

GEORGIA BOARD OF PHARMACY
Board Meeting
2 Peachtree Street, NW, 5th Floor
Atlanta, GA 30303
February 7, 2018
9:00 a.m.

The following Board members were present:

Chris Jones, President
Bill Prather, Vice-President
Vicki Arnold (*arrived @ 9:15 a.m.*)
Jim Bracewell (*arrived @ 9:09 a.m.*)
Mike Faulk
Lisa Harris
Laird Miller (*arrived @ 9:13 a.m.*)
Bob Warnock

Staff present:

Tanja Battle, Executive Director
Dennis Troughton, Director, GDNA
Ronnie Higgins, Deputy Director, GDNA
Rick White, Special Agent, GDNA
Max Changus, Assistant Attorney General
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Ronna Harris, Neurotrials Research
Russell Rosenberg, Neurotrials Research
Ernest Anderson, Velaro Vascular
Pitamber Devgon, MD, Velaro Vascular
Stephen Georgeson, GA Retail Association
Rena Estep, Walgreens Co
John Rocchio, CVS Health
Cecil Cordele, CVS Health
Lindsay Burckhalter, Publix
Keri Conley, GHA
Jonathan Flacker, Jencare
Diane Sanders, Kaiser Permanente
Dimitra Travlos, ACPE/Joint Accreditation
Kathy Chappell, ANCC/Joint Accreditation
Jessica Chen, Jencare
Kimberly Ramseur, Medical Association of GA
Kimberly Reese, Encompass Rx
James M. Jenkins
Nick G. Jenkins
Brant Zauner
Jeff Smith
Brian Bosnic, CVS Health
Harold Hilborn, CVS Health

Open Session

President Jones established that a quorum was present and called the meeting to order at 9:05 a.m.

President Jones welcomed the visitors.

Appearances

Appearance by Ms. Dimitra Travlos and Ms. Kathy Chappell, ACPE/Joint Accreditation: Ms. Travlos and Ms. Chappell discussed a new credit mark called Interprofessional Continuing Education (IPCE) credits. This credit was developed in response to request from educators and learners for a designation that recognizes the value of IPCE. Mr. Warnock asked for clarification regarding whether or not a pharmacist that receives this credit will meet the standards of ACPE. Ms. Travlos and Ms. Chappell stated that he or she would. President Jones asked Mr. Changus if the Board needs to update its rule to include this information under CE approval of providers. Mr. Changus responded by stating the Board does not need to adjust the rule. He stated if the Board is comfortable with the information provided, it can approve it. Mr. Changus added that the Board can adjust the rule as this program gets developed more. After further discussion, the Board requested Ms. Travlos and Ms. Chappell provide additional information regarding its programs to the Board for review.

Appearance by Dr. Jonathan Flacker, CMO, JenCare Senior Medical Center: Dr. Flacker thanked the Board for the opportunity to speak to its members regarding JenCare's written request for the Board's opinion on the legality of home delivery of non-controlled medication to its senior patients. Dr. Flacker provided a brochure to the board members with information on JenCare Senior Medical Center and the services it provides. Discussion was held regarding physician dispensing. Director Troughton stated to Dr. Flacker that, as a dispensing physician, he must comply with the Board of Pharmacy rules. He asked Dr. Flacker if a doctor is there supervising the technicians? He added that the doctor cannot just be in the building. Dr. Flacker stated there is probably not a doctor in that room. Director Troughton responded by stating that the facility may not be compliant with the rule. Dr. Flacker stated that the bottle is labeled, the doctor checks off on it to ensure everything matches. The bottle is pre-labeled and sealed. Mr. Changus stated that what has been brought to light is this is a pharmacy within a medical practice and the Board has rules on practitioner dispensing. He continued by stating that it would be a good course of action to have Director Troughton inspect this facility and report back to the Board. Following the inspection, the Board can review this matter again. Director Troughton stated he will call Dr. Flacker to set up the inspection.

