

**GEORGIA BOARD OF PHARMACY**

**Board Meeting**

**2 Peachtree St, NW, 5<sup>th</sup> Floor**

**Atlanta, GA 30303**

**September 12, 2018**

**9:00 a.m.**

**The following Board members were present:**

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

**Staff present:**

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

**Visitors:**

Diane Sanders, Kaiser Permanente  
Jay Patel, Walmart  
Heather Pritchard, MedAllergy  
Jeenu Philip, Walgreens  
Young Chang, Walgreens  
John Rocchio, CVS Health  
Adam Schnepf, Walgreens  
Whitney Testorf, Walgreens  
Ted A. Green, ElderCare  
Stephanie Kirkland, ElderCare  
Amanda Roberson, ElderCare  
Carrie Moss, Bendin, Sumrall & Ladner  
Helen Sloat, Kaiser Permanente, Hemophilia of GA  
Shea Ross-Smith, Kaiser Permanente  
Thomas Beusse, Georgia Retailers  
Brian Clark, Cleanroom Design  
Temple Sellers, Georgia Hospital Association  
Lea Bonner Winkles, Mercer University  
Dr. Barry Straus, MAG  
Bethany Sherrer, MAG  
Mike Chavez, Publix  
Cindy Shepherd, GPhA  
TJ Kaplan, JLM  
Alfonso Traina, Cleanroom Design  
Hillary Thrower, Emory  
Kori Daniels  
Gary R. Johnson  
Jefferson Jones  
Amy Lott  
Jim Bartling

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

**Appearance**

Appearance by Mr. Brian Clark, Cleanroom Design LLC: Mr. Clark spoke to the Board regarding modular cleanrooms that can be set outside. Mr. Clark stated that he has a few clients that are interested in Georgia. The company has received approval in other states once they have explained what the units are for. Mr. Clark explained that the cleanroom meets all USP 797 guidelines. He stated the only thing the client is responsible for is utilities. He stated that additional information regarding the cleanroom are in the documents that have been provided to the Board. Director Troughton stated that as GDNA does its inspection, the agents will look to see if it is USP compliant. He stated that, at this time, he does not see any issues. Mr. Changus added that the Board received a lot of materials concerning the product the day before the meeting, but he did not see any issues. He stated as long as GDNA and the Board were okay with it, he had no objections. The Board discussed the prices of purchasing and leasing. With no further discussion, President Prather stated that the Board will review the additional information that has been provided and discuss at its October meeting.

**Approval of Minutes**

Mike Brinson made a motion to approve the Public and Executive Session minutes from the August 1, 2018 meeting, the Public and Executive Session minutes from the August 27, 2018 Conference Call, and the minutes from the August 28, 2018 Institutional Pharmacy Rule Committee meeting. Vicki Arnold seconded and the Board voted unanimously in favor of the motion.

**Report of Licenses Issued**

Hal Henderson made a motion to ratify the list of licenses issued. Mike Brinson seconded and the Board voted unanimously in favor of the motion.

**Petitions for Rule Variance or Waiver**

Mike Brinson made a motion to grant the rule waiver petition from University Health Center, PHH004219. Carrie Ashbee seconded and the Board voted unanimously in favor of the motion.

Mike Brinson made a motion to deny the rule waiver petition from Exelixis US, LLC. Ms. Ashbee seconded and the Board voted unanimously in favor of the motion.

Vicki Arnold made a motion to deny the rule waiver petition from Monroe County Hospital, PHH003679. Lisa Harris seconded and the Board voted unanimously in favor of the motion. In the same motion, the Board voted to include a statement stating that while it is not required that they have an electronic balance, the facility may want to consider other ways to utilize the balance. One common use is for an additional verification of high-risk IV drips. This good practice adoption would include an additional step in their verification practice for controlled substance-containing IVs.

Mike Brinson made a motion to deny the rule waiver petition from Morgan Memorial Hospital, PHH003657. Bob Warnock seconded and the Board voted unanimously in favor of the motion. In the same motion, the Board voted to include a statement stating that while it is not required that they have an electronic balance, the facility may want to consider other ways to utilize the balance. One common use is for an additional verification of high-risk IV drips. This good practice adoption would include an additional step in their verification practice for controlled substance-containing IVs.

Mike Brinson made a motion to grant the rule waiver petition from The Bradley Center Pharmacy Corp, PHH006188. Bob Warnock seconded and the Board voted unanimously in favor of the motion.

