

**GEORGIA BOARD OF PHARMACY**  
**Conference Call**  
**2 Peachtree Street, NW, 6<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**August 18, 2021**  
**9:00 a.m.**

**The following Board members were present:**

Michael Brinson, President  
Dean Stone, Vice-President  
Michael Azzolin  
Young Chang  
Cecil Cordle  
Bill Prather

**Staff present:**

Eric Lacefield, Executive Director  
Dennis Troughton, Director, GDNA  
Michael Karnbach, Deputy Director, GDNA  
Max Changus, Assistant Attorney General  
Elizabeth Simpson, Assistant Attorney General  
Alexis Cromartie, Assistant Attorney General  
Kimberly Emm, Attorney  
Brandi Howell, Business Support Analyst

**Visitors:**

D. Scott Bass  
Helen Sloat  
Stephanie Kirkland  
Becca Hallum, Georgia Hospital Association  
Travis Clark

**Public Hearing**

President Brinson called the public hearing to order at 9:02 a.m.

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

Director Troughton requested subsection (1)(b) be amended to state, *“It shall be the responsibility of the pharmacist on duty to sign the invoice(s) to include their legible Georgia Pharmacist’s License Number for all controlled substances upon receipt and verification.”* President Brinson agreed. Ms. Emm commented that the rule would have to be tabled and would need to be brought back to the Board for posting as that would be a change in the language that was originally posted for the public. Mr. Prather made a motion to table Rule 480-10-.01 Controlled Substances and Dangerous Drugs: Inspection, Retention of Records and Security for further amendments. Discussion was held by President Brinson to also include “date, time, and license number”. Vice-President Stone inquired as to whether the time would be necessary. He suggested “signature, date, and license number”. Director Troughton responded that the signature, date, and license number would be sufficient. There being no further discussion, Mr. Azzolin seconded, and the Board voted unanimously in favor of the motion. Director Troughton commented that the same amendments would also apply to Rule 480-13-.06 Drug Distribution Control.

A written response from Greg Reybold, GPhA, was received.

**Rule 480-13-.06 Drug Distribution Control**

Vice-President Stone made a motion to table Rule 480-13-.06 Drug Distribution Control

for further amendments. Mr. Prather seconded, and the Board voted unanimously in favor of the motion.

A written response from Greg Reybold, GPhA, was received.

**Rule 480-10-.06 Licensure, Applications, and Display of License and Renewal Certificate**

Ms. Emm noted the written comments received pertaining to the proposed rule amendment. She stated that the Board should have discussion regarding name changes, ownership changes, and location changes. Ms. Emm stated that she did not know if the Board wanted to proceed with the rule as written or does the Board wish to take time to provide clarification so that the language would be clearer to licensees and reduce the number of inquiries coming into the board office.

Vice-President Stone stated that he has always had questions concerning the language and with there being written comments from the public, believes the Board should further discuss this rule. Mr. Azzolin commented that he has no issues with tabling consideration of the rule. He continued by stating that he would like to make sure the Board would be liberal with its consideration of rule petitions regarding location changes. Mr. Azzolin stated that the language in Rule 480-6-.01(3) reads, *“Licenses shall not be transferable. Licenses become null and void upon the sale, or change of mode of operation of the business.”* He further stated that Rule 480-10-.06(1)(c) reads, *“Licenses become null and void upon the sale, transfer or change of mode of operation or location of the business.”* Mr. Azzolin suggested the Board remove the word “location” and then continue to look at the rule for other reasons as well or commit to being generous with the rule petitions concerning location changes specifically.

President Brinson agreed with Mr. Azzolin, but stated that O.C.G.A. § 26-4-111(c) reads, *“Pharmacy licenses issued by the board pursuant to this chapter shall not be transferable or assignable.”* He further stated the law would need to be changed. Mr. Azzolin responded that code section does not affect location so the Board could proceed with modifying the rule in regard to “location”. Ms. Emm commented, in regard to a location change, if the Board would like to move forward, it needs to consider that licensees should be made aware that a change of address still requires a new application and inspection. She stated the rules are not clear to that aspect, and further stated if the Board removes “location”, licensees may interpret that to mean they do not have to notify the Board. Mr. Azzolin responded by stating that he understands Ms. Emm’s point; however, he does not think that insinuates the licensee would not notify the Board of an address change. He stated that it is common knowledge licensees must inform the Board of an address change.

Vice-President Stone commented that the Board should table the rule for further consideration. President Brinson inquired as to how O.C.G.A. § 26-4-111(c) effects this. Vice-President Stone suggested the Board define “transferrable”. President Brinson stated it may be a faster process to have the law changed versus having the rule changed. Mr. Prather suggested amending the rule with clear language, so the Board would not have to worry with numerous rule petitions. Mr. Changus suggested the Board make the necessary amendments and once the rule has been adopted, send it to the Governor’s Office for consideration. He added that the statute does state, “not transferrable or assignable”; however, that is pertaining to ownership. He stated that he believes the Board can accomplish what it would like to through its rules. President Brinson inquired as to how long the rule should be tabled. Mr. Changus responded by stating that the proposed rule could be brought back to the September meeting for posting and then the public hearing could be scheduled for October. Vice-President Stone made a motion to table Rule 480-10-.06 Licensure, Applications, and Display of License and Renewal Certificate for further amendments. Mr. Prather seconded, and the Board voted unanimously in favor of the motion.

