

**GEORGIA BOARD OF PHARMACY**  
**Board Meeting**  
**2 Peachtree Street, NW, 6<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**December 11, 2019**  
**9:00 a.m.**

**The following Board members were present:**

Bill Prather, President  
Lisa Harris, Vice-President  
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  
Max Changus, Assistant Attorney General  
Cara Miller, Assistant Attorney General  
Kimberly Emm, Attorney  
Brandi Howell, Business Support Analyst I

**Visitors:**

Amanda Roberson, Eldercare  
Stephen Snow  
Bradley Weiss, Walgreens  
Diane Sanders, Kaiser Permanente  
Stephen Georgeson  
Chuck Page, Kroger  
Sam Marticke, Nelson Mullins  
Laura Ko, Shepherd Apothecary  
Blake Sears, Innovation Compounding  
Karen Nishi, Parata  
Leigh Anne Jacobson, Publix  
Yujin Kang, CAPS  
Lauren Pollow, JL Morgan Co.  
Christiane Craddock, MAG  
Alex Awuah  
Abbi Taylor  
Prince Walker  
Kirok Kwak

**Open Session**

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

President Prather discussed how crucial staff is to the Board. He recognized board staff Itovia Evans, Annie Ruth Parks, Dianne Yawn, Amantha Lovett, Sandra Mason, Stacey Mitchell, Lenora Darien, Ruth Reece, Stacy Altman, Stephanie Lawson, Executive Director Tanja Battle, Deputy Executive Director Eric Lacefield, Kimberly Emm, Brandi Howell, Max Changus and Cara Miller from the Attorney General's office, along with Director Dennis Troughton, Deputy Director Michael Karnbach and all GDNA agents for each of their roles assisting the Board.

### **Approval of Minutes**

Michael Brinson made a motion to approve the Public and Executive Session minutes from the November 13, 2019 meeting. Dean Stone seconded and the Board voted unanimously in favor of the motion.

### **Report of Licenses Issued**

Dean Stone made a motion to ratify the list of licenses issue. Michael Brinson seconded and the Board voted unanimously in favor of the motion.

### **Petitions for Rule Waiver or Variance**

Dean Stone made a motion to deny the rule variance petition from CVM Teaching Hospital, PHH007953. Michael Brinson seconded and the Board voted unanimously in favor of the motion.

Michael Brinson made a motion to approve the rule waiver petitions from Bleckley Memorial Hospital, PHH003551, Jeff Davis Hospital, PHH003766, Northside Gwinnett Extended Care Center Pharmacy, PHRE010778, and Southeast Georgia Health System Camden Campus, PHH003627. Carrie Ashbee seconded and the Board voted unanimously in favor of the motion.

### **Correspondence from Rob Woods, RPH018173**

The Board considered this correspondence requesting clarification on Rule 480-28-.08 Practitioner's Assistants which reads as follows:

*Nothing in these rules shall prohibit any person from assisting any duly licensed practitioner in the measuring of quantities of medication and the typing of labels therefore, but excluding the dispensing, compounding, or mixing of drugs, provided that such practitioner shall be physically present and personally supervising the actions of such person in doing such measuring and typing, and provided, further, that no prescription shall be given to the person requesting the same unless the contents and the label thereof shall have been verified by a licensed practitioner. No practitioner shall be assisted by more than one such person at any one time.*

Specifically, Mr. Woods' correspondence requested the Board clarify "physically present" and "personally supervising" as it relates to certain scenarios described in his letter. In response, the Board directed staff to respond by stating that the practitioner must physically be there to visually see those that he/she is supervising and verify each script.

