

GEORGIA BOARD OF PHARMACY
Board Meeting
Mercer University College of Pharmacy
3001 Mercer University Drive
Atlanta, GA 30341
January 22, 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, Business Operations Specialist

Visitors:

John Sisto, Express Scripts
Jeff Mesaros, CVS Caremark
Leigh Carpenter, Hemophilia of GA
Rebecca Klaus, BrioRx/Catamaran
Luther Bech, BrioRx/Catamaran
Greg Primuth, Walgreens
Jimmy England, Walgreens
Scott Bidulph, Target
Brad Borum, Kaiser Permanente
Stan Jones, Kaiser Permanente
Melvin Smith, CVS
Yi Huang
David White, PSI
David Barrington, Omnicare
Ryan Sledge, PSI
Representative Bruce Broadrick
Representative Buddy Harden
Senator Buddy Carter
Kenneth Arthur
Fran Cullen
Jimmy Johnson
Hope Jordan
Charles Neely
Scott Lindsay, CAPS
Lynda Chapman

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

Public Hearing

Chairperson McConnell called the Public Hearing to order at 9:02 a.m.

Rule 480-11-.01 Definitions

No comments or written responses were received.

Rule 480-38-.02 Conditions for Use of Delivery by Mail

Representative Harden addressed the Board and thanked the Board for the opportunity to address this issue. Although he had written comments, he wanted to thank the Board for working on the proposed rules. He expressed the concern that out of state pharmacies were not being held to the same standards as in-state pharmacies and there should be equal protection for the citizens of Georgia under the law. The citizens of Georgia are not being given the protection of patient counseling and monitoring of prescription errors. In addition, there is concern on the manner of distribution of controlled substances, and he supported the requirement of a signature to show evidence of receipt and to prevent diversion. He indicated that he had reviewed some of the other written comments on the proposed rules and he is concerned about the citizens of Georgia being required to fill prescriptions through mail order pharmacies, not be able to use local pharmacies, and not being afforded the regulatory protections of the Board because the mail order pharmacies were out of state.

Public comments from Senator Buddy Carter were received. He stated that overall safe delivery of medications to patients is the crux of the matter. He stated that the PDMP program is a program that was implemented to get prescription drug abuse under control. That whole program is useless if a signature is not provided. He further stated his concern regarding the implementation of a double standard by requiring in-state pharmacies to adhere to one set of rules and requiring out-of-state pharmacies to adhere to another set of rules.

Public comments from Stan Jones, representative from Kaiser Permanente, were received. He stated that Kaiser serves 250,000 members. Kaiser has retail pharmacies in the state and they also have a fill center. The fill center fills for the retail pharmacies in the clinics and for mailing. They currently do not require a signature at the home as it is a cost issue for service to its members. The fill center provides refills delivered by mail. There is a bar code that is placed on the unmarked envelopes. He stated that there have only been two issues within the last several years. If a signature is required, Kaiser's system will have to change. They are concerned that this proposed rule will impede the huge service they provide to its members. Kaiser respectfully requests that the sentence about medicine not being unattended should be removed.

Written comments from Mr. Jones on behalf of Kaiser Permanente were received.

Public comments from Lee Carpenter were received. Ms. Carpenter stated that people with hemophilia and other inherited bleeding disorders depend of a medication called factor concentrate to prevent and stop bleeding. Most brands of factor concentrate require refrigeration or at least protection from heat. This medication is extremely expensive and multiple brands and dosages must be stocked. The patient population is small in Georgia and is spread out across the state. For these reasons, local pharmacies and most hospitals do not stock factor concentrate. Shipping directly to a patient means the patient does not have to drive hours to a pharmacy. It allows the patients to continue to work or go to school. Requiring the patient to wait at home will impose a considerable hardship. The current system of shipping directly to patients has worked well for many years and without any adverse incidences.

Written comments from Hemophilia of Georgia were received.

