

**GEORGIA BOARD OF PHARMACY**  
**Board Meeting**  
**South University School of Pharmacy**  
**709 Mall Blvd**  
**Savannah, GA 31406**  
**January 10, 2018**  
**9:00 a.m.**

**The following Board members were present:**

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

**Staff present:**

Tanja Battle, Executive Director  
Dennis Troughton, Director, GDNA  
Ronnie Higgins, Deputy Director, GDNA  
Russ Moore, Special Agent, GDNA  
Janet Wray, Senior Assistant Attorney General  
Max Changus, Assistant Attorney General  
Kimberly Emm, Attorney  
Brandi Howell, Business Support Analyst I

**Visitors:**

Jeenu Philip, Walgreens  
Meredith Weaver, MatchRx  
Mike Galloway, MatchRx  
John Kello, MatchRx  
Bob Coleman, GPhA  
Scott Piper, GVMA  
Josh Belinfante, City Pharmacy  
Tido Stone, City Pharmacy  
Dan Stone, City Pharmacy  
Maria Lam, Publix  
Sonya Nelson, Walmart  
Jeffrey Champine

**Open Session**

President Jones established that a quorum was present and called the meeting to order at 9:08 a.m.

President Jones welcomed the visitors.

**Appearance**

Appearance by Mr. John Kello, CEO, and Mr. Mike Galloway, MatchRx: Mr. Kello thanked the Board for the opportunity to speak to its members. He explained that Match Rx was founded eight (8) years ago as a web-based market place for the independent pharmacist. There are about 5,000 plus member pharmacies throughout the system. Mr. Galloway discussed the Drug Supply Chain Security Act (“DSCSA”) being formulated between the House and the Senate. He explained that MatchRx has participated in several joint meetings with the FDA focused on the practice of dispenser-to-dispenser transactions for a specific patient need. The result of those meetings was an FDA DSCSA Guidance that was issued last year that states a dispenser who transfers product to another dispenser for a specific patient need is not subject to wholesale distributor licensing requirements.

President Jones asked whether or not they ship in the original container? Mr. Kello responded yes. Ms. Wray asked if both pharmacies involved are licensed in the state that the activity is occurring. Mr. Kello said no. Ms. Wray responded that this is not allowed under Georgia law. She explained that normally a wholesaler distributor is taking possession of the drug and filling it under their name. They are not eligible for a 3PL license because they are not located in Georgia. She stated that under Georgia law, they could only be qualified for a wholesale distributor license. Ms. Wray read O.C.G.A. § 26-4-5(41), which states, “*Wholesale distributor*” means any person engaged in wholesale distribution of drugs, including but not limited to manufacturers; repackagers; own label distributors; private label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail and hospital pharmacies that conduct wholesale distributions.” After further discussion, the Board recommended to Mr. Kello and Mr. Galloway that they must apply for a wholesale distributor license.

### **Approval of Minutes**

Laird Miller made a motion to approve the Public Session minutes from the December 13, 2017 meeting. Jim Bracewell seconded and the Board voted unanimously in favor of the motion.

Mike Faulk made a motion to approve the Executive Session minutes from the December 13, 2017 meeting. Bill Prather seconded and the Board voted unanimously in favor of the motion.

Jim Bracewell made a motion to approve the Public and Executive Session minutes from the January 3, 2018 Conference Call. Vicki Arnold seconded and the Board voted unanimously in favor of the motion.

### **Report of Licenses Issued**

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

### **Correspondence from Brooke Renn, ACHC**

The Board viewed this correspondence for informational purposes only.

### **Correspondence from Matt Manning, ReCept Pharmacy**

The Board considered this correspondence regarding USP800. Specifically, how will USP800 impact the handling and storage of hazardous oral products (not compounded products). Laird Miller made a motion to direct staff to respond by stating the Board is currently waiting on USP as it will not be enforced until December 2019.

### **Correspondence from Bailey Steffes, Quarles & Brady**

The Board considered this correspondence regarding non-resident wholesaler shipping requirements. Mike Faulk made a motion to direct staff to respond to Ms. Steffes' questions as follows:

1. Can a wholesaler ship to a veterinarian's alternate practice location that is not listed on the vet's license? This location is also licensed. If yes, are there any specific requirements? *If he/she has two (2) practice locations, it is ok.*
2. Can a wholesaler ship to a UPS/FedEx Store where the veterinarian picks up the medication in the event the vet is traveling for shows or making house calls? If yes, are there any specific requirements? *No.*
3. Can a wholesaler ship to a P.O. Box where the veterinarian picks up the medication in the event the vet is traveling for shows, etc? If yes, are there any specific requirements? *No.*

Jim Bracewell seconded and the Board voted unanimously in favor of the motion.

