

GEORGIA BOARD OF PHARMACY
Board Meeting
2 Peachtree Street, NW, 36th Floor
Atlanta, GA 30303
December 16, 2015
9:00 a.m.

The following Board members were present:

Laird Miller, President
Mike Faulk, Vice-President
Vicki Arnold
Jim Bracewell
Chris Jones
Bill Prather
Bob Warnock

Staff present:

Tanja Battle, Executive Director
Rick Allen, GDNA
Janet Wray, Senior Assistant Attorney General
Brandi Howell, Business Operations Specialist

Visitors:

Brad Piercy
Representative Buddy Harden
Francis Bush
Linda Morgan
Helen Sloat, Kaiser Permanente/Hemophilia of GA
Jamie Diagostino, Eldercare Pharmacy
Trish Yeatts, MAG
Young Chang, Walgreens
Mickey Benson, Premier Kids Care Pharmacy
Jeff Mesaros, CVS
Randy Ferreter, Davita Rx
Mike King, Publix
Greg Reysold, GPhA
Cameron Brown, Wal-Mart

President Miller established that a quorum was present and called the meeting to order at 9:09 a.m.

Bob Warnock made a motion and Bill 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 Vicki Arnold, Jim Bracewell, Mike Faulk, Chris Jones, Laird Miller, Bill Prather, and Bob Warnock.

Executive Session

Appearances

- B.B.P.
- C.M.I.

Attorney General's Report – Janet Wray

Ms. Wray presented the following consent order:

- P.P.L.

Executive Director's Report – Tanja Battle

- C.I.

Georgia Drug and Narcotics Agency – Rick Allen

- Discussed PDMP program

Applications

- K.S.F.
- R.L.F.
- S.J.M.
- B.N.B.
- R.F.T.
- C.R.W.
- E.S.M.
- L.T.E.

Appearance

- J.H.M.

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

Open Session

President Miller welcomed the visitors.

Approval of Minutes

Chris Jones made a motion to approve the Public and Executive Session minutes for the November 18, 2015 meeting. Jim Bracewell seconded and the Board voted unanimously in favor of the motion.

Ratifications

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

Correspondence from Michael J. Melroy, Memorial Health

The Board considered this correspondence requesting an interpretation of The Safe Medications Practice Act (26-4-210 through 26-4-214). The Board directed staff to respond by stating based on the information provided in Dr. Melroy's letter, if the anticoagulation clinic will be operating with and under the hospital license, this situation would be acceptable. If this is not correct, the Board suggests he refer to O.C.G.A. § 26-4-50 and § 43-34-24, along with the Board rules and regulations accordingly.

Correspondence from Randy Hu, Dyna Labs

The Board considered this correspondence from Mr. Hu requesting the opportunity to meet with the Board to conduct a presentation on the company's views on the testing and compounding of sterile products. The Board directed staff to respond by stating that at the time of the adoption of the rules, he can be scheduled to meet with the Board.

Correspondence from Brittani Zurek

The Board considered this correspondence from Ms. Zurek who is licensed to practice in Texas, Florida and Virginia. In her letter, she asks if providing telephonic MTM services to patients that are residents of Georgia through the Cardinal Health System without a Georgia pharmacist license is allowed. The Board

directed staff to respond by stating that she would be required to have a Georgia license in order to do such and suggested she refer to O.C.G.A. § 26-4-4 Definition of “practice of pharmacy” for more information.

Correspondence from Shannon F. Cox, Cameron Pharmaceuticals

The Board considered this correspondence requesting a meeting to discuss a denied rule petition. The Board directed staff to schedule Ms. Cox for the first available appointment.

Correspondence from Eric Nix

The Board considered this correspondence from Mr. Nix regarding introducing requirements that a special color ink (purple or pink) be used to sign controlled substances prescriptions. The Board directed staff to respond to Mr. Nix by thanking him for his suggestion; however, to be advised that what he has suggested would require a change in legislation.

Correspondence from Greg Reybold, GPhA

The Board viewed this correspondence for informational purposes only.

Correspondence from Stephen Georgeson

The Board viewed this correspondence for informational purposes only.

Correspondence from Brenda Thomas

The Board considered this correspondence requesting to know when the State of Georgia will require national certification for registered pharmacy technicians. The Board directed staff to respond to Ms. Thomas by stating the Board is only required to register pharmacy technicians and that it would require a change in the law to require national certification.

