

GEORGIA BOARD OF PHARMACY
Board Meeting
2 Peachtree Street, NW, 5th Floor
Atlanta, GA 30303
November 13, 2019
9:00 a.m.

The following Board members were present:

Bill Prather, President
Lisa Harris, Vice-President
Vicki Arnold
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
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
Nina Thoman
Laura Ko, Shepherd Apothecary
Blake Sears, Innovation Compounding
Karen Nishi, Parata
Matt Noffsinger, Parata/TCGRx
Leigh Anne Jacobson, Publix
Yujin Kang, CAPS
Lauren Pollow, JL Morgan Co.
Christiane Craddock, MAG
Kurt Howe
Jim Bartling
Nakisha Blair

Open Session

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

Appearances

Appearance by Mr. Scott Hilton, Executive Director, Georgians First Commission: Mr. Hilton thanked the Board for the opportunity to speak to its members. Mr. Hilton explained that the Commission was created through an Executive Order by the Governor. He stated that Governor Kemp is very familiar with small business as it relates to government. Mr. Hilton stated that the Commission is comprised of 18 small business owners across the state. He stated that a lot of what they are doing is trying to cut the red tape for small business owners. Mr. Hilton explained that 75% of all small businesses employ ten (10) or fewer employees. He further stated that the Commission is looking to make recommendations to the Governor

on items such as access to capital, licensing/permitting, rules and regulations, etc. Mr. Hilton explained that they are looking at the rules to see what is expired, redundant, or needs to be repealed. He requested the Board to look through its information, but ultimately keep public safety in mind. He stated that there are 81 different agencies in Georgia and they are trying to figure out how to bring all that together to make it easier for small business owners. Mr. Hilton stated that the Commission appreciates the partnership in this effort. President Prather responded that Mr. Hilton has the Board's full cooperation. He continued by stating that many of the board members are small business owners and understand what the Commission is trying to accomplish.

Appearance by Karen Nishi, Consultant Pharmacist, Parata and Matt Noffsinger, Parata/TCGRx: Mr. Noffsinger introduced himself and Ms. Nishi. He provided a handout for the Board to review. He stated that since this meeting was scheduled Parata and Wellstar have merged. Mr. Noffsinger stated he was Founder of TCGRx working in pharmacy automation and Ms. Nishi represents Parata compliance for all 50 states. Mr. Noffsinger explained the WellSpot Prescription Pick-Up Locker to the Board. He stated it is a system for prescription pickup and is rear loading within the pharmacy walls for security and convenience. He stated that the system is receiving a fair amount of interest from organizations in Georgia and he would like to get the Board's feedback to see if this meets the Board's rules and regulations. Mr. Noffsinger stated that the system does require an authenticated log in and there are sensors inside each door or department. He commented that there are a number of different checks and balances that they think makes this a safe system. Mr. Noffsinger stated the system is stocked, controlled and monitored by the pharmacy exclusively.

Ms. Nishi stated that there are regulatory areas of which they need to be cognitive. She said Wellstar systems has interest in this product, but they advised Wellstar they were not sure if this would meet the Board's requirements. Ms. Nishi stated that she has reviewed Rule 480-10-.19 Use of Automated and or Robotic Pharmacy Systems. She stated that because this is part of the pharmacy and it performs mechanical operations and activities, it is for the purpose of dispensing medications to a patient or the patient's agent. She asked how they can work with the Board to ensure it meets regulations. Discussion was held by the Board regarding accessing the machine after hours. Ms. Nishi responded that prior to stepping up to the machine, the patient would opt in to the unit. She explained that the medications would be loaded from the rear and closed and sealed. Ms. Nishi stated that the patient, by opting in, would get a pass code to log in to this system. She stated the patient is already pre-identified and that code is for them. Ms. Nishi stated this brings pharmacy closer to home. She explained if the patient were to use a mail order system, instead of leaving the medication on the porch or in the mailbox, it would be left in the locker box and picked up by the patient. Mr. Faulk responded by asking if it is mail order, how does it wind up in this system? Mr. Noffsinger stated that mail order is becoming more prevalent, and what Ms. Nishi was trying to say was in order to counter inconveniences of mail order, this is a way to provide that. President Prather asked about the cost for the system. Mr. Noffsinger responded that it costs \$40,000 to \$50,000. Mr. Stone asked, since the system is built into the wall, if the pharmacy would have to be open for the patient to get the medications. Mr. Noffsinger responded by stating the pharmacy could be closed. He stated that, for clarity, this unit was built to exist in a lobby. He stated that they are only proposing it being in the wall of the pharmacy because they believe Georgia regulations require such. He stated the system can be accessed during pharmacy hours or after. Mr. Noffsinger stated that Wellstar is one of the top candidates in Georgia because they want to move activity for patient access outside of that front counter interaction. He stated that there are some chain stores and community pharmacies interested as well. Vice-President Harris stated that the patient would have to come inside the building and it would have to be a pharmacy open after hours, where the front end was open, but the pharmacy itself was closed. Mr. Noffsinger stated that was correct. Director Troughton stated that it really would be a big advantage in a general merchandising store, but in for the small independent stores in Georgia, the entire place is the pharmacy and would be different for them. Vice-President Harris asked if there is a pharmacist on call for after hour pickup if someone has a question. Ms. Nishi responded by stating yes and that there is a camera or a phone the