#### **Correspondence from S.W. Boone**

The Board considered this correspondence regarding whether PTCB certification or pharmacy technician registration is needed to work in a call center doing pre-authorizations. Jim Bracewell made a motion to table pending receipt of additional information. Lisa Harris seconded and the Board voted unanimously in favor of the motion.

#### **Correspondence from City Concept Group, LTD. CO.**

The Board considered this correspondence requesting the limited use of the name “City Pharmacy” for the operation of a full-service restaurant at 1105 Church Street, Covington, Georgia 30014. Jim Bracewell made a motion to approve the request, per the authority allowed in O.C.G.A. § 26-4-110. Additionally, the Board stated that this waiver applies to the extent that the establishment is not maintained as a pharmacy. Laird Miller seconded and the Board voted unanimously in favor of the motion.

#### **Correspondence from Dr. Robert Cobb, State Veterinarian**

The Board discussed this response from Dr. Cobb regarding the Board’s inquiry concerning whether or not there are any checks and balances in animal shelters on ketamine, or any controlled substances. This is related to correspondence the Board previously discussed on animal shelters and euthanasia drugs. Ms. Wray suggested Director Troughton sending something out to all shelters Dennis. The first inquiry from the shelters seemed to be that they were maintaining themselves. Director Troughton responded that he does not mind sending anything out and would be glad to go to random shelters to see where they keep their drugs. He stated he will look at just a couple and then ask for their records. President Jones suggested forwarding the information provided by Dr. Cobb to the Georgia Board of Veterinarians. Laird Miller made a motion to approve the “Regulated Drug-Required Information Form” submitted by Mark Murrah, Georgia Department of Agriculture. Bill Prather seconded and the Board voted unanimously in favor of the motion.

#### **Correspondence from Andrea Dietze**

The Board considered the additional information provided by Ms. Dietze concerning her inquiry as to the legality of her reaching out to patients to extend her services for either pick up, drop off or contact with their prescriptions. Laird Miller made a motion to direct staff to respond by stating the Board is not inclined to provide her with guidance regarding her proposed business model. Additionally, please be advised that the Board is precluded from offering legal advice, opinions, or interpretations of the Georgia Laws and Rules. The Board suggests she refer to O.C.G.A. § 26-4-110(g) for more information. Bill Prather seconded and the Board voted unanimously in favor of the motion.

#### **Correspondence from Stephen Georgeson, Georgia Retailers Association**

The Board considered this correspondence regarding suggestive language on central fill and changes to the licensing and the robotics systems. Jim Bracewell made a motion to appoint Laird Miller and Bob Warnock to a committee to review the language and work with Director Troughton. Bill Prather seconded and the Board voted unanimously in favor of the motion.

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

No report.

#### **Attorney General’s Report – Janet Wray**

The Board recognized Ms. Wray in appreciation of the job she did as attorney for the Board. Ms. Wray will be retiring effective January 31, 2018.

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

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

<b>Date of Program</b>	<b>Hours</b>	<b>Sponsoring Group</b>	<b>Program Title</b>	<b>CE Code</b>
01/25/18	4	Newton Homeopathics & American Academy of Clinical Homeopathy	Basic Homeopathic Principles	2017-0019
12/15/17	1	Wellstar Atlanta Medical Center South	Malignant Hyperthermia	2017-0020
12/21/17	0.5	Kaiser Permanente	Clinical Pharmacy Information Series	2017-0021

Ms. Battle reported that she, Mr. Miller, Mr. Bracewell and members of GDNA participated in the Georgia Opioid Strategic Planning Meeting. A report will be compiled and presented in May.

President Jones asked Ms. Battle about the status of draft amendments to Rule 480-11-.02 Compounded Drug Preparations as discussed at the December meeting. Ms. Battle responded that there were two versions. She will disseminate to the Board to review for possible consideration in February.

Mike Faulk made a motion and Bill Prather 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**

**Appearance**

- J.N.C.

**Cognizant’s Report – Bill Prather**

- GDNA Case # A-32346
- GDNA Case # A-32216
- GDNA Case # B-32291
- GDNA Case # B-32292
- GDNA Case # B-32277
- GDNA Case # B-32294
- GDNA Case # B-32157
- GDNA Case # B-32262
- GDNA Case # B-32290
- GDNA Case # B-32293
- GDNA Case # B-32298
- GDNA Case # A-32366
- GDNA Case # A-32365
- GDNA Case # B-32302
- GDNA Case # B-32312
- GDNA Case # B-32317
- GDNA Case # B-32320

- GDNA Case # B-31875
- GDNA Case # B-32206
- GDNA Case # B-32323
- GDNA Case # A-32326

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

- Inspections
- Legislative update

### **Attorney General’s Report – Janet Wray**

Ms. Wray presented the following consent orders for acceptance:

- C.V.S.P.
- M.U.
- C.H.

Ms. Wray discussed the following cases:

- GDNA Case #B-31784
- GDNA Case #B-32018

Mr. Changus discussed the following case:

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

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

- L.C.W.
- Requested legal advice regarding private orders.

