

GEORGIA BOARD OF PHARMACY
Board Meeting
University of Georgia College of Pharmacy
250 W Green St.
Athens, GA 30602
August 7, 2019
9:00 a.m.

The following Board members were present:

Bill Prather, President
Lisa Harris, Vice-President
Vicki Arnold
Carrie Ashbee
Michael Brinson
Mike Faulk
Hal Henderson
Dean Stone

Staff present:

Tanja Battle, Executive Director
Eric Lacefield, Deputy Executive Director
Dennis Troughton, Director, GDNA
Michael Karnbach, Deputy Director, GDNA
Russ Moore, Special Agent, GDNA
Max Changus, Assistant Attorney General
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Shea Ross-Smith, KP
Sam Marticke, Nelson Mullins
Chuck Page, Kroger
Greg Reybold, GPhA
Tracy Dobbs, DPH
Leah Hoffacker, DPH
Amanda Roberson, Eldercare
Travis Clark, CAPS
Blake Sears, Innovation Compounding
John T. Smith, Shepherd Center
Neil Wohlford, Walmart
Stephanie Kirkland, Eldercare
Becca Hallum, GHA
John Lee, Publix
Diane Sanders, Kaiser Permanente
DeAngelo McKinley
Charles Spivey

Open Session

President Prather established that a quorum was present and called the meeting to order at 9:02 a.m.

President Prather welcomed Dean Stone to the Board.

Appearance

Appearance by Leah Hoffacker, EMHP, Program Manager, Strategic National Stockpile, Emergency Preparedness and Response, Division of Health Protection, Georgia Department of Public Health: Ms. Hoffacker gave the Board an overview of the Strategic National Stockpile. Ms. Hoffacker stated that the program was created in 1999 as the National Pharmaceutical Stockpile. She explained that it was previously managed by the CDC's Division of Strategic National Stockpile. Ms. Hoffacker stated that

management of the program is now transitioning to the Office of the Assistant Secretary for Preparedness and Response. Ms. Hoffacker stated that at one point it was just a stockpile of medications, but then it expanded to vaccinations. She stated that pharmacies operate on a fair amount of material, so there is not a lot in the pharmacies or hospitals for that matter. She stated that they stockpile in a way it would not affect or prohibit pharmacies from making purchases.

Ms. Hoffacker explained that this is seen as the “Anthrax Program”, but it is much more than that. Stockpiles can be on the ground at a location in 12 hours. She stated their mission is to make sure they are able to request what is in the stockpile, but also to purchase medication that the state may need. Ms. Hoffacker spoke about what is in the stockpile and what they have access to.

Ms. Hoffacker discussed Point of Dispensing (PODS). She explained that an Open POD is open to the public. She stated that this is a place where they pull people to in order to provide medications. Ms. Hoffacker explained that a Closed POD is for critical infrastructure and is not open to the public. She stated that the Department of Public Health (DPH) is part of the Closed POD. Ms. Hoffacker stated the RSS (Receive, Stage, Store) site is a warehousing location. She stated this is where Georgia will receive, stage, ship and store medical countermeasures. She stated DPH is very lucky to have a relationship with a third party distributor so that DPH employees do not need to figure out how to store drugs, drive fork lifts, etc. She stated the only thing that was pushed out by the CDC was H1N1 Tamiflu which is stored by RSS.

The Board thanked Ms. Hoffacker for sharing this information with its members.

Approval of Minutes

Michael Brinson made a motion to approve the Public and Executive Session minutes from the July 10, 2019 meeting. Vicki Arnold seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

Carrie Ashbee made a motion to ratify the list of licenses issued. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

Petitions for Rule Waiver or Variance

Michael Brinson made a motion to grant the rule waiver petition from Dodge County Hospital-Corp, PHRE010746. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

Correspondence from Robert Purcell

The Board considered this correspondence regarding Mr. Purcell’s interest in participating in the Consumer Drug Take-Back Program. In his letter, Mr. Purcell had questions concerning language in Board Rule 480-50-.02(2) which reads in part, “*If the collection receptacle is in a hospital/clinic, it must be in an area monitored by employees...*”. In response to his inquiry, the Board stated any hospital employee can monitor the collection receptacle. If the public has access to the collection receptacle, then an employee must continuously monitor it. Lastly, video surveillance does not constitute “monitored” by an employee. The Board suggested he contact his local DEA office if he had any questions regarding the Consumer Drug Take-Back Program and the collection receptacles.

Correspondence from Rapid Oxygen

The Board considered this correspondence requesting clarification regarding over-the-counter (“OTC”) oxygen devices. In response, the Board stated that if the product is an OTC oxygen device, without a prescription, a permit would not be required.