Written responses were received from Greg Reybold, GphA, and D. Scott Bass, Hobgood & Bass.

**Rule 480-16-.06 Theft, Loss, or Unaccounted For Controlled Substances**

No public comments were received. A written response was received from Becca Hallum, Georgia Hospital Association.

Mr. Azzolin made a motion to adopt Rule 480-16-.06 Theft, Loss, or Unaccounted For Controlled Substances. Vice-President Stone seconded, and the Board voted unanimously in favor of the motion.

**Rule 480-22-.07 Requirements of Schedule III, IV and V (C-III, IV, V) Controlled Prescription Drug Orders**

Director Troughton requested subsection (3) of the rule be amended to state, *“A pharmacy must either file or maintain the original hard copy prescription drug order or generate a hard copy prescription drug order to be filled, both of which are required to contain all of the information required by this chapt. If the prescription drug order was electronically transmitted, the pharmacy must maintain the original electronic prescription drug order. All prescription drug orders shall contain all of the information required by this chapter.”* After further discussion, Vice-President Stone made a motion to table Rule 480-22-.07 Requirements of Schedule III, IV and V (C-III, IV, V) Controlled Prescription Drug Orders for further amendments. Mr. Chang seconded, and the Board voted unanimously in favor of the motion.

**Rule 480-27-.01 Definitions**

Mr. Prather made a motion to table Rule 480-27-.01 Definitions. Discussion was held by Mr. Azzolin, who inquired as to the reason the rule was being tabled. Ms. Emm responded by stating that it will affect hospitals, long-term care facilities and nursing homes. She stated the Board needs to have further discussions regarding the orders those institutions create versus what the rule says pharmacies are allowed to receive. There being no further discussion, Vice-President Stone seconded, and the Board voted unanimously in favor of the motion.

**Rule 480-27-.09 Patient Records**

No public comments or written responses were received.

Mr. Azzolin made a motion to adopt Rule 480-27-.09 Patient Records. Vice-President Stone seconded, and the Board voted unanimously in favor of the motion.

**Rule 480-31-.01 Patient Counseling**

Director Troughton stated the requested amendment to section (c)(1) reads in part, *“Upon receipt of a Prescription Drug Order and following a review of the patient's record, the dispensing Pharmacist shall personally offer to discuss matters which will enhance or optimize drug therapy with each patient or caregiver of such patient. If the prescription is being delivered, then the personal offer to counsel may be made verbally or in written format. A written offer must provide a telephone number and business hours during which the dispensing pharmacist can be reached.”* He inquired as to whether or not it should read “dispensing pharmacy” versus “dispensing pharmacist”. He stated the dispensing pharmacist may not be working a particular day. Mr. Azzolin suggested it be changed to “the pharmacy”. Mr. Prather stated that if it references a pharmacy versus pharmacist, that means the counseling cannot be done by a technician. He further stated that he prefers language stating “a pharmacist in a pharmacy”. After further discussion, the Board suggested amending the language to read, “a Georgia licensed pharmacist”. Mr. Azzolin made a motion to table Rule 480-31-.01 Patient Counseling for further amendments. Vice-President Stone seconded, and the Board voted unanimously in favor of the motion.

**Rule 480-37-.03 Minimum Requirements**

No public comments or written responses were received.

Vice-President Stone made a motion to adopt Rule 480-37-.03 Minimum Requirements. Mr. Prather seconded, and the Board voted unanimously in favor of the motion.

**Rule 480-48-.01 Definitions**

No public comments were received. A written response from Greg Reybold, GPhA, was received.

Vice-President Stone made a motion to adopt Rule 480-48-.01 Definitions. Mr. Chang seconded, and the Board voted unanimously in favor of the motion.

**Rule 480-49-.01 Federal Student Loan Default**

No public comments or written responses were received.

Mr. Cordle made a motion to adopt Rule 480-49-.01 Federal Student Loan Default. Vice-President Stone seconded, and the Board voted unanimously in favor of the motion.

The public hearing concluded at 9:47 a.m.

**Open Session**

President Brinson established that a quorum was present and called the meeting to order at 9:48 a.m.

Mr. Lacefield asked the visitors on the call to send an email via the “Contact Us” portal on the website if he/she would like his/her name reflected as being in attendance in the minutes.

**Approval of Minutes**

Vice-President Stone made a motion to approve the Public and Executive Session minutes from the July 14, 2021, Conference Call. Mr. Azzolin seconded, and the Board voted unanimously in favor of the motion.

**Report of Licenses Issued**

Vice-President Stone made a motion to ratify the list of licenses issued. Mr. Prather seconded, and the Board voted unanimously in favor of the motion.

