

GEORGIA BOARD OF PHARMACY
Board Meeting
2 Peachtree St, N.W. 36th Floor
Atlanta, GA 30303
February 18, 2015
9:00 a.m.

The following Board members were present:

Laird Miller, Chairperson
Mike Faulk, Vice-Chairperson
Vicki Arnold
Jim Bracewell
Chris Jones
Tony Moye
Bob Warnock

Staff present:

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

Visitors:

Torrey Brooks
Tony Dunlap
Douglas Brush, MARR
Crystal Conley
Scott Brunner, GPhA
Jennifer Bellis, BSL
Scott Biddulph, Target
Mollie Allen, CVS
Sonali Tejani, Wal-Mart
Stephanie Kozol, Holland & Knight
Spencer Tally, GVMA
Shanyse A. Allen, Athens Neighborhood Health
Lois M. Craig, Athens Neighborhood Health
Viola Brown, Athens Neighborhood Health
Lori Fritz, Athens Neighborhood Health
Stan Jones, Kaiser
Bent Gay, Gayco Healthcare
Stephen Snow, BSC

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

Bob Warnock 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, Tony Moye, and Bob Warnock.

Executive Session

Appearances

- T.D.B.
- T.E.D.
- C.L.C.

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

Open Session

Approval of Minutes

Tony Moye made a motion to approve the Public Session and Executive Session minutes for the January 21, 2015 meeting and the January 28, 2015 conference call. Jim Bracewell seconded and the Board voted unanimously in favor of the motion.

Ratifications

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

Petition for Rule Variance – Athens Neighborhood Health Center

There were several representatives from Athens Neighborhood Health Center that spoke to the Board regarding the rule variance petition. Tony Moye made a motion to grant the rule variance petition. Bob Warnock seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver – Floyd Behavioral Health Pharmacy

Mike Faulk made a motion to grant the rule waiver petition with the stipulation that if the business model changes, the facility will be required to comply with the requirements set forth in the rule. Chris Jones seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver – Gayco Healthcare

Mr. Bent Gay, representative of Gayco Healthcare, spoke to the Board regarding the rule waiver petition. The reason for Mr. Gay's request is that Gayco Healthcare is a long-term care pharmacy and their physicians do not remember to write LTCF on the CII prescriptions, which delays treatment for the elderly. Discussion was held by the Board regarding whether or not to consider the rule as written or consider waiving the requirement for one facility. Chairperson Miller asked Mr. Gay to give the Board 30-60 days to review the current rule and come up with some language so that it can be consistent for everyone. Chairperson Miller asked Mr. Jones to review this information and bring back to the Board for consideration. Mike Faulk made a motion to deny the rule waiver petition. Chris Jones seconded and the Board voted unanimously in favor of the motion.

Correspondence from Elizabeth Wohl

The Board considered this correspondence regarding O.C.G.A. § 26-4-192 State-wide program for distribution of unused prescription drugs for benefit of medically indigent persons; pilot program; rules and regulations. The Board directed staff to respond to Ms. Wohl by stating that this program was never implemented due to lack of interest.

Correspondence from Darrell W. Contreras, PlusDelta Technologies

The Board considered this correspondence from Mr. Contreras seeking clarification on whether the product, IVTrac, complies with the Board rules for Institutional Pharmacy Compounded Medications. The Board directed staff to respond to Mr. Contreras by requesting they do a demonstration on this product at the Board's next available meeting.

Correspondence from Devin Emerson, Oregon Board of Pharmacy

The Board considered this correspondence requesting clarification on whether or not the Board requires licensure for the wholesale of non-prescription, OTC drug products. The Board directed staff to respond

to Mr. Emerson by stating that the Board does not require companies that only ship non-prescription OTC drugs to be licensed as wholesale distributors.

Correspondence from Melanie Miller, Novartis Consumer Health, Inc.

The Board considered this correspondence asking if it was necessary for Novartis, PHWH001677, to maintain a Georgia license. The Board directed staff to respond to Ms. Miller by stating that a wholesale distributor license is required if billing and/or selling is conducted from that facility. Additionally, if she provided more information, the Board may be able to better advise her.

Correspondence from Amber Kayse, The Kroger Co

The Board considered this correspondence regarding Kroger's proposal for a solution that would allow for remote pre-verification of prescriptions. The Board directed staff to respond to Ms. Kayse by stating that it suggests she review Chapter 480-36 Retail Pharmacy Requirements For Remote Prescription Drug Order Processing. Additionally, if she is requesting something other than what is required per the board rules, please advise our office.

