

GEORGIA BOARD OF PHARMACY
Board Meeting
Philadelphia College of Osteopathic Medicine (PCOM)
625 Old Peachtree Rd, NW
Suwanee, GA 30024
August 1, 2018
9:00 a.m.

The following Board members were present:

Bill Prather, President
Vicki Arnold, Vice-President
Carrie Ashbee
Michael Brinson
Mike Faulk
Lisa Harris
Hal Henderson
Bob Warnock

Staff present:

Tanja Battle, Executive Director
Eric Lacefield, Deputy Executive Director
Dennis Troughton, Director, GDNA
Ronnie Higgins, Deputy Director, GDNA
Michael Karnbach, Special Agent, GDNA
April Tinsley, Special Agent, GDNA
Max Changus, Assistant Attorney General
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Stephanie Kirkland, Eldercare
Amanda Roberson, Eldercare
Rena Estep, Walgreens
Ted Green, Eldercare
Jeenu Philip, Walgreens
Tim Koch, Walmart
Stephen Georgeson, GRA
Jeff Scott, Kroger
Richard Gardiner, GPhA
Travis Clark, CAPS-Atlanta
Yu Jin Kang, CAPS-Atlanta
Helen Sloat, Kaiser Permanente/Hemophilia of GA
Greg Reybold, GPhA
John Rocchio, CVS Health
Shea Ross-Smith-KP
Hillary Thrower, Emory
Keri Conley, GHA
Megan Freeman, GSHD
Jennifer Bellis, Bendin, Sumrall & Ladner
Sasha Kaniga, TCSG
TJ Kaplan, JCM
Nirmal Patel, Walmart
Will McCarley, Cantrell Drug Co.
Dell McCarley, Cantrell Drug Co.
Lindsay Burckhalter, Publix
Beth Jarrett, Walmart
Dr. Pitamber Devgon, Velano Vascular
Lindsay McCoy, Village Drug Shop At Advantage
Robin Polite

President Prather established that a quorum was present and called the meeting to order at 9:07 a.m.

Public Hearing

President Prather called the public hearing to order at 9:07 a.m.

Chapter 480-10A Central Filling Regulations

No comments were received.

Written responses were received from GPhA, the Pharmacy Council of the Georgia Retail Association, and CVS Health.

Rule 480-34-.13 Triamcinolone Acetonide Nasal Spray

No comments or written responses were received.

Rule 480-34-.14 Sodium Chloride Injection for Catheter Flush

No comments were received.

Written comments received from Dr. Pitamber Devgon, Velano Vascular

Rule 480-7B-.03 Designated Representatives for DME Suppliers

No comments or written responses were received.

Rule 480-35-.03 Continuing Education

No comments or written responses were received.

President Prather stated that based on the written comments received, the Board would be studying the rule further. President Prather appointed Mr. Brinson and Mr. Faulk to review the rule and submitted comments and report back to the Board at its September meeting.

Mike Faulk made a motion to adopt Rule 480-34-.13 Triamcinolone Acetonide Nasal Spray, Rule 480-34-.14 Sodium Chloride Injection for Catheter Flush, Rule 480-7B-.03 Designated Representatives for DME Suppliers, and Rule 480-35-.03 Continuing Education. Michael Brinson seconded and the Board voted unanimously in favor of the motion.

The hearing adjourned at 9:10 a.m.

Open Session

Approval of Minutes

Vicki Arnold made a motion to approve the Public and Executive Session minutes from the July 18, 2018 meeting. Hal Henderson seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

Vicki Arnold made a motion to ratify the list of licenses issued. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

Petitions for Rule Variance or Waiver

The Board discussed the following rule variance petitions tabled from the July 2018 meeting: Rule Variance Petition from Elder-Care Pharmacy #2, Rule Variance Petition from Elder-Care Pharmacy Inc-Corp, Rule Variance Petition from Elder-Care Pharmacy Augusta, Rule Variance Petition from ElderCare Pharmacy Royston, Rule Variance Petition from Magnolia Manor Pharmacy. Ms. Amanda Robertson was present at the meeting and explained the reason for the request and stated that additional information was submitted per the Board's request. Michael Brinson made a motion to grant the rule variance petitions. Bob Warnock seconded and the Board voted unanimously in favor of the motion.