**Petitions for Rule Waiver or Variance**

**Rule Waiver Petitions from Kaiser Permanente Southwood Infusion Pharmacy, PHCL000019, Kaiser Permanente Gwinnett Infusion Pharmacy, PHCL000016, and Townpark Infusion Pharmacy, PHCL000018:** The Board discussed the three (3) petitions that were tabled by the Board at its August meeting. Director Troughton inquired as to whether or not GNDA was inspecting for the retail and clinic in the same space. He stated that the rule petition is asking if they can have a retail pharmacy under a clinic license. Mr. Azzolin responded by stating that they can be allowed to have a retail permit in the same space, but they would need to abide by the stricter of the two rules. Director Troughton commented that an application for the retail permit has not been submitted. He stated that the functions they want to do in home health care are retail functions with there being mostly sterile products. He further stated that GDNA was good with that. Mr. Azzolin asked if the Board could deny the waiver requests and suggest the facilities apply for a retail permit. Mr. Lacefield responded by stating that he was under the impression the facilities were requesting a waiver of the requirement for 150 square feet of space. Director Troughton commented that a clinic allows for after-hours entry into the pharmacy whereas retail does not.

Diane Sanders, who was on the call, spoke to the Board. She explained that the petitions were requesting a waiver for the additional 150 square feet. She stated that they may have interpreted the rule incorrectly. She further stated that the facilities would need to submit applications for a retail permit. Ms. Sanders stated they do not allow any one in that space after hours. She further stated the pharmacy would abide by the stricter of the two rules and not have anyone in that space if the pharmacy is permitted to have a retail space with that clinic. There being no further discussion, Vice-President Stone made a motion to deny the rule waiver petitions from Kaiser Permanente Southwood Infusion Pharmacy, PHCL000019, Kaiser Permanente Gwinnett Infusion Pharmacy, PHCL000016, and Townpark Infusion Pharmacy, PHCL000018. Mr. Cordle seconded, and the Board voted unanimously in favor of the motion.

**Rule Waiver Petition from Rehabilitation Hospital of Henry [Petition #1]:** Vice-President Stone made a motion to grant the request for a variance of the following item only: laminar flowhood. Additionally, the other items listed in subsection (2) of Rule 480-13-.05 would still be applicable. Mr. Cordle seconded, and the Board voted unanimously in favor of the motion.

**Rule Waiver Petition from Rehabilitation Hospital of Henry [Petition #2]:** Vice-President Stone made a motion to deny the request for a waiver of Rule 480-13-.05(2)(a)(3) as a Class A or Class I or II balance are not required if the facility is not compounding onsite using components which must be weighed. Mr. Cordle seconded, and the Board voted unanimously in favor of the motion.

**Rule Waiver Petition from Med Ctr of Central GA, PHRE002282:** Mr. Azzolin made a motion to grant the petition. Vice-President Stone seconded, and the Board voted unanimously in favor of the motion.

**Rule Waiver Petition from Tarrytown Expocare GA, Inc., PHRE010868:** The Board discussed this request for a waiver from the requirement that a remote prescription processing pharmacy be physically located in Georgia. Director Troughton stated that Rule 480-36-.02(1) states, *“Pharmacies which perform remote prescription drug order processing shall be independently licensed as a retail pharmacy by the Board and physically located within the State of Georgia.”* He further stated that Rule 480-36-.02(2) states, *“Remote prescription drug processing from any location other than a retail pharmacy licensed in this State is prohibited.”*

Mr. Azzolin discussed a scenario regarding a pharmacy in Columbus, Georgia, which is located on the edge of the state line, that has a Georgia licensed pharmacist outside the state doing remote prescription processing. He stated that he sees no reason to inhibit a duly licensed Georgia pharmacist to do this. Director Troughton explained the rule states the pharmacy that has to be independently licensed. He stated that if an individual wants to be a Georgia licensed pharmacist doing remote prescription processing from Alabama, the rule does not restrict it to a Georgia licensed pharmacist. He further stated that the Board could not discipline a pharmacy outside the state with no ties to Georgia. Mr. Azzolin responded by stating the Board could always revoke the pharmacist license if he/she were in violation of the rule, as well prohibit the pharmacy to operate in Georgia. Director Troughton responded that pharmacy could be covered by a non-resident pharmacy permit. He stated the rule does not specify it has to be a Georgia licensed pharmacist doing the remote prescription processing. He further stated that language would need to be added regarding such. Director Troughton further stated that if it were a pharmacy in Texas, it would not have to have a Georgia licensed pharmacist in that Texas pharmacy if it has a non-resident pharmacy permit.

Nicholas Meza, counsel for Tarrytown Expocare GA, was on the call and spoke to the Board regarding the request. Mr. Meza explained that Tarrytown was seeking a waiver to allow

prescription order processing to occur at its sister pharmacy in Texas. He further explained the Texas pharmacy is duly licensed in Georgia as a non-resident pharmacy. He added that the Board has jurisdiction over the Texas pharmacy. Mr. Meza stated that the dispensing will occur in Georgia as well as all patient counseling and contact.

Mr. Azzolin stated that the rule does not state the pharmacist must be licensed in Georgia. He suggested doing away with “from within the state of Georgia” and change it to “from anywhere in the United States” for the pharmacy, but add language stating that processing must be done by duly licensed Georgia pharmacist. Mr. Prather commented that the reason the rule was written the way it was is because the Board wanted GDNA to be allowed to go into both pharmacies involved and conduct inspections. Mr. Prather explained that he is not in favor of changing the rule as the Board’s duty is to protect the citizens of Georgia. Mr. Azzolin responded by stating that the Board allows non-resident pharmacies to dispense into Georgia and inquired as to what the difference was. He added that the only difference with this scenario is the dispensing is occurring in Georgia and to him that is better than other scenarios because it is still being dispensed in Georgia.