Vicki Arnold made a motion to deny the rule waiver petition from Putnam General Hospital Pharmacy, PHH006340. Hal Henderson seconded and the Board voted unanimously in favor of the motion. In the same motion, the Board voted to include a statement stating that while it is not required that they have an electronic balance, the facility may want to consider other ways to utilize the balance. One common use is for an additional verification of high-risk IV drips. This good practice adoption would include an additional step in their verification practice for controlled substance-containing IVs.

Bob Warnock made a motion to grant the rule waiver petition from Onsite Correctional Healthcare, LLC. Mike Brinson seconded and the Board voted unanimously in favor of the motion.

The Board recommended upholding the denial of the rule waiver petition from Glasshouse Pharmaceuticals, LLC. Additionally, the Board voted to table discussion of the application from Glasshouse Pharmaceuticals, LLC, for Executive Session.

#### **Correspondence from Heather Prichard, MedAllergy**

The Board considered this correspondence requesting to know if the Board would allow the compounding of allergen extracts in accordance with the revision to USP 797 published July 28, 2018 before the formal implementation date of December 2019. Ms. Prichard was present at the meeting and spoke to the Board regarding this request. She explained that MedAllergy is seeking to open a facility in Georgia dedicated to the compounding of allergen extracts. She stated all prescriptions will be patient specific. Ms. Prichard explained in the new revision to USP 797, both the health care providers and pharmacies must have a designated supervisor trained in allergy immunotherapy. She explained that stricter rules will go into effect in 2019 and the USP provides no mechanism for inspection or oversight to ensure any aseptic rules are being followed in the offices of health care providers. She stated it is important to allow pharmacies to engage in the compounding of allergen extracts in compliance with the newly proposed revision as soon as possible. Ms. Harris responded by stating that until the revised USP 797 goes into effect, she is not aware of anything the Board can do. She stated she is unsure as to what is being requested. Ms. Prichard responded by stating that she would like to open a facility and be inspected under the revised USP 797 guidelines. President Prather responded by stating that he does not see how the Board could do that based on something that is happening in the future. Ms. Prichard asked if the facility could apply for a rule waiver petition. Mr. Changus responded by stating that this is in the statute and the Board does not have the ability to waive the statute. It can only waive rules. After further discussion was held, Mike Brinson made a motion to deny the request. Carrie Ashbee seconded and the Board voted unanimously in favor of the motion.

#### **Correspondence from Cory Kopitzke, Quarles & Brady, LLP**

The Board considered this correspondence regarding whether or not a facility would be required to obtain a wholesaler license. Bob Warnock made a motion to direct staff to respond by stating that if the facility is a virtual wholesaler, they would be required to obtain a wholesaler permit. Mike Brinson seconded and the Board voted unanimously in favor of the motion.

#### **Correspondence from Charles Ruis, Georgia Department of Health**

The Board considered this correspondence asking if there is another license type they are eligible for rather than a retail license. Lisa Harris made a motion to direct staff to respond to Mr. Ruis by directing him the Drug Dispensing Procedures on the Department of Public Health's website or to contact Ms. Kimberly Hazelwood for more information. Carrie Ashbee seconded and the Board voted unanimously in favor of the motion.

#### **Correspondence from Lorey Wallace, Alere Home Monitoring**

The Board considered this correspondence regarding durable medical equipment licensure. Mike Faulk made a motion to direct staff to refer Ms. Wallace to O.C.G.A. § 26-4-51 and Chapter 480-7B Durable

Medical Equipment Suppliers. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Bethany Sherrer, Legal Counsel, MAG**

The Board considered this correspondence from Ms. Sherrer regarding the Medical Association of Georgia's concerns regarding the new policy put in place by Walmart restricting opioid prescriptions. Ms. Sherrer, along with Dr. Barry Straus, were present at the meeting and spoke to the Board regarding this matter. Ms. Sherrer stated that a few meetings ago a representative from Walmart spoke to the Board regarding Walmart's new opioid policy limiting pills. She explained that they have some concerns about that and how it might affect Georgia patients. Dr. Straus introduced himself to the Board. He stated he reviewed charts as a consultant for ten years with Georgia Composite Medical Board. He stated there are issues for patient access and care regarding the Walmart policy. He stated it is not within CDC guidelines. He went on to explain that he has concerns about the pharmacies, especially Walmart, and overriding their own pharmacists about what is appropriate to fill. President Prather thanked Dr. Straus for coming and expressing his concerns. He asked what they would like for the Board to do regarding this issue. Ms. Sherrer stated one of the concerns she had was regarding the discussion about how the pharmacist could override the physician's prescriptions. She stated this is really concerning for the physicians and they do not want to be cut out from these discussions. President Prather asked if there were any other stores that are imposing limits. Dr. Straus responded by stating CVS. President Prather asked Mr. Rocchio if he could provide the Board with information regarding CVS since he was a representative of the chain. Mr. Rocchio responded that the pharmacists work intimately with prescribers who work with the patients to make sure they are getting the appropriate amounts. He stated that he will research the matter and report back to the Board. After further discussion was held by the Board, Ms. Sherrer stated that she just wanted to provide information to the Board so that they would have both sides.