Public comments from John Sisto, Express Scripts, were received. He stated that the requirement to document when the prescription is received by the patient is not viable in the current USPS environment without an increase in shipping cost to 40%. Mr. Miller asked Mr. Sisto where the 40% is derived from. Mr. Miller asked Mr. Sisto to find out what the average shipping cost is and submit it to the Board. Mr. Bracewell asked Mr. Sisto what kind of action is taken if someone does not receive a prescription. Mr. Sisto responded that they keep track of the medications that are received. If they see a pattern, the postal inspectors will be notified and the situation will be investigated.

Written comments from Mr. Sisto on behalf of Express Scripts, Inc. were received.

Public comments from John Olsen, Encompass Rx, were received. Mr. Olsen did not provide any written comments, but would do so following the meeting. Mr. Olsen stated he wanted to comment specifically on sections (4)(b) and (c) of the proposed rule. He stated that the issue he has with this section of the rule is that it is restricting access. He further stated that he spends hours fighting insurance companies daily to get medications approved for Georgia residents and does everything possible to find financial assistance to these patients to ensure their medications are affordable. Thousands of Georgia residents rely on pharmacies like Encompass Rx to provide medications to their home. Often these patients are disabled and cannot leave their homes to find these specialty medications. Even more often the medications we supply are not found in retail pharmacies. Removing the ability of pharmacies like Encompass Rx to deliver refrigerated and chemotherapy medications puts these Georgia resident's lives at risk and places the burden on retail pharmacists or providers that are not equipped to handle the complex nature of specialty drug coverage/authorization.

Ms. Wray responded by stating that she thinks there is some confusion as specialty pharmacies are covered under a different subsection and do not have the same statutory restriction. She referred Mr. Olsen to O.C.G.A. § 26-4-60(a)(11). Section (A)(v) of this code section states, "*The patient receiving the prescription drug consents to the delivery of the prescription drug via expedited overnight common carrier and designates the specialty pharmacy to receive the prescription drug on his or her behalf;*"

Ms. Wray went on to say that section (A)(iii) states, "*Due to the prescription drug's high monetary cost, short shelf life, special manufacturer specified packaging and shipping requirements or instructions which require temperature sensitive storage and handling, limited availability or distribution, or other factors, the drugs are not carried in the regular inventories of retail pharmacies such that the drugs could be immediately dispensed to multiple retail walk-in patients;*"

Chairperson McConnell stated that this would also apply to Hemophilia of Georgia.

Public comments from David White, Pharmaceutical Specialties, were received. Mr. White stated that he was aware of the exemption for specialty pharmacies, but it does not specifically state that in the proposed rule. Chairperson McConnell responded by stating that this was an issue that could be addressed quite easily.

Written comments were received from Kim Caldwell on behalf of Humana Pharmacy Solutions (HPS), Stephen Georgeson on behalf of Georgia Association of Chain Drug Stores, Allen K. Horne on behalf of CVS Caremark, Claudia Tucker on behalf of America's Health Insurance Plans (AHIP), Laura Watkins on behalf of Prime Therapeutics, Karen Peterson on behalf of Briova Rx Specialty Pharmacy, Karen Peterson on behalf of Catamaran Mail, Clayton Edwards on behalf of Optum Rx, David Taylor on behalf of Computing Solutions of Savannah, and Lori Garner, DCH Division of Medicaid.

Rule 480-38-.01 Definitions

No public comments were received. Written comments were received from Allen K. Horne on behalf of CVS Caremark, Claudia Tucker on behalf of America's Health Insurance Plans (AHIP), Laura Watkins on behalf of Prime Therapeutics, and John Sisto, Express Scripts, Inc.

The hearing was adjourned at 10:06 a.m.

Bill Prather made a motion to adopt Rule 480-11-.01 Definitions. Chris Jones seconded and the Board voted unanimously in favor of the motion.

Rules 480-38-.01 Definitions and 480-38-.02 Conditions for Use of Delivery by Mail will be reconsidered at a later date.

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

Executive Session

Appearances

- K.A.
- J.L.J.
- H.D.J.
- C.A.N.

