

GEORGIA BOARD OF PHARMACY
Conference Call
2 Peachtree Street, NW, 6th Floor
Atlanta, GA 30303
June 18, 2020
8:30 a.m.

The following Board members were present:

Lisa Harris, President
Carrie Ashbee
Michael Azzolin
Michael Brinson
Hal Henderson
Bill Prather
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
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Stephanie Kirkland, Eldercare
Becca Hallum, GHA

Executive Session resumed.

Executive Session

Executive Director's Report – Tanja Battle

- C.N.C.

Applications

- T.R.P.
- R.A.F.
- A.
- C.S.
- C.C.S.P.

Correspondences

- H.F.P.A.S.
- D.P.S.
- C.P.
- S.D.
- T.M.C.
- O.R.
- A.P.S.
- A.P.S.
- A.H.P.
- A.E.P.
- F.C.
- M.F.V.
- U.B.C.P.

- W.M.T.I.
- W.R.P.
- D.S.P.D.
- A.C.P.P.
- C.C.V.S.S.I.S.
- C.P.
- D.P.S.
- C.D.
- J.M.C.
- K.H.G.
- B.A.S.
- P.P.K.
- J.B.
- J.C.C.
- A.J.G.
- H.D.
- S.P.L.
- L.A.L.
- A.A.L.
- L.D.R.
- P.C.R.M.
- W.S.M.C.
- W.C.R.M.C.

Attorney General’s Report – Max Changus

Mr. Changus discussed the following case:

- C.T.M.S./C.M.C.

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

Open Session

Miscellaneous

Mr. Prather made a motion to appoint Eric Lacefield as the Executive Director for the Georgia Board of Pharmacy. Mr. Brinson seconded and the Board voted unanimously in favor of the motion.

Ms. Emm discussed amendments made to Rule 480-10-.02. Mr. Brinson made a motion to post Rule 480-10-.02 Prescription Department, Requirement, Supervision, Hours Closed. Mr. Azzolin seconded. Discussion was held. Mr. Stone discussed subsection (4)(a)(1), which reads, *“Such times when the pharmacist is absent from the pharmacy cannot exceed three (3) hours daily, or more than one and one half (1 1/2) hours at any one time. If a pharmacist is absent less than five minutes from the prescription department, this absence is not considered an "absence" within the meaning of this rule and will not require a posted notice, provided that the prescription department's security is not compromised.”* Mr. Stone stated he always felt that the pharmacist cannot step outside the pharmacy area to speak to a patient about dosing. He stated that he always said he had to remain in the pharmacy. Mr. Stone explained that his understanding after reading this is if he were handling patient care, the language regarding “absent less than five minutes” would not apply under (4)(a)(1). Director Troughton responded by stating that the portion of direct supervision clarifies that the pharmacist can be outside the pharmacy doing pharmacy care, vaccinations, etc. Mr. Stone stated that he had been confused and just wanted to improve patient

care. He further stated he understood that “the pharmacist cannot shoot the breeze and just stand there drinking coffee outside the pharmacy.” With no further discussion, the motion passed.