Approval of Minutes

Bill Prather made a motion to approve the Public Session minutes from the January 10, 2018 meeting. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

Bill Prather made a motion to approve the Executive Session minutes from the January 10, 2018 meeting. Laird Miller seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

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

Petition for Rule Variance from Harbor Springs Counseling Services

Laird Miller made a motion to approve the rule variance petition. Vicki Arnold seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Encompass Rx, LLC, PHRE009830

Bill Prather made a motion to deny the rule waiver petition. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Galil Medical, Inc.

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

Correspondence from PTCB

The Board viewed this correspondence for informational purposes only.

Correspondence from Ernest R. Anderson Jr.

The Board considered this correspondence from Mr. Anderson, who was present at the meeting, along with Dr. Pitamber Devgon. Mr. Anderson stated he has been a practicing pharmacist for 35 years and he is now doing consulting and working with a variety of companies. He introduced Dr. Devgon to discuss the issue, which has to do with saline flushes. Dr. Devgon spoke to the Board regarding issues concerning vascular access. He explained that a patient brought this matter up to him and asked why hospital staff could not draw out of the IV the entire time she was there. He stated there have been issues with patients getting black and blue. Dr. Devgon gave a demonstration of the device, called a PIVO, from Velano Vascular that would obviate the need to perform needle sticks for blood draws in hospitalized patients. Dr. Devgon stated this process is virtually painless for the patient. He stated when the device is used on a patient, the usual practice is to use a quick saline flush. Mr. Anderson stated the question for the Board of Pharmacy is what it considers the saline flush to be as the FDA considers it to be a device. He asked if the Board views it as a device or a drug? Director Troughton responded by stating that any injectable is considered a dangerous drug in Georgia. Mr. Anderson stated that they would like for hospitals to use the PIVO device, and if it is called a drug, can the phlebotomist administer the saline flush? President Jones asked who licenses phlebotomists. Mr. Anderson stated phlebotomists come under the Medical Director and are not licensed or regulated. Mr. Miller asked Director Troughton the status of the drug list. Director Troughton responded that it has already been submitted to the legislature. Director Troughton responded by stating the list could be amended. He just needs to know what the language should be. He added that there is one spot on the dangerous drugs list that says “any injectable” and it seems like the Board could do an exception. He stated that it also sounds like the issue is the phlebotomist needing to be administering this. Mr. Miller responded by asking would that be under the Board’s purview. Director Troughton stated the phlebotomist issue would not be. Mr. Miller stated he would be in favor if the Board could accept it. Mr. Anderson asked if the Board could do an exception to the flushes. He stated he understands the phlebotomist issue. President Jones stated that it appears the Board is in agreement that this is a great idea. He stated the FDA says this is no longer a drug, but is a device and the Board should follow their guidance. President Jones asked Director Troughton how hard would it be to amend the list that has already been submitted. Director Troughton asked Mr. Anderson and Dr. Devgon to submit specific language as soon as possible for him to send to support the removal of it.

Correspondence from Walgreens Retail and Finance Transformation Team

The Board considered this correspondence regarding vendor information updates. Ms. Battle responded that this is just for information and will be handled administratively.

Correspondence from Jaimie Bailey, Miller County Hospital Pharmacy

The Board considered this correspondence requesting guidance on how to handle collection of controlled and non-controlled drugs for destruction in long term care facilities. Bob Warnock made a motion to direct staff to respond referring Ms. Bailey to Rule 480-24-.06 Destruction of Drugs for more information. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

Correspondence from David’s Drug & Surgical Shop, PHRE005951

The Board considered this correspondence regarding plans for a drive thru window. The Board recommended tabling consideration of this matter pending an inspection by GDNA.

Correspondence from Zachary Ruege, Christ Community Health Systems

The Board considered this correspondence asking if the Board has any issue with a medical practice wanting to collect discontinued medication from patients in a secure lock box which can be brought to the

health department on a scheduled basis. Mike Faulk made a motion to direct staff to respond by stating that there is not an exception in the Board’s law or rules that would allow for such to occur. Laird Miller seconded and the Board voted unanimously in favor of the motion.