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

Open Session

Appearance

Appearance by Emile D. Risby, M.D., Assistant Commissioner and CMO GA Department of Behavioral Health & Developmental Disabilities: Mike Brinson spoke to the Board on Dr. Risby's behalf. Mr. Brinson stated that new legislation has been drafted that will be presented to the Board. He stated the e-kits have been sent over to GDNA and with that, they would like to withdraw the rule petition that has been placed on the Board's agenda for consideration. Mr. Brinson thanked the Board for its time.

Approval of Minutes

Bill Prather made a motion to approve the Public and Executive Session minutes for the December 11, 2013 meeting, the Public Session minutes for the December 19, 2013 Conference Call, and the Public and Executive Session minutes for the January 10, 2014 Conference Call. Bob Warnock seconded and the Board voted unanimously in favor of the motion.

Ratifications

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

Petitions for Rule Waiver – Disha Jivani

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 Variance – Summer Cancer Care

Laird Miller made a motion to grant the rule variance petition. Chris Jones seconded and the Board voted unanimously in favor of the motion.

Correspondence regarding Tokes Adelave, RPH015889

The Board considered this correspondence from the U.S. Department of Justice concerning non-payment of his federal student loans. The Board directed staff to respond by stating that the Board has received the letter and Mr. Adelave's license was revoked by operation of law.

Correspondence from David Armstrong, Fresenius Medical Care Rx

The Board considered this correspondence and directed staff to respond to Mr. Armstrong by stating that the issue surrounding his request is currently under advisement by the Board.

Correspondence from Albert L. Pate, RPH011337

The Board considered this correspondence from Mr. Pate requesting the Board terminate his probation. The Board recommended approving his request.

Correspondence from Robert Nolte, PBM-Plus, Inc.

The Board considered this correspondence and directed staff to respond to Mr. Nolte by referring him to O.C.G.A. § 26-4-110.1

Correspondence from Kathryn Lyday, RPH021094

The Board considered this correspondence from Ms. Lyday requesting clarification on the timeframe required for completing the 1200 hours of supervision required per her consent agreement. The Board directed staff to respond to Ms. Lyday by stating that there is not a specific timeframe that she will have to complete this requirement. Additionally, once she has worked under the required supervision and taken and passed the Georgia Practical Examination, she may petition for the lifting of supervised practice.

Correspondence from Elaine M. Papp, Federal Motor Carrier Safety Administration

The Board considered this correspondence requesting a determination as to whether or not the scope of practice for a Pharmacist in Georgia allows him/her to perform a physical examination to medically certify a driver as physically qualified to drive a commercial motor vehicle in interstate commerce. The Board directed staff to respond to Ms. Papp by stating that the Board is not given such authority under the law.

Georgia Drugs and Narcotics Agency – Rick Allen

Mr. Allen discussed correspondence received from Sidney Welch that was reviewed by the Board at its September 18, 2013 meeting concerning physician dispensing. The Board stated that as long a physician uses his own DEA number and bills for them as he always has, there is no issue; however, should he start using hospital stock or hospital billing, a wholesale license would be required.

Attorney General’s Report – Janet Wray

No report.

Executive Director’s Report – Tanja Battle

Ms. Battle reported that staff is currently focused on processing dental renewal applications. The online renewal process was implemented for the dental renewals which will benefit the State Board of Pharmacy greatly at the end of the year when pharmacists renew. She plans on sending out notices for licensees to send in their notarized affidavits prior to the renewal cycle to hopefully get ahead of that part of the process.

Ms. Battle stated that the issue of home-schooled applicants has come up and requested guidance from the Board on how to process them. Ms. Wray stated that the university system has a guideline for admission of home-schooled applicants. She further stated that the Board can adopt a policy or rule similar to what the university system has. Students have to have a diploma from a regionally accredited home study program such as the American School or the Seton Home Study School or a diploma from the Center of the Accrediting Council for Independent Study and will be given the same consideration for admission as a student from a public high school.

Miscellaneous

Mike Faulk made a motion to post Rule 480-10-.21 Purchase or Receipt of Drugs by a Pharmacy and Rule 480-16-.08 Purchase or Receipt of Drugs by a Pharmacy. Chris Jones seconded and the Board voted unanimously in favor of the motion.