patient can utilize so they can appear on the screen. President Prather commented that it was mentioned that they are wanting to do this to help with pharmacist interaction. He stated that outside of utilizing the camera or phone, he is having trouble understanding how this would be a good thing for patient/pharmacist interaction when the patient is just opening a locker and pulling medications out of a sack. Mr. Noffsinger responded in a lot of community pharmacies, the pharmacist may be the only pharmacist on duty. In other scenarios, there are others that have to do everything else such as immunizations, etc. He stated this unit allows a remote way to contact the pharmacist. He stated that when a consult is needed, the patient pushes the button in the box, whereas in a community pharmacy, the patient would go to the pharmacist at the counter. President Prather thanked Ms. Nishi and Mr. Noffsinger for the information and stated that the Board would certainly take this under advisement. Ms. Nishi asked when would the Board be making a determination on the information presented. President Prather stated that the Board's first priority is to protect the safety and wellbeing of the citizens in Georgia. He stated that the Board will need to look at its rules and regulations and will notify her of its decision in writing.

Approval of Minutes

Michael Brinson made a motion to approve the Public and Executive Session minutes from the October 16, 2019 meeting. Mike Faulk 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 issued. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver or Variance

Michael Brinson made a motion to approve the rule waiver petition from Elberton-Elbert Co Hospital, PHH003391. Dean Stone seconded and the Board voted unanimously in favor of the motion.

Correspondence from Paul Johnson, Braeburn

The Board considered this correspondence asking if Georgia allows pharmacists to administer injections and in particular, long-acting buprenorphine. Secondly, Mr. Johnson's letter discusses distribution challenges from healthcare providers in Georgia unique to long-acting injectable buprenorphine. The Board directed staff to respond by stating that a pharmacist can administer injections per O.C.G.A. § 26-4-4. Additionally, to advise that the other matters about which he seeks guidance appear to be related to business determinations which are outside the purview of the Board.

Correspondence from Bobby J. Toles

The Board considered this correspondence addressed to President William Prather, who wanted the Board to be aware of his concerns. In his letter, Mr. Toles states he is required to take one eye drop in each eye for a serious eye condition. His letter goes on to discuss a rule of the Georgia Board of Pharmacy that requires insurance companies and pharmacies to round the quantity of medicine in the container to the next round number. The Board directed staff to respond by stating that there is no rule that provides for this process. Additionally, the Board suggested he contact the Office of Insurance and Safety Fire Commissioner regarding this matter.

Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton reported that Mr. Ronnie Higgins attended the PDMP Advisory meeting. He stated that Sheila Pierce is no longer the PDMP Director. Director Troughton stated that Dr. Chris Rustin is now the Director. Director Troughton reported that one of the items discussed at the meeting is the integration of electronic medical records. Director Troughton stated that the DEA Group Supervisor, Mike Hargrove, was in attendance. Director Troughton stated that there seems to be a lot of physicians and pharmacists afraid to dispense opioids. He stated that the physicians themselves are afraid to prescribe them. Director

Troughton commented that no matter how many times it has been said, they are not after good physicians and pharmacists. He stated that this topic will be further discussed at the Committee’s January meeting.

