

GEORGIA BOARD OF PHARMACY
Board Meeting
South University School of Pharmacy
709 Mall Blvd
Savannah, GA 31406
January 16, 2019
9:00 a.m.

The following Board members were present:

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

Staff present:

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

Visitors:

Vince Obsitnik, GVMA
John Sisto, ESI
Jeenu Philip, Walgreens
Ken Duke, UGA
Paul Carpenter, St. Josephs/Candler
Stephanie Kirkland, ElderCare Pharmacy
Maria Lam, Publix Pharmacy
Becca Hallum, GHA
Kathryn, Searles, Health Trust
Greg Reybold, GPhA
Julie Randolph, PCOM
K'rinna Hines
Gabriel Toms
A. Bruce Conn

Open Session

President Prather established that a quorum was present and called the meeting to order at 9:00 a.m.

President Prather introduced Fred Augello as the newest member of the Board.

Approval of Minutes

Michael Brinson made a motion to approve the Public and Executive Session minutes from the December 12, 2018 meeting. Mike Faulk 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.

Correspondence from Lanette King

The Board considered the additional information provided by Ms. King. Her correspondence specifically asks whether or not a non-dispensing pharmacy applies as a non-resident pharmacy for the State of Georgia. Her correspondence goes on to state that the non-dispensing pharmacy will be conducting the following activities:

1. *Receiving, interpreting, analyzing, or clarifying prescriptions;*
2. *Entering prescription and patient data into a data processing system;*
3. *Transferring prescription information;*
4. *Performing a prospective drug review*
5. *Obtaining refill or substitution authorizations, or otherwise communicating with the prescriber concerning a patient's prescription;*
6. *Interpreting clinical data for prior authorization for dispensing;*
7. *Performing therapeutic interventions; or*
8. *Providing drug information or counseling concerning a patient's prescription to the patient or patient's agent.*

The Board directed staff to respond by stating that a license is required and suggested she refer to the laws and rules for more information.

Correspondence from Thomas Bruno

The Board considered this correspondence regarding if pharmacy technicians can take orders over the phone for diagnostic testing such as a heart study or bone scan that involves radiopharmaceuticals. The Board directed staff to respond by stating this would not be permissible.

Correspondence from Geneva Tripp

The Board considered this correspondence regarding a prescription device which does not contain a drug and is for one-time use by the physician only. Ms. Tripp specifically asks if a license or permit would need to be obtained before shipping their product into Georgia. The Board directed GDNA to contact Ms. Tripp to obtain additional information regarding the device.

Correspondence from Jacqueline Holman

The Board considered this correspondence regarding O.C.G.A. § 43-1-2(k). In her letter, Ms. Holman states that she would like the Board to work to get this statute altered to no longer make the personal addresses of licensed pharmacists in Georgia public. The Board directed staff to respond by stating O.C.G.A. § 43-1-2(k) requires the names and addresses of all current licensees for each of the various professional licensing boards. Additionally, if the licensee does not wish to provide his/her personal address, he/she may use a P.O. box or business address as an alternative.

Correspondence from Michelle Ames

The Board considered this correspondence regarding nursing home patients with C-II prescriptions written by discharging hospital physicians. Ms. Ames is requesting verification concerning whether or not the faxed C-II prescription being filled by a long-term care pharmacy and delivered upon exchange for the hardcopy with the pharmacy driver would be acceptable in Georgia. The Board directed staff to respond by stating that if there ultimately was a hardcopy provided to the pharmacy as described, that would be acceptable.

Correspondence from Teresa Tatum

The Board considered this correspondence regarding the GPhA Annual Convention being held June 13-16, 2019. The CPE Advisory Committee would like to invite the board members and the GDNA Director to

participate in a panel discussion. The correspondence asks if any board members can be available for the discussion. The Board recommended tabling consideration of this matter until its February meeting.

Correspondence from Jonathan Carr

The Board considered this correspondence asking if the Board finds it acceptable for patients or patient's caregivers to use HIPAA compliant mobile applications to reorder refillable medications. The Board directed staff to respond by stating this would be permissible.

