

GEORGIA BOARD OF PHARMACY
Board Meeting
South University College of Pharmacy
709 Mall Blvd
Savannah, GA 31406
August 20, 2014
9:00 a.m.

The following Board members were present:

Al McConnell, Chairperson
Laird Miller, Vice-Chairperson
Jim Bracewell
Mike Faulk
Chris Jones
Tony Moye
Bill Prather
Bob Warnock

Staff present:

Tanja Battle, Executive Director
Rick Allen, GDNA
Janet Wray, Senior Assistant Attorney General
Brandi Howell, Bus Ops Specialist *(via conference call)*

Visitors:

Jennifer M. Hicks, Walmart Pharmacy
Pauline M. Badiki
Mel Goldstein
Louise McKoy
Andy Freeman, GPhA
Melissa Groover, CVS/Caremark
Joanna Attardo, CVS/Caremark
Travis Ireland, Walgreens Pharmacy
Lynda Chapman

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

Laird Miller made a motion and Chris Jone 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 Al McConnell, Laird Miller, Jim Bracewell, Mike Faulk, Chris Jones, Tony Moye, Bill Prather and Bob Warnock.

Executive Session

Attorney General's Report – Janet Wray

Ms. Wray presented the following consent orders:

- D.V.M.S.
- O.P.I.
- U.D.S.

Ms. Wray discussed the following cases:

- G.P.
- T.R.C.

Georgia Drugs and Narcotics Agency – Rick Allen

- Correspondence from M.M.C.

Applications

- C.S.S.
- I.E.K.
- W.T.S.
- L.U.S.
- I.N.M.
- A.P.I.
- B.T.M.
- C.H.

Appearances

- P.M.B.
- L.D.M.

Applications

- A.O.K.
- M.A.B.
- M.L.D.
- M.R.B.
- N.A.P.
- R.E.K.
- T.D.Y.
- D.E.A.

No votes were taken in Executive Session. Chairperson McConnell declared the meeting back in Open Session.

Open Session

Approval of Minutes

Jim Bracewell made a motion to approve the Public and Executive Session minutes for the July 16, 2014 meeting and the Public Session minutes for the August 13, 2014 conference call. Chris Jones seconded and the Board voted unanimously in favor of the motion.

Ratifications

Bill Prather made a motion to ratify the list of issued licenses. Chris Jones seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver – Sniffers K-9 Services

Tony Moye made a motion to grant the rule waiver petition. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Correspondence from Lauren Ambler, Sullivan Stolier Knight LC

The Board considered this correspondence from Ms. Ambler regarding inter-company transferability of drugs. Bill Prather made a motion to direct staff to respond to Ms. Ambler by stating that the out of state pharmacy will need a wholesale license. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

Correspondence from Christopher Paciullo

The Board considered this correspondence from Mr. Paciullo inquiring as to whether or not the Board intends to offer the practical exam more frequently throughout the year or otherwise amend the rule to

allow temporary licensure pending passage of the practical examination. Bill Prather made a motion to direct staff to respond to Mr. Paciullo by stating that the Board is taking this matter into consideration. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

Correspondence from Karen D. McLin, Director, MTM Communication & Care Center

The Board considered this correspondence from Dr. McLin requesting guidance from the Board concerning non-resident pharmacy permits. Bill Prather made a motion to direct staff to respond to Dr. McLin by stating that, based on the limited information provided, it does not appear a license is required. However, if the company is doing something other than what has been specifically noted in the email (i.e. shipping drugs into the state), a license may be required. Laird Miller seconded and the Board voted unanimously in favor of the motion.