Correspondence from ImprimisRx NJ, LLC, PHNR001670

The Board viewed this correspondence for informational purposes only.

Correspondence from RxQ Compounding, PHMA000468

The Board recommended tabling this correspondence for further discussion in Executive Session.

Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton reported that GDNA has conducted 46 investigations and 223 inspections for FY2020.

Director Troughton reported that he recently attended the PDMP Advisory meeting. He stated Ms. Ashbee also attended the meeting. Director Troughton stated that there was not much conversation directly related to Pharmacy. He stated there was a lot of discussion regarding getting the physicians signed up on the PDMP registry. Director Troughton stated they are considering a hard stop on practitioner renewals until it is addressed. He stated that they are sending a survey to all users to find out how the program is going and obtaining suggestions. President Prather commented that he found the licenses discussion interesting. Director Troughton responded that sometimes GDNA receives complaints from physicians about pharmacies not entering information. He stated that GDNA would treat it as any other complaint.

Attorney General’s Report – Max Changus

Mr. Changus introduced himself to Mr. Stone and explained his role with the Board. He suggested Mr. Stone review Title 26-4 and 16-13 and Board of Pharmacy Rules and Regulations.

Executive Director’s Report – Tanja Battle

Ms. Battle welcomed Mr. Stone to the Board. Ms. Battle stated that she and her team are available to him at anytime if he has any questions.

Continuing Education Report: Report presented. Vicki Arnold made a motion to ratify the below continuing education programs approved since the previous meeting. Dean Stone seconded and the Board voted unanimously in favor of the motion.

Date of Program	Hours	Sponsoring Group	Program Title	CE Code
5/30/2019	2	The Medical Center Navicent Health	ACLS: Algorithm and Code Blue Review for Pharmacist	2019-0013

Legal Services – Kimberly Emm

Ms. Emm welcomed Mr. Stone to the Board.

Miscellaneous

Job Description for Director of Georgia Drugs & Narcotics Agency: President Prather stated that he requested Ms. Ashbee write a job description for the Director of GDNA. He stated that this is something that has come before the Board for many years and they have never done it. President Prather stated that he has shared it with the other members and asked if there were any comments. There were none. President Prather asked Ms. Emm if the Board could vote to adopt the job description. Ms. Emm responded by stating that this is not a policy or rule, it is internal. Mr. Changus commented that the obligations and duties of the director are addressed in O.C.G.A. § 26-4-29. He stated that the job description just needs to be consistent with the law. He requested additional time to review what has been presented. The Board suggested Mr. Changus review the information and be prepared to discuss it further at the September meeting.

Technician Education: President Prather stated that he previously asked Mr. Brinson to chair a committee to look into technician education. President Prather stated that the Board needs to be sure technicians are as qualified as they need to be. Mr. Brinson stated he has spoken with various organizations and the general consensus is that no one is against requiring technicians to have continuing

education. Mr. Brinson stated that what they do not want to see is someone who has been working as a technician for “x” amount of years and the Board come in and require all of these stipulations. He stated that he believes the first step is to proceed in drafting a rule requiring technicians to have completed 20 hours of continuing education. Mr. Brinson requested Ms. Emm and Mr. Changus draft a rule regarding such. President Prather thanked Mr. Brinson for his report and asked him to report back to the Board next month with more specifics.

At this point in the meeting, the Board took a recess.

The Board reconvened at 10:15 a.m.

Mr. Brinson stated there has been a lot of conversation regarding increasing the technician ratio. He stated there are many pharmacies that do not seem to follow that now. Ms. Emm responded by stating that O.C.G.A. § 26-4-82(d) requires a 3:1 ratio. Mr. Brinson stated that he just wanted to make the Board aware that the chain drugs stores are introducing legislation to increase the ratio of technicians to five or six.

Hal Henderson made a motion and Lisa Harris 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 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 Vicki Arnold, Carrie Ashbee, Michael Brinson, Mike Faulk, Lisa Harris, Hal Henderson, William Prather, and Dean Stone.

Executive Session

Georgia Drugs and Narcotics Agency – Dennis Troughton

- L.M.S.
- R.X.Q.C.

Attorney General’s Report – Max Changus

Mr. Changus presented the following consent order for acceptance:

- B.P.
- F.W.P.

Mr. Changus discussed the following cases:

- P.P.
- L.H.C.G.P.S.
- W.W.P.C.

Appearances

- D.M.
- C.D.S.

Legal Services – Kimberly Emm

Out of State DME Suppliers:

- H.M.E.
- R.
- B.H.M.R.
- B.E.R.S.I.
- M.I.I.

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

Requested and received legal advice regarding the interpretation of CBD oil.

Executive Director’s Report – Tanja Battle

- J.W.
- A.B.W.
- A.O.M.E.