Correspondence from Richard L. Green, Cardinal Health

The Board considered this correspondence regarding USP <825>. In Mr. Green's correspondence, he requests time on the Board's agenda after June 2019 to discuss the path forward. The Board directed staff to respond by stating that it is appreciative of his offer to assist with rules; however, while the Board is not inclined to schedule a meeting at this juncture, it will certainly welcome any comments regarding proposed changes at the appropriate time.

Correspondence from Ruben Cardenas

The Board considered this correspondence asking if a license is required for the products Mr. Cardenas sells. The Board directed staff to respond by referring him to O.C.G.A. § 26-4-5(14.05) and § 26-4-5, along with Chapter 480-7B. Additionally, Mr. Cardenas should review his product list with his legal counsel to determine if his products fall within the definition of Durable Medical Equipment.

Correspondence from Erin B. Hill, RPH020749 and Charles A. Mueller, RPH024019

The Board considered requests from Ms. Hill and Mr. Mueller for a waiver of the late renewal fee. Lisa Harris made a motion to deny the requests. Vicki Arnold seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver or Variance

Lisa Harris made a motion to deny the rule waiver petition from Integrity Medical Equipment, Inc. Hal Henderson seconded and the Board voted unanimously in favor of the motion.

Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton reported that GDNA's newest hire, Ronald Acoff, has started the Police Academy. Once he graduates, he will become P.O.S.T. certified.

Director Troughton reported that GDNA has conducted 1054 inspections and received 187 complaints for FY2019.

Director Troughton reported that GDNA met with the FBI Fraud Unit recently. He stated that GDNA can share investigations with them, but the Fraud Unit is also requesting application information on thirty (30) different pharmacies. Ms. Battle requested Director Troughton present the list of pharmacies in Executive Session and the Board can approve to release the list once it comes back in Open Session.

Attorney General's Report – Max Changus

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

Director Troughton stated that Mr. Augello, and any other board members, were welcome to visit GDNA to see what they do.

Executive Director's Report – Tanja Battle

Ms. Battle welcomed Mr. Augello to the Board. She stated that she and her staff are accessible anytime. Ms. Battle explained to Mr. Augello that now that he has been sworn in, he 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 he may use it to refer any inquiries and that she would be happy to assist.

Continuing Education Report: No report.

NABP Annual Meeting: Ms. Battle reported that the NABP Annual Meeting is in May and the Board will need to vote on a delegate and an alternate. The Board recommended tabling this matter until its February meeting.

Legal Services – Kimberly Emm

No report.

Miscellaneous

Compounding for Veterinarians: Dr. Vince Obsitnik, Georgia Veterinary Medical Association (GVMA), was present at the meeting and spoke to the members. President Prather stated that he was told that the veterinarians were going to seek law changes regarding compounding for veterinarians; however, he is unsure as to what the issue is. Director Troughton explained that veterinarians want to be able to purchase non-patient specific compounded medications for office use. 503(b) does not apply to prescriptions for animal use drugs. With the changes in the rules comes the ability for the vet to purchase compounded products, to administer or for in office use, and with unlimited dispensing. Director Troughton stated the Board was concerned with unlimited dispensing. Administration and Emergency Dispensing was being added into the rule to keep everything at a reasonable amount until someone could get the product from the pharmacy. Director Troughton stated the issue of concern revolves around controlled substances. He stated that after further research by the Attorney General's office, they found that the issue of pharmacies compounding controlled substances for office use, only pertain to sterile products, but GVMA said that was not really a concern. Director Troughton stated that he thinks allowing C-IIs is a bad idea considering the opioid epidemic, but IIIs, IVs, and Vs may be considered. He asked Dr. Obsitnik if non-patient specific purchasing for administration and emergency dispensing would work. Dr. Obsitnik responded that it was their understanding that controlled substances were not even an option in this environment. He stated his request would be to not even consider controlled substances. Dr. Obsitnik stated if they can have office use non-controls for administration and emergency dispensing for possibly five (5) days that would be sufficient. Dr. Obsitnik read proposed language to Board Rule 480-11-.02. Director Troughton asked if Dr. Obsitnik could share that language with him and GDNA would work on providing a proposed rule to the Board at its next meeting. Dr. Obsitnik stated that he appreciated the Board for its time as he would much rather resolve the issue through the rule process than going to the legislature. Mr. Brinson asked Dr. Obsitnik if five (5) days long enough. Dr. Obsitnik responded by stating that five (5) days would be reasonable. He stated seven (7) would be fine. President Prather asked Mr. Reybold for his input. Mr. Reybold stated that he thinks some folks may have concerns. He stated if it is in the context of an emergency situation, five (5) days is longer than some folks think it needs to be; however, they can certainly look at it since it would be an emergency situation.