480-10-.21 Purchase or Receipt of Drugs by a Pharmacy

All pharmacies are required to purchase or receive dangerous drugs and/or controlled substances from a firm licensed by this state as a drug wholesaler, distributor or manufacturer.

480-16-.08 Purchase or Receipt of Drugs by a Pharmacy

All pharmacies are required to purchase or receive dangerous drugs and/or controlled substances from a firm licensed by this state as a drug wholesaler, distributor or manufacturer.

A motion was made by Bill Prather, seconded by Chris Jones, and the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A§ 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

Bill Prather made a motion to post the following rules as changed:

480-41-.04 Witness Lists and Respondent Statements.

(1) Should a party seek a list of the names of witnesses, including experts, whom another party expects to call or may call on its behalf, the party seeking the list must communicate the request in writing (by mail, personal service, or electronically) to the other party at least fourteen (14) days prior to the hearing. Such a request must also be filed with the Executive Director, Board of Pharmacy, 2 Peachtree Street, 36th Floor, Atlanta, GA 30303. The party of whom the information is requested shall, within a reasonable time prior to the commencement of the hearing but at least ten (10) days prior to the hearing, provide such a list to the requester.

(2) The parties may also, within a reasonable period of time prior to the hearing, exchange copies of documents and designate documents already in the possession of the other party which are intended to be introduced as evidence at the hearing. Upon request, the parties shall make available to each other for inspection, copying, testing or sampling any tangible item intended to be introduced as evidence, within a reasonable period of time prior to the hearing. Where a party seeks documents or other evidence already in the possession of the other party which are intended to be introduced as evidence at the hearing, the party seeking the documents must communicate a request for the evidence in writing (by mail, personal service, or electronically) to the other party at least fourteen (14) days prior to the hearing. Such a request must also be filed with the Executive Director, Board of Pharmacy, 2 Peachtree Street, 36th Floor, Atlanta, GA 30303. The party of whom the information is requested shall, within a reasonable time prior to the commencement of the hearing but at least ten (10) days prior to the hearing, provide such evidence to the requester or file a motion seeking an order to quash the request.

(3) If a licensee makes a general or specific written request to the Board for exculpatory, favorable, or arguably favorable evidence that is relative to pending allegations concerning the licensee, the Board must furnish the requested information, indicate that no such information exists, or refuse to furnish the information requested prior to a hearing.

(a) The Board is not required to furnish information made confidential by state or federal law, until such requested information has been determined to be exculpatory, favorable, or arguably favorable pursuant to the *in camera* procedure specified in part (b) of this subsection.

(b) Once the Board has furnished exculpatory, favorable, or arguably favorable information, has indicated that no such information exists, or has refused to furnish such information, a licensee may request a prehearing *in camera* inspection of the remainder of the investigative file by the Board or its designee. The Board or its designee shall furnish the licensee with all material that would aid in the licensee's defense that is exculpatory, favorable, or arguably favorable. The Board or its designee shall seal a copy of the entire investigative file in order to preserve it in the event of an appeal.

(4) If a party refuses to or neglects to produce documents, evidence, witness lists or statements in accordance with a request pursuant to 480-41-.04(1) or 480-41-.04(2), the Board or its designee may issue an order compelling production by motion of the requester or on its own motion. Where the party of whom information is requested has filed a motion to quash the request for production pursuant to 480-41-.01 and 480-41-.04(2), the Board or its designee may issue an order to quash the request for production upon good cause shown by the party requesting such an order. If a party subsequently refuses to or neglects to produce the requested materials in spite of an order compelling it to do so, the Board or its designee shall have the same rights and powers given the court under the Georgia Civil Practice Act. The Board or its designee may certify the facts to the Superior Court of Fulton County or any county where the offense is committed for appropriate action, including a finding of contempt. The Board or its designee shall have the power to issue writs of *fieri facias* in order to collect fines imposed for violation of a lawful order of the Board or its designee.

