

**GEORGIA BOARD OF PHARMACY**  
**Conference Call**  
**2 Peachtree St., NW, 6<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**December 14, 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  
Bill Prather

**Staff present:**

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

**Visitors:**

Stephanie Kirkland, Eldercare  
Helen Sloat  
Heather Hughes  
Becca Hallum, GHA  
Melissa Reybold, GPhA

**Open Session**

President Stone established that a quorum was present and called the meeting to order at 9:01 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**

Mr. Brinson made a motion to approve the Public and Executive Session minutes from the November 16, 2022, meeting as amended. Mr. Page 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. Bracewell seconded, and the Board voted unanimously in favor of the motion.

**Correspondences**

**Correspondence from Bryan Dunlap, MediCapital USA Inc., PHWH004583, dba Emsere, Inc.:** The Board considered this request to export the following materials:

- Baxter 2B0062Q, Caloric Agent Dextrose / Water 5% IV Solution Flexible Bag 250 mL (NDC Number: 00338001702)

Mr. Prather made a motion to approve the request. Mr. Cordle seconded, and the Board voted unanimously in favor of the motion.

**Correspondence from Kingsley Iwudibia, RPH028300:** The Board considered this request for an appearance to discuss the rule petition submitted by Mr. Iwudibia that was denied by the Board at its November meeting. Vice-President Azzolin made a motion to approve the request. Mr. Brinson seconded, and the Board voted unanimously in favor of the motion.

**Correspondence from Ruby Dodd:** The Board considered this correspondence related to the recent opioid settlement. In her letter, Ms. Dodd requested the Board’s assistance with obtaining information from a registry or clearinghouse, if available, for the affected individuals and families that are facing barriers in an attempt to receive proper compensation. In response, the Board directed staff to respond to Ms. Dodd by stating that while the Board is sensitive to her concerns, it is not aware of any clearinghouse that would be able to provide the information requested. She may wish to seek the advice of an attorney to help gather this information.

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

Director Troughton reported that GDNA conducted 1128 inspections and received 214 complaints for FY2023.

Director Troughton reported that GDNA is still accepting applications for two agent positions located in the Middle and Southwest Georgia areas.

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

No report.

**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. Prather seconded, and the Board voted unanimously in favor of the motion.

Date of Program	Hours	Sponsoring Group	Program Title	CE Code
12/15/2022	1	Kaiser Permanente	Pride Comes before a fall: Precepting the Overconfident Learner	2022-0016

**Curriculum and Preceptor Approval:** President Stone commented that information from Mercer University and the University of Georgia was received. He explained that this information has been submitted for the Board’s approval pursuant to Rule 480-2-.03(2). He stated that the Board should consider amending the rule as he feels it should be each university’s responsibility to vet the preceptors. President Stone added that the Board does not want to be approving the curriculum, but does want to see the structure of the curriculum.

Mr. Brinson made a motion to approve the curriculum and preceptor information submitted by Mercer University and the University of Georgia. Mr. Page seconded. Discussion was held. Vice-President Azzolin commented that this may be a good opportunity to test the applicability of the NABP Verify program by submitting this information to see what kind of data the Board receives. President Stone responded by stating that it should be up to the universities to do that. He added that there are pharmacists from all different states that are preceptors.

Mr. Joiner reminded the Board that at its November meeting, the Board discussed a potential modification to Rule 480-2-.03(2) that would change the Board’s role from reviewing every preceptor to reviewing the process for vetting and would address what President Stone was speaking of in terms of putting the

responsibility on the schools to do the vetting. Mr. Lacefield commented that this topic is on the Board's next work agenda. There being no further discussion, the Board voted unanimously in favor of the motion.

**January 2023 Meeting:** Mr. Lacefield reminded the Board and guests that the January meeting will be held in person at South University in Savannah.

### **Legal Services – Clint Joiner**

No report.

### **Rules Discussion**

**Rule 480-5-.03 Code of Professional Conduct:** The Board discussed the draft presented that contains the following proposed language regarding harassment and sexual harassment.