Correspondence from Shawn Burrow

The Board considered this correspondence requesting an interpretation from the Board regarding the pharmacy staffing requirements at a small rural Georgia hospital. The Board directed staff to respond to Mr. Burrow by stating that based on the information provided, a rule petition would need to be submitted regarding this matter.

Correspondence from Jack Rosenberg

The Board considered this correspondence requesting an advisory opinion. The Board directed staff to respond to Mr. Rosenberg by stating that pursuant to the Board’s procedure for issuing advisory opinions, any request for an advisory opinion must include a proposed answer, wherein the requester presents an argument with citations of relevant law and/or rules supporting the proposed answer and once an appropriate petition for an advisory opinion is received, the Board will render an advisory opinion.

Correspondence from Jeff Lurey, GPhA

The Board received Mr. Lurey’s written comments regarding Rule 480-27-.03 Records of Dispensing. This rule will be considered for adoption at the public hearing scheduled for January 14, 2016. Ms. Lurey’s comments will be placed on that agenda for consideration.

Correspondence from Bent Gay, Gayco Healthcare

The Board received Mr. Gay’s written comments regarding Rules 480-27-.03 Records of Dispensing and Chapter 480-50 Drug Disposal and Authorized Collectors. These rules will be considered for adoption at the public hearing scheduled for January 14, 2016. Mr. Gay’s comments will be placed on that agenda for consideration.

Petition for Rule Waiver from Lumara Health, Inc.

Bob Warnock made a motion to approve the rule waiver petition. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from AnazaoHealth Corporation

Mike Faulk made a motion to approve the rule waiver petition. Vicki Arnold seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Encore Dermatology, Inc.

Chris Jones made a motion to approve the rule waiver petition. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Georgia Drugs and Narcotics Agency Open Session – Rick Allen

No report.

Attorney General’s Report Open Session –Janet Wray

No report.

Executive Director’s Report Open Session – Tanja Battle

Ms. Battle discussed processing times for new applications. She reported that when the Board first transitioned from the Secretary of State’s office to the Department of Community Health the goal was to process a new application within twenty-five (25) business days. The first year following the transition, staff reduced the processing time for the initial review to fourteen (14) days and now staff is processing within 7-8 business days. She commended staff and wanted the Board to be aware of the improvements. President Miller asked Ms. Battle to pass along the Board’s appreciation to staff.

Ms. Battle discussed an email received from Ashton Blackwood, Office of the Administration Floor Leaders, sent on behalf of a constituent that had questions pertaining to physician dispensary. The Board directed staff to respond that a pharmacist and pharmacy technician cannot operate under a physician dispensing. Additionally, only an individual authorized by law to prescribe can sign off on medications. In regards to who must be present while the pharmacy is open, if it is physician dispensing, then it is not a pharmacy and the physician must be present. However, if it is a clinic pharmacy, the pharmacist must be present. Lastly, donated medications cannot be shelved unless it is donated by a licensed wholesale distributor and not previously dispensed, and then it can only be dispensed pursuant to a prescription.

Ms. Battle discussed questions received from Philip Sprinkle on behalf of a client that pertain to hospital-based clinics. The Board directed staff to invite Mr. Sprinkle and his client in to meet with the Board to further discuss this matter.

Miscellaneous

The Board recommended tabling Rules 480-10-.16 Security System Approval, 480-13-.05 Physical Requirements. Amended, 480-15-.03 Use of Registered Pharmacy Technicians and Other Pharmacy Personnel, and 480-15-.06 Other Pharmacy Personnel to allow additional time for consideration.

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

Cognizant's Report – Mike Faulk

- GDNA Case #A-15-31
- GDNA Case #A-15-32
- GDNA Case #T-31663
- GDNA Case #T-31640
- GDNA Case #T-31643
- GDNA Case #T-31609
- GDNA Case #B-31560
- GDNA Case #A-31587
- GDNA Case #B-31558
- GDNA Case #A-31451
- GDNA Case #A-31531
- GDNA Case #B-31601
- GDNA Case #B-31629
- GDNA Case #B-31598

Applications

- A.M.P.
- B.A.K.
- C.A.W.
- A.P.C.
- P.P.
- J.M.L.
- L.K.A.A.

Correspondences/Requests

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

Miscellaneous

- J.W.
- Requested legal advice regarding virtual manufacturers and language for the application.