Mr. Meza explained that Tarrytown serves a unique patient population. Specifically, the pharmacy provides medications and services to over 15,000 intellectually and developmentally-disabled persons. He added that the Board has granted nearly an identical waiver allowing for out of state remote order processing from a Georgia non-resident pharmacy in the past. Mr. Azzolin commented that regardless of whether or not the Board approves the waiver, he suggested the Board add this topic to the October meeting for further discussion. He stated the Board needs to add language stating the pharmacist must hold a Georgia license if he/she is doing the work.

Mr. Changus stated that when the Board is considering whether or not to grant the petition, it should be able to determine whether the requestor had displayed a substantial hardship which is a unique hardship that prevents them from doing business. He explained that what has been presented is the business model does meet up with the rule. He stated that the population served may be different and that may be a consideration for the board. He further stated that he is unsure if the Board waiving the rule to fit someone’s business model would rise to the reason for hardship. Mr. Azzolin responded that the limited clinical aspect of services provided by one pharmacist individual located in Texas subjectively could prevent them from doing business if they are required to duplicate that position in Georgia, depending on what impact it would have financially and could be a hardship if they were required to. Mr. Changus stated that Mr. Azzolin noted a specific difference there, and if that rises to that level of hardship, the Board could grant the request.

Roger Morris, who was on the call, spoke to the Board. Mr. Morris stated this was a unique situation because of the unique patient population. He explained the prescriptions are coming into the Georgia pharmacy where they would be dispensed. He added that he believes the pharmacy would be happy to have some of its personnel be licensed in Georgia if need be. Mr. Morris stated that he would hope the Board could grant the waiver based on the uniqueness of the patient population. There being no further discussion, Mr. Azzolin made a motion to grant the petition. Mr. Stone seconded, and the Board voted in favor of the motion, with the exception of Mr. Prather, who opposed.

**Rule Waiver Petition from Taylor Regional Hospital, PHRE010894:** Vice-President Stone made a motion to grant the petition. Mr. Chang seconded, and the Board voted in favor of the motion, with the exception of Mr. Azzolin, who recused himself from the vote.

**Rule Waiver Petition from Tuynh Van Nguyen:** The Board discussed this request for a waiver of Rule 480-2-.05. Mr. Lacefield commented that Mr. Van Nguyen cannot reinstate his original license in Florida. President Brinson stated that O.C.G.A. § 26-4-42(a)(4) reads, “*Have possessed*

at the time of initial licensure as a pharmacist all qualifications necessary to have been eligible for licensure at that time in this state;” He further stated that O.C.G.A. § 26-4-42(a)(5) reads, “Have presented to the board proof of initial licensure by examination and proof that such license is in good standing;” President Brinson commented that he would like to see the statute changed. He added that if an individual is licensed in another state, he/she should be able to come to Georgia with no problem. President Brinson called for a motion to approve the request. Mr. Prather responded by asking if the Board could approve a waiver that is contrary to the law. Mr. Changus affirmed the Board could not. He stated that O.C.G.A. § 26-4-42(a)(5) requires proof that such license is in good standing. President Brinson stated “in good standing” needed to be removed. Mr. Azzolin commented that the spirit behind that law and rule was to make sure the applicant passed the NAPLEX at some point. He stated that Mr. Van Nguyen passed the NAPLEX and that one score was transferred to two (2) states simultaneously, where he received two (2) licenses. He stated that no pharmacist, Mr. Nguyen included, should be penalized because one state government took longer to issue a license than another based on the same examination. As an example, he asked how the law would be interpreted if both licenses obtained by the same examination were issued on the same date. He also referenced that the law in O.C.G.A. § 26-4-42(a)(5) which reads “... proof of initial licensure by examination and proof that such license is in good standing;” would include either license obtained by examination since the words “by examination”, presumably the NAPLEX examination, is what qualifies “proof of licensure”. He explained that both of those licenses are considered original licenses in his opinion. He stated that he interpreted the law to mean that any initial license that originated from a NAPLEX score, should be sufficient in order to obtain a Georgia license.

Mr. Changus stated that one way to view the situation is both licenses are considered original licenses. He added that the issue is there is a statutory impediment. Mr. Changus stated that to the extent this is an administrative matter regarding which state came first or second, the Board could treat Pennsylvania as the initial license and deem the individual as meeting the qualifications. If that is the case, he stated that a rule waiver would not be necessary. Mr. Azzolin responded by stating both licenses were applied for using the NAPLEX examination. He further stated it is not a matter of which one came first as both are initial licenses. He explained that the term “initial” is what matters the most.

President Brinson commented that he had an issue with the way the law was written. Mr. Changus stated that the statute reads, “Have presented to the board proof of initial licensure by examination and proof that such license is in good standing;” He inquired if “initial” meant first time, or the individual received the license initially through examination. He further stated that Mr. Van Nguyen received a license in Florida and Pennsylvania. He stated that the Florida license is currently not valid, but the Pennsylvania license is active.