Mike Faulk made a motion to deny the rule waiver petition from Abacoa Medical Supplies, Inc. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

Mike Faulk made a motion to deny the rule waiver petition from Glasshouse Pharmaceuticals, LLC. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

Introductions

President Prather welcomed new members, Mr. Brinson, Mr. Henderson and Ms. Ashbee.

Correspondence from Brian Clark, Cleanroom Design, LLC

The Board considered this correspondence regarding requirements for a mobile clean room. The Board recommended scheduling Mr. Clark for an appearance with the Board to further discuss his inquiry.

Correspondence from Jonathan Sistare

The Board considered this correspondence from Mr. Sistare, which was initially discussed by the Board at its May meeting. At that time, the Board requested Mr. Sistare submit additional information. After discussion was held concerning the additional information submitted, the Board recommended scheduling Mr. Sistare for an appearance with the Board to further discuss his inquiry.

Correspondence from James Mielo, Pharmacy Audit

The Board considered this correspondence regarding information on the signature requirements for fax prescriptions in various states. Specifically, Mr. Mielo asks for clarification regarding the format the Board considers for an "original signature" and if it conforms to a "wet signature" or if other types of signatures are permissible for faxed prescriptions. The Board directed staff to respond to Mr. Mielo by referring him to the law and rules located on the Board's website.

Correspondence from Robert Murry

The Board considered this correspondence regarding entities being able to order allergen immunotherapy raw ingredients, prepare them at a hospital, bill for the preparation of those allergy shots, and dispense them to physicians' offices to be administered by the physician. Specifically, Mr. Murry asks if this is allowed from the Georgia Drug & Narcotics Agency's standpoint. Additionally, he asks if this would need pharmacy oversight or if it can be done by any staff under the supervision of the medical director, and if the hospital, or this medical director/physician, are allowed to dispense this product to another prescriber to be administered in their office. The Board directed staff to respond by stating that the questions he has posed have too many variables for a response. Based on the limited information provided, it does not appear that what he proposes is permissible. Lastly, if he would like to submit additional information for the Board to consider, such as identifying the personnel who would be conducting these activities, please send it to the Board.

Correspondence from Direct Success Pharmacy Department, PHNR000603

The Board considered this correspondence requesting clarification on how they can separate their business from controlled substances. The Board directed staff to respond by stating the Board does not issue a controlled substance license separately or as part of the pharmacy license.

Correspondence from Heather Floyd, Central GA Physicians

The Board considered this correspondence requesting clarification concerning checking the PDMP for certain medications. The Board directed staff to refer Ms. Floyd to the Department of Public Health's website, which contains a complete list of drugs that require checking the Georgia PDMP.

Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton welcomed new member, Ms. Ashbee.

Director Troughton reported that GDNA has conducted 188 inspections and received 27 complaints for FY2019.

Director Troughton discussed correspondence received from a company asking if they could remote process from California. The company is only licensed in California and not Georgia. The Board requested this correspondence be tabled until the September meeting to allow additional time for Mr. Changus to review.

Attorney General's Report – Max Changus

Mr. Changus introduced himself to Ms. Ashbee and explained his role with the Board.

Executive Director's Report – Tanja Battle

Ms. Battle welcomed Ms. Ashbee to the Board and explained that Ms. Ashbee could expect inquiries regarding board matters such as applications and investigations, both of which are confidential. She indicated that she has shared her contact information via email and Ms. Ashbee may use it to refer any inquiries.

Continuing Education Report: Ms. Battle reported that no additional programs have been approved for this time period.

GA Board Inquiry Regarding Technician Education: Ms. Battle reminded the Board about this matter that had been tabled from a previous meeting. President Prather commented that at some point the Board does need to discuss this issue as theft continues to be one of the biggest issues with pharmacy techs. He stated that, at the time, the Board considered education requirements but was concerned it might have impeded the passing of legislation. He added with NABP making more requirements, the Board needs to consider additional educational requirements. He stated the Board is charged with protecting the public and needs to revisit this issue.

Facility Relinquishing License-Status: Ms. Battle requested direction from the Board concerning facilities that request to surrender a license. She stated that a status of surrender is looked at negatively and asked if there was a different status that could be used if a facility requests to relinquish its license if it is completely unrelated to any disciplinary matter. Deputy Director Higgins stated that there is a facility that will be closing and is wanting to relinquish its retail permit; however, they did not want the connotation of "surrender" on the license. Mr. Changus suggested using the status of "Inactive Status" as that does not have any negative connotations.

