

GEORGIA BOARD OF PHARMACY
Conference Call
2 Peachtree Street, NW, 6th Floor
Atlanta, GA 30303
October 14, 2020
9:00 a.m.

The following Board members were present:

Lisa Harris, President
Mike Faulk, Vice-President
Carrie Ashbee
Michael Azzolin
Michael Brinson
Bill Prather
Dean Stone

Staff present:

Eric Lacefield, 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:

Joshua Wyche
Shauna Markes-Wilson
Mr. Right Reverend Gregory Karl Davis
Jaclyn Howard
Travis J. Clark
Becca Hallum, GHA
Josh Belinfante

Open Session

President Harris established that a quorum was present and called the meeting to order at 9:06 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

Ms. Ashbee made a motion to approve the September 16, 2020 Public and Executive Session Conference Call minutes with the changes noted. Mr. 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. Brinson seconded and the Board voted unanimously in favor of the motion.

Petitions for Rule Waiver or Variance

Mr. Brinson made a motion to grant the rule waiver petition from Damien R. Fisher. Mr. Azzolin seconded and the Board voted unanimously in favor of the motion.

Mr. Brinson made a motion to grant the rule variance petition from Harbin Clinic Infusions, PHRE007186. Vice-President Faulk seconded and the Board voted unanimously in favor of the motion.

Mr. Brinson made a motion to grant the rule waiver petition from New Start Treatment, LLC, PHOP00068. Mr. Stone seconded and the Board voted unanimously in favor of the motion.

Correspondence from Josh Belinfante

The Board considered this correspondence regarding a conflict involving Rules 480-16-.06, 480-28-.10 and federal regulations regarding lost or stolen controlled substances. Specifically, the DEA does not want reporting of every loss of drug, whereas the State mandates the reporting to the DEA of each and every loss. Mr. Belinfante’s correspondence requests the Board consider revising the rules to make them consistent with federal law. Mr. Changus commented that he spoke with Mr. Belinfante regarding this matter. Mr. Changus stated the issue is pharmacies are receiving directives from the DEA not to report certain things to the them. He further stated that the rule indicates a written report must be submitted to the DEA and Board, along with GDNA, and the DEA does not want the reports. Mr. Changus explained that the proposal would not affect what is required in the law and rules. He stated that amending the rules would keep the pharmacies from being obligated to submit something to the DEA. President Harris requested Mr. Changus and GDNA draft a proposal and report back to the Board.

Correspondence from Karen Wyman

The Board considered this correspondence requesting the Board add a human trafficking continuing education requirement. After discussion, the Board agreed that, while it is a good idea, it is not inclined to mandate such at this time.

Correspondence from Eddie Mixon, Haralson County Sheriff’s Department

The Board considered this correspondence requesting the Board allow another license to be issued instead of reinstating previous license number PHRS000331 that has lapsed. The Board directed staff to respond by stating that the license number is assigned to the agency, not an individual. As such, when applying for reinstatement, the permit number cannot be changed. The Board agreed to waive the reinstatement fee.

Correspondence from past board members: Laird Miller, Vicki Arnold, Chris Jones, Judy Gardner, Michael McGee, Jeff Lurey, Deborah Lane, Al McConnell, Bill Atkins, Bob Warnock, Pat McPherson, Ashley Dukes, Ann Perry Ayers, Fred Barber, John Sherrer, and Eddie Madden

The Board viewed this correspondence for informational purposes only.

Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton reported that GDNA has conducted 793 inspections and received 106 complaints for FY2021.

Attorney General’s Report – Max Changus

No report.

Executive Director’s Report – Eric Lacefield

Continuing Education Report: Report presented. Mr. Brinson made a motion to ratify the below listed continuing education programs approved since the previous meeting. Mr. Stone seconded and the Board voted unanimously in favor of the motion.

Date of Program	Hours	Sponsoring Group	Program Title	CE Code
10/08/2020	1	Kaiser Permanente Georgia	Clearing the Smoke: An In-Depth Review of Cannabis and CBD Products for Medical Use	2020-2012
10/29/2020	1	Kaiser Permanente Georgia	Advances in Metastatic Breast Cancer: Role of PARP Inhibitors	2020-0013

Correspondence from Parth Sah, Fred Hutch

Mr. Lacefield discussed this correspondence received from Parth Shah, who works with the COVID-19 Prevention Network, which is a federally funded national research network. Specifically, Mr. Shah is requesting a roster of active pharmacies that will be used to help local trial sites in Georgia conduct community outreach and provide information about vaccine trials and how people can participate if interested. Mr. Lacefield stated that the fee for the roster is \$100; however, Mr. Shah is requesting the Board waive the fee since it is for the COVID Task Force. Ms. Ashbee made a motion to waive the fee. Mr. Brinson seconded and the Board voted unanimously in favor of the motion.