Miscellaneous

President Prather discussed cases of diversion and how the Board should move forward with these.

Cognizant’s Report – Lisa Harris

- GDNA Case #A33011
- GDNA Case #B32828
- GDNA Case #B32857
- GDNA Case #A32892
- GDNA Case #B32896
- GDNA Case #B32753
- GDNA Case #B32894
- GDNA Case #B32945

- GDNA Case #B32879
- GDNA Case #A32927
- GDNA Case #A32999
- GDNA Case #A32844
- GDNA Case #B32864
- F.E.K.
- PHAR200014

Applications

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

Correspondences/Requests

- A.S.M.S.
- C.C.P.V.P.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
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- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- C.P.S.I.
- I.C.S.
- M.D.C.
- M.D.C.
- M.D.C.
- M.D.C.

- M.I.I.
- O.C.
- M.M.T.
- M.M.T.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- O.M.D.I.
- P.S.
- P.S.
- P.S.
- P.S.
- P.S.
- P.S.
- W.P.N.
- S.Y.R.V.
- E.U.
- E.U.H.
- C.H.I.M.H.
- S.P.C.
- C.A.W.
- J.W.S.
- D.M.T.
- J.D.R.

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

Open Session

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

Georgia Drugs and Narcotics Agency – Dennis Troughton

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> • L.M.S. • R.X.Q.C. | <p>Durable Medical Equipment Supplier
Manufacturing Pharmacy</p> | <p>Denied application
Board directed staff to notify
the facility its permit would be
null and void per Rule 480-7-</p> |
|--|--|---|

.01(4) and prior to starting operations at the new outsourcing facility, a new application and fee would be required.

Attorney General's Report – Max Changus

Mr. Changus presented the following consent order for acceptance:

- Broxton Pharmacy Public Consent Order accepted
- Freddie W. Pridgen Public Consent Order accepted

Mr. Changus discussed the following cases:

- P.P. Reject counterproposal
- L.H.C.G.P.S. Close case with no action
- W.W.P.C. Update provided

Appearances

- | | | |
|----------|---------------------------------|------------------|
| • D.M. | Request to renew intern license | Approved request |
| • C.D.S. | Denied Pharmacy Technician | Denial Upheld |

Legal Services – Kimberly Emm

Out of State DME Suppliers:

- H.M.E. Tabled
- R. Tabled
- B.H.M.R. Tabled
- B.E.R.S.I. Tabled
- M.I.I. Tabled
- M.I.I. Tabled
- M.I.I. Tabled
- M.I.I. Tabled
- P.P.S.O.P.S. Tabled
- B.H.C.I. Tabled
- D.H.H.C.I. Tabled
- A.H.I. Tabled
- P.O.L. Tabled
- K.C.I.U.S.A.I. Tabled
- K.C.I.U.S.A.I. Tabled
- K.C.I.U.S.A.I. Tabled
- K.C.I.U.S.A.I. Tabled
- C.C.S.I. Tabled
- A.S. Tabled
- C.M.S. Tabled
- M.H.C. Tabled
- S.M.L. Tabled
- O.M.I. Tabled
- Numotion Approved
- Numotion Approved
- E.M.S.I. Tabled
- C.M.S.I. Tabled

- C.M.S. Tabled
- W.M.S.I. Tabled
- E.H. Tabled
- S.M.R.M.C. Tabled
- V.C.S.M.A. Tabled
- A.I. Tabled
- R.T.L. Tabled

Requested and received legal advice regarding the interpretation of CBD oil. Mr. Changus directed staff to continue giving direction to review Title 2, Chapter 23 with counsel.

Executive Director’s Report – Tanja Battle

- J.W. Requests regarding waiver of reinstatement fee and continuing education Denied requests
- A.B.W. Request for waiver of application fee Approved request
- A.O.M.E. Request for extension Approved request

Miscellaneous

President Prather discussed cases of diversion and how the Board should move forward with these.

Cognizant’s Report – Lisa Harris

- GDNA Case #A33011 Accept Private Interim Consent Order
- GDNA Case #B32828 Misfill Policy #1 / Refer to the Department of Law
- GDNA Case #B32857 Misfill Policy #1 / Refer to the Department of Law
- GDNA Case #A32892 Refer to the Department of Law
- GDNA Case #B32896 Close with no action
- GDNA Case #B32753 Close with no action
- GDNA Case #B32894 Close with no action
- GDNA Case #B32945 Close with no action
- GDNA Case #B32879 Close with no action
- GDNA Case #A32927 Refer to the Department of Law
- GDNA Case #A32999 Tabled until the September meeting
- GDNA Case #A32844 Issue Cease & Desist
- GDNA Case #B32864 Misfill Policy #2
- F.E.K. No action taken
- PHAR200014 Close with no action