Inquiry from Teresa Tatum, GAMES: Ms. Battle reported that an inquiry from Ms. Tatum, Georgia Association of Medical Equipment Suppliers, regarding its annual meeting in September 2018, has been

received. Ms. Tatum has asked if a member of the Board can come to the conference to do a Q&A session on Monday, September 10th. Ms. Battle stated that she did explain that the Board was in a transition with new board members. Ms. Tatum indicated that GAMES would be happy to have a GDNA representative present. Director Troughton stated he would attend. Ms. Battle stated she would ask Ms. Tatum submit any questions she was aware of prior to the conference.

Legal Services – Kimberly Emm

Ms. Emm welcomed Ms. Ashbee to the Board.

Miscellaneous

Institutional Pharmacy Rules: The Board discussed this subject that was tabled from the Board's July meeting. President Prather asked Mr. Warnock why he believes this rule was needed and if it is something that will improve the current system. Mr. Warnock responded by stating institutional pharmacies tend to have differing practices that do not always fit into traditional retail rules. He stated the stakeholders were asked to look at it and address certain issues and put together suggested rules. He stated if the Board had these rules in place in Georgia, it would more clearly allow those in institutional settings to operate. Mr. Warnock added that there are pharmacists and employees who read the rules and are concerned they are on shaky ground or no ground and wanted clarification. President Prather asked if anyone had any questions for Mr. Warnock. Mr. Brinson mentioned laminate flow hoods and asked if there are institutional pharmacies that use IV's and clean rooms in their facilities. Mr. Warnock responded, yes. Discussion was held concerning use of the word "may". Director Troughton stated from an enforcement standpoint if "may" was used it would be hard to enforce. Mr. Warnock asked if Director Troughton could look through the rule and tell him the areas where GDNA would have trouble enforcing it. Director Troughton responded by stating yes, he did go through the rule to look at things GDNA would have questions about from an enforcement side. Mr. Warnock commented that what they were trying to get in place were the common practices that seemed to be prevalent in institutional pharmacies. President Prather stated that the Board needs to review this further. President Prather appointed Director Troughton, Mr. Faulk, Ms. Harris and Ms. Ashbee to review this further and report back to the Board at its September meeting.

Michael Brinson 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, Carrie Ashbee, Michael Brinson, Mike Faulk, Lisa Harris, Hal Henderson, William Prather, and Bob Warnock.

Executive Session

Appearances

- C.D.C.
- V.D.S.A.
- R.M.P.
- A.J.M.

Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton discussed the following:

- S.W.P.
- S.V.C.
- J.C.
- C.A.

Cognizant's Report – Vicki Arnold

- GDNA Case # T-32609
- GDNA Case # B-32556
- GDNA Case # B-32568
- GDNA Case # B-32551
- GDNA Case # A-32546
- GDNA Case # A-32604
- GDNA Case # A-32547
- GDNA Case # B-32594
- GDNA Case # B-32606
- GDNA Case # A-32617

Attorney General's Report – Max Changus

Mr. Changus presented the following consent orders for acceptance:

- J.D.S.
- K.T.
- S.S.P.

Mr. Changus discussed the following case:

- P.P.S./J.C.

Executive Director's Report – Tanja Battle

- B.C.C.
- T.R.B.
- L.L.N.

Legal Services – Kimberly Emm

No report.

Applications

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

Correspondences/Requests

- W.P.N.
- W.P.N.

- A.C.R.O.P.S.
- A.P.N.Y.
- L.S.L.
- L.S.L.
- O.M.D.I.
- D.C.R.I.P.C.A.
- L.S.L.
- L.S.L.
- A.H.I.
- D.O.M.
- H.H.I.
- E.U.H.P.
- J.F.F.
- S.L.
- O.M.C.

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

Open Session

Miscellaneous

President Prather advised the members that the NABP District Joint Meeting will be held August 12-14. He stated if a board member would like to attend to please notify Ms. Battle.

