

GEORGIA BOARD OF PHARMACY
Board Meeting
Mercer University College of Pharmacy
3001 Mercer University Drive
Atlanta, GA 30341
March 9, 2016
9:00 a.m.

The following Board members were present:

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

Staff present:

Tanja Battle, Executive Director
Rick Allen, GDNA
Janet Wray, Senior Assistant Attorney General
Anil Foreman, Legal Officer

Visitors:

Jim Bartling
Debra Jeffcoat
Christin Watson, CVS
Jamie Diagostino, Eldercare Pharmacy
Diane Sanders, Kaiser Permanente
Brian Robinson, Walgreens
Kimberly A. Staley
David Basquin
Jennifer Tyler, East GA Regional
Cameron Brown, Wal-Mart
Yang Chang, Walgreens
Mike King, Publix
Michael Bowers, East GA Regional
Judy Gardner

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

Bill Prather made a motion and Laird Miller 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

- K.A.S.
- D.S.J.

Attorney General's Report – Janet Wray

Ms. Wray presented the following consent orders:

- W.
- J.E.
- L.H.

- J.R.
- D.R.P.
- K.P.
- I.P.
- F.L.I.
- G.E.T.
- A.T.
- R.L.W.

Ms. Wray discussed the following case:

- M.S.

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

Open Session

President Faulk welcomed the visitors.

Approval of Minutes

Bob Warnock made a motion to approve the Public Session minutes for the February 17, 2016. Chris Jones seconded and the Board voted unanimously in favor of the motion.

Mr. Bracewell stated that there needs to be a change made in the Executive Session minutes. Ms. Battle responded that the Board can discuss the needed change in Executive Session.

Ratifications

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

Petition for Rule Variance – Tamara D. Hughes

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

Petition for Rule Waiver – Riverwoods Behavioral Health System

Laird Miller made a motion to grant the rule waiver petition. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver – Scilex Pharmaceuticals, Inc.

Laird Miller made a motion to grant the rule waiver petition. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver - Regency Hospital Company of Macon, LLC

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

Petition for Rule Waiver - The Comprehensive Wound Care Center and Petition for Rule Variance - East Georgia Regional Medical Center Endoscopy Center

Bob Warnock made a motion to table the rule waiver petition from The Comprehensive Wound Care Center and the rule variance petition from East Georgia Regional Medical Center Endoscopy Center. Vicki Arnold seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver - East Georgia Regional Medical Center

Laird Miller made a motion to grant the rule waiver petition. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Variance - East Georgia Pain Clinic

Bill Prather made a motion to table the rule variance petition. Laird Miller seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Variance - Statesboro Imaging Center

Bob Warnock made a motion to grant the rule variance petition provided that the facility only routinely stock the drugs listed in the presentation and that the controlled substances would be in the emergency box. Additionally, if their business model changes, they 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.

Correspondence from IWLA (International Warehouse Logistics Assoc)

The Board considered this correspondence from IWLA requesting the Board complete its questionnaire concerning 3PL licensure requirements. Laird Miller made a motion to table this correspondence for another meeting in the near future. Chris Jones seconded and the Board voted unanimously in favor of the motion.

Correspondence from John Bellomo, CarepointRx

The Board considered this correspondence concerning whether or not collecting the co-pay is regarded as processing the prescription. The Board directed staff to invite Mr. Bellomo in for an appearance with the Board to further discuss this matter.

Georgia Drugs and Narcotics Agency Open Session – Rick Allen

Director Allen reported that House Bill 926 is currently with the Senate Health and Human Services Committee. The status of the PDMP bill is the same.

Attorney General’s Report Open Session –Janet Wray

No report.

Executive Director’s Report Open Session – Tanja Battle

No report.

Miscellaneous

The Board discussed continuing education. Mr. Bracewell stated that this topic started as a result of a pharmacist attending a conference in another state and then wanting the Georgia Board to accept the hours earned. The other state approved the continuing education course, but the Georgia Board would not. He added that the Board’s rule states it shall accept all continuing education approved by other Boards of Pharmacy. He stated that the Board may need to change the wording of the rule from “shall” to “may”. Mr. Bracewell stated that the Board has high standards that it sets. However, when it comes to continuing education, the time may be right to revisit requirements regarding such. He feels the Board should look in the statute to find out what the Board must or shall approve. He suggested that the Board amend the rule and that it consider, as some states, not offering approval of continuing education. He stated that the statute says it is supposed to be a Board issue.