(p) Harassment and Sexual Harassment. No pharmacist, preceptor, intern, extern, pharmacy technician, employer or employee of a licensed pharmacy, or any agent thereof shall engage in any form of harassment or sexual harassment. However, conduct which does not rise above the level of what a reasonable person would consider merely tactless, inconsiderate, overfamiliar, or otherwise impolite, particularly with regard to the totality of the circumstances, shall constitute neither harassment nor sexual harassment.

(1) “Harassment” means physical, verbal, or non-verbal/visual conduct that is either directed toward an individual or reasonably offensive to an individual because of his or her race, color, creed, national origin, ancestry, citizenship, religion, political opinions or affiliations, age, disability, genetic information, military or veteran status, or status other than sex protected by federal or state law or regulation.

(2) “Sexual Harassment” means physical, verbal, or non-verbal/visual conduct that is either directed toward an individual or reasonably offensive to an individual because of his or her sex. Therefore, for the purposes of this Rule, “sexual harassment” includes physical, verbal, or non-verbal/visual conduct constituting:

(i) unwanted sexual attention, sexual advances, requests for sexual favors, sexually explicit comments, and other conduct of an expressed or obviously implied sexual nature, by an individual who knows, or reasonably should know, that such conduct is unwanted or offensive; and

(ii) conduct that is hostile, threatening, derogatory, demeaning, or abusive or intended to insult, embarrass, belittle, or humiliate an individual because of his or her sex, regardless of whether the underlying reason for the conduct is apparent.

President Stone commented that the Board feels strongly that there is no place for any form of sexual harassment. He discussed his concerns regarding having it listed out specifically in the rule and how the Board would go about enforcing the rule. He stated that as he has had time to reflect, he is not against including language regarding sexual harassment in the rule, but was concerned how it would affect the Board and inquired if it would put more liability on the Board.

Mr. Page commented that this matter was discussed at the Board's November meeting and the topic arose from matters that previously came before the Board. He stated that the general discussion was the Board did not believe there were enough avenues for it to discipline or take any action when something like this comes up. He further stated that the Board wanted something general that would give it authority to take disciplinary action against someone in that circumstance. He continued by stating that with Mr. Joiner's help, he crafted a draft for discussion with the Board. Mr. Page stated that if one reads through the other part of the rule, it does show professional conduct, but the language does not specify anything along these guidelines at all. He further stated that the Board should have discussion regarding the draft presented and requested Mr. Changus' input.

Mr. Changus stated that, as Mr. Page indicated, this arose from matters that came before the Board previously involving egregious conduct and the Board's concern about what it could do. He continued by stating that there have been laws passed by the General Assembly trying to increase the awareness of such issues. He added that the Georgia Board of Dentistry has mandated continuing education for its licensees and the Georgia Composite Medical Board requires its board members to undergo sexual misconduct and professional boundaries training. Mr. Changus stated that, to President Stone's point, this will be difficult to enforce and would create additional burdens for GDNA. He further stated that whether this is something that is supported in terms of being authorized in statute, the Board can vote to post the amendments and it will come to the Attorney General's office for review and advice as to whether or not it is grounded in statute. He added that the trends have been for boards and other businesses to be more sensitive to these sorts of issues.

Vice-President Azzolin commented that he agreed with President Stone in that any form of sexual harassment is not appropriate in any setting. He read Rule 480-5-.03(a) which states the following: "*(a) Ethics. No pharmacist, intern, extern, technician, or pharmacy owner shall engage in any conduct in the practice of pharmacy or in the operation of a pharmacy which tends to reduce the public confidence in the ability and integrity of the profession of pharmacy, or endangers the public health, safety and welfare, or have been guilty of any fraud, misrepresentation, culpable negligence, concealment, dishonest dealings, fix, scheme or device, or breach of trust in the practice of pharmacy or in the conduction of business related to prescriptions, drugs or devices.*" Vice-President Azzolin stated that he thinks this language encompasses a larger broader aspect of things such as money laundering, stealing of drugs, etc. He further stated that by keeping the language broad, it gives the Board more authority where needed to make an impact versus making it specific. He added that he does not feel the Board needs to react to sensationalism of any one particular issue whenever it can have an impact on it already and stated that he does not think it is necessary to add the language.

