

GEORGIA BOARD OF PHARMACY
Conference Call
2 Peachtree Street, NW, 6th Floor
Atlanta, GA 30303
December 16, 2020
9:00 a.m.

The following Board members were present:

Mike Faulk, President
Michael Brinson, Vice-President
Michael Azzolin
Cecil Cordle
Chuck Page
Bill Prather
Dean Stone

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
Sandra Bailey, Assistant Attorney General
Kimberly Emm, Attorney

Visitors:

Shauna Markes-Wilson
Lea Winkles
Becca Hallum, Georgia Hospital Association
Diane Sanders
Helen Sloat

Open Session

President Faulk established that a quorum was present and called the meeting to order at 9:04 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 Brinson made a motion to approve the November 18, 2020 Public Session Conference Call minutes. Mr. Stone seconded and the Board voted unanimously in favor of the motion.

Mr. Stone made a motion to approve the November 18, 2020 Executive Session Conference Call minutes. Vice-President Brinson seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

Mr. Stone made a motion to ratify the list of licenses issued. Mr. Azzolin seconded and the Board voted unanimously in favor of the motion.

Petitions for Rule Waiver or Variance

Vice-President Brinson made a motion to grant the rule waiver petition from AU Medical Inpatient Pharmacy, PHH003623. Mr. Prather seconded and the Board voted unanimously in favor of the motion.

Correspondence from Sandra Gauron

The Board considered this request for clarification regarding whether or not a medical equipment company must have a clinician deliver oxygen to a patient in his/her home or if any person employed by the company can do so. The Board directed staff to respond to Ms. Gauron by stating that oxygen related

equipment and tanks are typically considered durable medical equipment and suggested she refer to Board Rule 480-7B-.06 for personnel requirements including patient counseling and personnel continuing education.

Correspondence from Jeenu Philip, Walgreens

The Board considered this request for clarification regarding the definition of a “new prescription” as it applies to the current counseling requirements in Georgia. The Board directed staff to respond to Mr. Philip by referring him to O.C.G.A. § 26-4-85 and Board Rule 480-31-.01. Although the statute and rule do not define what would be considered a “new” prescription, it would be advisable to consider a conservative approach so as to not violate the statute which states, *“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...”*

Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton reported that GDNA has conducted 1202 inspections and 153 investigations for FY2021.

Director Troughton reported that GDNA was contacted by a pharmacist claiming he received a call from an individual alleging to be from the Board of Pharmacy. The pharmacist was told by the individual that his license was revoked. Director Troughton explained that the number was spoofed. He stated that GDNA, nor anyone from the Board office would contact someone by phone stating his/her license was revoked. He continued by stating that revocations, cease & desist orders, etc., are either hand delivered or sent certified mailed. Ms. Emm responded that a similar situation occurred with the Board of Dentistry. She stated the Board posted a statement regarding such on its website. She further stated that she will review it and modify it to post on the Board of Pharmacy’s website. The Board agreed to Ms. Emm posting a statement on its website.

Attorney General’s Report – Max Changus

No report.

Executive Director’s Report – Eric Lacefield

Continuing Education Report: No report for December.

HHS Guidelines and COVID-19 Vaccines: Mr. Lacefield reported that the Board office has received numerous inquiries regarding this matter. He stated that he is looking for direction from the Board on what it would like to post on its website. Mr. Lacefield asked if the Board want an acknowledgement of the HHS guidance and Executive Orders with a link to Department of Public Health’s website, who is handling the COVID-19 vaccine distribution. Mr. Changus commented that there have been a number of guidance statements coming from HHS. He stated the Governor has issued several Executive Orders looking to harmonize the statutes in Georgia. Mr. Changus continued by stating that, in reading the HHS guidance, they have acknowledged pharmacists, interns and technicians. He stated that it appears the Federal Government has been interested in removing any blockages for this rollout. Mr. Changus stated there are requirements for adequate training and provisions that would have to be followed. He explained that the Federal Government has stated that to the extent State guidelines are more restrictive and would block this, the federal guidelines would preempt. Mr. Changus stated that the intent is to get the vaccine out as quickly as possible. He suggested the public be directed to the latest statements from HHS and Executive Orders and must comply with what is dictated in those documents. Discussion was held. Mr. Azzolin suggested the Board post a notice on its website acknowledging everything HHS and the Governor state and if there is anything that is in conflict, the Board suggests the individual seek legal counsel. Mr. Changus commented that to the extent someone can be compliant with the Executive Order and HHS

guidance, they can move forward, but the HHS guidelines are meant to be very expansive. With no further discussion, the Board directed Mr. Lacefield to draft a statement and forward it to President Faulk for review.