Correspondence from Romana S. Syed

The Board considered this correspondence from Ms. Syed regarding FDA-registered outsourcing facilities. Mike Faulk made a motion to direct staff to respond to Ms. Syed by referring her to Title 16, Chapter 13 for more information and sending her a copy of proposed Rule 480-6-.02 Nonresident Pharmacy Permit, which will be considered for adoption on September 17, 2014. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Correspondence from Vern Allen

The Board considered this correspondence from Mr. Allen regarding FDA-registered outsourcing facilities. Mike Faulk made a motion to direct staff to respond to Mr. Allen by referring him to Title 16, Chapter 13 for more information and sending him a copy of proposed Rule 480-6-.02 Nonresident Pharmacy Permit, which will be considered for adoption on September 17, 2014. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Correspondence from Alfonse J. Muto, Pine Pharmaceuticals

The Board considered this correspondence from Mr. Muto regarding FDA-registered outsourcing facilities. Mike Faulk made a motion to direct staff to respond to Mr. Muto by referring him to Title 16, Chapter 13 for more information and sending him a copy of proposed Rule 480-6-.02 Nonresident Pharmacy Permit, which will be considered for adoption on September 17, 2014. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Correspondence from David Kosar

The Board considered this correspondence from Mr. Kosar regarding FDA-registered outsourcing facilities. Mike Faulk made a motion to direct staff to respond to Mr. Kosar by referring him to Title 16, Chapter 13 for more information and sending him a copy of proposed Rule 480-6-.02 Nonresident Pharmacy Permit, which will be considered for adoption on September 17, 2014. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Georgia Drugs and Narcotics Agency – Rick Allen

Director Allen reported that he has been called to testify at upcoming hearings regarding Medical Marijuana.

Attorney General’s Report – Janet Wray

No report.

Executive Director’s Report – Tanja Battle

Ms. Battle gave an update on the online renewal process. Ms. Battle advised that she was working with the vendor to have these up and running before the middle of September. Ms. Wray advised that the original of the citizenship affidavit must be received. Ms. Battle advised that the renewal requires that submission of the original accompany the electronic submission.

Miscellaneous

Chairperson McConnell stated that the Board recently held a conference call where it voted to post several rules that will be considered for adoption in September. He spoke specifically about proposed Rule 480-6-.02 Nonresident Pharmacy Permit generating more volume during the renewal period and emphasized the importance getting the citizenship affidavits and secure and verifiable documents in early.

GPHA Legislative Agenda for 2015

Bill Prather commented regarding prescriptions having to have the names of practitioners on them. Medicaid is requiring such but Mr. Prather and Mr. Miller indicated that most software systems are not designed for such.

Janet Wray stated that Board rules and at least one law is confusing on when a nurse practitioner and a physician assistant with a DEA sign the prescription whose name must be on the prescription label. Clearly, Georgia law now permits the obtaining of a DEA and a NPI number by a nurse practitioner and physician assistant, and permits the issuance of a written prescription signed only by them so long as the delegating physician's name is on the prescription pad. The Georgia Dangerous Drug Act requires the name of the physician on the label. However, CMS is requiring the name of the actual prescriber (APRN, PA or physician) and it affects billing and reimbursement. Most pharmacies have computer systems that only allow one name on the prescription label. The Board rules do need to be updated, but the Dangerous Drug Act also needs to be amended. Until everything is changed, it would be advisable to put both names on the prescription label even if one had to be handwritten on the label.

Bill Prather made a motion and Bob Warnock 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 Al McConnell, Laird Miller, Jim Bracewell, Mike Faulk, Chris Jones, Tony Moye, Bill Prather and Bob Warnock.

Executive Session

Cognizant's Report – Laird Miller

- GDNA Case #A-30951A
- GDNA Case #A-30951
- GDNA Case #A-30947
- GDNA Case #B-14-29
- GDNA Case #A-31188
- GDNA Case #A-14-26
- GDNA Case #A-14-30
- GDNA Case #T-31187
- GDNA Case #T-31194
- GDNA Case #T-31153
- GDNA Case #T-31196
- GDNA Case #T-31210
- GDNA Case #T-31216
- GDNA Case #B-31131
- GDNA Case #B-31115
- GDNA Case #A14-23
- GDNA Case #A31077
- GDNA Case #A-30802

Correspondences/Requests

- M.L.L.
- H.S.A.H.
- J.L.B.
- K.W.A.
- M.C.B.
- W.L.

No votes were taken in Executive Session. Chairperson McConnell declared the meeting back in Open Session.