Mr. Chang stated that his thoughts and opinions were similar to Vice-President Azzolin's regarding the broadness of the language. He further stated that he believes the issue could be addressed by requiring pharmacists to complete a continuing education course on the subject. He added that he is required to such for licensure in Illinois.

Mr. Page commented that Vice-President Azzolin made some good points; however, he felt that the language in subsection (a) was more geared towards the public. He suggested researching what other boards have done and come up with an alternative that is not as specific as what has been presented today, but gives the Board some authority.

Mr. Joiner stated that the language in the draft came from O.C.G.A. § 34-5A-1 and Rule 478-1-.03 of the State Personnel Board. He further stated that both are relative to state employees and provide a good discussion of what sexual harassment is and also discusses general harassment, not just harassment of a sexual nature. He continued by stating that the language also discusses what does not rise to the level of harassment or any harassment generally. Additionally, in terms of a broad versus a specific kind of rule, Mr. Joiner stated that in his practice he found when he was on the plaintiff side of things it was better to be able to act under a more specific, more purpose pointed rule or statute rather than relying on something that was general and capable of broad interpretation.

Mr. Cordle commented that he felt subsection (a) was more geared to the operations side of the business. He suggested the Board tweak the language in subsection (a) rather than adding a new subsection.

Mr. Brinson commented that from the state employee side, the training is not sexual harassment training but rather sexual harassment prevention training.

Director Troughton commented that any kind of harassment or sexual harassment is wrong. In regards to the proposed language, he requested the Board consider adding the following sentence to the last line in subsection (p):

*“...while participating in the practice of pharmacy, supervising technicians, precepting pharmacy interns, or participating in the instructional training of pharmacy students or interns.”*

Director Troughton stated that he thought it would be helpful to include this sentence. He further stated that GDNA would conduct its investigation and bring the case to the Board as it does with other cases. He added that from a GDNA standpoint, this is not sexual abuse or sexual assault, but rather sexual harassment, which is a different animal and there are more things to take into consideration.

Vice-President Azzolin commented that this really is about a place of employment and a human resources issue. He inquired if, as pharmacists acting as board members and pharmacy based law enforcement, are they experts in interpreting and understanding the subjective nature of potential sexual harassment issues. He further inquired if the Board should spend its time in that realm to subjectively assess that or should it keep its focus on the practice of pharmacy. In regards to HIPAA laws and rules, Vice-President Azzolin stated that it was important to maintain patient data confidentiality. He asked if the Board wanted to start spelling out in its rules that the Board is responsible for overseeing privacy related discrepancies and transactions. He stated that he does not think that is where the Board would want to spend its time. He further stated that the intent behind the rule is beautiful as the Board is trying to prevent sexual harassment; however, he stated that he is unsure if that is a matter within the Board’s scope.

Mr. Chang made a motion to table consideration of this matter until the Board’s next work session to allow additional time for research. Mr. Brinson seconded, and the Board voted unanimously in favor of the motion.

**Election of Officers:** President Stone thanked the board members and staff for their support during his presidency.

Mr. Brinson made a motion for Vice-President Azzolin to serve as President. Mr. Page seconded, and the Board voted unanimously in favor of the motion.

Mr. Brinson made a motion for Mr. Page to serve as Cognizant and Vice-President. Mr. Cordle seconded, and the Board voted unanimously in favor of the motion.

Mr. Bracewell 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, Dean Stone, and Bill Prather.

### **Executive Session**

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

No report.