Director Troughton reported that Mr. Stone came to GDNA to see their office. Mr. Stone responded by stating that GDNA was very gracious. Director Troughton stated that GDNA tried to expose Mr. Stone to everything that it does. Director Troughton commented that anytime a board member would like to come by the office to visit, he/she is welcome.

Attorney General’s Report – Max Changus

No report.

Executive Director’s Report – Tanja Battle

Medical Cannabis Commission: Ms. Battle reported that the names of the members of the Georgia Access to Medical Cannabis Commission were released on November 12th. The members are: Danielle Benson, Dr. Christopher Edwards, Dr. Jason Hockenberry, Dr. William Bornstein, Dr. Judith Rochon, William Prather and Bob Starrett. Ms. Battle stated that the members will be sworn in on the 22nd and the joint process of rule-making shall begin.

Continuing Education Report: Report presented. Lisa Harris made a motion to ratify the below continuing education programs approved since the previous meeting. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

Date of Program	Hours	Sponsoring Group	Program Title	CE Code
10/23/2019	1	Emory Healthcare-Emory Critical Care Center	Strategies to Reduce Medication Overload When Applying the ABCDEFG Bundle	2019-0015

Legal Services – Kimberly Emm

No report.

Miscellaneous

Draft 480-16-.09 Controlled Substances Accountability for Retail Pharmacies: President Prather stated that the Board is looking to update its rules. He stated that there is an issue with diversion in both hospital and retail pharmacies. He stated that there has to be a methodology by which the Board can hold people accountable. Director Troughton commented that he looked back to 2015 when this subject was first discussed. He stated that this subject has been spoken about at numerous board meetings. He stated that he was asked to put a draft rule together. He explained that this is not GDNA’s rule and that GDNA will just enforce it. Director Troughton stated that some of the cases are elaborate schemes of diversion. He stated that the language used is just a skeletal start to the accountability part. He stated that pharmacies keep perpetual inventories, but there is no one checking behind them. Director Troughton explained that people are altering quantities, and if an impaired pharmacist is taking drugs, that is diversion. He stated that this is about making the Pharmacist In Charge (PIC) responsible. He stated that a physical count has to be done in the pharmacy. He stated that the drugs included in the draft were Schedule II and benzodiazepines. President Prather stated that whether the diversion is in a retail or hospital setting, no doubt there is pharmacist theft from pharmacists that are addicted to drugs. He stated that, for the most part, those people are stealing the drugs they want to take themselves; however, most of the diversion is coming from pharmacy technicians. Director Troughton responded by stating that in working the cases, it appears that approximately 98% of diversion by pharmacists is for personal use and 98% of diversion by technicians is for selling or illegal distribution.

President Prather asked Ms. Arnold if she sees a reason why this rule cannot be applied to hospitals. Ms. Arnold responded by stating that hospitals count more frequently. Mr. Brinson added that hospitals do a physical inventory all the time. He stated that it does not preclude theft, but as a whole he does not see putting more on a hospital. President Prather stated that what he is hearing from Ms. Arnold and Mr. Brinson is that the Board does not need to place any further restrictions on hospitals. Discussion was held by the Board. President Prather explained that the Board is looking for a way to let the PICs and pharmacists know what is expected of them. Mr. Henderson commented that the intent of this rule is to catch the diversion in a quicker way. Director Troughton agreed by stating that it can be detected earlier. Mr. Henderson stated that there are probably some organizations that already have a system in place. Director Troughton responded by stating that yes, some organizations do cycle counts, which is not really a pharmacy record so they are not shared with the Board. He stated that this change would make that a pharmacy record. President Prather stated that, in the interest of time, he would like for each board member to review the draft and provide his/her input to Director Troughton via email. He stated that what the Board is looking for is a set of rules for the PICs and Directors of Pharmacy to know what is expected of them. He continued by stating that the Board does not want to burden pharmacists with more rules; however, if we are allowing hundreds of pills to get out on the street, the Board is not doing its job by protecting the public. President Prather asked Ms. Arnold and Mr. Brinson to review the information to see what needs to be applied to hospitals. President Prather asked Mr. Changus and Ms. Emm to also review the information and for everyone to be prepared to discuss at the next board meeting.

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

Executive Session

Appearances

- K.A.H.
- N.Y.B.

Georgia Drugs and Narcotics Agency – Dennis Troughton

- S.C.B.