Legal Services – Kimberly Emm

No report.

Miscellaneous

2021 Meeting Dates: President Harris explained that she requested Mr. Lacefield include dates for the practical exam; however, the dates are not set in stone. She explained that the Board could always use the proposed dates to meet as a workshop. Discussion was held by Vice-President Faulk regarding the March date. Mr. Lacefield explained that if the Board decides to not have a practical exam, the Board can vote at a later time to move the date if it is an issue. Mr. Stone made a motion to adopt the 2021 meeting dates as presented. Vice-President Faulk seconded and the Board voted unanimously in favor of the motion.

Request regarding Recovering Professionals in Healthcare: The Board considered this request to add Recovering Professionals in Healthcare to its approved treatment facilities listing. Mr. Changus commented that when a determination has to be made as to whether or not someone has a certain diagnosis or substance abuse issue, other Boards look for a physician to make the determination on that. He stated whether or not there is some sort of conjunction with someone who can make those diagnoses may be worth exploring at some point. He further stated that the Board is in a different situation with Dr. Bartling's passing. Mr. Changus stated that he does think it is something for the Board to consider in terms of getting information to make the appropriate decision. President Harris asked if Mr. Changus was implying the Board needed to make sure the facility has a physician affiliated. Mr. Changus responded by stating that with Dr. Bartling there was a lot of confidence with him and his understanding on issues. He stated that he is not saying there has to be a physician affiliated, but it is just something for the Board to consider as it evaluates the information given about a person because there has been a change. Mr. Brinson commented that Mr. Clayton has been an advocate for a while. Mr. Changus responded that he is not saying anything negative regarding Mr. Clayton's expertise. He stated that Dr. Bartling was a PhD and played an important role. Mr. Changus added that Dr. Bartling was familiar with this industry, and in terms of determining whether someone is safe to practice, the Board may want additional information. President Harris stated that she knows Dr. Bartling had the utmost confidence in Mr. Clayton and understands what Mr. Changus is saying. She added that she thinks that is something the Board should take into consideration when reviewing all treatment facilities. Mr. Changus responded that he is not proposing an objection in this case. There being no further discussion, Mr. Brinson made a motion to approve Recovering Professionals in Healthcare as a board-approved treatment facility. Mr. Stone seconded and the Board voted unanimously in favor of the motion.

Intern/externs working in a remote environment: Mr. Azzolin stated someone reached out to him regarding what interns/externs could do in a remote environment. He stated that he has read the law and rules, but did not see much information on what interns/externs could do, particularly in a remote environment, if he/she is not under the direct supervision of a pharmacist. Mr. Azzolin stated that due to the pandemic, many interns/externs are working from home. He further stated that there is more virtual patient care occurring now. Mr. Azzolin asked if it is appropriate for an intern/extern in a remote environment, who is not giving pharmacy care related advice, to interview a patient, gather information and bring that information back to the pharmacist. Mr. Stone stated this topic brings up what he mentioned

a few meetings ago. He stated that he does not see an issue with the technician gathering information, asking the patient questions and then discussing that with the pharmacist. Mr. Prather commented that he does not disagree, but thinks the Board needs to be careful and go by what the law says.

Mr. Azzolin stated that “Pharmacy care” is defined in O.C.G.A. § 26-4-5(31) as “...*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.*” He further stated that the definition does not state anything about data collection. Mr. Stone commented that the law does state that interns, externs and technicians do have to be under the direct supervision of a pharmacist. Mr. Azzolin asked if the Board waived the technician aspect of that due to COVID-19. Ms. Emm responded that it was only to allow pharmacy technicians to remote process prescriptions, not to perform any other functions. Director Troughton asked if that was permitted by the Governor’s Executive Order as the Board did not waive any requirements. Ms. Emm affirmed that was correct.