Rule 480-10-.02. Prescription Department, Requirement, Supervision, Hours Closed

- (1) For the purpose of this rule, the following definitions shall apply:
 - (a) "Direct supervision" shall mean that a pharmacist is physically present, providing care at the address listed on the pharmacy license, and is in the prescription department, consultation room, vaccination room, or areas where over-the-counter drugs, devices, or durable medical equipment are displayed. The supervising pharmacist is professionally responsible and accountable for all activities performed by authorized pharmacy personnel and is available to provide assistance and direction to authorized pharmacy personnel. This shall not require a pharmacist to maintain a direct line of sight to authorized pharmacy personnel. The supervising pharmacist shall provide a final check of prepared products and document final checks before any prescription drug is dispensed.
 - (b) "Pharmacy care" shall mean those services related to the interpretation, evaluation, or dispensing of prescription drug orders, the participation in drug and device selection, drug administration, and drug regimen reviews, and the provision of patient counseling related thereto.
 - (c) "Preparation" shall mean the functions of preparing a prescription to be dispensed, including product selection, data entry into a pharmacy dispensing system, and any other functions required to have the prescription ready to be verified, checked, and dispensed by a pharmacist or pharmacy intern working under the direct supervision of a pharmacist
 - (d) "Pharmacy" shall mean all areas of a facility when the prescription department is not closed or locked separately from the facility or only the area of the prescription department in those facilities where the prescription department is locked and separated.
 - (e) "Prescription Department" shall mean an area set aside for the preparation and dispensing of prescription drugs. In a facility offering other departments and types of merchandise not requiring a pharmacist to be open for business, this term shall apply only to the area in which prescriptions are prepared and dispensed.
 - (f) "Vaccination room" is an area adjacent to the pharmacy where vaccinations are administered.
 - (g) "Consultation room" is an area adjacent to the pharmacy where patient or customer consultations are done, and more in-depth pharmacy care may be provided.
- (2) Except for pharmacy benefit manager retail pharmacies and retail pharmacies located in the same space as hospital pharmacies, the owner, manager or proprietor of each pharmacy shall designate an area, room or rooms, which shall be known as the "Prescription Department," and which is primarily devoted to activities related to prescriptions, including preparation and dispensing.
- (3) A licensed pharmacist shall be in charge of each pharmacy. His or her name shall be upon the application for the license of the pharmacy; he or she shall be the pharmacist in charge of and have supervision of not more than one pharmacy at one time; and he or she shall be responsible and accountable for the conduction of business related to prescriptions within and access to said retail pharmacy.
 - (a) This regulation is not intended to prohibit any pharmacist from engaging in the practice of pharmacy at more than one pharmacy, if conducted in compliance with the other provisions of this rule and regulation.
 - (b) This regulation does not prohibit a pharmacist from being in charge of one separately licensed Home Health Care Pharmacy, as defined by Board Rule 480-21, and/or one Nursing Home Pharmacy, and/or one Long Term Health Care Facility Pharmacy, as both are defined in Board Rule 480-24, in addition to being in charge of a retail pharmacy, licensed under Rule 480-10, as long as each pharmacy is operated under the same

ownership and is located under the same roof, provided that there is a physical separation of the two pharmacies and separate inventories are maintained for the two pharmacies.

(4) Except for pharmacy benefit manager retail pharmacies and retail pharmacies located in the same space as hospital pharmacies, a Licensed Pharmacist shall be present and on duty in a licensed retail pharmacy as follows:

- (a) Entire business establishments which are licensed under O.C.G.A. § 26-4-110 as a pharmacy shall have a pharmacist on duty at all times the pharmacy is open for business as follows:
1. Such times when the pharmacist is absent from the pharmacy cannot exceed three (3) hours daily, or more than one and one half (1 1/2) hours at any one time. If a pharmacist is absent less than five minutes from the prescription department, this absence is not considered an "absence" within the meaning of this rule and will not require a posted notice, provided that the prescription department's security is not compromised.
 2. In the absence of a pharmacist from the pharmacy, the area designated as the prescription department shall be closed and locked in such a manner as to prevent unauthorized entry; and
 3. Whenever the pharmacist is absent from the pharmacy, a sign shall be prominently displayed on the entrance to the prescription department announcing "Prescription Department Closed" and such sign shall be clear and legible with letters not less than three (3) inches in size.
 4. The pharmacist on duty shall be responsible and accountable for the direct supervision of all personnel working in the pharmacy or prescription department. Pharmacy technicians and pharmacy interns/externs can continue preparation of a prescription when the pharmacist is in the immunization or consultation room or is providing pharmacy care services.
- (b) If a pharmacy is located in a general merchandising establishment, or if the owner of a business licensed as a pharmacy so chooses, a portion of the space in the business establishment may be set aside and permanently enclosed or otherwise secured; only the permanently enclosed area shall be subject to provisions of this rule and shall be licensed as a pharmacy;
1. In such cases, the area to be licensed or registered as a pharmacy shall be permanently enclosed with a partition built from the floor to the ceiling or in a manner which meets security guidelines submitted to and approved by the Board and upon inspection by the GDNA;
 2. In the absence of a pharmacist from the Prescription Department, consultation room, vaccination room, and area where over-the-counter drugs, devices, and durable medical equipment are displayed, the area designated as the Prescription Department shall be closed and locked in such a manner as to prevent unauthorized entry; and
 3. Whenever the pharmacist is absent from the Prescription Department, consultation room, vaccination room, and area where over-the-counter drugs, devices, and durable medical equipment are displayed, a sign shall be prominently displayed on the entrance to the Prescription Department announcing "Prescription Department Closed" and such sign shall be clear and legible with letters not less than three (3) inches in size.
 4. If a pharmacist is absent less than five minutes from the prescription department, this absence is not considered an "absence" within the meaning of this rule and will not require a posted notice, provided that the prescription department's security is not compromised. No prescription shall be dispensed in the absence of a licensed pharmacist. The pharmacist on duty shall be responsible and accountable for the direct supervision of all personnel working in the pharmacy or prescription