Miscellaneous

The Board sought legal advice regarding the matter presented by the appearance.

Attorney General's Report – Max Changus

Mr. Changus discussed the following cases:

- M.C.
- R.P.I.
- T.F.P.W.S.

Mr. Changus presented the following consent orders for acceptance:

- S.L.M.
- C.N.S.
- L.D.R.
- C.L.
- D.K.L.

- C.C.V.S.S.I.S.
- A.C.P.
- T.P.
- A.P.
- A.J.C.
- B.W.D.I.

Legal Services – Kimberly Emm

No report.

Executive Director’s Report – Tanja Battle

- R.G.A.

Miscellaneous

The Board requested and received legal advice regarding Board Rule 480-11-.08 Records and Reports.

Cognizant’s Report – Lisa Harris

- GDNA Case # A33088
- GDNA Case # A32794
- GDNA Case # T32918
- GDNA Case # A32950
- GDNA Case # A32955
- GDNA Case # B32970
- GDNA Case # B32981
- GDNA Case # B32979
- GDNA Case # A32326
- GDNA Case # B33002
- GDNA Case # B33007
- GDNA Case # A33020
- GDNA Case # B33029
- GDNA Case # B33030
- GDNA Case # B33038
- GDNA Case # B33040
- GDNA Case # A33056
- GDNA Case # B33067
- GDNA Case # B33071
- GDNA Case # A33086
- GDNA Case # B33091
- GDNA Case # A32818

Applications

- S.T.
- M.J.W.
- M.J.B.
- M.E.C.
- N.R.S.
- D.C.R.
- K.L.B.
- A.S.G.

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

Correspondences/Requests

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

- L.A.S.
- S.P.
- W.M.H.
- P.P.S.N.C.

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

Executive Session

Dean Stone made a motion for the Board to take the following actions:

Appearances

- | | | |
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| • K.A.H. | Pharmacist Exam Applicant | Table pending receipt of additional information |
| • N.Y.B. | Denied Pharmacy Technician | Denial upheld |

Georgia Drugs and Narcotics Agency – Dennis Troughton

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| • S.C.B. | Request to lift PIC restriction | Approved request |
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Miscellaneous

The Board sought legal advice regarding the matter presented by the appearance.

Attorney General’s Report – Max Changus

Mr. Changus discussed the following cases:

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| • M.C. | Update provided |
| • R.P.I. | Update provided |
| • T.F.P.W.S. | Accept counterproposal |

Mr. Changus presented the following consent orders for acceptance:

- | | |
|------------------------------------|--------------------------------|
| • S.L.M. | Private Consent Order accepted |
| • Christo N. Stevens | Public Consent Order accepted |
| • L.D.R. | Private Consent Order accepted |
| • Centurion Labs | Public Consent Order accepted |
| • Donald K. Lane | Public Consent Order accepted |
| • Coram CVS/
Specialty Infusion | Public Consent Order accepted |
| • Atlanta City Pharm | Public Consent Order accepted |
| • Thy Pham | Public Consent Order accepted |
| • Armuchee Pharmacy | Public Consent Order accepted |
| • Amanda J. Crowe | Public Consent Order accepted |
| • Buy Wise Drugs | Public Consent Order accepted |

Legal Services – Kimberly Emm

No report.

Executive Director’s Report – Tanja Battle

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| • R.G.A. | Request regarding letter of concern | Denied request |
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Miscellaneous

The Board requested and received legal advice regarding Board Rule 480-11-.08 Records and Reports.

Cognizant's Report – Lisa Harris

- GDNA Case # A33088 Accept Private Interim Consent Order
- GDNA Case # A32794 Refer to the Department of Law
- GDNA Case # T32918 Refer to the Department of Law/Revoke Technician Registration
- GDNA Case # A32950 Issue Cease & Desist
- GDNA Case # A32955 Issue Cease & Desist
- GDNA Case # B32970 Close with a letter of concern
- GDNA Case # B32981 Close with no action
- GDNA Case # B32979 Refer to the Department of Law
- GDNA Case # A32326 Refer to the Department of Law
- GDNA Case # B33002 Refer to the Department of Law
- GDNA Case # B33007 Close with no action
- GDNA Case # A33020 Schedule Investigative Interview
- GDNA Case # B33029 Misfill Policy #1
- GDNA Case # B33030 Close with no action
- GDNA Case # B33038 Close with a letter of concern
- GDNA Case # B33040 Close with no action
- GDNA Case # A33056 Refer to the Department of Law
- GDNA Case # B33067 Close with no action
- GDNA Case # B33071 Letter of concern to the owner/In regards to the pharmacy, refer to the Department of Law
- GDNA Case # A33086 Close with a letter of concern
- GDNA Case # B33091 Close with no action
- GDNA Case # A32818 Refer to the Department of Law