(5) The parties shall be required to confer either in person or by telephone, in reasonable advance of a scheduled hearing date but at least seven (7) days prior to the hearing, in a good-faith attempt to reach an agreement as to the admissibility of any documents or tangible items intended to be offered in evidence for either side. The parties may stipulate as to any matter of fact and such stipulation will satisfy a party's burden of proving the fact alleged. The parties shall be encouraged to reach pre-hearing stipulations which could facilitate adjudication of the case. The Board or its designee, upon its own motion or upon the request of either party, may schedule a pre-hearing conference to hear and rule on motions or other preliminary matters, or otherwise facilitate adjudication of the case.

480-43-.01 Intervention

(1) Any person desiring to intervene pursuant to O.C.G.A. § 50-13-14 shall file a motion in accordance with Rule 480-41-.01 and 480-42-.04.

(a) Such a motion can be made where a statute grants the movant an unconditional right to intervene or when representation of the movant's interest is or may be inadequate to protect that interest.

(b) Such a motion can also be made where a statute grants the person a conditional right to intervene or where the movant's claim or defense and the main action have a question of law or fact in common.

(2) The motion shall state therein the specific grounds for seeking intervention. The Board and any other parties shall have fourteen (14) days from the date of service to file a response to such request.

(3) In considering the motion, the Board or its designee shall consider whether the intervention will unduly delay or prejudice the rights of existing parties.

480-47-.01 Consolidation

The Board or its designee upon its own motion, or upon motion by a party or other person joined in the proceeding, may order proceedings involving a common question of law or fact to be consolidated for hearing on any or all of the matters at issue in such proceedings.

480-48-.04 Review of Initial Decision

(1) Either the responding party or the Board may seek review of the initial decision of the administrative law judge (ALJ) pursuant to O.C.G.A. §§ 50-13-17(a), 50-13-41(d). If the responding party files a timely motion for review of the initial decision of the ALJ, the responding party may include therein a statement of the reasons for seeking review and alleged errors made by the ALJ in the initial decision. If

the Board files a timely order for review of the initial decision on its own motion, it may include in its order the issues to be considered by the Board at the review hearing.

(2) Upon the filing of a timely motion by the responding party seeking review of the initial decision of the ALJ, or upon the filing of a timely order by the Board for review of an initial decision on its own motion, notice of the date and time for the review shall be served on the responding party or counsel for the responding party and counsel for the Board.

(3) The Board may appoint a hearing officer for review, who shall preside over the review proceedings and control the conduct of the review hearing. In acting as the presiding officer, the hearing officer for review shall rule on all procedural and evidentiary questions that arise during the course of the review. At the direction of the Board, the hearing officer for review shall draft the final decision for the Board.

(4) On review, the Board shall have all the powers it would have in making the initial decision, and in its discretion, shall have the power to take additional testimony or remand the case to the ALJ for such purpose, as provided in the Administrative Procedure Act, O.C.G.A. § 50-13-17 and in accordance with this Rule. Motions, including motions to present additional evidence, shall be filed in accordance with 480-41-.01 and 480-48-.03 and shall be ruled upon within the time period set by the Board but not to exceed thirty (30) days.

(a) Motions to present additional evidence or to remand the case to the ALJ for such purpose shall be granted only if the additional evidence is material, and there was good cause for failing to present such evidence before the ALJ. All motions, including motions for the presentation of additional evidence, shall be ruled on by the Board, prior to oral arguments during the review hearing.

(5) Oral argument up to 30 minutes per side is permitted in the review hearing. Additional time for argument must be requested in writing and docketed at least fourteen (14) days before the date set for the review hearing.

(6) Once the review hearing is concluded, the Board shall deliberate as to the final decision. Neither the hearing officer for review nor the parties nor their counsel shall be present during or participate in the deliberations or voting on the final decision. Provided, however, that during the course of the deliberations the Board may seek or obtain legal advice of its counsel or make an inquiry on the record concerning either procedure or the merits of the case in the presence of all parties.

(a) At the conclusion of the deliberations, the vote and decision of the Board shall be announced in open session, unless the sanction imposed by the decision is made confidential by statute, in which case it shall be announced *in camera* to the responding party and counsel for the parties. The Board may take the matter under advisement and continue the deliberations until a date certain if deemed necessary due to the Board's agenda or the complexity of the issues.