Correspondence from the Department of Public Health: Mr. Lacefield commented on the letter from DPH that he emailed to the board members on December 15, 2020 regarding health care workers and residents staff of long-term care facilities being the highest priority groups to receive the vaccine.

Renewals: Mr. Lacefield reported that the renewal rate is at 75% with less than two weeks left to renew. He stated that a final reminder notice will be sent out prior to the end of the year.

Legal Services – Kimberly Emm

No report.

Miscellaneous

January 2021 Meeting: Discussion was held regarding the Board having a 2 day meeting in January. President Faulk commented that he was not in support of this for January as he would not be available for the second day. Mr. Azzolin stated that relative to the practical exam, the Board typically has two days scheduled four times a year. He added that the rules workday the Board had in July was very beneficial. He suggested entertaining another month to have the two day meeting as he has 5 or 6 rules that he would like to discuss. Mr. Page stated that he was not a part of the July meeting, but would be in favor of a two day meeting. Mr. Stone agreed. President Faulk suggested the Board determine dates at its January meeting. Mr. Azzolin requested each member review his/her calendar to determine which date would work best for a two day meeting.

Mr. Stone made a motion and Vice-President Brinson 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 Michael Azzolin, Michael Brinson, Cecil Cordle, Mike Faulk, Chuck Page, Bill Prather, and Dean Stone.

Executive Session

Georgia Drugs and Narcotics Agency – Dennis Troughton

- N.G.S.P.

Cognizant's Report – Michael Brinson

- GDNA Case # A33027
- GDNA Case # B33512
- GDNA Case # A33529
- GDNA Case # A33414
- GDNA Case # A33491
- GDNA Case # A33532
- GDNA Case # B33405
- GDNA Case # B33438
- GDNA Case # A33497
- GDNA Case # A33481

Attorney General's Report – Max Changus

Mr. Changus presented the following consent orders for acceptance:

- P.P.
- P.P.
- P.M.B.
- L.J.C.
- W.
- R.S.N.
- A.M.G.
- J.L.A.

Mr. Changus discussed the following case:

- U.O.U.

Ms. Simpson discussed the following case:

- M.E.I.S.

Executive Director's Report – Eric Lacefield

No report.

Legal Services – Kimberly Emm

No report.

Applications

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

- S.E.S.
- M.E.L.
- B.V.M.
- J.C.E.
- K.N.P.
- M.L.M.
- B.M.

Correspondences/Requests

- O.R.
- D.S.I.G.
- V.P.
- T.M.C.
- P.P.
- A.P.
- B.E.T.P.
- C.C.S.M.
- E.S.P.
- I.W.P.
- M.P.
- P.C.P.
- T.P.
- M.B.A.
- A.J.W.
- J.A.S.
- M.M.
- A.M.M.
- C.N.C.
- V.S.P.

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

Open Session

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

Georgia Drugs and Narcotics Agency – Dennis Troughton

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> • N.G.S.P. | <p>Correspondence regarding floor space</p> | <p>Board directed GDNA to inform facility that the space must be secured up to the real barrier.</p> |
|--|---|--|

Cognizant’s Report – Michael Brinson

- | | |
|--|--|
| <ul style="list-style-type: none"> • GDNA Case # A33027 • GDNA Case # B33512 • GDNA Case # A33529 • GDNA Case # A33414 • GDNA Case # A33491 | <p>Refer to the Department of Law
 Close with Letter of Concern
 Refer to the Department of Law
 Close case and deny the non-resident pharmacy application
 Refer to the Department of Law</p> |
|--|--|

- GDNA Case # A33532 Close with no action
- GDNA Case # B33405 Close with no action
- GDNA Case # B33438 Close with no action
- GDNA Case # A33497 Close with no action
- GDNA Case # A33481 Refer to the Department of Law

Attorney General’s Report – Max Changus

Mr. Changus presented the following consent orders for acceptance:

- Publix Pharmacy #0456 Public Consent Order accepted
- Publix Pharmacy #1154 Public Consent Order accepted
- P.M.B. Voluntary Surrender accepted
- L.J.C. Private Consent Order accepted
- W. Public Consent Order to be accepted and signed with express permission upon receipt of the original.
- R.S.N. Public Consent Order to be accepted and signed with express permission upon receipt of the original.
- A.M.G. Private Consent Order to be accepted and signed with express permission upon receipt of the original.
- J.L.A. Private Consent Order to be accepted and signed with express permission upon receipt of the original.