**Correspondence from IV Care Options, PHRE007254**

The Board viewed this correspondence for informational purposes only.

**Correspondence from The Medical Center Navicent Health, PHH003607**

The Board considered this correspondence regarding a new building that has recently been completed to house the Peyton Anderson Cancer Center. The desire is to move the WT Anderson Infusion Center into this new building. Mike Faulk made a motion to approve the request. Vicki Arnold seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Jessica Pipkin**

The Board considered this correspondence requesting to know if the MTM certificate program from Power Pak CE is a board approved program for the collaborative practice application. Mike Faulk made a motion to refer Ms. Pipkin to Chapter 480-35 Pharmacist Modification of Drug Therapy for more information. Mike Brinson seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Sasha Kahiga**

The Board considered this correspondence inviting all board members to attend a Pharmacy Technology Instructional Faculty Consortium Committee Meeting at Central Georgia Technical College on October 12<sup>th</sup>. Ms. Battle asked the members to please notify her by October 1<sup>st</sup> if they are interested in attending. Mr. Brinson and Ms. Ashbee expressed interest in attending the meeting and stated they would check their calendars and let Ms. Battle know.

**Correspondence from R. Blake Griese, AlixaRx**

The Board considered this correspondence seeking clarification and confirmation of certain regulations and requirements that apply to retail pharmacies that serve patients in long term care facilities. President Prather stated he discussed this correspondence with Mr. Changus. He stated that the Board has rules and

regulations concerning who can or cannot sign prescriptions. President Prather stated that if you are in the State of Georgia, you must abide by Georgia's law and rules. He added that if you are in North Carolina, you must go by North Carolina's law and rules. He asked the Board if there were any comments. Mr. Warnock commented that this particular correspondence stated they are getting prescriptions from out of state for patients out of state. The letter asks can they follow the rules where the patient is from? President Prather responded by stating if the prescription is dispensed in the State of Georgia, they must abide by the law and rules of Georgia. Mr. Henderson commented that he has an issue with the way the letter is worded, and that may be part of the confusion. He stated the prescription is written by an out of state APRN, who is legally authorized to prescribe schedule II's in the state which they are practicing. They are practicing in North Carolina and licensed in North Carolina. He stated it sounds like they can. Mr. Faulk commented by stating if they were legally prescribing based on the laws of their state, we would have to fulfill it. Discussion ensued. Mr. Changus stated that this is not an easy answer. He stated that this is an inquiry from the public. If this is a concern from the Board, it should send over a formal request. He stated if it is a concern for the board, that is why he is here. He stated there are questions regarding the pharmacy's prescription process software and document management system and the signing before or after prescription drug orders. He stated those are more complex questions. Mr. Changus stated if there are questions from the Board, then those should be referred over to the Department of Law and it will be considered as a request for advice from the Board. Mr. Changus stated that you can decline to answer this if you wish. He stated ultimately whether or not it chooses to respond is the Board's decision. President Prather stated that in year's past, the Board has left it up to the judgement of the pharmacist. However, if it would like to make to make a formal request, it can do that. He stated that he would recommend the Board respond to this request by suggesting they consult their attorney to research Georgia's law and rules. Ms. Battle responded by stating that the author of the letter is Alixa's legal counsel. Mr. Brinson suggested the pharmacist use his/her own professional opinion. Mr. Henderson asked what the agents are looking at when they conduct an inspection? If an issue is being made of it, the Board is forced to resolve it. Director Troughton responded by stating this has not come up from our agency in the past. Mr. Henderson commented that he does not think the Board needs a legal opinion regarding the second question asking for clarification as to whether a pharmacist may use the pharmacy's prescription processing document management system to capture the pharmacist's name or initials electronically in the computer record for faxed prescriptions, rather than physically signing a hard copy of the prescription. Director Troughton commented that the rules are very outdated compared to today's technology. He stated as GDNA looks to make sure there is a track of prescriptions, that is not something they have gone into. President Prather stated that the Board would be better served if it approaches this from a rule change standpoint. Mr. Warnock commented that this gets to the issue of someone asking the Board if this is legal, and the Board's response is do what you think you should do. He stated that is not really a very good answer. President Prather stated he does not disagree. He stated he thinks the answer is to change the rules. Mr. Warnock responded by stating that the Board does not change them. President Prather stated that the Board is changing some now. Mr. Warnock responded that the Board is not acting upon these. Mr. Changus commented that this question on long term care came up earlier. Mr. Changus stated the Board should take these concerns under advisement. He stated that he certainly does not feel equipped to respond without further research as these are all industry impacting questions.