480-48-.05 Rehearing

A responding party may file a motion for rehearing of a final decision of the Board within ten (10) days after the date of actual service of such final decision on the responding party or responding party's counsel. Such motion shall be in accordance with Rule 480-41-.01 and, in addition, shall include a statement of all matters alleged to have been erroneously decided and, if applicable, a statement as to any newly discovered matters or circumstances that have arisen subsequent to the final decision. The filing of said motion shall not operate as a stay of the final decision of the Board unless so ordered by the Board.

Chris Jones seconded and the Board voted unanimously in favor of the motion.

A motion was made by Chris Jones, seconded by Laird Miller, and the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-

4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

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

Executive Session

Georgia Drugs and Narcotics Agency – Rick Allen

Discussed H.R. 3204 Compounding and Drug Distribution law.

Discussed proposed law concerning Use of Marijuana for Treatment of Cancer and Glaucoma.

Cognizant’s Report – Laird Miller

- GDNA Case #A13-64
- GDNA Case #A13-80
- GDNA Case #A13-38
- GDNA Case #T-30863
- GDNA Case #T-30862
- GDNA Case #B-30828
- GDNA Case #B-30560
- GDNA Case #A-30512
- GDNA Case #B-30787
- GDNA Case #B-30838
- GDNA Case #B-30859
- GDNA Case #B-30902
- GDNA Case #B-30665
- GDNA Case #B-30726
- GDNA Case #T13-79
- GDNA Case #B-30876
- GDNA Case #B-30834
- GDNA Case #A13-61
- GDNA Case #A13-59
- GDNA Case #A13-60
- GDNA Case #T-30835
- GDNA Case #A-30927
- GDNA Case #B-30842
- GDNA Case #B-30315
- GDNA Case #B-30903
- GDNA Case #B-30907
- GDNA Case #A-30932
- GDNA Case #B-30916

Attorney General’s Report –Janet Wray

Mr. Wray discussed the following individual:

- M.L.S.

Ms. Wray presented the following consent orders for acceptance:

- B.P.
- C.H.
- C.V.S.
- E.G.
- D.S.

Ms. Wray presented the following Voluntary Surrender for acceptance:

- M.K.

Applications

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

Correspondences/Requests

- C.A.P.
- J.D.F.
- J.D.S.W.D.C.
- G.L.H.
- M.C.B.

Miscellaneous

The Board received advice from Ms. Wray regarding Rule 480-38-.02 Conditions for Use of Delivery by Mail.

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

Open Session

Bob Warnock made a motion to approve all recommendations based on deliberations in Executive Session as follows:

Appearances

- K.A. Table pending receipt of additional information
- J.L.J. Uphold denial
- H.D.J. Uphold denial
- C.A.N. Denied application for reinstatement

Georgia Drugs and Narcotics Agency – Rick Allen

Discussed H.R. 3204 Compounding and Drug Distribution law. No action taken.

Discussed proposed law concerning Use of Marijuana for Treatment of Cancer and Glaucoma. No action taken.

Cognizant's Report – Laird Miller

- GDNA Case #A13-64 Refer to the Attorney General's office for discipline
- GDNA Case #A13-80 Accept Private Interim Consent Order for Assessment
- GDNA Case #A13-38 Refer to the Attorney General's office for discipline
- GDNA Case #T-30863 Revoke technician registration
- GDNA Case #T-30862 Refer to the Attorney General's office for discipline
- GDNA Case #B-30828 Close with no action
- GDNA Case #B-30560 Close with no action
- GDNA Case #A-30512 Close with no action
- GDNA Case #B-30787 Close with no action
- GDNA Case #B-30838 Close with no action
- GDNA Case #B-30859 Close with no action
- GDNA Case #B-30902 Close with no action
- GDNA Case #B-30665 Close with no action
- GDNA Case #B-30726 Close with Letter of Concern
- GDNA Case #T13-79 Revoke technician registration
- GDNA Case #B-30876 Refer to the Attorney General's office for discipline
- GDNA Case #B-30834 Refer to the Attorney General's office for discipline
- GDNA Case #A13-61 Refer to the Attorney General's office for discipline
- GDNA Case #A13-59 Schedule Investigative Interview
- GDNA Case #A13-60 Schedule Investigative Interview
- GDNA Case #T-30835 Revoke technician registration
- GDNA Case #A-30927 Refer to the Attorney General's office for discipline
- GDNA Case #B-30842 Close with Letter of Concern
- GDNA Case #B-30315 Close with no action
- GDNA Case #B-30903 Close with Letter of Concern