Correspondence from Ashley London, Barney's Pharmacy

The Board considered this correspondence from Ms. London regarding security paper. The Board directed staff to respond to Ms. London by stating that she may want to review relevant law and rules including but not limited to Official Code of Georgia Annotated (O.C.G.A.) §§26-4-5(14.4), 26-4-5(38.5), 26-4-80(c), 26-4-80.1 and Ga. Comp. R. & Regs. rs. 480-27-.01, 480-27-.02. Prescriptions are required to be written on security paper where the prescriptions are for Schedule II controlled substances and when the prescription has an electronic visual image of the practitioner's signature and is not sent by fax (e.g. when printed out and given to a patient).

Correspondence from Amanda Schlichte, SleepMed

The Board considered this correspondence regarding dispensing oxygen. Ms. Wray discussed a memorandum from the Department of Law dated April 14, 2014 regarding the authority of a pharmacy to distribute oxygen. Bob Warnock made a motion to release the document to Ms. Schlichte. Chris Jones seconded and the Board voted unanimously in favor of the motion.

Georgia Drugs and Narcotics Agency – Rick Allen

No report.

Attorney General's Report – Janet Wray

No report.

Executive Director's Report – Tanja Battle

Ms. Battle reported that the lapsed late renewal period for pharmacists has been concluded. The status for licensees that did not renew has been changed to "lapsed". There are currently 164 individuals in "active-renewal pending" status and each of those has been notified of any deficiencies. She reported that facilities, with the exception of non-residents, will begin renewing on April 1st. She stated that SVDs and affidavits regarding citizenship do not have to be collected this renewal cycle.

Ms. Battle reported that she received a request for the Board to allow GDNA access to the NABP Verified Pharmacy Program (VPP) surveys. Jim Bracewell made a motion to grant the request. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

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, Tony Moye, and Bob Warnock.

Executive Session

Georgia Drugs and Narcotics Agency – Rick Allen

- Discussed GDNA recommendations to help reduce prescription drug diversion
- Discussed PDMP program

Attorney General’s Report – Janet Wray

Ms. Wray presented the following consent orders:

- K.A.
- C.L.L.
- M.W.
- W.C.

Ms. Wray discussed the following cases:

- D.T.
- B.L.

Ms. Wray discussed the following items:

- Board of Pharmacy reciprocal sanctions
- Mail order rule amendments

Cognizant’s Report – Mike Faulk

- GDNA Case #A-14-40
- GDNA Case #A15-02
- GDNA Case #A-15-03
- GDNA Case #T-31386
- GDNA Case #T-31387
- GDNA Case #T-31402
- GDNA Case #T-31303
- GDNA Case #T-31390
- GDNA Case #T-31378
- GDNA Case #T-31396
- GDNA Case #B-31132
- GDNA Case #A-31286
- GDNA Case #A-31314
- GDNA Case #A-31334
- GDNA Case #A-31351
- GDNA Case #B-31328
- GDNA Case #B-31368
- GDNA Case #A-31333

Applications

- J.E.J.

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

Correspondences/Requests

- J.A.D.
- H.M.C.
- G.S.U.
- M.A.A.S.
- M.I.

Executive Director's Report – Tanja Battle

- E.W.

Miscellaneous

- Eric Lacefield, Deputy Director, discussed the upcoming March examination with the Board.
- The Board discussed the June examination.

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

Open Session

Tony Moye made a motion for the Board to take the following actions:

Appearances

- T.D.B. Denied Pharmacy Tech Table pending receipt of additional information
- T.E.D. Inactive Pharmacist Refer to the Attorney General's office
- C.L.C. Denied Pharmacy Tech Denial upheld

Georgia Drugs and Narcotics Agency – Rick Allen

- Discussed GDNA recommendations to help reduce prescription drug diversion. No action taken.
- Discussed PDMP program. No action taken.

Attorney General's Report – Janet Wray

Ms. Wray presented the following consent orders:

- K.A. Public consent order accepted
- C.L.L. Private consent order accepted
- M.W. Private consent order accepted
- W.C. Private consent order accepted

Ms. Wray discussed the following cases:

- D.T. Close case and renew with letter of concern
- B.L. Close case and place application on the Board's March agenda for reconsideration.

Ms. Wray discussed the following items:

- Board of Pharmacy reciprocal sanctions. No action taken.
- Mail order rule amendments. Tabled until March meeting.