### **Georgia Drugs and Narcotics Agency – Dennis Troughton**

Director Troughton reported that GDNA has received 64 complaints for FY2019.

Director Troughton discussed correspondence received from Anthony Dam asking if the company he works for could remote process from California. The company is only licensed in California and not Georgia. The Board directed staff to respond by referring Mr. Dam to Rule 480-36-.02, which states that the facility must be physically located within the State of Georgia.

**Attorney General’s Report – Max Changus**

No report.

**Executive Director’s Report – Tanja Battle**

**Continuing Education Report:** Ms. Battle reported that no additional programs have been approved for this time period.

**Renewals:** Ms. Battle reported that pharmacists are now renewing. She stated that reminder notices have been emailed to those with a valid email address on file. She stated that two more reminder notices will be sent; however, to please note that the reminder notices are only sent as a courtesy. Ms. Battle requested everyone to please help spread the word as every year the Board office receives calls from individuals stating they did not know it was time to renew.

**Opioid Taskforce Summit:** Ms. Battle stated that she attended an opioid task force summit on the 21<sup>st</sup>. She stated that she and Director Troughton have been attending those as they can.

**Correspondence from Merle L. Solomon, RPH017297:** The Board considered this correspondence from Ms. Solomon requesting the Board change her status to reflect “Inactive” instead of “Surrender”. Bob Warnock made a motion to deny the request. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

**Legal Services – Kimberly Emm**

No report.

**Miscellaneous**

Rule 480-10A-.01 Central Filling of Prescriptions: Mr. Faulk stated that this rule is not ready for the Board to consider at this time. He will continue to work on it and present it to the Board at its next meeting.

Georgia MPJE Pass Rates: Ms. Harris stated that she and Special Agent Karnbach recently attended an NABP meeting to work on questions for the jurisprudence examination. She provided the following information to the Board regarding Georgia averages versus national averages:

Jurisdiction	2014	2015	2016	2017	2018*
GA	87.6%	86.3%	74.7%	74.0%	75.2%
Overall	91.3%	91.0%	81.7%	79.8%	82.1%

The pass rate statistics for the individual schools for 2017 are as follows:

- Mercer University - 82.68%
- Philadelphia College of Osteopathic Medicine - 68.18%
- South University - 73.47%
- University of Georgia - 86.03%

Ms. Bonner commented that Mercer University is aware of its MPJE pass rates and they are in the process of changing their curriculum this year.

Michael Faulk made a motion and Carrie Ashbee 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, Michael Brinson, Mike Faulk, Lisa Harris, Hal Henderson, William Prather, and Bob Warnock.

**Appearances**

- K.E.D.
- G.R.J.
- A.A.L.

**Georgia Drugs and Narcotics Agency – Dennis Troughton**

Director Troughton discussed the following:

- C.A.P.
- N.L.P. / B.R.L.
- S.V.K.
- J.F.C.

**Cognizant's Report – Vicki Arnold**

- GDNA Case # T-32620
- GDNA Case # T-32623
- GDNA Case # T-32631
- GDNA Case # A-32648
- GDNA Case # A-32481
- GDNA Case # B-32570
- GDNA Case # B-32572
- GDNA Case # B-32581
- GDNA Case # B-32592
- GDNA Case # B-32624
- GDNA Case # A-32614
- GDNA Case # B-32607
- GDNA Case # B-32569
- GDNA Case # B-32611
- GDNA Case # B-32626
- GDNA Case # B-32630
- GDNA Case # A-32622
- GDNA Case # A-32497
- GDNA Case # A-32428
- GDNA Case # A-32427
- GDNA Case # A-32584
- GDNA Case # A-32646

**Attorney General's Report – Max Changus**

Mr. Changus presented the following consent orders for acceptance:

- C.G.C.C.
- P.P.S.
- J.C.
- J.N.
- M.C.P.
- W.P.
- M.C.P.C.R.
- K.D.