President Brinson suggested the Board deny the waiver request and notify Mr. Van Nguyen that he would need to apply by reciprocity with initial licensure from Pennsylvania. Mr. Azzolin and Mr. Cordle agreed. Mr. Prather responded by stating the law could be interpreted to fit the situation. He stated that he is not opposed, but has been on the Board for many years and chose to abstain from the matter based on the historical way the Board has handled previous situations. Mr. Lacefield inquired if the Board was telling staff its interpretation of the law is initial license is considered the initial license by exam no matter the number of states the individual was issued a license from an initial exam. He added that he would like a clear understanding from the Board as to the interpretation of the law for staff moving forward. After further discussion, the Board recommended tabling the petition until the Board’s September meeting and refer the matter to the Attorney General’s office for advice to render an interpretation of O.C.G.A. § 26-4-42 as it pertains to the phrase “initial licensure by examination.”

**Correspondence from Steve Sparks, Walmart**

The Board considered this correspondence regarding the use of pharmacy software offsite. Mr. Sparks correspondence specifically asks if remote access to the software system would be allowed while providing vaccinations and/or point-of-care testing at offsite events (in a post-COVID world). Ms. Emm commented that they would need to ensure it is a secure connection or network where someone could not hack the system. The Board directed Director Troughton to respond to Mr. Sparks by stating that as long as it falls within the Board’s law and rules it would be permissible.

**Correspondence from George A. Stein on behalf of Geoffrey Levy, Apothecary ATL, LLC**

The Board recommended tabling this matter pending further discussion in Executive Session.

**Correspondence from Samantha Roberts, Emory Healthcare, Inc.**

The Board considered this correspondence requesting clarification regarding Rule 480-13-.06(4)(a), which states, *“Full doses of controlled substances prepared for administration and not given must be destroyed by a licensed pharmacist or a licensed nurse and one witness. Any portions of controlled substances discontinued and taken from a medication delivery device shall be destroyed by a licensed pharmacist or a licensed nurse and one witness. The two persons witnessing the destruction must sign the destruction record at the time of destruction. The destruction record shall be returned to the pharmacy and must be signed by the pharmacist who is ultimately responsible for the accuracy of the information contained therein.”* Ms. Roberts correspondence asked the following questions:

- 1) Could the last line of verbiage be modified to allow pharmacies with electronic systems to identify waste documentation discrepancies and direct each PIC to have procedures to track and trend these discrepancies?
- 2) If that is not a possibility, can the destruction record be documented in an Omnicell or an Electronic Medical Record and meet the intent of the rule? If so, is a pharmacist’s name sufficient for electronic sign off, or does there need to be a corresponding manual signature on a physical sheet of paper?

The Board directed Director Troughton to respond by stating as long as GDNA could track what is required by rule, either electronically or on paper, it would meet the requirements.

**Georgia Drugs and Narcotics Agency – Dennis Troughton**

Director Troughton reported that a new agent will begin September 1<sup>st</sup>. He informed the Board that there is an open agent position in the Southwest Georgia region.

Director Troughton reported that GDNA has conducted 245 inspections and received 58 complaints for FY2022.

**Attorney General’s Report – Max Changus**

Mr. Changus informed the Board that he will be leaving the meeting soon and Ms. Simpson will be on the call to assist the Board.

**Executive Director’s Report – Eric Lacefield**

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



Date of Program	Hours	Sponsoring Group	Program Title	CE Code
08/24/2021	1	Northside Hospital Cancer Institute	Breast Cancer	2021-0007
08/19/2021	1	Northside Hospital Cancer Institute	Precision Medicine in Oncology	2021-0008
08/26/2021	1	Northside Hospital Cancer Institute	Prostate Cancer	2021-0009
08/17/2021	1	Northside Hospital Cancer Institute	Management of Anemia	2021-0010

**Legal Services – Kimberly Emm**

**Correspondence from Samantha Ricks:** Ms. Emm discussed this correspondence requesting clarification as to whether or not Ms. Ricks can become a Pharmacist in Charge (PIC) at a drug treatment center if she is already a PIC at a community pharmacy. President Brinson responded by stating Rule 480-10-.02(3) states in part, “...he or she shall be the pharmacist in charge of and have supervision of not more than one pharmacy at one time...” After further discussion, the Board recommended Ms. Ricks submit a rule waiver petition for consideration.

**Correspondence from Marissa W. Fuller:** Ms. Emm discussed this correspondence regarding COVID-19 monoclonal antibody treatment. Ms. Emm explained that Ms. Fuller works for a manufacturer of Regen-Cov, which has received emergency use authorization (EUA) for treatment and post exposure prophylaxis of COVID-19. Ms. Fuller’s correspondence asked whether or not a pharmacist could administer the product. Ms. Emm stated that herself, along with Director Troughton, have reviewed the EUA and the website information, which was provided to the Board on Sharepoint. Ms. Emm further stated that it requires a one (1) hour clinical observance after administration. Director Troughton added that it is administered subcutaneously, and it is his understanding that it has to go into four (4) areas on the body. He stated that the Department of Public Health has been discussing this matter also. He further stated that he spoke with Mr. Changus regarding the request and they do not see a problem with the administration of it, but there are other concerns, such as the patient needing to be observed for an hour.