Applications

- Steve Thao Pharmacy Technician Approved for renewal
- Michael J. Watkins Pharmacy Technician Approved for renewal
- Mackenzie J. Banks Pharmacy Technician Approved for registration
- MacCormaic E. Cox Pharmacy Technician Approved for registration
- N.R.S. Request regarding application fee Approved request
- D.C.R. Pharmacy Technician Denied application
- Kanitra L. Brown Pharmacy Technician Approved registration
- A.S.G. Pharmacist Reinstatement Table pending receipt of additional information
- K.Y.C. Pharmacist Reinstatement Table pending receipt of additional information
- Robert N. Cook Pharmacist Reinstatement Approved application
- Hoa P. Dinh Nuclear Pharmacist Approved application
- M.F.S. Pharmacist Reciprocity Approved to take the examination
- A.B.A. Pharmacist Intern Schedule to meet with the Board
- N.C.A. Pharmacist Intern Schedule to meet with the Board
- K.K. Pharmacist Intern Schedule to meet with the Board
- Arpita M. Patel Pharmacist Certification of DTM Approved application
- Ashley K. Cowan Pharmacist Certification of DTM Approved application
- Dennis J. Simmons Pharmacist Certification of DTM Approved application

- Diane M. Brown Pharmacist Certification of DTM Approved application
- Dimpi G. Chokshi Pharmacist Certification of DTM Approved application
- Jennifer B. Smith Pharmacist Certification of DTM Approved application
- Lisa C. Crain Pharmacist Certification of DTM Approved application
- Lori A. Hinckley Pharmacist Certification of DTM Approved application
- Melody D. Hosford Pharmacist Certification of DTM Approved application
- Nour Abuzaidieh Pharmacist Certification of DTM Approved application
- Richard G. Reid Pharmacist Certification of DTM Approved application
- Virginia R. Mathis Pharmacist Certification of DTM Approved application
- Valerie T. Mathis Pharmacist Certification of DTM Approved application
- ActivStyle DME Supplier Approved application
- South Point Medical Supply DME Supplier Approved application
- G.H.M. DME Supplier Table until December meeting
- T.L.C.G. DME Supplier Denied application

Correspondences/Requests

- A.P. Notice of Discipline No action taken
- A.P.S.P. Notice of Discipline No action taken
- C.D. Notice of Discipline No action taken
- D.P.S. Notice of Discipline No action taken
- G.R. Notice of Discipline No action taken
- H.I. Notice of Discipline No action taken
- H.I. Notice of Discipline No action taken
- L.S.P. Notice of Discipline No action taken
- M.D.I. Notice of Discipline No action taken
- C.C.V.S.S.I.S. Notice of Discipline No action taken
- W.S.P. Notice of Discipline No action taken
- A.P. Notice of Discipline No action taken
- B.H. Notice of Discipline No action taken
- T.A.P. Notice of Discipline No action taken
- V.C.P. Notice of Discipline No action taken
- C.P.I. Notice of Discipline No action taken
- L.F.P.P. Notice of Discipline Table pending receipt of additional information
- U.C.P. Notice of Discipline No action taken
- B.J. Request for 4th attempt at MPJE Approved request
- S.F.H. Request for 4th attempt at MPJE Approved request
- J.H.L. Request for 4th attempt at MPJE Approved request
- C.T.M. Request to terminate consent order Approved request effective 12/15/2019
- L.A.S. Request to terminate consent order Approved request effective 11/30/2019
- S.P. Request to terminate probation Approved request
- W.M.H. Request to terminate probation Table pending receipt of additional information
- P.P.S.N.C. Request regarding ekit Table pending receipt of additional information

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

There being no further business to discuss, the meeting was adjourned at 3:35 p.m.

The next meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, December 11, 2019 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