- J.T.H.
- N.T.N.
- C.P.
- V.R.D.P.
- C.H.P.
- G.W.C.
- J.J.C.
- G.D.D.
- O.P.
- H.D.C.
- R.T.O.

Mr. Changus discussed the following cases:

- V.R.
- W.P.
- R.A.
- Q.D.P.
- M.Y.P.
- P.C.
- W.W.P.C.
- M.W.C.
- I.N.J.O.F.
- W. / L.J.C.
- C.R.
- K.L.L.
- M.
- P.K.

#### **Executive Director's Report – Tanja Battle**

- M.B.
- L.C.P.I.

#### **Legal Services – Kimberly Emm**

- G.P.
- E.U.L.

#### **Applications**

- C.S.C.
- R.L.B.
- H.A.A.
- Z.M.V.
- S.L.P.
- A.B.J.
- B.M.M.
- N.A.
- E.T.R.
- S.D.L.
- D.K.F.



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

**Correspondences/Requests**

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

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

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

### Open Session

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

#### Appearances

- |          |                              |                                  |
|----------|------------------------------|----------------------------------|
| • K.E.D. | Pending Reciprocity          | Approved for licensure           |
| • G.R.J. | Request to reinstate license | Reconsider request in six months |
| • A.A.L. | Request to reinstate license | Refer to the Department of Law   |

#### Georgia Drugs and Narcotics Agency – Dennis Troughton

Director Troughton discussed the following:

- |                   |  |
|-------------------|--|
| • C.A.P.          | Accept Voluntary Surrender                                     |
| • N.L.P. / B.R.L. | Schedule for Investigative Interview                           |
| • S.V.K.          | Approve application for reinstatement with a letter of concern |
| • J.F.C.          | Table pending receipt of additional information                |

#### Cognizant's Report – Vicki Arnold

- |                       |  |
|-----------------------|--|
| • GDNA Case # T-32620 | Revoke Technician Registration                     |
| • GDNA Case # T-32623 | Accept Voluntary Surrender                         |
| • GDNA Case # T-32631 | Accept Voluntary Surrender                         |
| • GDNA Case # A-32648 | Refer to the Department of Law                     |
| • GDNA Case # A-32481 | Schedule for Investigative Interview               |
| • GDNA Case # B-32570 | Close with no action                               |
| • GDNA Case # B-32572 | Letter of Concern / Refer to the Department of Law |
| • GDNA Case # B-32581 | Close with no action                               |

- GDNA Case # B-32592 Close with no action
- GDNA Case # B-32624 Close with no action
- GDNA Case # A-32614 Close with a letter of concern
- GDNA Case # B-32607 Close with no action
- GDNA Case # B-32569 Close with no action
- GDNA Case # B-32611 Misfill policy #1
- GDNA Case # B-32626 Close with no action
- GDNA Case # B-32630 Close with no action
- GDNA Case # A-32622 Refer to the Department of Law
- GDNA Case # A-32497 Refer to the Department of Law
- GDNA Case # A-32428 Table pending receipt of additional information
- GDNA Case # A-32427 Refer to the Department of Law
- GDNA Case # A-32584 Close with a letter of concern
- GDNA Case # A-32646 Accept Private Interim Consent Order for Assessment

**Attorney General’s Report – Max Changus**

Mr. Changus presented the following consent orders for acceptance:

- Central Georgia Cancer Care Public Consent Order accepted
- Palliative Pharmacy Solutions Public Consent Order accepted
- J.C. Private Consent Order accepted
- James L. Nevil III Public Consent Order accepted
- Medical Center Pharmacy Public Consent Order accepted
- Walter Pease, Jr. Public Consent Order accepted
- Medical Ctr Pharmacy Cotton Ridge Public Consent Order accepted
- Kroger Drugstore #979 Public Consent Order accepted
- J.T.H. Private Consent Order accepted
- Nguyen T. Nguyen Public Consent Order accepted
- Caring Pharmacy Public Consent Order accepted
- Valu-Rite Discount Pharmacy Public Consent Order accepted
- Chapman Healthcare Pharmacy Public Consent Order accepted
- George W. Chapman Public Consent Order accepted
- Joseph. J. Collins Voluntary Surrender accepted
- Geiss, Destin & Dunn, Inc. Public Consent Order accepted
- O.P.S. Private Consent Order accepted
- Haneys Drug Corner Public Consent Order accepted
- Robert T. Oliver Public Consent Order accepted

Mr. Changus discussed the following cases:

- V.R. Close case / null and void license
- W.P. Close case
- R.A. Close case
- Q.D.P. Deny request for reconsideration.
- M.Y.P. Close case
- P.C. Close case
- W.W.P.C. Deny request for reconsideration.
- M.W.C. Amend disposition
- I.N.J.O.F. Refer case to Cognizant to review
- W. / L.J.C. Deny request for reconsideration.