Correspondence from LW

The Board viewed this correspondence for informational purposes only.

Correspondence from Dr. Andy

The Board considered this correspondence regarding whether an NPI or DEA number is needed if he is not prescribing any controlled drugs, only antibiotics. Vicki Arnold made a motion to direct staff to respond by stating that he does not need an NPI number. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton reported that part of the drug update has already been covered. He will make those changes and reach out to Representative Buddy Harden as soon as possible. He stated that Representative Harden has been very gracious when working with him. Director Troughton also was complimentary of the GBI in getting this through. He stated it was very basic this year. There are forty-nine (49) new dangerous drugs to go on that list.

Director Troughton gave an update on House Bill 769 regarding remote order entry.

Deputy Director Higgins reported that in the old PDMP bill every delegate would have to be registered through PDMP. He stated the new bill will eliminate board staff registering delegates.

Attorney General’s Report – Max Changus

Mr. Changus provided the Board with a copy of a report concerning FY2017 pending administrative cases and attorney time.

Executive Director’s Report - Tanja Battle

Continuing Education Report: Report presented. Bill Prather made a motion to ratify the below named continuing education programs approved since the previous meeting. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

Date of Program	Hours	Sponsoring Group	Program Title	CE Code
TBD	15	Georgia Pharmacy Association	Pharmacy Caucus	2018-0001

Ms. Battle made the Board aware of the inquiry received from Chairman Ron Stephens, Economic Development & Tourism Committee, regarding medication-assisted treatment (“MAT”) and collaborative practice agreements. Ms. Battle stated that his letter was shared with President Jones and Vice-President Prather, along with Mr. Changus. She stated that a response was sent back to Chairman Stephens stating that first, the administration of injectable MATs such as naltrexone, long-acting buprenorphine or combination buprenorphine-naloxone that is prescribed by a licensed physician as part of an outpatient or office based treatment program does fall within the O.C.G.A. § 26-4-4 definition of “practice of pharmacy”. Second, the clarifying statement made regarding collaborative and protocol agreements is correct. Licensed pharmacists in the State of Georgia are not required to be institutional pharmacists with a collaborative practice agreement, nor are they required to enter into a protocol agreement with a state licensed physician to administer injectable MATs so long as the drug therapy regimen is administered as prescribed.

Ms. Battle discussed continuing education for pharmacist modification for drug therapy. She stated the board office receives many questions regarding what courses the pharmacist is supposed to take. President Jones responded by stating that the continuing education course content should be directly related to the therapy adjustment area. Ms. Battle asked if this would be an amendment to the rule, or would it be a clarification that could go on the application. Mr. Changus responded by stating that if the rule itself causes confusion, it would be safer to amend the rule. Ms. Battle stated that staff will work on a draft with the proposed language and bring it back to next month's meeting for the Board's consideration.

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

Executive Session

Appearances

- J.M.J.
- B.Z.
- J.W.S.
- B.B.

Cognizant's Report – Bill Prather

- K.F.A.
- B.R.
- N.L.P.
- GDNA Case # T-32409
- GDNA Case # B-32306
- GDNA Case # B-32363
- GDNA Case # B-32335
- GDNA Case # B-32368
- GDNA Case # B-32387
- GDNA Case # B-32382
- GDNA Case # B-31744
- GDNA Case # B-32334
- GDNA Case # B-32340
- GDNA Case # B-32349
- GDNA Case # B-32367
- GDNA Case # B-32266
- GDNA Case # B-32313
- GDNA Case # B-32325
- GDNA Case #T-32420

Georgia Drugs and Narcotics Agency – Dennis Troughton

- W.P.

Attorney General's Report – Max Changus

Mr. Changus presented the following consent orders for acceptance:

- P.J.S.
- S.C.B.
- C.R.
- T.C.
- A.S.
- W.O.

Mr. Changus discussed the following cases:

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

Applications

- D.C.J.
- S.M.C.
- K.A.S.
- J.O.
- S.M.J.
- T.C.R.
- D.A.T.
- N.T.R.
- A.P.I.