Rule 480-2-.04 Examinations

Ms. Emm stated that President Prather had previously asked her to review Rule 480-2-.04 Examinations regarding limiting the MPJE and practical attempts to a maximum of four (4). She stated once she incorporated language and spoke with Max, questions arose as to whether or not this will solve the issue. Ms. Emm stated that it may solve the number of requests considered in Executive Session; however, it may increase the number of rule petitions that come in. She explained that staff can adjust the language in the denial letters to give it more of a finality and go that route. President Prather asked if the Board could give administrative authority to staff to send a denial letter to an applicant who submits a petition for such a request. Ms. Emm responded no. She further stated that in regards to the correspondence the Board

considers, the applicant is seeking board permission. Mr. Changus stated that is something the Board needs to have a record of exercising its discretion on. He stated that the Board can set parameters on how it will review them. Ms. Emm stated that staff can adjust the language in the denial letter to state that the Board will not consider any further requests. The Board agreed to not make any changes to the rule and to adjust the language in the response to the correspondence requests. President Prather stated that he appreciates Ms. Emm's and Mr. Changus's hard work on this matter.

Mike Brinson made a motion and Lisa Harris 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, Fred Augello, Michael Brinson, Mike Faulk, Lisa Harris, Hal Henderson, and William Prather.

Executive Session

Georgia Drugs and Narcotics Agency – Dennis Troughton

Deputy Director Karnbach discussed a records request for the following:

- B.P.
- B.P.G.
- B.S.P.
- E.P.
- E.P.
- E.P.
- R.P.
- P.P.D.
- A.P.
- A.P.
- G.D.P.
- G.P.
- D.P.
- D.P.
- C.P.
- C.P.B.
- B.P.
- B.P.
- A.N.P.
- A.P.
- T.P.
- T.P.
- M.P.

- M.P.
- W.P.

Director Troughton discussed the following:

- L.C.P.I.

Attorney General's Report – Max Changus

The Board received legal advice regarding O.C.G.A. §26-4-48 and O.C.G.A. §50-18-70.

Mr. Changus presented the following consent orders for acceptance:

- W.
- J.E.C.
- A.E.B.
- C.C.M.

Mr. Changus discussed the following cases:

- Q.D.P.P.
- B.P.S.

Appearances

- J.D.R.
- K.E.H.
- G.A.T.

Executive Director's Report – Tanja Battle

- Requirements related to complaint discussed.

Cognizant's Report – Lisa Harris

- GDNA Case # A32752
- GDNA Case # A32710
- GDNA Case # T32738
- GDNA Case # B32695
- GDNA Case # B32632
- GDNA Case # B32705
- GDNA Case # B32684
- GDNA Case # B32726
- GDNA Case # B32740
- GDNA Case # B32679
- GDNA Case # A32712
- GDNA Case # B32727
- GDNA Case # B32704
- GDNA Case # B32743
- GDNA Case # B32680
- GDNA Case # A32719
- GDNA Case #A32600
- GDNA Case # B32755
- GDNA Case # A32757
- GDNA Case # A32541
- GDNA Case # A32681

Applications

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

- M.M.T.
- A.M.M.
- O.
- B.I.
- S.P.I.

Correspondences/Requests

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

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

Open Session

Michael Brinson made a motion for the Board to take the following actions:

Georgia Drugs and Narcotics Agency – Dennis Troughton

Deputy Director Karnbach discussed a records request for the following. The Board approved the request.

- B.P.
- B.P.G.
- B.S.P.
- E.P.
- E.P.
- E.P.
- R.P.
- P.P.D.
- A.P.
- A.P.
- G.D.P.
- G.P.
- D.P.
- D.P.
- C.P.
- C.P.B.
- B.P.
- B.P.
- A.N.P.
- A.P.
- T.P.
- T.P.
- M.P.
- M.P.
- W.P.

Director Troughton discussed the following:

- L.C.P.I. Retail Pharmacy Approved application

Attorney General’s Report – Max Changus

The Board received legal advice regarding O.C.G.A. §26-4-48 and O.C.G.A. §50-18-70.