- C.R. Table pending receipt of additional information.
- K.L.L. Update provided
- M. Update provided
- P.K. Approved request for records release

### **Executive Director's Report – Tanja Battle**

- M.B. Correspondence Board directed staff to respond by referring individual to O.C.G.A. § 26-4-51 and Chapter 480-7B Durable Medical Equipment Suppliers.
- L.C.P.I. Correspondence Deny request for appearance and advise there are outstanding issues with the application that need to be resolved.

### **Legal Services – Kimberly Emm**

- G.P. Wholesaler Pharmacy Approved application
- E.U.L. Wholesaler Pharmacy Table pending receipt of additional information

### **Applications**

- C.S.C. Pharmacy Technician Denied registration
- Rachell L. Brown Pharmacy Technician Approved for registration
- H.A.A. Pharmacy Technician Denied registration
- Zoie M. Vandine Pharmacy Technician Approved for registration
- S.L.P. Pharmacy Technician Denied registration
- Asheli B. Jefferson Pharmacy Technician Approved for registration
- Bailey M. Mason Pharmacy Technician Approved for registration
- Nasra Ahmed Pharmacy Technician Approved for registration
- Eddie T. Richardson Pharmacy Technician Approved for registration
- Shaquille D. Lewis Pharmacy Technician Approved for registration
- Dean K. Funderburg Pharmacy Technician Approved for registration
- Keandra Whigham Pharmacy Technician Approved for registration
- Shanice O. Ide Pharmacy Technician Approved for registration
- Shameer E. Garrett Pharmacy Technician Approved for registration
- M.D.K. Pharmacy Technician Denied registration
- Donnetta L. Herold Pharmacist Reinstatement Approved application
- M.J.E. Pharmacist Reinstatement Table pending receipt of additional information
- Timothy B. Glascock Pharmacist Reinstatement Approved application
- S.G. Pharmacist Exam Approved to sit for the exam
- William M. Renegar Nuclear Pharmacist Approved application
- K.L.L. Pharmacist Reciprocity Approved to sit for the exam
- S.M.M. Pharmacist Exam Schedule to meet with the Board
- Anna M. Jackson Pharmacist Intern Approved application
- Christinia McPherson Pharmacist Intern Approved application
- SooHyun Kim Pharmacist Intern Approved application
- A.P.J. Pharmacist Intern Approved request to renew intern license
- John J. Brooks, Jr. Pharmacist Intern Approved application
- Ashley E. Ortiz Pharmacist Intern Approved application

- Jessica N. Njopse Pharmacist Intern Approved application
- T.Q.N. Pharmacist Intern Approved request to extend application
- Oluwakemi Oyedeji Pharmacist Intern Approved application
- ColdCo Therapies Durable Medical Equipment Approved application
- L.H.C.G.P.S. Non-Resident Pharmacy Refer to the Department of Law
- Expedite, LLC Manufacturing Pharmacy Approved application

### Correspondences/Requests

- A.P. Notice of Discipline No action
- B.P. Notice of Discipline No action
- B.S.P.S. Notice of Discipline No action
- E.S. Notice of Discipline No action
- F.S.N.P. Notice of Discipline No action
- G.R. Notice of Discipline No action
- H.W. Notice of Discipline No action
- H.T.O.P. Notice of Discipline No action
- L.S.L. Notice of Discipline No action
- P.S. Notice of Discipline Table pending receipt of additional information
- T.P. Notice of Discipline No action
- W.B.C.G. Notice of Discipline No action
- D.C.R.I.P.C.A. Notice of Discipline No action
- M.P. Notice of Discipline No action
- O. Notice of Discipline No action
- O.P.S.I. Notice of Discipline No action
- Z.P.I. Notice of Discipline No action
- W.P.I. Notice of Discipline No action
- C.D. Notice of Discipline No action
- F.K.S. Appearance Request Approved request
- P.A. Request for 4<sup>th</sup> attempt at MPJE and NAPLEX Approved request for MPJE/Denied request for NAPLEX
- P.C. Request for 4<sup>th</sup> attempt at MPJE Approved request
- T.H.A. Request for 4<sup>th</sup> attempt at MPJE Approved request
- K.N.V. Correspondence Board directed staff to respond by stating it would not authorize any further attempts for the individual to retake the NAPLEX. It further recommends the individual obtain licensure with another state by examination. After which, the individual may re-apply by license transfer/reciprocity with NABP in order to be considered for pharmacist licensure in Georgia.
- A.J.P. Request for extension Approved request
- D.F. Request for intern license Board directed staff to respond by stating the individual would need to submit a pharmacy intern application.
- D.R.H. Response to letter of concern The Board viewed this correspondence

