waiting on approval from the Governor's office, etc.

NABP Conference: President Stone thanked Mr. Cordle and Mr. Chang for attending the conference. Mr. Chang also attended the NABP District 3 meeting and provided an update to the Board. He stated there was a lot of conversation on professional pharmacy. He stated that it was interesting on how other states handle THC. He added that he will share the information provided with the Board.

MPJE Workshop: President Stone reported that Mr. Chang will attend the workshop in place of Mr. Page due to a schedule conflict.

September Board Meeting: President Stone commented that he appreciated GPhA hosting the Board's September meeting and allowing the Board to meet there.

Mr. Lacefield commented that a Public Hearing would be held at the September meeting regarding Rule 480-15-.02 Registration of Pharmacy Technicians and Rule 480-28.10 Loss or Theft of Controlled Substances. Mr. Lacefield stated that a notification regarding such was emailed to individuals on the Interested Parties list. He stated that if there was a member of the public who did not receive the notification, to send an email request via the "Contact Us" portal on the Board's website and staff would add the individual to the Interested Parties listing.

Mr. Page made a motion and Mr. Cordle seconded, and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h) and § 43-1-2(h) to deliberate and to receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Michael Azzolin, Jim Bracewell, Michael Brinson, Young Chang, Cecil Cordle, Chuck Page, and Dean Stone.

Executive Session

Georgia Drugs and Narcotics Agency - Michael Karnbach

- F.S.P.
- K.H.P.
- C.P.S.P.
- C.P.
- E.P.
- E.F.P.
- E.F.P.
- E.F.P.
- F.P.
- H.P.P.
- K.H.P.
- K.H.P.
- P.O.S.P.
- C.S.P.
- P.P.

- P.P.S.
- R.P.
- N.P.P.
- S.P.
- R.C.P.
- R.C.P.

Cognizant's Report - Michael Azzolin

- GDNA Case # T34349
- GDNA Case # A34047
- GDNA Case # A34260

Appearance

• R.T.K.

Cognizant's Report - Michael Azzolin

- GDNA Case # A34341
- GDNA Case # A34337
- GDNA Case # A33976
- GDNA Case # B34313
- GDNA Case # A34320
- GDNA Case # B34289
- GDNA Case # B34288
- GDNA Case # B34290
- GDNA Case # B34309
- GDNA Case # B34248

Attorney General's Report - Max Changus

Mr. Changus discussed staffing matters.

Mr. Changus presented the following consent orders for acceptance:

- M.L.D.
- C.O.I.
- C.V.S.P.
- L.S.P.
- C.C.D.
- A.D.L.
- C.V.S.P.

Mr. Changus discussed the following case:

• PHAR200251

The Board received legal advice regarding Rule 480-24-.04 Drug Distribution and Rule 480-36-.02 Licensing.

Executive Director's Report – Eric Lacefield

No report.

Legal Services – Clint Joiner

No report.

Applications

- D.S.M.
- K.B.
- J.P.V.
- N.A.
- S.L.
- E.M.B.
- N.M.B.
- R.E.F.
- W.O.J.
- D.N.P.
- M.C.F.
- M.H.P.
- A.C.A.
- S.A.S.
- C.W.B.M.S.
- R.A.

Correspondences/Requests

- A.H.C.
- A.H.C.
- A.C.S.
- A.A.
- B.P.
- I.
- H.H.
- H.P.
- P.S.R.
- R.S.C.V.
- W.P.N.
- W.P.N.
- P.P.S.
- N.S.M.
- G.K.J.
- J.J.S.
- A.L.B.
- K.A.J.
- Z.N.
- S.M.R.
- C.R.W.
- H.E.C.
- W.H.M.
- W.U.A.
- S.S.H.A.I.
- K.P.

No votes were taken in Executive Session. President Stone declared the meeting back in Open Session.

Open Session

Mr. Brinson made a motion for the Board to take the following actions:

Georgia Drugs and Narcotics Agency – Michael Karnbach

		7.	
•	F.S.P.	Open records request	Approved request
•	K.H.P.	Open records request	Approved request
•	C.P.S.P.	Open records request	Approved request
•	C.P.	Open records request	Approved request
•	E.P.	Open records request	Approved request
•	E.F.P.	Open records request	Approved request
•	E.F.P.	Open records request	Approved request
•	E.F.P.	Open records request	Approved request
•	F.P.	Open records request	Approved request
•	H.P.P.	Open records request	Approved request
•	K.H.P.	Open records request	Approved request
•	K.H.P.	Open records request	Approved request
•	P.O.S.P.	Open records request	Approved request
•	C.S.P.	Open records request	Approved request
•	P.P.	Open records request	Approved request
•	P.P.S.	Open records request	Approved request
•	R.P.	Open records request	Approved request
•	N.P.P.	Open records request	Approved request
•	S.P.	Open records request	Approved request
•	R.C.P.	Open records request	Approved request
•	R.C.P.	Open records request	Approved request
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Cognizant's Report - Michael Azzolin

• GDNA Case # T34349 Accept Voluntary Surrender

• GDNA Case # A34047 Table pending receipt of additional information

• GDNA Case # A34260 Refer to the Department of Law

Appearance

• R.T.K. Request to reinstate pharmacist license Refer to the Department of Law

Cognizant's Report - Michael Azzolin

<u> </u>	200110 2 110 2010 1:210110001 1222	
•	GDNA Case # A34341	Close with letter of concern
•	GDNA Case # A34337	Refer to the Department of Law / GDNA to provide a copy of the investigation to the Texas Board of Pharmacy
•	GDNA Case # A33976	Refer to the Department of Law
•	GDNA Case # B34313	Refer to the Department of Law
•	GDNA Case # A34320	Close with letter of concern
•	GDNA Case # B34289	Misfill Policy #1
•	GDNA Case # B34288	Misfill Policy #1
•	GDNA Case # B34290	Close with letter of concern
•	GDNA Case # B34309	Close with no action
•	GDNA Case # B34248	Close with no action

Attorney General's Report - Max Changus

Mr. Changus discussed staffing matters.