#### **Cognizant’s Report – Michael Azzolin**

- GDNA Case # B34308
- GDNA Case # A34392
- GDNA Case # B34387
- GDNA Case # A34429

- GDNA Case # B34449
- GDNA Case # B34451
- GDNA Case # B34452
- GDNA Case # B34268
- GDNA Case # B34369
- GDNA Case # B34408
- GDNA Case # T34233
- GDNA Case # T34434
- GDNA Case # B34522
- GDNA Case # A34439
- GDNA Case # A34478
- GDNA Case # B34291
- GDNA Case # B34331
- GDNA Case # B34358
- GDNA Case # B34436
- GDNA Case # B34362
- GDNA Case # B34372
- GDNA Case # B34450
- GDNA Case # B34468
- GDNA Case # B34472
- GDNA Case # B34486
- GDNA Case # B34487
- GDNA Case # B34516
- GDNA Case # B34405
- GDNA Case # B34409
- GDNA Case # B34515
- GDNA Case # B34418

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

Mr. Changus presented the following consent orders for acceptance:

- R.T.K.
- B.N.S.
- W.P.
- W.
- P.P.
- T.M.S.
- B.P.
- A.A.C.
- A.L.R.

Mr. Changus discussed the following cases:

- G.K.
- M.S.S.

Ms. Simpson discussed the following cases:

- N.B.P.
- N.S.M.

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

No report.

**Legal Services**

No report.

**Applications**

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

**Correspondences/Requests**

- A.A.
- A.A.
- W.
- A.B.
- M.I.
- A.B.D.C.
- D.C.A.P.
- I.P.I.
- P.P.
- M.P.
- Z.S.H.
- J.W.R.
- S.N.
- J.R.

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

**Open Session**

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

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

No report.

### **Cognizant's Report – Michael Azzolin**

- GDNA Case # B34308 Misfill Policy #1
- GDNA Case # A34392 Refer to the Department of Law
- GDNA Case # B34387 Misfill Policy #1
- GDNA Case # A34429 Refer to the Department of Law
- GDNA Case # B34449 Refer to the Department of Law
- GDNA Case # B34451 Close with Letter of Concern
- GDNA Case # B34452 Close with Letter of Concern
- GDNA Case # B34268 Close with Letter of Concern
- GDNA Case # B34369 Refer to the Department of Law
- GDNA Case # B34408 Refer to the Department of Law
- GDNA Case # T34233 Revoke Technician Registration
- GDNA Case # T34434 Revoke Technician Registration
- GDNA Case # B34522 Revoke Technician Registration
- GDNA Case # A34439 Refer to the Department of Law
- GDNA Case # A34478 Refer to the Department of Law
- GDNA Case # B34291 Close with no action
- GDNA Case # B34331 Close with no action
- GDNA Case # B34358 Close with no action
- GDNA Case # B34436 Close with no action
- GDNA Case # B34362 Close with no action
- GDNA Case # B34372 Close with no action
- GDNA Case # B34450 Close with no action
- GDNA Case # B34468 Close with no action
- GDNA Case # B34472 Close with no action
- GDNA Case # B34486 Close with no action
- GDNA Case # B34487 Close with no action
- GDNA Case # B34516 Close with no action
- GDNA Case # B34405 Close with no action
- GDNA Case # B34409 Close with no action
- GDNA Case # B34515 Close with no action
- GDNA Case # B34418 Close with no action

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

Mr. Changus presented the following consent orders for acceptance:

- R.T.K. Private Consent Order accepted
- B.N.S. Private Consent Order accepted
- W.P. Private Consent Order accepted
- W. Public Consent Order accepted
- P.P. Private Consent Order accepted
- T.M.S. Private Consent Order accepted
- B.P. Public Consent Order accepted
- A.A.C. Private Consent Order accepted
- A.L.R. Private Consent Order accepted

Mr. Changus discussed the following cases:

- G.K. Deny counterproposal
- M.S.S. Deny counterproposal



Ms. Simpson discussed the following cases:

- N.B.P. Deny counterproposal
- N.S.M. Proposed counteroffer

### **Executive Director's Report – Eric Lacefield**

No report.

### **Legal Services**

No report.