Discussion was held regarding the Vice-President of the Board reviewing and approving the courses that are submitted to the Board. Mr. Prather responded that he feels that the Board is being asked to fix something that is not broken. Mr. Warnock stated that he is not sure if it is broken or not broken; however, for the last part of his career, ACPE approval was required and he feels that we are only talking

about programs that are not ACPE approved. He added that if he were Vice-President and was given something from a nuclear pharmacy group, he would not know what to look for. Mr. Miller responded that when he became Vice-President of the Board, one of the first courses he reviewed was a nuclear pharmacy program. He stated that he had to research the matter by contacting someone with expertise and asking questions about it. He stated that the Board does not approve courses for anything except Georgia credit. He stated that the majority of what he did was evaluate the hours of the program. Mr. Miller stated that he agreed with Mr. Prather and would vote against this matter at this time as this will bog this Board down. Ms. Wray stated that the Board can change the part of the rule about accepting courses from other states, but it cannot change the law. She stated that in the past, the Vice-President would make a report of what was approved and what was not approved and present it to the Board at each meeting. Ms. Battle stated that board staff already maintains a list with the approved course numbers and it can be added as a report each meeting. Lisa Harris made a motion to have Mr. Miller and Ms. Arnold review the rule to see what changes needed to be made. Bill Prather seconded and the Board voted unanimously in favor of the motion.

The Board discussed Rule 480-2-.03(3) and how to clarify how intern hours may be earned. Mr. Miller has researched this matter with the pharmacy colleges and will work with Ms. Foreman on the language for the rule.

The Board discussed changing the effective date listed in section (1) of Rule 480-15-.06 to "June 1, 2016". Bob Warnock made a motion to repost Rule 480-15-.06 Other Pharmacy Personnel with this change. Bill Prather seconded and the Board voted unanimously in favor of the motion.

480-15-.06 Other Pharmacy Personnel.

(1) Effective June 1, 2016, a pharmacy may permit pharmacy observers to shadow licensed pharmacists for the limited and exclusive purpose of education about the practice of pharmacy.

(2) Requirements. In order to be pharmacy observer, an individual must:

(a) Be at least seventeen (17) years old;

(b) Be currently enrolled in high school or in general education diploma preparation courses; and

(c) Not have been convicted of a felony and/or any offense that was related to drugs and have an attestation by the principal of his/her school or parent or guardian stating that the observer has neither been convicted of a felony or any offense that was related to drugs.

(3) Limitation of Duties. A pharmacy observer shall not perform any duties that require licensure as a pharmacist or pharmacy intern or registration as a pharmacy technician under the Georgia Pharmacy Practice Act (O.C.G.A. Title 26, Chapter 4) or the Rules of the Georgia Board of Pharmacy. It shall be the responsibility of the supervising pharmacist and the pharmacist-in-charge to ensure that no pharmacy observer performs or conducts those duties or functions that require licensure or registration under Georgia law or rules.

(4) Restriction of Access. A pharmacy observer shall not be present in the pharmacy for more than eight (8) hours per day and in no circumstance for more than forty (40) hours.

(5) Requirement of Direct Supervision. The supervising pharmacist shall be present and personally supervise the pharmacy observer at all times that the observer is in the pharmacy. The pharmacist to pharmacy observer ratio shall not exceed one pharmacist providing direct supervision of one pharmacy observer.

(6) Identification of Pharmacy Observers. The pharmacist-in-charge shall be responsible for ensuring that any pharmacy observer in the prescription department is easily identifiable by the use of a name badge or other similar means which prominently displays the observer's name and job title. The pharmacist-in-charge is responsible for ensuring that such a person wears or displays such identification at all times when the person is present in the prescription department.

(7) Professional Conduct. A pharmacy observer shall be subject to any confidentiality restrictions under state and/or federal law or regulation to which other pharmacy employees are subject. The pharmacist-in-

charge shall conduct all training required to ensure that the pharmacy observer understands and complies with his/her obligations of confidentiality under state and federal law or regulation.

Chris Jones made a motion to approve the Notice Form for Authorized Collection and set the fee as \$25. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Chris Jones made a motion and Laird Miller 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

Executive Session Minutes – February 17, 2016

- W.P.C.

Georgia Drugs and Narcotics Agency – Rick Allen

PDMP Complaints

Cognizant's Report – Chris Jones

- GDNA Case # T-31727
- GDNA Case # T31599
- GDNA Case # A-16-04
- GDNA Case # B-31604
- GDNA Case # B-31619
- GDNA Case # B-31717
- GDNA Case # B-31682
- GDNA Case # B-31617
- GDNA Case # B-31715
- GDNA Case # A-31711

Executive Director's Report – Tanja Battle

- T.J.A.

Applications

- J.T.P.
- J.L.H.
- O.I.E.
- S.R.A.
- R.M.
- L.M.O.
- H.H.

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

Open Session

Mr. Lacefield and Ms. Gardner spoke to the Board briefly regarding practical examination. President Faulk thanked Ms. Gardner on behalf of the Board.

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, Lisa Harris, Chris Jones, Laird Miller, Bill Prather and Bob Warnock.

Executive Session

Applications

- L.K.A.A.
- C.M.K.
- D.M.T.
- K.O.C.
- S.B.
- S.P.
- E.P.
- S.U.I.