Cognizant's Report – Mike Faulk

- GDNA Case #A-14-40 Refer to the Attorney General's office for discipline
- GDNA Case #A15-02 Refer to the Attorney General's office for discipline
- GDNA Case #A-15-03 Refer to the Attorney General's office for discipline
- GDNA Case #T-31386 Revoke technician registration
- GDNA Case #T-31387 Revoke technician registration
- GDNA Case #T-31402 Revoke technician registration
- GDNA Case #T-31303 Revoke technician registration
- GDNA Case #T-31390 Revoke technician registration
- GDNA Case #T-31378 Accept Voluntary Surrender
- GDNA Case #T-31396 Accept Voluntary Surrender
- GDNA Case #B-31132 Refer to the Attorney General's office for discipline
- GDNA Case #A-31286 Refer to the Attorney General's office for discipline
- GDNA Case #A-31314 Refer to the Attorney General's office for discipline
- GDNA Case #A-31334 Refer to the Attorney General's office for discipline
- GDNA Case #A-31351 Refer to the Attorney General's office for discipline
- GDNA Case #B-31328 Close case with letter of concern

- GDNA Case #B-31368 Close case with no action
- GDNA Case #A-31333 Table pending receipt of additional information

Applications

- Jennifer E. Johnson Pharmacy Technician Approved registration
- S.L.P. Pharmacy Technician Approved pending receipt of additional information
- L.K.G. Pharmacy Technician Denied registration
- E.D.H. Pharmacy Technician Denied registration
- K.C.P. Pharmacist Intern Request for extension denied
- Jennifer B. Michael Pharmacist Renewal Approved for renewal
- Mukund R. Udvadia Pharmacist Renewal Approved for renewal
- R.M.P. Pharmacist Renewal Table pending receipt of additional information
- Rosalyn M. Gowing Pharmacist Renewal Approved for renewal
- Sonya K. Sengson Pharmacist Renewal Approved for renewal
- David A. Richardson Pharmacist Renewal Approved for renewal
- L.C.B. Pharmacist Renewal Approve pending receipt of additional information
- Thanh Tam Pham Pharmacist Reciprocity Approved application
- C.B.P.S. Non-Resident Pharmacy Denied application
- R.P.I. Non-Resident Pharmacy Denied application
- P.C. Non-Resident Pharmacy Denied application
- Loyola Pharmacy Non-Resident Pharmacy Approved application
- Cardinal Health 414, LLC Non-Resident Pharmacy Approved application
- C.H. Non-Resident Pharmacy Tabled pending further review
- C.H. Non-Resident Pharmacy Tabled pending further review
- Exactus Pharmacy Solutions Non-Resident Pharmacy Approved application
- H.I.T.I. Non-Resident Pharmacy Tabled pending further review
- Linden Care Non-Resident Pharmacy Approved application
- M.C.P. Non-Resident Pharmacy Tabled pending receipt of additional information
- M.F.V. Non-Resident Pharmacy Tabled pending further review
- P.R.I. Non-Resident Pharmacy Tabled pending receipt of additional information
- R.I.V.P. Non-Resident Pharmacy Tabled pending further review
- RXpress Pharmacy Non-Resident Pharmacy Approved application
- S.C. Non-Resident Pharmacy Tabled pending further review
- TCS Labs Non-Resident Pharmacy Approved application
- The Compounding Shoppe Non-Resident Pharmacy Approved application
- C.C.P.I. Non-Resident Pharmacy Tabled pending further review
- Exeltis USA, Inc. Wholesale Pharmacy Approved application

Correspondences/Requests

- J.A.D. Request to remove practice under direct supervision restriction Tabled until March 2015 meeting
- H.M.C. Remote order entry Schedule to meet with the Board
- G.S.U. Request for waiver of reinstatement fees Denied request
- M.A.A.S. Acceptance of credentials for pharmacy Respond that credentialing service is

- M.I. technician certification already board-approved
Notice of disciplinary action Viewed this correspondence for informational purposes only

Executive Director’s Report – Tanja Battle

- E.W. Correspondence Tabled pending receipt of additional information

Miscellaneous

- Eric Lacefield, Deputy Director, discussed the upcoming March examination with the Board. No action taken.
- The Board discussed the June examination. No action taken.

Mike Faulk seconded and the Board voted in favor of the motion, with the exception of Chris Jones, who abstained from the vote regarding GDNA Case #A-31286.

The next scheduled meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, March 18, 2015 at 9:00 a.m. at Mercer University College of Pharmacy, 3001 Mercer University Drive, Atlanta, GA 30341.

The Board meeting adjourned at 4:18 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist
Minutes edited by Tanja D. Battle, Executive Director