### **Correspondence from Tim Koch, Walmart**

The Board considered this correspondence regarding patient counseling. Specifically, Mr. Koch's correspondence asked if the Board would allow counseling to be offered in writing as part of the delivery offering described in his letter. In response to his inquiry, the Board directed staff to respond by stating that O.C.G.A. § 26-4-85(b) states in part, "Upon receipt of a prescription drug order and following a review of the patient's record, the pharmacist or the pharmacy intern operating under the direct supervision of the pharmacist shall personally offer to discuss matters which will enhance or optimize drug therapy with each patient or caregiver of such a patient. Such discussion shall be in person, whenever practicable, or by telephone and shall include appropriate elements of patient counseling, based on the professional judgment of the pharmacist." As such, the law does not permit the pharmacist to offer counseling in written form.

Discussion was held by the Board regarding Rule 480-31-.01(c). President Prather directed Ms. Emm and Mr. Changus to draft language to permit “offer” to be considered as verbal or written and bring back to the Board for consideration at its January meeting.

#### **Correspondence from Leah Whitman**

The Board considered this correspondence regarding Penicillin Allergy Skin Testing. Specifically, Ms. Whitman asked what the board rules are surrounding the involvement of pharmacists in the process of penicillin allergy skin testing. In response, the Board directed staff to respond by referring Ms. Whitman to O.C.G.A. § 26-4-4 Definition of “practice of pharmacy” for more information.

#### **Correspondence from Larry Alaimo**

The Board considered this correspondence requesting the Board provide clarity on a pharmacist/pharmacy ability to engage in point of care testing and leverage collaborative practice agreements for developing a “test and treat” model where if a positive result of a test such as flu was received, the pharmacy could provide Tamiflu per CPA protocol. In response, the Board directed staff to respond by referring Mr. Alaimo to Chapter 480-35 Pharmacist Modification of Drug Therapy for more information. Additionally, the Board stated that it is precluded from offering legal advice, opinions, or interpretations of the Georgia Laws and Rules and Mr. Alaimo may wish to seek legal counsel for opinions and interpretations of the laws and rules.

#### **Correspondence from Julie M. Wellman, RPH015621**

The Board considered this request from Ms. Wellman for an appearance before the Board to discuss the public documents associated with her Public Consent Order. Mike Faulk made a motion to deny the request and stated that the documents are required to remain public by law. Additionally, Ms. Wellman may refer to O.C.G.A. § 50-18-70 and § 50-18-71 for more information. Hal Henderson seconded and the Board voted unanimously in favor of the motion.

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

Director Troughton reported that GDNA has conducted 1213 inspections and received 183 complaints for FY2020.

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

No report.

#### **Executive Director’s Report – Tanja Battle**

No report.

#### **Legal Services – Kimberly Emm**

**Correspondence from Andrea Clair, Palmetto:** Ms. Emm discussed this correspondence from Ms. Clair regarding Orthoses: Prefabricated (Custom Fitted) (OR02) and Orthoses: Off the Shelf (OR03) and whether or not a DME license in Georgia was required for such. The Board directed staff to respond by stating that a license is required for Orthoses: Prefabricated (Custom Fitted) (OR02) and that a license is not required for Orthoses: Off the Shelf (OR03). Additionally, the Board suggested Ms. Clair refer to O.C.G.A. § 26-4-5(14.05) which provides the Georgia definition of durable medical equipment.

#### **Miscellaneous**

**November Appearance by Karen Nishi, Consultant Pharmacist for TCGRx:** The Board discussed the prescription pickup locker presented to the Board at its November meeting. At that time, the Board voted to table to allow time for consideration until December. President Prather stated that he talked with Director Troughton regarding this matter. Director Troughton responded by stating that he spoke with Mr. Changus and there are a lot of questions as to how this system fits into the laws and rules. Director

Troughton stated that Ms. Nishi did provide additional information to Mr. Ronnie Higgins. Director Troughton stated a video was sent to the Board; however, there are still many questions that need to be answered. He stated that security wise this makes sense, but certainly thinks the Board needs to take a more in depth look. Director Troughton added that he does not think there are other states that have rules on this system for the Board to refer to. Ms. Nishi inquired as to whether or not this product fell under Rule 480-10-19 Use of Automated and or Robotic Pharmacy Systems. Director Troughton responded that it does not fall under a robotic type of system. President Prather informed Ms. Nishi, who was present at the meeting, that once GDNA has finished researching the matter, they will bring back to the Board for consideration.