department. Pharmacy technicians and pharmacy interns/externs can continue preparation of a prescription when the pharmacist is in the immunization or consultation room or is providing pharmacy care services.

(5) If a retail pharmacy license and hospital pharmacy license occupy the same physical space, nothing shall prohibit one nursing supervisor from having access to the pharmacy in accordance with Board Rule 480-13-.04(8).

A motion was made by Mr. Stone, seconded by Ms. Ashbee, and the Board voted that the formulation and adoption of this rule amendment does not impose excessive regulatory cost on any licensee and any cost to comply with the rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board also voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule amendment will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

Mr. Prather made a motion for the Board to take the following actions based on deliberations in Executive Session:

Miscellaneous

- C.M.H. Denied Retail Pharmacy Deny request for additional appearance/Board directed staff to notify the applicant that a new application and rule petition may be submitted

Georgia Drugs and Narcotics Agency – Dennis Troughton

No report.

Cognizant’s Report – Mike Faulk

- GDNA Case # T33350 Accept Signed Voluntary Surrender
- GDNA Case # T33320 Accept Signed Voluntary Surrender
- GDNA Case # T33357 Accept Signed Voluntary Surrender
- GDNA Case # A33070 Misfill Policy #1
- GDNA Case # B33142 Close with a letter of concern
- GDNA Case # A33157 Refer to the Department of Law
- GDNA Case # B33171 Investigative Interview
- GDNA Case # A33179 Refer to the Department of law
- GDNA Case # A33214 Close with a letter of concern
- GDNA Case # A33238 Refer to the Department of Law
- GDNA Case # B33237 Close with a letter of concern
- GDNA Case # A33250 Refer to the Department of Law
- GDNA Case # B33254 Misfill Policy #1
- GDNA Case # A33291 Refer to the Department of Law
- GDNA Case # B33204 Close with no action
- GDNA Case # B33282 Close with no action
- GDNA Case # B33243 Close with no action
- GDNA Case # A33338 Close with no action

- GDNA Case # B33301 Close with no action
- GDNA Case # A33310 Close and refer case to the Georgia Board of Nursing
- GDNA Case # B33068 Close with no action
- GDNA Case # B33169 Close with no action
- GDNA Case # B33174 Close with no action
- GDNA Case # B33177 Close with no action
- GDNA Case # B33242 Close with no action
- GDNA Case # B33217 Close with no action
- GDNA Case # B33252 Close with no action
- GDNA Case # B33253 Close with no action
- GDNA Case # T33294 Accept Signed Voluntary Surrender
- GDNA Case # A33197 Accept Private Interim Consent Order
- PHAR2000090 Table pending receipt of additional information

Attorney General’s Report – Max Changus

Mr. Changus presented the following orders for acceptance:

- J.M.M. Private Consent Order accepted
- B.Z.A. Private Consent Order accepted
- B.D.F. Private Consent Order accepted
- C.V.S.P. Public Consent Order accepted
- S.L.W.S. Public Consent Order accepted
- A.P.P. Private Consent Order accepted
- R.C.S. Public Consent Order to be accepted and signed with express permission upon receipt of the original
- V.H. Public Consent Order to be accepted and signed with express permission upon receipt of the original
- T.A.D.S.C. Public Consent Order accepted
- A.P. Private Consent Order to be accepted and signed with express permission upon receipt of the original