Executive Director's Report – Tanja Battle

- D.M.
- L.B.H.S.
- W.

Correspondences/Requests

- E.P.
- E.P.
- P.P.
- W.V.P.
- A.H.P.
- U.S.P.
- B.I.S.
- E.S.
- P.F.P.
- U.C.P.
- A.R.P.
- A.D.S.
- T.I.N.
- E.O.
- E.P.
- B.M.T.
- C.C.
- J.W.M.
- W.W.S.
- J.D.S.

- E.A.S.
- P.B.B.
- T.K.C.C.P.P.
- O.M.C.S.
- L.H.

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

Open Session

Mr. Lacefield held a discussion with the Board regarding the components of the examination.

Laird Miller made a motion and Jim Bracewell seconded, and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-2(k)(3) to discuss examination content. Voting in favor of the motion were those present who included Vicki Arnold, Jim Bracewell, Mike Faulk, Lisa Harris, Chris Jones, Laird Miller, Bill Prather and Bob Warnock.

Executive Session

- The Board discussed content for the practical examination.

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

Open Session

Correspondence from Joe Lewis

The Board considered this correspondence requesting clarification regarding remote processing. The Board recommended staff respond to Mr. Lewis’ questions as follows:

1. Can a G-Pharmacy (remote processing pharmacy) in Texas obtain a Georgia License to process prescriptions for contracted Retail Pharmacies located in Georgia? *No. Remote order processing rules prohibit this.*
2. Can a class A Pharmacy (Community Pharmacy) in Texas, after obtaining a Georgia License, process prescriptions for a contracted Retail Pharmacy(s) in Georgia? *One pharmacy cannot bill across state lines. The Board’s definition is within the state.*
3. Would a Texas Pharmacy need a Georgia License to remote process prescriptions (no dispensing of medication) for a Retail Pharmacy in Georgia? *This is prohibited at this time.*

Correspondence from Mary Schaad

The Board considered this correspondence seeking clarification. The Board recommended staff respond to Ms. Schaad by referring her to Chapter 480-28 Practitioner Dispensing of Drugs.

Miscellaneous

Mr. Prather commented that he asked Ms. Battle to forward to the Board, as information HB 769. He encouraged the members to read the bill and review the proposed changes. He stated he would like to get a consensus about those changes and will not represent his view as the Board’s view. Ms. Battle responded by stating that some Boards vote on positions on bills while others do not. Mr. Miller suggested Mr. Reybold put together key issues and bullet points regarding the matter. Mr. Prather stated

he will contact Mr. Reybold to ask if he would put this together. Mr. Miller asked about Mr. Changus or the Department of Law possibly getting involved. Ms. Battle responded that it was not typically the practice of the board attorney to weigh in on legislation.

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

Appearances

- | | | |
|----------|---|---|
| • J.M.J. | Request to discuss reinstatement | Denied request |
| • B.Z. | Request to remove supervised practice restriction | Approved request and refer to the Department of Law |
| • J.W.S. | Request to discuss reinstatement | Refer to the Department of Law |
| • B.B. | Board requested appearance | Board directed staff to send correspondence requesting additional information |

Cognizant's Report – Bill Prather

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|-----------------------|----------------------------------|---|
| • K.F.A. | Pharmacist Licensee | Table pending receipt of additional information |
| • B.R. | Non-Resident Pharmacy | Refer to the Department of Law |
| • N.L.P. | Non-Resident Pharmacy | Refer to the Department of Law |
| • GDNA Case # T-32409 | Revoke Technician Registration | |
| • GDNA Case # B-32306 | Refer to the Department of Law | |
| • GDNA Case # B-32363 | Refer to the Department of Law | |
| • GDNA Case # B-32335 | Close with no action | |
| • GDNA Case # B-32368 | Schedule Investigative Interview | |
| • GDNA Case # B-32387 | Close with no action | |
| • GDNA Case # B-32382 | Close with no action | |
| • GDNA Case # B-31744 | Close with no action | |
| • GDNA Case # B-32334 | Refer to the Department of Law | |
| • GDNA Case # B-32340 | Close with no action | |
| • GDNA Case # B-32349 | Misfill Policy #1 | |
| • GDNA Case # B-32367 | Close with no action | |
| • GDNA Case # B-32266 | Close with no action | |
| • GDNA Case # B-32313 | Close with no action | |
| • GDNA Case # B-32325 | Close with no action | |
| • GDNA Case #T-32420 | Revoke Technician Registration | |