		for informational purposes only.
• C.P.M.	Request to lift consent order	Approved request
• B.D.S.V.I.C.	Request to terminate probation	Approved request
• E.U.H.P.	Remote order entry	Approved
• E.U.H.P.	Remote order entry	Approved
• E.U.H.W.W.	Remote order entry	Approved
• E.U.O.S.H.	Remote order entry	Approved
• E.R.H.P.S.M.	Remote order entry	Approved
• O.M.C.S.	Remote order entry	Approved
• C.M.H.	Remote order entry	Approved
• B.N.S.	Correspondence	The Board viewed this correspondence for informational purposes only.
• J.D.P.	Request regarding CE	Approved pending receipt of additional information.
• T.T.B.	Request for 4 <sup>th</sup> attempt at MPJE	Approved request
• U.C.P.	Request to lift probation	Approved request
• T.S.M.	Correspondence	The Board viewed this correspondence for informational purposes only.
• G.K.	Appealing the Board’s denial of request for 4 <sup>th</sup> attempt at NAPLEX	Denial upheld
• J.T.S.	Appearance request	Approved request

Mike Faulk seconded and the Board voted in favor of the motion, with the exception of Bob Warnock, who opposed the vote regarding Palliative Pharmacy Solutions.

**Miscellaneous**

Emergency Policy Discussion: Mr. Warnock made a motion to amend its Policy #14 and approve the following Statement of Interpretation Relating to Emergency Prescription Refills for Evacuees Due to Hurricane Florence with the changes noted. Mr. Brinson seconded and the Board voted unanimously in favor of the motion.

**STATEMENT OF INTERPRETATION RELATING TO EMERGENCY PRESCRIPTION REFILLS FOR EVACUEES DUE TO HURRICANE FLORENCE**

Policy #14 of the Georgia Board of Pharmacy (“Board”) provides for the refills of certain medication for up to 30 days for persons in the areas covered by a State of Emergency declared by the Governor of the State of Georgia. This policy is consistent with O.C.G.A. Section 26-4-80(j) and the Governor’s Emergency Declaration. The Board is clarifying that persons who are evacuated from those emergency areas may also receive a 30-day refill of medication by a Georgia pharmacy or pharmacist without risk of disciplinary action by the Board so long as:

- The refill is not for a controlled substance;
- In the pharmacist’s professional judgment, the prescription drug is essential to the maintenance of the patient’s life or to the continuation of therapy;
- The pharmacist makes a good faith effort to reduce the information to a form that may be maintained for the time required by law or rule, indicates it is an “emergency refill prescription,” and maintains the record as required by state and federal law and as required by state and federal disaster agencies for consideration for possible reimbursement programs implemented to ensure continued provision of care during a disaster or emergency;

- The pharmacist informs the patient or the patient’s agent at the time of dispensing that the prescription drug is being provided without the practitioner’s authorization and that authorization of the practitioner is required for future refills; and
- As emergency conditions permit, the pharmacist notifies the practitioner that the refill occurred.

## **Policy #14: Public Emergencies**

### **Section 1. Purpose and Scope**

The primary purpose of this policy is to enable pharmacists and pharmacies to assist in the management and containment of a public emergency or similar crisis within the confines of a regulatory framework that serves to protect the welfare and health of the public. The Board will consider petitions for rule waivers or variances regarding record-keeping, minimum physical area, and minimal equipment requirements related to the state of emergency in the declared disaster areas and affected areas on an emergency basis, pursuant to a written request in a manner consistent with the Board’s authority under state law and/or the Governor’s State of Emergency.

### **Section 2. Definitions.**

For the purposes of this policy, the following definitions apply:

- (a) “Affected Areas” include areas covered by the state of emergency.
- (b) “Declared Disaster Areas” are areas designated by state or federal authorities as those that have been adversely affected by a natural or man-made disaster and require extraordinary measures to provide adequate, safe, and effective health care for the affected population.
- (c) “Mobile Pharmacy” means a pharmacy that is self-propelled or movable by another vehicle that is self-propelled.
- (d) “State of Emergency” means a governmental declaration issued by the Governor of the State of Georgia or the President of the United States which may suspend certain normal functions of government, alert citizens to alter their normal behaviors, and/or direct government agencies to implement emergency preparedness plans.
- (e) “Temporary Pharmacy Facility” means a facility established as a result of a state of emergency to temporarily provide pharmacy services within or adjacent to declared disaster areas.