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

Appearances

- | | | |
|------------|----------------------------------|--|
| • C.D.C. | Denied Manufacturing Pharmacy | Table pending receipt of additional information |
| • V.D.S.A. | Denied Hospital Pharmacy | The Board indicated utilizing RAMS would be permissible provided they complied with the laws and rules regarding such. |
| • R.M.P. | Request to discuss reinstatement | Table pending receipt of additional information |
| • A.J.M. | Revoked Pharmacy Technician | Overturn revocation |

Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton discussed the following:

- | | | |
|----------|------------------------------|--|
| • S.W.P. | Update provided | |
| • S.V.C. | Update provided | |
| • J.C. | Request regarding employment | Denied request for R.C.P. |
| • C.A. | Correspondence | Board directed staff to respond by stating that it is up to the institution to determine how they will handle a patient's home medications that contain medical marijuana. |

Cognizant's Report – Vicki Arnold

- GDNA Case # T-32609 Revoke Technician Registration
- GDNA Case # B-32556 Close with no action
- GDNA Case # B-32568 Close with no action
- GDNA Case # B-32551 Close with no action
- GDNA Case # A-32546 Refer to the Department of Law
- GDNA Case # A-32604 Revoke Wholesale License
- GDNA Case # A-32547 Require PIC to take CE on dispensing of controlled substances

- GDNA Case # B-32594 Close with no action
- GDNA Case # B-32606 Misfill Policy #1
- GDNA Case # A-32617 Accept Voluntary Surrender

Attorney General's Report – Max Changus

Mr. Changus presented the following consent orders for acceptance:

- Jeffrey D. Stanley Public Consent Order accepted
- K.T. Private Consent Order accepted
- S.S.P. Private Consent Order accepted

Mr. Changus discussed the following case:

- P.P.S./J.C. Update provided

Executive Director's Report – Tanja Battle

- B.C.C. Request to retake NAPLEX before the 45-day wait period Approved request
- T.R.B. Correspondence The Board viewed this correspondence for informational purposes only
- L.L.N. Request regarding CE Overturn denial and approve request

Legal Services – Kimberly Emm

No report.

Applications

- Connor T. Alkire Pharmacy Technician Approved for registration
- Isaac R. Graves Pharmacy Technician Approved for registration
- Tempestt B. Weaver Pharmacy Technician Approved for registration
- S.L.P. Pharmacy Technician Table pending receipt of additional information

- E.Z.M. Pharmacy Technician Denied registration
- S.V. Pharmacy Technician Denied registration
- Leah J. Gross Pharmacy Technician Approved for registration
- N.A.D. Pharmacy Technician Table pending receipt of additional information

- C.H. Pharmacist Reciprocity Approved to sit for the exam/once individual passes the exam, schedule to meet with the Board.

- K.L.L. Pharmacist Reciprocity Table pending receipt of additional information
- K.A.B. Pharmacist Licensee Table pending receipt of additional information

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|----------------------|---------------------------------|---------------------------------|
| • C.C.M. | Pharmacist Intern | information |
| • Kayla D. Randle | Pharmacist Certification of DTM | Schedule to meet with the Board |
| • Kristina S. Hazard | Pharmacist Certification of DTM | Approved application |
| • Nicole M. West | Pharmacist Certification of DTM | Approved application |

Correspondences/Requests

- | | | |
|------------------|---|---|
| • W.P.N. | Notice of Discipline | No action |
| • W.P.N. | Notice of Discipline | No action |
| • A.C.R.O.P.S. | Notice of Discipline | No action |
| • A.P.N.Y. | Notice of Discipline | No action |
| • L.S.L. | Notice of Discipline | No action |
| • L.S.L. | Notice of Discipline | No action |
| • O.M.D.I. | Notice of Discipline | No action |
| • D.C.R.I.P.C.A. | Notice of Discipline | Table pending receipt of additional information |
| • L.S.L. | Notice of Discipline | No action |
| • L.S.L. | Notice of Discipline | No action |
| • A.H.I. | Request to take MPJE a 4 th time | Approved request |
| • D.O.M. | Extension request | Approved request |
| • H.H.I. | Remote order entry | Table pending receipt of additional information |
| • E.U.H.P. | Remote order entry | Table pending receipt of additional information |
| • J.F.F. | Request to take NAPLEX a 4 th time | Denied request and application |
| • S.L. | Petition to lift supervised practice | Approved request |
| • O.M.C. | Remote order entry | Table pending receipt of additional information |

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 3:35 p.m.

The next meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, September 12, 2018 at 9:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 5th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Tanja D. Battle, Executive Director