Applications

- Lawrence T. Wheeler Pharmacy Technician Approved for registration
- Perla E. Gomez Pharmacy Technician Approved for registration
- Marina E. Reece Pharmacy Technician Approved for registration
- Ashley D. Edmond Pharmacy Technician Approved for registration
- Katrina D. Thomas Pharmacy Technician Approved for registration
- Demitria Y. Broadnax Pharmacy Technician Approved for registration
- Dantavious J. Whitaker Pharmacy Technician Approved for registration
- Fenan Woldai Pharmacist Intern Approved application
- Kevin W. Moy Pharmacist Intern Approved application
- Tiffany J. Somerville Pharmacist Intern Approved for renewal
- R.M.P. Pharmacist Reinstatement Table pending receipt of

• P.M.E.	Pharmacist Reinstatement	additional information Table pending receipt of additional information
• Kristin W. Swann	Nuclear Pharmacist	Approved application
• Ann S. McKinley	Pharmacist Renewal	Approved for renewal
• C.L.	Wholesaler Pharmacy	Refer to the Department of Law
• H.I.	Wholesaler Pharmacy	Refer to the Department of Law
• P.P.I.	Wholesaler Pharmacy	Denied request for reduction of reinstatement fee
• O.C.	DME Supplier	Overturn denial and approve

Correspondences/Requests

• A.S.M.S.	Notice of discipline	No action
• C.C.P.V.P.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.H.	Notice of discipline	No action
• C.P.S.I.	Notice of discipline	No action
• I.C.S.	Notice of discipline	No action
• M.D.C.	Notice of discipline	Tabled
• M.D.C.	Notice of discipline	Tabled
• M.D.C.	Notice of discipline	Tabled
• M.D.C.	Notice of discipline	Tabled
• M.D.C.	Notice of discipline	Tabled
• M.D.C.	Notice of discipline	Tabled
• M.D.C.	Notice of discipline	Tabled
• M.D.C.	Notice of discipline	Tabled
• M.D.C.	Notice of discipline	Tabled
• O.C.	Notice of discipline	No action
• P.E.I.	Notice of discipline	No action
• P.V.S.I.	Notice of discipline	No action
• P.V.S.I.	Notice of discipline	No action
• P.V.S.I.	Notice of discipline	No action
• P.V.S.I.	Notice of discipline	No action
• S.Y.R.	Notice of discipline	No action
• T.P.S.	Notice of discipline	No action
• W.P.I.	Notice of discipline	No action
• T.M.C.	Notice of discipline	No action
• W.D.	Notice of discipline	No action
• A.P.	Notice of discipline	No action
• A.P.	Notice of discipline	No action

• O.M.D.I.	Notice of discipline	No action
• O.M.D.I.	Notice of discipline	No action
• O.M.D.I.	Notice of discipline	No action
• O.M.D.I.	Notice of discipline	No action
• O.M.D.I.	Notice of discipline	No action
• P.S.	Notice of discipline	Table pending receipt of additional information
• P.S.	Notice of discipline	Table pending receipt of additional information
• P.S.	Notice of discipline	Table pending receipt of additional information
• P.S.	Notice of discipline	Table pending receipt of additional information
• P.S.	Notice of discipline	Table pending receipt of additional information
• P.S.	Notice of discipline	Table pending receipt of additional information
• W.P.N.	Notice of discipline	No action
• S.Y.R.V.	Notice of discipline	No action
• E.U.	Correspondence regarding additional protocol	The Board viewed this correspondence for informational purposes only.
• E.U.H.	Remote order entry	Approved
• C.H.I.M.H.	Remote order entry	Approved
• S.P.C.	Appearance request	Approved request
• C.A.W.	Correspondence	The Board viewed this correspondence for informational purposes only.
• J.W.S.	Request to lift PIC restriction	Approved request
• D.M.T.	Request to terminate consent order	Approved request
• J.D.R.	Request regarding intern license	Denied request

Lisa Harris seconded and the Board voted in favor of the motion, with the exception of Dean Stone, who recused himself from the vote regarding GDNA Case #A32999.

Correspondence from Ryan Halstead

Ms. Battle discussed this correspondence from Mr. Halstead concerning questions regarding 503a and 503b and issues with Memorandum of Understanding. Ms. Battle asked if the Board wanted to table this correspondence until its September meeting. Director Troughton stated the state has not signed that Memorandum of Understanding. After further discussion, the Board directed Director Troughton to respond to Mr. Halstead.

There being no further business to discuss, the meeting was adjourned at 3:29 p.m.

The next meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, September 18, 2019 at 9:00 a.m., at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 5th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I
 Minutes edited by Tanja D. Battle, Executive Director