### **Section 3. Emergency Refill Dispensing**

- (a) For the duration of the state of emergency issued in the affected area and consistent with O.C.G.A. §26-4-80(j), a pharmacist may dispense a 72 hour refill supply of a prescription drug repeatedly to a patient, but in total not more than a thirty (30) day supply, without practitioner authorization if:
  - (1) The refill is not for a controlled substance;
  - (2) In the pharmacist’s professional judgment, the prescription drug is essential to the maintenance of the patient’s life or to the continuation of therapy;
  - (3) The pharmacist makes a good faith effort to reduce the information to a form that may be maintained for the time required by law or rule, indicates it is an “emergency refill prescription,” and maintains the record as required by state and federal law and as required by state and federal disaster agencies for consideration for possible reimbursement programs implemented to ensure continued provision of care during a disaster or emergency;

- (4) The pharmacist informs the patient or the patient's agent at the time of dispensing that the prescription drug is being provided without the practitioner's authorization and that authorization of the practitioner is required for future refills; and
- (5) When emergency conditions permit, the pharmacist notifies the practitioner that the refill occurred.

#### **Section 4. Temporary Recognition of Non-Resident Licensure**

- (a) When a state of emergency is declared and consistent with O.C.G.A. §26-4-43:
  - (1) A pharmacist not licensed in this state, but currently licensed in another state, may obtain a temporary license to dispense prescription drugs in areas affected by the declared disaster during the time that the state of emergency exists if:
    - (i) The Board can verify current licensure in good standing of the pharmacist directly with the state or indirectly via a third-party verification system; and
    - (ii) The pharmacist is engaged in a documented relief effort.
  - (2) A pharmacy technician or pharmacy intern not registered or licensed in this State, but currently registered or licensed in another state, may assist the pharmacist in dispensing prescription drugs in affected disaster areas during the time that the state of emergency exists if:
    - (i) The Board can verify current registration or licensure in good standing of the pharmacy technician or pharmacy intern directly with the state or indirectly via a third-party verification system; and
    - (ii) The pharmacy technician or pharmacy intern is engaged in a documented relief effort.
- (b) The temporary recognition of non-resident pharmacist licensure and pharmacy intern licensure shall cease at end of the month following the third board meeting conducted after the issuance of such license and shall not be renewed. The temporary recognition of non-resident pharmacy technician registration shall cease with the termination of the state of emergency.

#### **Section 5. Temporary Pharmacy Facilities or Mobile Pharmacies**

- (a) Consistent with the authority in O.C.G.A. §26-4-110, and if necessary to provide pharmacy services during a state of emergency, pharmacies located in declared disaster areas and non-resident pharmacies may arrange to temporarily locate or relocate to a temporary pharmacy facility or mobile pharmacy if the temporary pharmacy facility or mobile pharmacy:
  - (1) Is under the control and management of the pharmacist-in charge or designated supervising pharmacist;
  - (2) Is located within the declared disaster area or affected areas;
  - (3) Notifies the Board of its location, subject to approval by the Board in accordance with (b);
  - (4) Is properly secured to prevent theft and diversion of drugs;
  - (5) Maintains records in accordance with laws and regulations of the state in which the disaster occurred; and
  - (6) Ceases the provision of services with the termination of the state of emergency, unless it is successfully licensed by the Board of Pharmacy in accordance with the Georgia Pharmacy Practice Act and applicable rules.
- (b) The Board shall have the authority to approve or disapprove temporary pharmacy facilities and mobile pharmacies and shall make arrangements for appropriate monitoring and inspection of the temporary pharmacy facilities and mobile pharmacies on a case-by-case basis. Approval of temporary pharmacy facilities and mobile pharmacies will be based on the need, type, and scope of the state of emergency, as well as the ability of the temporary pharmacy facilities or mobile pharmacies to comply with state and federal drug law.



- (c) A temporary pharmacy facility wishing to permanently operate at its temporary site must be licensed by the Board in accordance with the Georgia Pharmacy Practice Act and applicable Board rules.
- (d) Mobile pharmacies, placed in operation during a state of emergency, may not operate permanently, unless approved by the Board.

There being no further business to discuss, the meeting was adjourned at 5:29 p.m.

The next meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, October 10, 2018 at 9:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 5<sup>th</sup> Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Tanja D. Battle, Executive Director