Correspondences

- M.S.
- K.M.I.
- C.M.S.P.
- B.H.I.
- A.R.H.D.
- B.P.
- H.S.R.
- F.S.N.P.I.
- T.P.
- O.P.S.
- P.P.
- M.P.
- T.H.

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

Open Session

Bill Prather made a motion to approve the Executive Session minutes for the February 17, 2016. Laird Miller seconded and the Board voted unanimously in favor of the motion.

Chris Jones made a motion for the Board to take the following actions:

Appearances

- K.A.S. Request to discuss reinstatement Request approved

- D.S.J. Denied Pharmacy Technician Overturn denial and approve for registration

Attorney General's Report – Janet Wray

Ms. Wray presented the following consent orders:

- W. Private consent order accepted
- J.E. Private consent order to be accepted and signed with express permission upon receipt of the original
- L.H. Private consent order to be accepted and signed with express permission upon receipt of the original
- J.R. Private consent order accepted
- D.R.P. Private consent order accepted
- K.P. Private consent order accepted
- I.P. Private consent order to be accepted and signed with express permission upon receipt of the original
- F.L.I. Private consent order accepted
- G.E.T. Private consent order accepted
- A.T. Private consent order to be accepted and signed with express permission upon receipt of the original
- R.L.W. Private consent order accepted

Ms. Wray discussed the following case:

- M.S. Accepted counterproposal

Executive Session Minutes – February 17, 2016

- W.P.C. No action taken

Georgia Drugs and Narcotics Agency – Rick Allen

PDMP Complaints No action taken.

Cognizant's Report – Chris Jones

- GDNA Case # T-31727 Revoke technician registration
- GDNA Case # T31599 Revoke technician registration
- GDNA Case # A-16-04 Accept Private Interim Consent Order
- GDNA Case # B-31604 Close case with Letter of Concern
- GDNA Case # B-31619 Close case with Letter of Concern
- GDNA Case # B-31717 Misfill Policy #1
- GDNA Case # B-31682 Close case with no action
- GDNA Case # B-31617 Close case with no action
- GDNA Case # B-31715 Refer to the Attorney General's office
- GDNA Case # A-31711 Close case with Letter of Concern

Executive Director's Report – Tanja Battle

- T.J.A. No action taken

Applications

- Jonathan T. Perkins Pharmacy Technician Approve for registration
- Juanita L. Hamilton Pharmacy Technician Approve for registration
- Olivia I. Elmore Pharmacy Technician Approve for registration
- Stephanie R. Abrams Pharmacy Technician Approve for registration

- | | | |
|-------------------|---------------------|--------------------------|
| • Rashad Muhammad | Pharmacy Technician | Approve for registration |
| • L.M.O. | Pharmacy Technician | Denied registration |
| • H.H. | Pharmacy Technician | Denied registration |

Applications

- | | | |
|------------|---------------------------|---|
| • L.K.A.A. | Pharmacist Reinstatement | Schedule to meet with the full Board |
| • C.M.K. | Pharmacist Reinstatement | Table pending receipt of additional information |
| • D.M.T. | Pharmacist Reinstatement | Table pending receipt of additional information |
| • K.O.C. | Pharmacist Reinstatement | Table pending receipt of additional information |
| • S.B. | Pharmacist Reinstatement | Table pending receipt of additional information |
| • S.P. | Denied Non-Resident Pharm | Overturn denial and approve registration |
| • E.P. | Denied Non-Resident Pharm | Schedule to meet with the full Board |
| • S.U.I. | Wholesaler Pharmacy | Table pending receipt of additional information |

Correspondences

- | | | |
|--------------|----------------------|---|
| • M.S. | Request to appear | Request approved |
| • K.M.I. | Notice of discipline | No action taken |
| • C.M.S.P. | Notice of discipline | Refer to the Attorney General's office |
| • B.H.I. | Notice of discipline | No action taken |
| • A.R.H.D. | Notice of discipline | No action taken |
| • B.P. | Notice of discipline | No action taken |
| • H.S.R. | Notice of discipline | No action taken |
| • F.S.N.P.I. | Notice of discipline | No action taken |
| • T.P. | Notice of discipline | No action taken |
| • O.P.S. | Notice of discipline | No action taken |
| • P.P. | Notice of discipline | No action taken |
| • M.P. | Notice of discipline | Table pending receipt of additional information |
| • T.H. | Notice of discipline | No action taken |

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

In regards to the Board voting to repost Board Rule 480-15-.06 Other Pharmacy Personnel, a motion was made by Bob Warnock, seconded by Chris Jones, and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule 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§ 50-13-9 16 5 9 4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

There being no further business to discuss, the meeting was adjourned at 3:36 p.m.

The next scheduled meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, April 13, 2016 at 9:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

Minutes recorded by Anil Foreman, Legal Officer

Minutes edited by Tanja D. Battle, Executive Director