Mr. Changus presented the following consent orders for acceptance:

- Walmart Pharmacy #10-2858 Public Consent Order accepted
- J.E.C. Private Consent Order accepted
- A.E.B. Private Consent Order accepted
- C.C.M. Private Consent Order to be accepted and signed with express permission upon receipt of the original

Mr. Changus discussed the following cases:

- Q.D.P.P. Close case with a letter of concern
- B.P.S. Counterproposal not accepted

Appearances

- J.D.R. Pending Pharmacy Technician Approved application/Approved request to retake the NAPLEX upon receipt of a completed pharmacist application.
- K.E.H. Denied Pharmacy Technician Uphold denial
- G.A.T. Pending Reinstatement Applicant Refer to the Department of Law

Executive Director's Report – Tanja Battle

- Request for direction regarding complaint.

Cognizant's Report – Lisa Harris

- GDNA Case # A32752 Accept Interim Consent Order for Assessment
- GDNA Case # A32710 Accept Private Interim Consent Order
- GDNA Case # T32738 Accept Voluntary Surrender
- GDNA Case # B32695 Close with no action
- GDNA Case # B32632 Close case and refer to the Georgia Composite Medical Board
- GDNA Case # B32705 Misfill Policy #1
- GDNA Case # B32684 Close with no action
- GDNA Case # B32726 Close with no action
- GDNA Case # B32740 Close with no action
- GDNA Case # B32679 Close with no action
- GDNA Case # A32712 Close with no action
- GDNA Case # B32727 Close with no action
- GDNA Case # B32704 Close with letter of concern
- GDNA Case # B32743 Close with no action
- GDNA Case # B32680 Close with no action
- GDNA Case # A32719 Refer to the Department of Law
- GDNA Case #A32600 Investigative Interview
- GDNA Case # B32755 Table pending receipt of additional information
- GDNA Case # A32757 Refer to the Department of Law
- GDNA Case # A32541 Refer to the Department of Law
- GDNA Case # A32681 Close with letter of concern

Applications

- C.E.C. Pharmacy Technician Overturn denial and approve for registration
- Jamal D. Ingram Pharmacy Technician Approve for registration

• Ethan H. Barnhill	Pharmacy Technician	Approve for registration
• Bernard Weintraub	Pharmacist Reinstatement	Approved application
• Jung S. Lee	Pharmacist Reinstatement	Approved application
• Rajesh M. Patel	Pharmacist Reinstatement	Approved application
• Sonja J. Sisung	Pharmacist Reinstatement	Approved application/Deny request for waiver of the reinstatement fee
• K.C.C.	Temporary Pharmacist	Denied application
• S.Y.L.	Inactive Status	Denied application
• S.Y.L.	Pharmacist Renewal	Denied application
• A.M.W.	Pharmacist Renewal	Approved pending receipt of additional information
• A.C.H.	Pharmacist Renewal	Approved pending receipt of additional information
• C.A.N.	Pharmacist Renewal	Approved pending receipt of additional information
• D.G.W.	Pharmacist Renewal	Approved pending receipt of additional information
• D.W.C.	Pharmacist Renewal	Approved pending receipt of additional information
• J.R.M.	Pharmacist Renewal	Approved pending receipt of additional information
• K.H.G.	Pharmacist Renewal	Approved pending receipt of additional information
• L.C.B.	Pharmacist Renewal	Approved pending receipt of additional information
• O.M.I.	Pharmacist Renewal	Approved pending receipt of additional information
• P.C.S.	Pharmacist Renewal	Approved pending receipt of additional information
• S.A.M.	Pharmacist Renewal	Renew with letter stating the individual must keep the Board apprised of her condition.
• T.M.K.	Pharmacist Renewal	Table pending receipt of additional information
• U.O.U.	Pharmacist Renewal	Table pending receipt of additional information
• W.A.H.	Pharmacist Renewal	Approve pending receipt of additional information
• A.A.L.	Pharmacist Renewal	Approve pending receipt of additional information
• A.J.L.	Pharmacist Renewal	Approve pending receipt of additional information
• C.S.L.	Pharmacist Renewal	Approve pending receipt of additional information
• J.N.C.	Pharmacist Renewal	Deny request for appearance/Table pending receipt of additional information
• Pauline M. Badiki	Pharmacist Renewal	Approved for renewal
• S.P.C.	Pharmacist Renewal	Table pending receipt of additional