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

Open Session

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

Appearances

B.B.P.	Denied Pharmacist Reinstatement	Overturn denial and approve for reinstatement
C.M.I.	Denied Non-Resident Pharmacy	Approved request to withdraw application

Attorney General's Report - Janet Wray

Ms. Wray presented the following consent order:

P.P.I.	Private consent order accepted
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Executive Director's Report - Tanja Battle

C.I.	Manufacturing Pharmacy	Accept inspection report and forward to GDNA for background check.
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Georgia Drug and Narcotics Agency - Rick Allen

Discussed PDMP program	No action taken
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Applications

K.S.F.	Pharmacy Technician	Denied registration
R.L.F.	Pharmacy Technician	Denied registration
S.J.M.	Pharmacy Technician	Table pending receipt of additional information
Brianna N. Bryant	Pharmacy Technician	Approved registration
R.F.T.	Pharmacy Technician	Denied registration
C.R.W.	Pharmacy Technician	Denied registration
E.S.M.	Pharmacy Technician	Denied registration
L.T.E.	Pharmacy Technician	Overturn denial and approve registration

Appearance

J.H.M.	Denied Pharmacist Reinstatement	Uphold denial
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Cognizant's Report - Mike Faulk

GDNA Case #A-15-31	Accept Private Interim Consent Order
GDNA Case #A-15-32	Accept Private Interim Consent Order
GDNA Case #T-31663	Revoke technician registration
GDNA Case #T-31640	Accept Voluntary Surrender
GDNA Case #T-31643	Accept Voluntary Surrender
GDNA Case #T-31609	Revoke technician registration
GDNA Case #B-31560	Close case with no action
GDNA Case #A-31587	Refer to the Attorney General's Office

GDNA Case #B-31558	Refer to the Attorney General's Office
GDNA Case #A-31451	Refer to the Attorney General's Office
GDNA Case #A-31531	Close case with no action
GDNA Case #B-31601	Close case with no action
GDNA Case #B-31629	Close case with no action
GDNA Case #B-31598	Close case with letter of concern

Applications

Asia M. Parham	Pharmacist Certification of DTM	Approved
Babafunlola A. Kalejaiye	Pharmacist Certification of DTM	Approved
Crystal A. Wright	Pharmacist Certification of DTM	Approved
A.P.C.	Wholesaler Pharmacy	No action taken
P.P.	Non-Resident Pharmacy	Overturn denial and approve registration
J.M.L.	Pharmacist Reciprocity	Approved to sit for the exam
L.K.A.A.	Pharmacist Reinstatement	Table pending receipt of additional information

Correspondences/Requests

P.C.L.	Notice of discipline	No action taken
D.L.T.B.	Request to terminate probation	Request approved
R.T.	Request to release correspondence to Pennsylvania Board of Pharmacy	Request approved
D.L.W.	Request to terminate probation	Request approved
M.I.	Notice of discipline	No action taken
K.F.D.	Request to terminate probation	Request approved
H.A.	Request to terminate probation	Request approved
K.S.P.	Correspondence	Refer to GDNA
B.H.I.	Notice of discipline	No action taken
C.C.	Notice of discipline	No action taken
E.P./H.P.	Notice of discipline	No action taken
L.D.	Notice of discipline	No action taken
S.P.	Notice of discipline	Refer to GDNA
T.P.S.	Notice of discipline	No action taken
D.L.	Request for approval of building plans for relocation of pharmacy	Table pending receipt of additional information
R.A.D.	Corrective Action Plan	Table pending receipt of additional information
C.F.	Request for release of evaluation results	Direct individual to contact provider to obtain release of this information
N.M.	Records request	Request approved
H.M.C.I.	Correspondence	Table pending receipt of additional information
R.M.S.	Request to renew intern license	Request denied

Miscellaneous

J.W.	Correspondence	Directed staff to respond by stating that the facility will need to first apply for a federal manufacturing license and once that is obtained, it can apply for a manufacturing license in Georgia.
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Requested legal advice regarding virtual manufacturers and language for the application.

Bob Warnock seconded and the Board voted unanimously in favor of the motion.

President Miller stated that the Board needs to nominate officers for the upcoming year. Bill Prather made a motion to nominate Mike Faulk as President. Jim Bracewell seconded and the Board voted unanimously in favor of the motion.

Bob Warnock made a motion to nominate Chris Jones as Cognizant and Vice-President. Vicki Arnold seconded and the Board voted unanimously in favor of the motion.

There being no further business to discuss, the meeting was adjourned at 3:56 p.m.

The next scheduled meeting of the Georgia Board of Pharmacy is scheduled for Thursday, January 14, 2016 at 9:00 a.m. at South University School of Pharmacy, 709 Mall Boulevard, Savannah, GA 31406.

Minutes recorded by Brandi P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director