President Brinson commented that he asked Mr. Azzolin to look into this request. Mr. Azzolin responded that he agreed with what Director Troughton stated but thinks it would also include IV administration. Mr. Azzolin stated that the question is “what are pharmacists allowed to do?” He further stated a license is not required to be a phlebotomist and phlebotomists are allowed to obtain IV access. As such, a pharmacist could effectively be trained as a phlebotomist and administer an IV medication pursuant to any law or rule allowing pharmacists to administer medications, if it exists. Mr. Azzolin stated that a pharmacist knows how to infuse a drug over a specific amount of time. He added that he does not know if the practice of pharmacy allows for IV or subcutaneous administration. Mr. Azzolin stated that he would welcome Ms. Emm or Ms. Simpson’s interpretation. He stated if a pharmacist can administer it, he feels it should be permissible for one to do so both subcutaneously and intravenously; however, if it is not permitted, then the pharmacist would not be able to do it. President Brinson stated that a pharmacist can administer a vaccination, but this is a treatment, not a vaccine. He inquired as to whether or not a pharmacist could administer a treatment without the proper training. Vice-President Stone commented that he has the training to give a subcutaneous injection. He stated that the monitoring is part of it and thinks pharmacists are uniquely qualified to do it if the physician orders it.

Ms. Emm stated that O.C.G.A. § 26-4-5(1) defines "Administer" or "administration" as “the provision of a unit dose of medication to an individual patient as a result of the order of an authorized practitioner of the healing arts.” Mr. Azzolin commented that, in his opinion, means a pharmacist can administer it. He added that if the pharmacist has been properly trained, he does not see why the pharmacist could not do it. Mr. Reybold agreed and stated that drug administration falls

within the practice of pharmacy. He added that the law does not compel the pharmacist to undertake certain things if it is not within his/her practice area. He stated that it would have to be pursuant to a prescription drug order. The Board directed Ms. Emm to respond to Ms. Fuller by stating that it is the Board's interpretation that it would be appropriate for the pharmacist to administer as long as it includes an appropriate prescription drug order. Mr. Prather inquired as to if this would include technicians. Ms. Emm responded that it does not include technicians.

### **Miscellaneous**

FDA Memorandum of Understanding: The Board agreed to table discussion on this matter until its October meeting.

Mr. Azzolin 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, Michael Brinson, Young Chang, Cecil Cordle, Bill Prather, and Dean Stone.

## **Executive Session**

### **Appearances**

- J.L.H.
- C.V.S.H.
- W.

### **Georgia Drugs and Narcotics Agency – Dennis Troughton**

No report.

### **Cognizant's Report – Dean Stone**

- GDNA Case # T33817
- GDNA Case # T33843
- GDNA Case # T33826
- GDNA Case # B33775
- GDNA Case # B33813
- GDNA Case # A33713
- GDNA Case # A33808
- GDNA Case # A33807
- GDNA Case # A33822
- GDNA Case # A33773
- GDNA Case # A33759
- GDNA Case # A33805
- GDNA Case # B33746
- GDNA Case # B33761
- GDNA Case # B33770
- GDNA Case # A33691
- GDNA Case # B33824
- GDNA Case # A33551
- GDNA Case # B33745
- GDNA Case # B33823
- GDNA Case # B33785
- GDNA Case # B33776

- GDNA Case # B33607
- GDNA Case # B33685
- GDNA Case # B33784
- GDNA Case # A33762
- GDNA Case # B33786
- GDNA Case # B33686

**Attorney General’s Report – Elizabeth Simpson**

Ms. Simpson discussed the following cases:

- B.P.
- H.S.
- S.D.B.

**Executive Director’s Report – Eric Lacefield**

Mr. Lacefield discussed staffing issues.

**Legal Services – Kimberly Emm**

No report.

**Applications**

- M.T.N.
- A.N.T.
- Z.R.C.
- O.A.V.
- C.A.T.
- T.L.C.
- M.S.H.
- H.K.B.
- B.A.B.
- P.P.K.
- B.P.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- C.V.S.S.
- C.V.S.S.
- H.P.
- I.R.S.
- M.W.R.
- P.S.
- R.C.M.
- A.I.S.
- M.

- B.C.F.
- P.S.
- R.P.C.C.C.
- M.D.C.
- A.U.S.A.
- P.
- P.
- A.S.D.S.H.
- A.S.D.S.H.
- O.S.
- M.M.S.I.
- M.M.S.I.
- M.M.S.I.
- M.M.S.I.
- M.M.S.I.
- M.S.D.
- M.C.
- M.C.
- M.C.
- M.C.
- M.P.
- M.S.C.D.
- A.L.K.A.I.
- V.S.I.
- V.S.I.
- V.S.I.
- B.I.
- R.G.H.E.
- R.G.H.E.
- R.G.H.E.
- R.G.H.E.
- R.G.H.E.
- R.G.H.E.
- A.S.D.S.H.
- A.S.D.S.H.
- A.S.D.S.H.
- M.D.C.
- A.P.
- A.P.
- R.C.
- R.C.
- P.C.C.A.
- K.B.
- C.H.
- C.H.
- C.H.
- C.H.