Director Troughton stated that once “direct supervision” is defined by the Board, GDNA will be asked if interns/externs can be at home gathering information. He stated that he wants to ensure that GDNA has the correct information that should be enforced. Mr. Azzolin responded that the definition of “Intern” does not include the language “direct supervision”. Ms. Emm affirmed that was correct, but stated that it is included in other places. Specifically, in the rules there is language that states, “an intern under the direct supervision of a licensed pharmacist”. Mr. Azzolin inquired as to whether or not there is another section of the law that states interns are required to be under direct supervision of a pharmacist. Mr. Changus responded by referring Mr. Azzolin to O.C.G.A. § 26-4-82(b). Ms. Emm referred Mr. Azzolin to O.C.G.A. § 26-4-85. She stated this code section speaks to patient counseling and optimizing drug therapy and specifically states, “...*pharmacy intern operating under the direct supervision of a pharmacist*”. Mr. Azzolin asked if this would limit the intern/extern to data entry only or does it prohibit them from doing other things. Ms. Emm responded by stating that she and Mr. Changus would need more time to research as they were not prepared to provide an answer today. Mr. Azzolin stated he felt the Board should clarify what duties an intern/extern can do remotely. He added that he believes allowing them to do specific things in a modern remote environment lets them continue their education and prepare them for graduation.

Mr. Changus commented that part of the question is what is direct supervision? He stated that prior to COVID-19, people had a good understanding of what that meant. However, in this new environment there needs to be more clarification. Director Troughton inquired as to whether or not it would be up to the school as far as awarding intern hours if the intern/extern is not doing pharmacy related care. Mr. Azzolin responded by stating a lot of what they do will not fall under pharmacy related care when they are doing research. He added that it is almost like a medical resident type training. He continued by stating that he thinks it would be up to the school regarding the hours. Mr. Stone inquired as to what specifically the school is asking. Mr. Azzolin commented that the school is asking if what they are allowing the students to do is appropriate and want to be sure they are abiding by the law and rules. With no further discussion on this matter, Ms. Emm and Mr. Changus will research and report back to the Board.

Mr. Azzolin inquired about the sub-committee meeting with the Georgia Composite Medical Board to discuss protocol agreements. Mr. Changus responded that he will speak with Executive Director LaSharn Hughes regarding such.

Mr. Stone made a motion and Mr. Prather 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 Carrie Ashbee, Michael Azzolin, Michael Brinson, Mike Faulk, Lisa Harris, Bill Prather, and Dean Stone.

Appearance

- K.A.H.

Georgia Drugs and Narcotics Agency – Dennis Troughton

- GDNA Case #A33487

Attorney General’s Report – Max Changus

The Board received legal advice regarding Rule 480-34-.15 Epidiolex and Rule 480-49-.01 Federal Student Loan Default (Repeal).

Mr. Changus presented the following consent orders for acceptance:

- C.V.S.P.
- C.V.S.P.
- C.V.S.P.
- R.F.
- A.M.G.
- R.H.

Mr. Changus discussed the following case:

- B.P.

Cognizant’s Report – Mike Faulk

- GDNA Case # A33006
- GDNA Case # B33175
- GDNA Case # A33188
- GDNA Case # B33404
- GDNA Case # A33224
- GDNA Case # B33248
- GDNA Case # B33307
- GDNA Case # B33447
- GDNA Case # B33292
- GDNA Case # B33166
- GDNA Case # B33360
- GDNA Case # B33372
- GDNA Case # B33263
- GDNA Case # B33171

Executive Director’s Report – Eric Lacefield

- J.W.

Legal Services – Kimberly Emm

No report.

Applications

- T.W.E.
- B.S.M.
- S.K.C.

- L.T.W.
- B.N.D.
- M.M.
- A.M.J.
- N.A.H.
- A.D.W.
- F.R.I.
- J.A.M.
- M.E.
- M.J.W.
- R.M.H.
- J.P.F.
- R.E.R.C.

Correspondences/Requests

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

- M.B.A.
- J.H.P.
- C.M.C.
- J.D.C.
- J.M.C.
- J.L.A.

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

Open Session

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

Appearance

- K.A.H. Request to discuss reinstatement Refer to the Department of Law

Georgia Drugs and Narcotics Agency – Dennis Troughton

- GDNA Case #A33487 Issue Cease & Desist Letter

Attorney General’s Report – Max Changus

The Board received legal advice regarding Rule 480-34-.15 Epidiolex and Rule 480-49-.01 Federal Student Loan Default (Repeal).