Georgia Drugs and Narcotics Agency – Dennis Troughton

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| • W.P. | Retail Pharmacy | Refer to the Department of Law |
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Attorney General's Report – Max Changus

Mr. Changus presented the following consent orders for acceptance:

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|-------------------|--------------------------------|
| • P.J.S. | Private Consent Order accepted |
| • Steven C. Butts | Public Consent Order accepted |
| • C.R. | Private Consent Order accepted |
| • T.C. | Private Consent Order accepted |
| • A.S. | Private Consent Order accepted |
| • Winifred Ofili | Public Consent Order accepted |

Mr. Changus discussed the following cases:

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

Applications

- D.C.J. Pharmacy Technician Denied registration
- Shantelle M. Cherry Pharmacy Technician Approved for registration
- Kenneth A. Starnes Pharmacy Technician Approved for registration
- Jacqueline Outland Pharmacy Technician Approved for registration
- S.M.J. Pharmacy Technician Denied registration
- Tiffaney C. Riddick Pharmacy Technician Approved for registration
- D.A.T. Pharmacist Reciprocity Void intern license/approve to sit for the exam

- N.T.R. Researcher Pharmacy Denied application
- Atlantic Pharmacy Non-Resident Pharmacy Approved renewal

Executive Director's Report – Tanja Battle

- D.M. Pharmacist Intern Approved application
- L.B.H.S. Open Records Request Approved request
- W. Change in Ownership Board directed staff to administratively process and approve complete applications

Correspondences/Requests

- E.P. Notice of Discipline No action taken
- E.P. Notice of Discipline No action taken
- P.P. Notice of Discipline No action taken
- W.V.P. Notice of Discipline No action taken
- A.H.P. Notice of Discipline No action taken
- U.S.P. Notice of Discipline No action taken
- B.I.S. Notice of Discipline No action taken
- E.S. Notice of Discipline No action taken
- P.F.P. Notice of Discipline No action taken
- U.C.P. Notice of Discipline No action taken
- A.R.P. Request to take MPJE a 4th time Approved request
- A.D.S. Request to take MPJE a 5th time Approved request
- T.I.N. Request to take MPJE a 6th time Approved request
- E.O. Request to take MPJE a 4th time Approved request
- E.P. Request regarding exporting Approved request
- B.M.T. Request to terminate consent order Approved request
- C.C. Request to lift PIC restriction Approved request
- J.W.M. Request to lift supervised practice provision Approved request

- W.W.S. Request regarding community service hours Approved request

- J.D.S. Appearance request Approved request
- E.A.S. Appearance request Approved request
- P.B.B. Quarterly report information The Board viewed this correspondence for informational

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|----------------|--|---|
| • T.K.C.C.P.P. | Request regarding remote processing pharmacy | purposes only.
Table pending receipt of additional information |
| • O.M.C.S. | Remote Order Entry | Table pending receipt of additional information |
| • L.H. | Request to take MPJE a 5 th time | Approved request |

Bill Prather seconded and the Board voted in favor of the motion, with the exception of Chris Jones, who abstained from the vote on J.W.M.

There being no further business to discuss, the meeting was adjourned at 5:07 p.m.

The next meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, March 7, 2018 at 9:00 a.m. at Mercer University College of Pharmacy, 3001 Mercer University Drive, Atlanta, Georgia 30341.

Minutes recorded by Brandi Howell, Business Support Analyst I
 Minutes edited by Tanja D. Battle, Executive Director