Mr. Changus presented the following consent orders for acceptance:

M.L.D. Public Consent Order accepted
 C.O.I. Public Consent Order accepted
 C.V.S.P. Private Consent Order accepted

• L.S.P. Ratified acceptance of Public Consent Order

C.C.D. Private Consent Order
A.D.L. Private Consent Order
C.V.S.P. Private Consent Order

Mr. Changus discussed the following case:

• PHAR200251 Update provided

The Board received legal advice regarding Rule 480-24-.04 Drug Distribution and Rule 480-36-.02 Licensing.

Executive Director's Report - Eric Lacefield

No report.

<u>Legal Services – Clint Joiner</u>

No report.

Applications

7 1711	cations		
•	D.S.M.	Pharmacy Technician	Approved for registration
•	K.B.	Pharmacy Technician	Approved for registration
•	J.P.V.	Pharmacist Intern	Approved extension thru 05/31/2023
•	N.A.	Pharmacist Intern	Approved extension thru 12/31/2023
•	S.L.	Pharmacist Exam Applicant	Approved application
•	E.M.B.	Pharmacist Exam Applicant	Approved application
•	N.M.B.	Pharmacist Exam Applicant	Approved application
•	R.E.F.	Pharmacist Reciprocity Applicant	Approved application
•	W.O.J.	Pharmacist Reinstatement	Policy #3A
•	D.N.P.	Pharmacist Certification of DTM	Approved application
•	M.C.F.	Pharmacist Certification of DTM	Table pending receipt of additional information
•	M.H.P.	Pharmacist Certification of DTM	Table pending receipt of additional information
•	A.C.A.	Pharmacist Certification of DTM	Approved application
•	S.A.S.	Pharmacist Certification of DTM	Approved application
•	C.W.B.M.S.	Durable Medical Equipment Supplier	Denied application
•	R.A.	Non-Resident Pharmacy	Approved, pending Additional information.

The Board directed staff to amend the Application for Pharmacist Certification of Drug Therapy Modification Protocol to include language requiring the applicant to include the proposed protocol, signed by the supervising physician, with the application.

Correspondences/Requests

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•	A.H.C.	Notice of Discipline	No action
•	A.H.C.	Notice of Discipline	No action
•	A.C.S.	Notice of Discipline	No action
•	A.A.	Notice of Discipline	No action
•	B.P.	Notice of Discipline	No action
•	I.	Notice of Discipline	No action
•	Н.Н.	Notice of Discipline	No action
•	H.P.	Notice of Discipline	No action
•	P.S.R.	Notice of Discipline	No action
•	R.S.C.V.	Notice of Discipline	No action
•	W.P.N.	Notice of Discipline	No action
•	W.P.N.	Notice of Discipline	No action
•	P.P.S.	Notice of Discipline	No action
•	N.S.M.	Appearance request	Approved request
•	G.K.J.	Request to terminate probation	Approved request
•	J.J.S.	Request to terminate probation	Approved request
			effective 09/22/2022
•	A.L.B.	Request for 4 th attempt to retake NAPLEX	Approved request
•	K.A.J.	Request for 4 th attempt to retake NAPLEX	Approved request
•	Z.N.	Request for 4 th attempt to retake NAPLEX	Approved request
•	S.M.R.	Request for 4 th attempt to retake NAPLEX	Approved request
•	C.R.W.	Request for 4 th attempt to retake MPJE	Approved request
•	H.E.C.	Request for 4 th attempt to retake MPJE	Approved request
•	W.H.M.	Request for 4 th attempt to retake MPJE	Approved request
•	W.U.A.	Request for 4 th attempt to retake MPJE	Approved request
•	S.S.H.A.I.	Remote order entry	Approved request
•	K.P.	Request for extension of application	Approved request thru January 2023

Mr. Page seconded, and the Board voted in favor of the motion, with the exception of Mr. Chang who recused himself from the vote regarding R.T.K.

President Stone discussed a statewide initiative to promote awareness to South Carolina health care professionals and law enforcement in an effort to stop illegal prescription activities. Mr. Bracewell commented that the notification is done through the pharmacy association in South Carolina. President Stone stated that he thought it was a great tool. He stated that usually in his area they notify pharmacies via a telephone call. Mr. Bracewell stated that the notification is typically sent once a day at 2:00 p.m. and has worked really well so far. Mr. Lacefield commented that he has been contacted by the DEA, and DEA is setting up a meeting with GPhA and the South Carolina association to discuss their program.

There being no further business to discuss, the meeting was adjourned at 1:45 p.m.

The next scheduled meeting of the Georgia Board of Pharmacy will be held on Wednesday, September 14, at 9:00 a.m., at the Georgia Pharmacy Association, 6065 Barfield Road, Suite 100, Sandy Springs, Georgia 30328.

Minutes recorded by Brandi Howell, Business Support Analyst I Minutes edited by Eric Lacefield, Executive Director