**Correspondences/Requests**

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

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

**Open Session**

Vice-President Stone made a motion for the Board to take the following actions:

**Appearances**

- |  |   |                      |
|--|---|----------------------|
| <ul style="list-style-type: none"> <li>• J.L.H.</li> <li>• C.V.S.H.</li> <li>• W.</li> </ul> | <p>Denied Pharmacy Technician</p> <p>Information provided regarding proprietary business practices</p> <p>Information provided regarding proprietary business practices</p> | <p>Denial upheld</p> |
|--|---|----------------------|

**Georgia Drugs and Narcotics Agency – Dennis Troughton**

No report.

**Cognizant’s Report – Dean Stone**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• GDNA Case # T33817</li> <li>• GDNA Case # T33843</li> <li>• GDNA Case # T33826</li> <li>• GDNA Case # B33775</li> <li>• GDNA Case # B33813</li> <li>• GDNA Case # A33713</li> <li>• GDNA Case # A33808</li> <li>• GDNA Case # A33807</li> <li>• GDNA Case # A33822</li> <li>• GDNA Case # A33773</li> <li>• GDNA Case # A33759</li> <li>• GDNA Case # A33805</li> <li>• GDNA Case # B33746</li> <li>• GDNA Case # B33761</li> <li>• GDNA Case # B33770</li> <li>• GDNA Case # A33691</li> <li>• GDNA Case # B33824</li> <li>• GDNA Case # A33551</li> </ul> | <p>Accept Signed Voluntary Surrender</p> <p>Accept Signed Voluntary Surrender</p> <p>Revoke Technician Registration</p> <p>Extend probation for an additional year</p> <p>Misfill Policy #1</p> <p>Refer to the Department of Law</p> <p>Approve application with a letter of concern</p> <p>Refer to the Department of Law</p> <p>Refer to the Department of Law</p> <p>Refer to the Department of Law</p> <p>Refer to the Department of Law</p> <p>Refer to the Department of Law</p> <p>Misfill Policy #2</p> <p>Misfill Policy #1</p> <p>Misfill Policy #1 to the pharmacist / Misfill Policy #2 to the pharmacy</p> <p>Close with a letter of concern</p> <p>Close with no action</p> <p>Refer to the Department of Law</p> |
|--|--|

- GDNA Case # B33745 Close with no action
- GDNA Case # B33823 Close with no action
- GDNA Case # B33785 Close with no action
- GDNA Case # B33776 Close with no action
- GDNA Case # B33607 Close with no action
- GDNA Case # B33685 Close with no action
- GDNA Case # B33784 Close with no action
- GDNA Case # A33762 Close with no action
- GDNA Case # B33786 Close with no action
- GDNA Case # B33686 Close with no action

**Attorney General’s Report – Elizabeth Simpson**

Ms. Simpson discussed the following cases:

- B.P. Public Consent Order accepted
- H.S. Close with no action
- S.D.B. Approved CE course proposal and close case

**Executive Director’s Report – Eric Lacefield**

Mr. Lacefield discussed staffing issues.

**Legal Services – Kimberly Emm**

No report.

**Applications**

- |            |                        |                               |
|------------|------------------------|-------------------------------|
| • M.T.N.   | Pharmacy Technician    | Approved for registration     |
| • A.N.T.   | Pharmacy Technician    | Approved for registration     |
| • Z.R.C.   | Pharmacy Technician    | Approved for registration     |
| • O.A.V.   | Pharmacy Technician    | Approved for registration     |
| • C.A.T.   | Pharmacy Technician    | Approved for registration     |
| • T.L.C.   | Pharmacy Technician    | Approved for registration     |
| • M.S.H.   | Pharmacy Technician    | Approved for renewal          |
| • H.K.B.   | Pharmacy Technician    | Approved for renewal          |
| • B.A.B.   | Pharmacist Reciprocity | Approved application          |
| • P.P.K.   | Pharmacist Reciprocity | Table until September meeting |
| • B.P.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.H.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.H.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.H.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.H.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.H.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.H.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.H.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.H.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.H.     | Non-Resident Pharmacy  | Approved for renewal          |
| • C.V.S.S. | Non-Resident Pharmacy  | Approved for renewal          |
| • C.V.S.S. | Non-Resident Pharmacy  | Approved for renewal          |
| • H.P.     | Non-Resident Pharmacy  | Approved for renewal          |
| • I.R.S.   | Non-Resident Pharmacy  | Approved for renewal          |
| • M.W.R.   | Non-Resident Pharmacy  | Approved for renewal          |