**Rule 480-13-.06 Drug Distribution Control:** Mr. Brinson discussed this rule and requested the Board delete section (e), which states, “No more than a 72-hour supply of a patient's medication shall be available at the patient-care area at any time except for those drugs in bulk packages which cannot be repackaged in unit-dose containers;”. Mr. Brinson stated he has been researching this matter and wondered if this section was still needed on the hospital side. After further discussion, President Prather requested Ms. Emm and Mr. Changus research and report back to the Board.

**Election of Officers for 2020:** Mike Faulk made a motion for Lisa Harris to serve as President. Michael Brinson seconded and the Board voted unanimously in favor of the motion.

Michael Brinson made a motion for Mike Faulk to serve as Cognizant and Vice-President. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

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

## **Executive Session**

### **Appearance**

- A.B.A.

### **Legal Services – Kimberly Emm**

- C.T.

### **Appearances**

- M.L.K.P.
- K.K.

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

- C.M.H.
- W.C.R.M.C.

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

Mr. Changus presented the following consent orders for acceptance:

- T.F.P.W.S.
- B.M.
- P.A.S.C.H.C.

- R.H.
- W.K.R.

Mr. Changus discussed the following cases:

- H.B.C.
- G.M.B.

### **Cognizant's Report – Lisa Harris**

- GDNA Case # B32729
- GDNA Case # B32968
- GDNA Case # B32971
- GDNA Case # A33047
- GDNA Case # B33049
- GDNA Case # B33057
- GDNA Case # B33066
- GDNA Case # B33072
- GDNA Case # B33108
- GDNA Case # B33112
- GDNA Case # T33127
- GDNA Case # B33029

### **Applications**

- V.D.B.
- C.M.M.
- B.G.
- J.C.B.M.
- A.E.W.
- D.E.E.
- W.J.
- N.R.S.
- R.A.R.
- A.D.D.
- Y.K.M.
- K.Y.C.
- P.W.G.P.
- G.H.M.
- A.P.S.
- M.P.

### **Correspondences/Requests**

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

- A.A.L.
- M.D.K.
- W.T.T.
- W.M.H.
- C.A.
- P.P.S.N.C.
- S.C.A.P.
- C.O.I.
- G.L.C.

**Executive Director’s Report – Tanja Battle**

- R.K.
- R.C.

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

<b>Executive Session</b>
--------------------------

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

**Appearance**

- |          |                             |                      |
|----------|-----------------------------|----------------------|
| • A.B.A. | Pharmacist Intern Applicant | Approved application |
|----------|-----------------------------|----------------------|

**Legal Services – Kimberly Emm**

- |        |                      |                |
|--------|----------------------|----------------|
| • C.T. | Open Records Request | Denied request |
|--------|----------------------|----------------|

**Appearances**

- |            |                             |                      |
|------------|-----------------------------|----------------------|
| • M.L.K.P. | Denied Retail Pharmacy      | Denial Upheld        |
| • K.K.     | Pharmacist Intern Applicant | Approved Application |

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

- |              |                 |  |
|--------------|-----------------|--|
| • C.M.H.     | Retail Pharmacy | Board directed GDNA to inform applicant that they must have a separate retail space. |
| • W.C.R.M.C. | Retail Pharmacy | Board directed GDNA to inform applicant that they must have a separate retail space. |

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

Mr. Changus presented the following consent orders for acceptance:

- |                     |   |
|---------------------|---|
| • T.F.P.W.S.        | Private Consent Order accepted  |
| • B.M.              | Private Consent Order accepted  |
| • Pharmacy of ASCHC | Public Consent Order accepted   |
| • Robert Haynes     | Public Consent Order accepted   |
| • W.K.R.            | Public Consent Order to be accepted and signed with express permission upon receipt of the original |