- GDNA Case #B-30907 Close with no action
- GDNA Case #A-30932 Close with Private Letter of Concern
- GDNA Case #B-30916 Refer to the Attorney General's office for discipline

Attorney General's Report –Janet Wray

Mr. Wray discussed the following individual:

- M.L.S. Pharmacy Technician Denied registration

Ms. Wray presented the following consent orders for acceptance:

- B.P. Private Consent Order accepted
- Cardinal Health Public Consent Order accepted
- C.V.S. Private Consent Order accepted
- E.G. Private Consent Order accepted
- D.S. Private Consent Order accepted

Ms. Wray presented the following Voluntary Surrender for acceptance:

- Marcus Kendall Voluntary Surrender to be accepted and signed with express permission upon receipt.

Applications

- Joshua R. Davis Pharmacy Technician Approved for renewal
- D.W. Pharmacy Technician Denied registration
- B.H. Pharmacy Technician Table pending receipt of additional information
- M.A. Pharmacy Technician Table pending receipt of additional information
- R.R. Pharmacy Technician Denied registration
- M.S. Pharmacy Technician Denied registration
- Daniel Tharps Pharmacy Technician Approved for registration
- Clifford Burton Pharmacy Technician Approved for registration
- J.S. Pharmacy Technician Refer to the Attorney General's office
- L.S.J. Pharmacy Technician Table pending receipt of additional information
- Eric Hayes Pharmacy Technician Approved for registration
- A.C. Pharmacy Technician Table pending receipt of additional information
- S.R. Pharmacy Technician Approved for renewal with a Letter of Concern
- Fatima Abduljabbar Pharmacy Technician Approved for registration
- Kenneth W. Bunn Pharmacy Technician Approved for renewal
- A.B.P. Certification of DTM Approve pending receipt of additional information
- A.N.L. Certification of DTM Approve pending receipt of additional information
- Gregory A. Weaver Pharmacist Reciprocity Approved application
- M.L.M. Certification of DTM Approve pending receipt of additional information

- | | | |
|--|------------------------|---|
| • W.S.A. | Request to reinstate | Deny request |
| • Timothy A. Lisberg | Pharmacist Reciprocity | Approved application |
| • P.I. | Wholesaler Pharmacy | Refer to the Attorney General's office for discipline |
| • A.W.I. | Wholesaler Pharmacy | Refer to the Attorney General's office for discipline |
| • B.R.P. | Wholesaler Pharmacy | Refer to the Attorney General's office for discipline |
| • C.A.P.S. | Wholesaler Pharmacy | Overturned denial and approved application |
| • C.A.P.S. | Manufacturing Pharmacy | Overturned denial and approved application |
| • Henry Schein Inc. & All Subsidiaries | Wholesaler Pharmacy | Approved application |

Correspondences/Requests

- | | | |
|----------------|---|------------------|
| • C.A.P. | Appearance request | Approved request |
| • J.D.F. | Appearance request | Approved request |
| • J.D.S.W.D.C. | Notice of disciplinary action | No action taken |
| • G.L.H. | Request to lift supervision restriction | Approved request |
| • M.C.B. | Appearance request | Approved request |

Miscellaneous

The Board received advice from Ms. Wray regarding Rule 480-38-.02 Conditions for Use of Delivery by Mail. No action taken.

Mike Faulk seconded the motion and the Board voted in favor of the motion, with the exception of Laird Miller, who recused himself from the vote regarding M.C.B.

The next scheduled meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, February 19, 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 4:58 p.m.

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