• P.S.	Non-Resident Pharmacy	Approved for renewal
• R.C.M.	Non-Resident Pharmacy	Approved for renewal
• A.I.S.	Non-Resident Pharmacy	Approved for renewal
• M.	Non-Resident Pharmacy	Approved for renewal
• B.C.F.	Non-Resident Pharmacy	Approved for renewal
• P.S.	Non-Resident Pharmacy	Approved for renewal
• R.P.C.C.C.	Non-Resident Pharmacy	Approved for renewal
• M.D.C.	Wholesaler Pharmacy	Approved for renewal
• A.U.S.A.	Wholesaler Pharmacy	Approved for renewal
• P.	Wholesaler Pharmacy	Approved for renewal
• P.	Wholesaler Pharmacy	Approved for renewal
• A.S.D.S.H.	Wholesaler Pharmacy	Approved for renewal
• A.S.D.S.H.	Wholesaler Pharmacy	Approved for renewal
• O.S.	Wholesaler Pharmacy	Approved for renewal
• M.M.S.I.	Wholesaler Pharmacy	Approved for renewal
• M.M.S.I.	Wholesaler Pharmacy	Approved for renewal
• M.M.S.I.	Wholesaler Pharmacy	Approved for renewal
• M.M.S.I.	Wholesaler Pharmacy	Approved for renewal
• M.M.S.I.	Wholesaler Pharmacy	Approved for renewal
• M.S.D.	Wholesaler Pharmacy	Approved for renewal
• M.C.	Wholesaler Pharmacy	Approved for renewal
• M.C.	Wholesaler Pharmacy	Approved for renewal
• M.C.	Wholesaler Pharmacy	Approved for renewal
• M.C.	Wholesaler Pharmacy	Approved for renewal
• M.P.	Wholesaler Pharmacy	Approved for renewal
• M.S.C.D.	Wholesaler Pharmacy	Approved for renewal
• A.L.K.A.I.	Wholesaler Pharmacy	Approved for renewal
• V.S.I.	Wholesaler Pharmacy	Approved for renewal
• V.S.I.	Wholesaler Pharmacy	Approved for renewal
• V.S.I.	Wholesaler Pharmacy	Approved for renewal
• B.I.	Wholesaler Pharmacy	Approved for renewal
• R.G.H.E.	Wholesaler Pharmacy	Approved for renewal
• R.G.H.E.	Wholesaler Pharmacy	Approved for renewal
• R.G.H.E.	Wholesaler Pharmacy	Approved for renewal
• R.G.H.E.	Wholesaler Pharmacy	Approved for renewal
• R.G.H.E.	Wholesaler Pharmacy	Approved for renewal
• R.G.H.E.	Wholesaler Pharmacy	Approved for renewal
• A.S.D.S.H.	Wholesaler Pharmacy	Approved for renewal
• A.S.D.S.H.	Wholesaler Pharmacy	Approved for renewal
• A.S.D.S.H.	Wholesaler Pharmacy	Approved for renewal
• M.D.C.	Wholesaler Pharmacy	Approved for renewal
• A.P.	Wholesaler Pharmacy	Approved for renewal
• A.P.	Wholesaler Pharmacy	Approved for renewal
• R.C.	Wholesaler Pharmacy	Approved for renewal
• R.C.	Wholesaler Pharmacy	Approved for renewal
• P.C.C.A.	Wholesaler Pharmacy	Approved for renewal
• K.B.	Wholesaler Pharmacy	Approved for renewal
• C.H.	Manufacturing Pharmacy	Approved for renewal
• C.H.	Nuclear Pharmacy	Approved for renewal

- C.H. Nuclear Pharmacy Approved for renewal
- C.H. Nuclear Pharmacy Approved for renewal

### Correspondences/Requests

- B.P. Notice of Discipline No action
- A.H.C. Notice of Discipline No action
- A.H.C. Notice of Discipline No action
- A.H.C. Notice of Discipline No action
- J.W. Notification regarding supervising rph Approved
- R.T.K. Appealing denial of request to reinstate pharmacist license Denial upheld
- T.O.D. Request for extension of intern license Approved request
- F.S.E. Request for extension of intern license Approved request
- T.G.H. Request for extension of intern license Approved request
- T.J.P. Correspondence Board directed staff to respond by stating the individual needs to seek an appropriate provider as identified in the order.
- J.C.A. Request for 5<sup>th</sup> attempt at MPJE Approved request
- T.M.F. Request for 4<sup>th</sup> attempt at NAPLEX Denied request
- C.L.H. Appearance request Approved request

Mr. Cordle seconded, and the Board voted unanimously in favor of the motion.

### Miscellaneous

#### **Correspondence from George A. Stein on behalf of Geoffrey Levy, Apothecary ATL, LLC:**

Mr. Azzolin made a motion to deny the request for a waiver of O.C.G.A. § 26-4-110(g) as the definition of apothecary is “one who prepares and sells drugs or compounds for medicinal purposes” and CBD does not qualify for such designation despite how it may be marketed. Mr. Chang seconded, and the Board voted unanimously in favor of the motion.

**October Two Day Meeting:** Discussion was held regarding Open Session discussion scheduled for Wednesday, October 13<sup>th</sup>, with Executive Session scheduled for Thursday, October 14<sup>th</sup>. Mr. Azzolin requested staff provide members with a copy of the discussion items for review. Mr. Lacefield responded that staff would email the information. Ms. Emm added that if any member has a specific topic that he/she would like to add to the list, to please notify staff of such.

There being no further business to discuss, the meeting was adjourned at 4:05 p.m.

The next scheduled meeting of the Georgia Board of Pharmacy will be held via conference call on Wednesday, September 15, 2021, at 9:00 a.m., at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 6<sup>th</sup> floor, Atlanta, GA 30303.

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