Mr. Changus discussed the following case:

- U.O.U. Update provided

Ms. Simpson discussed the following case:

- M.E.I.S. Accept counterproposal

Executive Director’s Report – Eric Lacefield

No report.

Legal Services – Kimberly Emm

No report.

Applications

- | | | |
|-----------------------|--------------------------|---|
| • Amy P. Whitehead | Pharmacy Technician | Approved for registration |
| • Marrion R. Flowers | Pharmacy Technician | Approved for registration |
| • Michelle R. Weaver | Pharmacy Technician | Approved for registration |
| • Alicia N. Thomas | Pharmacy Technician | Approved for registration |
| • Christina L. Watson | Pharmacy Technician | Approved for registration |
| • Ali M. Imran | Pharmacy Technician | Approved for registration |
| • Qyvaun M. Cave | Pharmacy Technician | Approved for registration |
| • Daje R. Rouse | Pharmacy Technician | Approved for registration |
| • K.L.K. | Pharmacy Technician | The Board viewed this correspondence for informational purposes only. |
| • Michael J. Watkins | Pharmacist Intern | Approved application |
| • A.R.B. | Pharmacist Reciprocity | Approved to sit for the exam |
| • M.P.J. | Pharmacist Examination | Approved to sit for the exam |
| • Maged I. Shalaby | Pharmacist Reinstatement | Approved application |

• R.O.C.	Pharmacist Reinstatement	Denied application
• B.B.	Pharmacist Renewal	Approved for renewal
• C.J.R.	Pharmacist Renewal	Approved for renewal
• D.H.	Pharmacist Renewal	Tabled pending receipt of additional information
• J.G.N.	Pharmacist Renewal	Approved for renewal
• J.A.S.	Pharmacist Renewal	Tabled pending receipt of additional information
• J.B.H.	Pharmacist Renewal	Approved for renewal
• K.A.M.	Pharmacist Renewal	Approved for renewal
• M.J.I.	Pharmacist Renewal	Approved for renewal
• M.S.L.	Pharmacist Renewal	Approved for renewal
• N.B.E.	Pharmacist Renewal	Approved for renewal
• O.B.I.	Pharmacist Renewal	Denied renewal
• R.G.	Pharmacist Renewal	Approved for renewal
• R.M.W.	Pharmacist Renewal	Approved for renewal
• S.E.S.	Pharmacist Renewal	Approved for renewal
• M.E.L.	Pharmacist Renewal	Approved for renewal
• Bhavana V. Mutha	Pharmacist Certification of DTM	Approved application
• James C. England	Pharmacist Certification of DTM	Approved application
• K.N.P.	Pharmacist Certification of DTM	Tabled pending receipt of additional information
• M.L.M.	Pharmacist Certification of DTM	Tabled pending receipt of additional information
• B.M.	Durable Medical Equipment Supplier	Denied application

Correspondences/Requests

• O.R.	Notice of Discipline	No action
• D.S.I.G.	Notice of Discipline	No action
• V.P.	Notice of Discipline	Tabled pending receipt of additional information
• T.M.C.	Notice of Discipline	No action
• P.P.	Notice of Discipline	No action
• A.P.	Notice of Discipline	No action
• B.E.T.P.	Notice of Discipline	No action
• C.C.S.M.	Notice of Discipline	No action
• E.S.P.	Notice of Discipline	No action
• I.W.P.	Notice of Discipline	No action
• M.P.	Notice of Discipline	No action
• P.C.P.	Notice of Discipline	No action
• T.P.	Notice of Discipline	No action
• M.B.A.	Request for reconsideration of Board's denial of applicant's request for 4 th attempt at NAPLEX	Denial upheld
• A.J.W.	Request for 5 th attempt to retake MPJE	Approved request
• J.A.S.	Appearance request	Denied request
• M.M.	Appearance request	Approved request
• A.M.M.	Appearance request	Approved request

- C.N.C. Correspondence Board directed staff to respond by stating that individual must bring advocate to scheduled appearance.
- V.S.P. Request for waiver of renewal fees Approved request

Mr. Stone seconded and the Board voted in favor of the motion, with the exception of Mr. Cordle, who recused himself from the vote regarding GDNA Case #A33481.

There being no further business to discuss, the meeting was adjourned at 11:35 a.m.

The next scheduled meeting of the Georgia Board of Pharmacy will be held via conference call on Wednesday, January 13, 2021 at 9:00 a.m., at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 6th floor, Atlanta, GA 30303.

Minutes recorded by Kimberly Emm, Attorney
 Minutes edited by Eric Lacefield, Executive Director