### **Applications**

- |          |                                 |   |
|----------|---------------------------------|---|
| • K.M.F. | Pharmacy Technician             | Denied registration                             |
| • M.P.D. | Pharmacy Technician             | Table pending receipt of additional information |
| • A.D.L. | Pharmacy Technician             | Approved for registration                       |
| • J.C.   | Pharmacy Technician             | Table pending receipt of additional information |
| • C.S.G. | Pharmacist Reinstatement        | Approved application                            |
| • L.A.S. | Pharmacist Reinstatement        | Table pending receipt of additional information |
| • L.G.B. | Nuclear Pharmacist              | Approved application                            |
| • L.E.D. | Pharmacist Reciprocity          | Approved application                            |
| • B.S.H. | Pharmacist Renewal              | Approved for renewal                            |
| • C.S.H. | Pharmacist Renewal              | Approved for renewal                            |
| • L.A.   | Pharmacist Renewal              | Approved for renewal                            |
| • L.G.B. | Pharmacist Renewal              | Approved for renewal                            |
| • M.B.Y. | Pharmacist Renewal              | Table pending receipt of additional information |
| • R.D.S. | Pharmacist Renewal              | Table pending receipt of additional information |
| • Y.B.   | Pharmacist Renewal              | Approved for renewal                            |
| • E.T.B. | Pharmacist Certification of DTM | Approved application                            |

### **Correspondences/Requests**

- |            |  |   |
|------------|--|---|
| • A.A.     | Notice of Discipline                               | No action                                       |
| • A.A.     | Notice of Discipline                               | No action                                       |
| • W.       | Notice of Discipline                               | No action                                       |
| • A.B.     | Notice of Discipline                               | No action                                       |
| • M.I.     | Notice of Discipline                               | No action                                       |
| • A.B.D.C. | Notice of Discipline                               | No action                                       |
| • D.C.A.P. | Notice of Discipline                               | No action                                       |
| • I.P.I.   | Notice of Discipline                               | No action                                       |
| • P.P.     | Notice of Discipline                               | No action                                       |
| • M.P.     | Notice of Discipline                               | No action                                       |
| • Z.S.H.   | Notice of Discipline                               | No action                                       |
| • J.W.R.   | Appearance request                                 | Approved request                                |
| • S.N.     | Request for 4 <sup>th</sup> attempt to retake MPJE | Approved request                                |
| • J.R.     | Security system approval request                   | Table pending receipt of additional information |

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

### **Miscellaneous**

**Low THC Committee Meeting:** Mr. Cordle stated that the Committee will meet on Monday, December 19<sup>th</sup> at 1:00 p.m.

Discussion was held by the Board regarding the purpose of the meeting. President Stone explained that the Committee would discuss promulgating rules for a specialty dispensing license. He added that there were changes to the law regarding such. He stated that the Georgia Access to Medical Cannabis Commission is currently working on rules and this Board needs to make sure it is in line with what the Commission has.

Mr. Prather stated that of the states that have legalized medical cannabis, there are five states that did not include pharmacies, but included pharmacists. He further stated that it varies from having to have a pharmacist present when the product is being dispensed to everything in between. He continued by stating that he is trying to get the Commission to include language requiring having a pharmacist in the licensure process because someone with knowledge would be needed in the dispensary.

President Stone commented that he thinks pharmacists should be involved in it, but at the same time, he feels pharmacists do not need to be restricted so much. He inquired as to what the point is in having a law where the Board of Pharmacy is regulating the pharmacist and pharmacy, but the Commission is doing something different and they do not have a pharmacist involved. He stated that he preferred how the language was initially written prior to it being amended. President Stone stated that initially the Board and the Commission were working together, but after the law was amended, both are working separate and trying to be parallel which makes it difficult.

Mr. Prather commented that he would like to see a pharmacist involved in the dispensing process on the company owned dispensaries.

After further discussion, Mr. Lacefield commented that this conversation could be revisited at the Committee's meeting on Monday.

There being no further business to discuss, the meeting was adjourned at 3:00 p.m.

The next scheduled meeting of the Georgia Board of Pharmacy will be held on Wednesday, January 18, 2023, at 9:00 a.m., at South University School of Pharmacy, 709 Mall Blvd., Savannah, GA 31406.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Eric Lacefield, Executive Director