Mr. Changus presented the following consent orders for acceptance:

- CVS Pharmacy #7745 Public Consent Order accepted
- CVS Pharmacy #3378 Public Consent Order accepted
- CVS Pharmacy #5699 Public Consent Order accepted
- R.F. Private Consent Order accepted
- A.M.G. Private Consent Order accepted
- R.H. Private Consent Order accepted

Mr. Changus discussed the following case:

- B.P. Accept counterproposal

Cognizant’s Report – Mike Faulk

- GDNA Case # A33006 Investigative Interview
- GDNA Case # B33175 Deny Non-Resident Pharmacy application
- GDNA Case # A33188 Refer to the Department of Law
- GDNA Case # B33404 Refer to the Department of Law
- GDNA Case # A33224 Tabled pending receipt of additional information
- GDNA Case # B33248 Refer to the Department of Law
- GDNA Case # B33307 Close case with letter of concern
- GDNA Case # B33447 Close case with letter of concern
- GDNA Case # B33292 Close case with no action
- GDNA Case # B33166 Close case with no action
- GDNA Case # B33360 Close case with no action
- GDNA Case # B33372 Close case with no action
- GDNA Case # B33263 Close case with no action
- GDNA Case # B33171 Close case with no action

Executive Director’s Report – Eric Lacefield

- J.W. Pending Reinstatement

Refer to the Department of Law

Legal Services – Kimberly Emm

No report.

Applications

- Travis W. Earls Pharmacy Technician Approved for registration
- Brianna S. Mitchell Pharmacy Technician Approved for registration
- S.K.C. Pharmacy Technician Denied registration
- L.T.W. Pharmacy Technician Denied registration
- Beyunka N. Davis Pharmacy Technician Approved for registration
- Maribel Moreno Pharmacy Technician Approved for registration
- Amber M. Jablonski Pharmacy Technician Approved for registration
- Natalie A. Hammond Pharmacy Technician Approved for registration
- Andrew D. Wilson Pharmacist Intern Approved application
- Farhan R. Islam Pharmacist Intern Approved application
- J.A.M. Pharmacist Intern Tabled pending receipt of additional information

- Melat Endashaw Pharmacist Intern Approved application
- M.J.W. Pharmacist Intern Tabled pending receipt of additional information

- Raven M. Hopkins Pharmacist Intern Approved application
- J.P.F. Pharmacist Reciprocity Approved to sit for the exam
- River Edge Recovery Hospital Pharmacy Center Approved application

Correspondences/Requests

- B.E.T.P. Notice of Discipline Tabled pending receipt of additional information

- O.P.S. Notice of Discipline No action
- C.P. Notice of Discipline No action
- P.C.C.A. Notice of Discipline No action
- O.M.D. Notice of Discipline No action
- A.R.P. Notice of Discipline No action
- D.P.S. Notice of Discipline No action

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| • D.P.S. | Notice of Discipline | No action |
| • T.P. | Notice of Discipline | No action |
| • K.C.P. | Notice of Discipline | No action |
| • T.P. | Notice of Discipline | No action |
| • A.I.S. | Notice of Discipline | No action |
| • A.M.S. | Notice of Discipline | Tabled pending receipt of additional information |
| • A.J.W. | Request for 4 th attempt at MPJE | Approved request |
| • S.B. | Request for 4 th attempt at MPJE | Approved request |
| • L.B.B. | Request for 4 th attempt at MPJE | Approved request |
| • P.A. | Request for 4 th attempt at MPJE | Approved request |
| • S.P.L. | Request for 5 th attempt at MPJE | Approved request |
| • J.N.E. | Request for 5 th attempt at MPJE | Approved request |
| • J.A.S. | Request for 5 th attempt at NAPLEX | Denied request |
| • M.B.A. | Request for 4 th attempt at NAPLEX | Denied request |
| • J.H.P. | Request for 4 th attempt at NAPLEX | Denied request |
| • C.M.C. | Correspondence | The Board viewed this correspondence for informational purposes only. |
| • J.D.C. | Request to terminate probation | Tabled pending receipt of additional information. |
| • J.M.C. | Request to terminate probation | Approved request as of 11/19/2020 |
| • J.L.A. | Appearance request | Approved request |

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

There being no further business to discuss, the meeting was adjourned at 1:19 p.m.

The next scheduled meeting of the Georgia Board of Pharmacy will be held via conference call on Wednesday, November 18, 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 Eric Lacefield, Executive Director