

GEORGIA BOARD OF PHARMACY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
May 12, 2020
2:00 p.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
Max Changus, Assistant Attorney General
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Diane Sanders, Kaiser Permanente

Open Session

President Harris established that a quorum was present and called the meeting to order at 2:04 p.m.

Pharmacist Licensure Requirements: Ms. Battle stated that the Board previously talked about options for the practical exam and allowing the schools to assist. She stated that staff was asked to check with the schools regarding specific pricing. She further stated that it is staff's understanding that it was referred to the schools' attorneys as there were some contractual barriers. Ms. Battle stated that it appears the schools administering the exam is not an option at this point and the Board is still left with determining if it wants to delay, postpone, waive, etc. President Harris stated the Board could delay the exam to another time, which may be after July 1st, issue temporary licenses, or waive the exam for the rest of the year. Mr. Lacefield stated that another option would be for the Board to administer the exam. He stated that the biggest issue with the schools is they already have software to administer the exam, and the Board could enter into a contract, but we do not know how long it would take to get through procurement. He stated that the Board could get the software itself or use the technology it has such as Microsoft Teams to administer the errors & omissions and patient profile sections. Mr. Lacefield stated that, unfortunately, this is the Board's largest exam and this is not the optimal test pool to do it with. Mr. Brinson stated that he works in State government and trying to get any contract through from May to July 1st is virtually impossible. He stated that it is his opinion that the Board would be looking at the middle of October at the earliest before it could do it. Ms. Battle stated that has been her experience as well and sometime it takes even longer. Mr. Henderson commented that there is not enough time and the graduates do not need to be penalized. He suggested the Board waive the requirement. President Harris, Mr. Azzolin, Mr. Brinson and Ms. Ashbee agreed.

Ms. Battle stated that in preparation for the call, Ms. Emm drafted language for an emergency rule. She stated that Mr. Changus has reviewed the language. Ms. Emm emailed a copy of the draft to the Board members to review. Mr. Henderson asked how many candidates failed that are trying to take the exam again? Mr. Lacefield responded there are eight retakes. He stated that a large majority are the new graduates. He stated that there are also in-state graduates, out-of-state graduates and reciprocity candidates. Mr. Changus commented that the emergency rule allows for a time period. It shall be effective for the duration of the emergency and for a period of not more than 120 days thereafter. Mr. Prather asked if the rule applies only to in-state graduates. Ms. Emm stated that it also applies to out-of-state and

reciprocity candidates. Mr. Azzolin commented that he does not see how the Board could discriminate just because the candidate is from across the state lines. Mr. Brinson agreed with Mr. Azzolin. Mr. Henderson commented that it was not ideal, but he does not see what other options the Board has. Mr. Azzolin stated that he supports this temporary rule the way it is, however, the Board should still consider between now and when the Governor's Emergency Order is released to revisit the issue of the practical. He stated one thing he has noticed at the examination when sitting across from bright pharmacists who could not pass the examination for licensure, was that candidates are often nervous. He added that the candidate being in front of a board member affects the candidate a lot. Mr. Azzolin suggested assessing possibly doing away with the practical. President Harris commented that she was not sure if she is ready to give it up yet, but the Board will have some time to review and adjust if necessary. She asked if there is a point when the State of Emergency is over. Ms. Emm responded that, currently, the State of Emergency has been extended until June 12th. She stated the Board will have to wait to see if the Governor extends it further. Ms. Emm stated that the statute reads that the emergency rules are good for the entire length of the State of Emergency, plus 120 days after. Mr. Azzolin asked what options does the Board have if the Governor were to release the Emergency Order. Ms. Emm responded that the Board would need to vote on a new emergency rule because after 120 days expires, the rule is void. Mr. Brinson stated that is kind of a moot point because the August exam is the last exam of the year. President Harris was concerned if there is a resurgence and the State of Emergency is extended through January. Discussion was held regarding concerns about those candidates that previously failed.

Mr. Prather made a motion to adopt Rule 480-2-.041-.04 Examinations. Mr. Henderson seconded. Discussion was held by President Harris. She asked if those that failed could petition the Board? Mr. Prather stated that he did not believe that to be a good idea. President Harris responded that it would only be 8-9 people. Mr. Azzolin asked if those candidates could do the new version, where the Board administered the practical directly. Mr. Azzolin stated that he supports this rule as is; however, he is just discussing options to help this population if possible. Mr. Stone commented that he supports the rule as written; however, he would like to do something for those that failed. Mr. Changus commented that the concern is the Board is granting an exception during this emergency period and under an exam it provided previously, the candidate has failed a portion of it. He stated the question is about the perception of waiving the examination for candidates who have already failed. Mr. Changus stated that it may be that if the Board passes the rule as is now, it can take some time to think about and come up with something in the interim. He stated that the Board can revisit it again; however, in terms of today, the Board needs to decide what its plan is moving forward. With no further discussion, the motion passed.

Rule 480-2-0.41-.04 Examinations.

(1) As a response to the current state of emergency as declared by the Governor, the Georgia State Board of Pharmacy finds the potential for imminent peril to the public health, safety, or welfare of Georgia citizens. This emergency rule shall go into effect based on O.C.G.A. 50-13-4(b) and shall be effective for the duration of the emergency and for a period of not more than 120 days thereafter. During the time this rule is effective, it shall replace Georgia State Board of Pharmacy Rule 480-2-.04.

(2) For licensure, an individual must successfully pass the NAPLEX and a jurisprudence examination approved by the Board.

(a) An individual is not eligible to take the examinations for licensure until such individual has graduated from an approved college or school of pharmacy and has completed all internship requirements.

(3) The NAPLEX examination is made available throughout the year and the jurisprudence is given at specified times.

(a) Candidates for a Georgia license are required to make a minimum score of 75 on both the NAPLEX examination and the jurisprudence examination.

(4) Any applicant who has previously taken and failed the Georgia practical exam will not be eligible for licensure under this emergency rule.

(5) The Board will provide reasonable accommodation to a qualified applicant with a disability in accordance with the Americans with Disabilities Act (ADA). The request for an accommodation by an individual with a disability must be made in writing and received in the Board's office by the application deadline along with appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines.

President Harris asked what happens next? Ms. Battle responded that staff will send the proposed language to the Governor's office for approval. If approved, she stated that staff will notify the candidates who are scheduled and who have applied. She stated that while it is the Board's intent to waive the practical, it must be approved before it can be finalized.

June Board Meeting: President Harris discussed the June meeting. Ms. Battle stated that it will be a virtual meeting. President Harris stated that since the members have taken a few days off, it may be a good time to hold a 2-day meeting. Mr. Azzolin and Mr. Stone agreed. Ms. Battle suggested that members email her the discussion topics and she will compile those and send to President Harris so there is an idea of what will be discussed. Mr. Brinson asked if the meeting could be delayed a few weeks so that the Board could possibly meet in person. Ms. Battle responded that she does not think a physical meeting will be possible at the end of the month. President Harris suggested moving the meeting to June 17th and 18th. Ms. Battle asked for discussion topics to be sent to her by the end of next week.

There being no further business to discuss, the meeting was adjourned at 2:40 p.m.

The next scheduled meeting of the Georgia Board of Pharmacy will be held via conference call on Wednesday, June 17, 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