Mr. Changus discussed the following cases:

- |          |                        |
|----------|------------------------|
| • H.B.C. | Update provided        |
| • G.M.B. | Reject counterproposal |

## Cognizant's Report – Lisa Harris

- GDNA Case # B32729 Close with no action
- GDNA Case # B32968 Close with a letter of concern
- GDNA Case # B32971 Schedule for Investigative Interview
- GDNA Case # A33047 Refer to the Department of Law
- GDNA Case # B33049 Close with no action
- GDNA Case # B33057 Close with no action
- GDNA Case # B33066 Close with no action
- GDNA Case # B33072 Misfill Policy #1
- GDNA Case # B33108 Close with no action
- GDNA Case # B33112 Letter of concern to pharmacist/GDNA will follow up with Corporate
- GDNA Case # T33127 Revoke technician registration
- GDNA Case # B33029 Misfill Policy #2

## Applications

- Valerie D. Butler Pharmacy Technician Approved for registration
- Cassie M. Mackey Pharmacy Technician Approved for registration
- Brian Galeano Pharmacy Technician Approved for registration
- Jasmine C. Bell-Mapp Pharmacy Technician Approved for registration
- A.E.W. Pharmacy Technician Table pending receipt of additional information
  
- Dylan E. Edmonds Pharmacy Technician Approved for registration
- Wendy Jones Pharmacy Technician Approved for registration
- Nichole R. Stanley Pharmacy Technician Approved for registration
- R.A.R. Pharmacist Intern Approved for extension until graduation
  
- A.D.D. Pharmacist Reciprocity Approved to sit for the exam
- Yen K. Mach Pharmacist Reinstatement Approved application
- Kimberly Y. Connell Pharmacist Reinstatement Approved application
- P.W.G.P. Durable Medical Equipment Denied application
- G.H.M. Durable Medical Equipment Overturn denial and approve
- Alix P. Schnibben Pharmacist Certification of DTM Approved application
- M.P. Retail Pharmacy Board directed staff to respond that this facility needs a retail pharmacy license

## Correspondences/Requests

- M.V. Notice of Discipline No action
- A.P.S. Notice of Discipline No action
- O.M.D.I. Notice of Discipline No action
- C. Notice of Discipline No action
- C. Notice of Discipline No action
- A.H.G.I. Notice of Discipline No action
- L.D. Notice of Discipline No action
- Z.P.I. Notice of Discipline No action
- A.A.L. Request to lift PIC restriction Approved request
- M.D.K. Request for early termination of probation Denied request
  
- W.T.T. Request to terminate probation Approved request

- |              |   |   |
|--------------|---|---|
| • W.M.H.     | Request to terminate probation              | Approved request  |
| • C.A.       | Request for refund of application fee       | Denied request  |
| • P.P.S.N.C. | Request regarding e-kit                     | Denied request  |
| • S.C.A.P.   | Notice of voluntary recall                  | No action   |
| • C.O.I.     | Request to take MPJE a 4 <sup>th</sup> time | Approved request  |
| • G.L.C.     | Correspondence                              | The Board viewed this correspondence for informational purposes only. |

**Executive Director’s Report – Tanja Battle**

- |        |                |   |
|--------|----------------|---|
| • R.K. | Correspondence | Board directed staff to respond by notifying the individual that his/her option is to utilize another pharmacy.   |
| • R.C. | Correspondence | Board directed staff to respond by notifying the individual that the Board does not have the authority to impose disciplinary measures regarding this matter. |

Dean Stone seconded and the Board voted unanimously in favor of the motion.

President Prather informed the Board that the Georgia Access to Medical Cannabis Commission would be meeting on December 18<sup>th</sup> at 5:00 p.m.

There being no further business to discuss, the meeting was adjourned at 2:09 p.m.

The next meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, January 15, 2020 at 9:00 a.m., at South University School of Pharmacy, 709 Mall Boulevard, Savannah, GA 31406.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Tanja D. Battle, Executive Director