Mr. Changus discussed the following cases:

- M.C. Update provided
- P.P.P. Close case with no action
- C.T.M.S./C.M.C. Refer to the Department of Law

Applications

- Anaya I. Jackson Pharmacy Technician Approved for registration
- Erica L. Kuykendall Pharmacy Technician Approved for registration
- Deanna T. Reynolds Pharmacy Technician Approved for registration
- A.S.B. Pharmacy Technician Denied application
- R.F.L. Pharmacist Examination Approved to sit for the exam
- M.R.S. Pharmacist Examination Approved to sit for the exam
- S.C.L. Pharmacist Examination Approved to sit for the exam
- D.Y. Pharmacist Reciprocity Approved to sit for the exam
- S.D.P. Pharmacist Reciprocity Approved to sit for the exam
- E.N.W. Pharmacist Reciprocity Approved to sit for the exam
- K.M.A. Pharmacist Intern Approved request for extension
- D.L.K. Pharmacist Certification of DTM Approved application
- D.N.P. Pharmacist Certification of DTM Approved application

Executive Director's Report – Tanja Battle

- C.N.C. Correspondence Tabled to allow additional time for consideration

Miscellaneous

The Board discussed staffing matters. The Board appointed Eric Lacefield as Executive Director of the Georgia Board of Pharmacy.

Applications

- T.R.P. Temporary Pharmacist Denied application
- R.A.F. Pharmacist Reinstatement Table pending receipt of additional information
- A. Durable Medical Equipment Denied application
- C.S. Durable Medical Equipment Denied application
- C.C.S.P. Retail Pharmacy Refer to the Department of Law

Correspondences

- H.F.P.A.S. Notice of Discipline No action
- D.P.S. Notice of Discipline No action
- C.P. Notice of Discipline No action
- S.D. Notice of Discipline Table pending receipt of additional information
- T.M.C. Notice of Discipline No action
- O.R. Notice of Discipline No action
- A.P.S. Notice of Discipline No action
- A.P.S. Notice of Discipline No action
- A.H.P. Notice of Discipline No action
- A.E.P. Notice of Discipline No action
- F.C. Notice of Discipline No action
- M.F.V. Notice of Discipline No action
- U.B.C.P. Notice of Discipline No action
- W.M.T.I. Notice of Discipline No action
- W.R.P. Notice of Discipline Table pending receipt of additional information
- D.S.P.D. Notice of Discipline No action
- A.C.P.P. Notice of Discipline No action
- C.C.V.S.S.I.S. Notice of Discipline No action
- C.P. Notice of Discipline No action
- D.P.S. Notice of Discipline No action
- C.D. Notice of Discipline No action
- J.M.C. Request to terminate probation Denied request
- K.H.G. Appearance request Approved request
- B.A.S. Appearance request Refer to the Department of Law
- P.P.K. Correspondence The Board viewed this correspondence for informational purposes only
- J.B. Request to lift PIC restriction Approved request
- J.C.C. Request for extension of temporary license Denied request
- A.J.G. Request for 4th attempt at MPJE Approved request
- H.D. Request for 4th attempt at MPJE Approved request

- S.P.L. Request for 4th attempt at MPJE Approved request
- L.A.L. Request for 5th attempt at MPJE Approved request
- A.A.L. Request for 7th attempt at MPJE Approved request
- L.D.R. Request to lift supervised practice restriction Approved request
- P.C.R.M. Remote order entry Approved request
- W.S.M.C. Remote order entry Approved request
- W.C.R.M.C. Remote order entry Approved request

Attorney General’s Report – Max Changus

Mr. Changus discussed the following case:

- C.T.M.S./C.M.C. Amend disposition and Refer to the Department of Law

Ms. Ashbee seconded and the Board voted in favor of the motion, with the exception of Mr. Azzolin, who recused himself from the vote regarding C.M.H.

There being no further business to discuss, the meeting was adjourned at 10:17 a.m.

The next scheduled meeting of the Georgia Board of Pharmacy will be held via conference call on Wednesday, July 15, 2020 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 Brandi Howell, Business Support Analyst I

Minutes edited by Tanja D. Battle, Executive Director