• G.D.A.	Pharmacist Reinstatement	information Approved pending receipt of additional information
• H.B.C.	Pharmacist Reinstatement	Table pending receipt of additional information
• N.J.R.	Pharmacist Reinstatement	Approved pending receipt of additional information
• P.S.S.	Pharmacist Reciprocity	Approved to sit for the exam
• A.K.M.	Pharmacist Renewal	Approved pending receipt of additional information
• C.B.S.	Pharmacist Renewal	Approved pending receipt of additional information
• H.S.M.	Pharmacist Renewal	Approved pending receipt of additional information
• N.G.B.	Pharmacist Renewal	Approved pending receipt of additional information
• W.K.S.	Pharmacist Renewal	Table pending receipt of additional information
• L.M.W.	Pharmacist Renewal	Approved pending receipt of additional information
• H.W.O.	Pharmacist Renewal	Approved pending receipt of additional information
• B.A.H.	Pharmacist Reinstatement	Approved application
• D.A.R.	Pharmacist Reinstatement	Table pending receipt of additional information
• R.A.	Pharmacist Reinstatement	Approved application
• R.P.R.	Pharmacist Intern	Approved application
• R.A.R.	Pharmacist Intern Reactivation	Approved application
• S.P.O.	Pharmacist Certification of DTM	Approved application
• M.M.T.	Pharmacist Certification of DTM	Approved application
• A.M.M.	Pharmacist Certification of DTM	Approved application
• O.	Non-Resident Pharmacy	Table until February meeting to allow time for additional consideration.
• B.I.	Researcher Pharmacy	Approved application
• S.P.I.	Wholesaler Pharmacy	Approved application

Correspondences/Requests

• B.P.	Notice of Discipline	No action
• C.P.	Notice of Discipline	No action
• L.S.L.	Notice of Discipline	No action
• L.S.L.	Notice of Discipline	No action
• M.V.P.S.	Notice of Discipline	No action
• O.M.D.I.	Notice of Discipline	No action
• W.P.N.	Notice of Discipline	No action
• T.M.C.	Notice of Discipline	No action
• A.P.S.P.	Notice of Discipline	No action
• S.P.	Notice of Discipline	No action
• S.P.	Notice of Discipline	No action
• S.P.	Notice of Discipline	No action

• B.S.O.	Notice of Discipline	No action
• B.S.O.	Notice of Discipline	No action
• D.P.S.	Notice of Discipline	No action
• D.P.S.	Notice of Discipline	No action
• G.R.	Notice of Discipline	No action
• H.P.I.	Notice of Discipline	No action
• O.P.S.	Notice of Discipline	No action
• O.P.S.	Notice of Discipline	No action
• U.C.P.	Notice of Discipline	No action
• Z.P.I.	Notice of Discipline	No action
• B.T.	Notice of Discipline	No action
• L.L.B.	Request to take NAPLEX a 4 th time	Denied request
• C.B.C.	Request regarding August practical	Approved request
• B.H.S.	Letter of explanation	No action
• C.M.H.	Request to terminate probation	Approved request
• J.R.H.	Notifying the Board of modified sentence	No action
• P.E.H.	Appearance request	Approved request
• J.F.C.	Appearance request	Denied request
• T.M.T.	Appearance request	Approved request
• J.C.M.C.	Remote order entry	Approved request
• P.L.J.	Request to take MPJE a 4 th time	Approved request
• E.U.H.M.	Request to terminate probation	Approved request
• R.I.M.	Remote order entry	Approved request
• M.H.U.M.C.	Remote order entry	Approved request
• C.D.R.	Request to take MPJE a 4 th time	Approved request
• J.A.G.	Request for waiver of the re-exam fee	Denied request
• C.T.J.	Letter of explanation	No action
• L.C.E.	Request to terminate probation	Approved request

Carrie Ashbee seconded and the Board voted in favor of the motion, with the exception of Hal Henderson, who recused himself from the vote regarding GDNA #A32541.

There being no further business to discuss, the meeting was adjourned at 4:40 p.m.

The next meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, February 13, 2019 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