Open Session

Bill Prather made a motion for the Board to take the following actions:

Attorney General’s Report – Janet Wray

Ms. Wray presented the following consent orders:

- D.V.M.S. Private Consent Order accepted
- O.P.I. Private Consent Order accepted
- U.D.S. Private Consent Order to be accepted and signed with express permission upon receipt of the original

Ms. Wray discussed the following cases:

- G.P. No action taken
- T.R.C. Close case with letter of concern

Georgia Drugs and Narcotics Agency – Rick Allen

- Correspondence from M.M.C.: Directed staff to respond by stating two permits are needed to operate.

Applications

- Chelsea S. Sheppard Pharmacy Technician Approved registration
- I.E.K. Pharmacy Technician Table pending receipt of additional information
- W.T.S. Pharmacy Technician Schedule for an appearance with the Board
- Latrice U. Simmons Pharmacy Technician Approved registration
- I.N.M. Pharmacist Intern Hours approved
- A.P.I. Wholesaler Pharmacy Refer to the Attorney General’s office for discipline
- Bound Tree Medical Manufacturing Pharmacy Approved application
- Cardinal Health Nuclear Pharmacy Approved application

Appearances

- P.M.B. Extend the application until 12/31/2014 and refer to the Attorney General’s office for the Consent Order originally presented.
- L.D.M. Denial upheld

Applications

- | | | |
|--------------------|------------------------|---|
| • A.O.K. | Pharmacist | Approved application |
| • Mark A. Buchanan | Reactivation | Approved application |
| • Meghan L. Driggs | Pharmacist Reciprocity | Approved application |
| • M.R.B. | Pharmacist Reciprocity | Denied application |
| • N.A.P. | Pharmacist Reciprocity | Allow to sit for MPJE |
| • Ronald E. Kraus | Nuclear Pharmacist | Approved application |
| • T.D.Y. | Pharmacist | Table pending receipt of additional information |
| • D.E.A. | Pharmacist Reciprocity | Schedule for an appearance with the Board |

Cognizant's Report – Laird Miller

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|-----------------------|---|
| • GDNA Case #A-30951A | Refer to the Attorney General's office for discipline |
| • GDNA Case #A-30951 | Refer to the Attorney General's office for discipline |
| • GDNA Case #A-30947 | Refer to the Attorney General's office for discipline |
| • GDNA Case #B-14-29 | Accept Private Interim Consent Order |
| • GDNA Case #A-31188 | Accept Interim Consent Order for Assessment and schedule to meet with the Board |
| • GDNA Case #A-14-26 | Accept Private Interim Consent Order |
| • GDNA Case #A-14-30 | Refer to the Attorney General's office |
| • GDNA Case #T-31187 | Accept Voluntary Surrender |
| • GDNA Case #T-31194 | Accept Voluntary Surrender |
| • GDNA Case #T-31153 | Revoke technician registration |
| • GDNA Case #T-31196 | Revoke technician registration |
| • GDNA Case #T-31210 | Accept Voluntary Surrender |
| • GDNA Case #T-31216 | Accept Voluntary Surrender |
| • GDNA Case #B-31131 | Close with letter of concern |
| • GDNA Case #B-31115 | Refer to the Attorney General's office for discipline |
| • GDNA Case #A14-23 | Refer to the Attorney General's office for discipline |
| • GDNA Case #A31077 | Letter of concern and refer to the Attorney General's office for discipline |
| • GDNA Case #A-30802 | Revoke technician registrations and schedule for an investigative interview |

Correspondences/Requests

- | | | |
|------------|---|--|
| • M.L.L. | Correspondence | Direct staff to respond by stating that if the company ships anything into GA that requires a prescription, a license is required. |
| • H.S.A.H. | Notice of discipline | Letter of Concern |
| • J.L.B. | Appearance request | Request approved |
| • K.W.A. | Request to lift supervised Practice restriction | Request approved |
| • M.C.B. | Request to lift supervision restriction | Request approved |
| • W.L. | Request to lift PIC restriction | Request approved |

Chris Jones seconded and the Board voted in favor of the motion, with the exception of Laird Miller, who abstained from the vote regarding M.C.B.

The next scheduled meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, September 17, 2014, at 9:00 a.m. at Department of Community Health's office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

The Board meeting adjourned at 3:21 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director