### **Applications**

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

### **Correspondences/Requests**

- A.B.C.P.
- B.P.
- B.C.F.
- M.V.S.P.
- V.R.
- A.C.N.
- D.L.R.
- Y.H.

- J.L.J.
- M.C.C.G.
- M.C.C.G.
- M.C.C.G.
- M.C.C.G.
- M.C.C.G.

**Miscellaneous**

- Ms. Battle requested legal advice regarding the licensing of hospital facilities and whether or not there are ways to ensure there are no gaps in licensure during changes of ownership or location. President Jones indicated that this would be something the Board would look at.

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

**Open Session**

Laird Miller made a motion for the Board to take the following actions:

**Appearance**

- J.N.C.                      Request to terminate probation                      Refer to the Department of Law

**Cognizant’s Report – Bill Prather**

- GDNA Case # A-32346                      Refer to the Department of Law
- GDNA Case # A-32216                      Send letter of concern to the pharmacy technician. Refer to the Department of Law.
- GDNA Case # B-32291                      Misfill Policy #1
- GDNA Case # B-32292                      Close case with a letter of concern
- GDNA Case # B-32277                      Close case
- GDNA Case # B-32294                      Misfill Policy #1
- GDNA Case # B-32157                      Misfill Policy #2
- GDNA Case # B-32262                      Close case
- GDNA Case # B-32290                      Close case
- GDNA Case # B-32293                      Misfill Policy #2
- GDNA Case # B-32298                      Misfill Policy #1
- GDNA Case # A-32366                      Refer to the Department of Law
- GDNA Case # A-32365                      Schedule for Investigative Interview
- GDNA Case # B-32302                      Close case
- GDNA Case # B-32312                      Misfill Policy #1
- GDNA Case # B-32317                      Misfill Policy #2
- GDNA Case # B-32320                      Misfill Policy #1
- GDNA Case # B-31875                      Close case
- GDNA Case # B-32206                      Close case
- GDNA Case # B-32323                      Misfill Policy #2
- GDNA Case # A-32326                      Offer Voluntary Surrender

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

- Inspections

**Attorney General’s Report – Janet Wray**

Ms. Wray presented the following consent orders for acceptance:

- C.V.S.P. Private Consent Order accepted
- M.U. Private Consent Order accepted
- C.H. Private Consent Order accepted

Ms. Wray discussed the following cases:

- GDNA Case #B-31784 Update provided
- GDNA Case #B-32018 Update provided

Mr. Changus discussed the following case:

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

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

- L.C.W. Request regarding medication errors course Board directed staff to respond to licensee by suggesting she take the course offered by the University of Connecticut.
- Requested legal advice regarding private orders.

**Applications**

- Jelesaa A. Bain Pharmacy Technician Approved for registration
- Stormy M. Crowe Pharmacy Technician Approved for registration
- D.Z.Y. Pharmacist Examination Approved to sit for the exam
- C.M. Pharmacist Reciprocity Approved to sit for the exam
- D.S. Pharmacist Reciprocity Approved to sit for the exam
- K.A.P. Pharmacist Reciprocity Approved to sit for the exam
- N.L.C. Pharmacist Reciprocity Table pending receipt of additional information
- T.S.G. Pharmacist Reciprocity Approved to sit for the exam
- Frances E. Mullins Pharmacist Reinstatement Approved application
- J.D.S. Pharmacist Reciprocity Approved to sit for the exam
- R.C.T.P.L.D. Wholesaler Pharmacy Table pending receipt of additional information
- R.H.S.A. Hospital Pharmacy Approve contingent upon verification of it being a name change. Provide application upon verification of it is an ownership change.

**Correspondences/Requests**

- A.B.C.P. Notice of Discipline No action taken
- B.P. Notice of Discipline No action taken
- B.C.F. Notice of Discipline No action taken
- M.V.S.P. Notice of Discipline No action taken
- V.R. Notice of Discipline No action taken
- A.C.N. Request for extension to take MPJE Denied request. Applicant must reapply.
- D.L.R. Request to take MPJE and NAPLEX a 4<sup>th</sup> attempt Denied request

- Y.H. Appearance request Approved request
- J.L.J. Request to terminate consent order Approved request
- M.C.C.G. Remote Order Entry Tabled pending receipt of additional information
- M.C.C.G. Remote Order Entry Tabled pending receipt of additional information
- M.C.C.G. Remote Order Entry Tabled pending receipt of additional information
- M.C.C.G. Remote Order Entry Tabled pending receipt of additional information
- M.C.C.G. Remote Order Entry Tabled pending receipt of additional information

**Miscellaneous**

- Ms. Battle requested legal advice regarding the licensing of hospital facilities and whether or not there are ways to ensure there are no gaps in licensure during changes of ownership or location. President Jones indicated that this would be something the Board would look at.

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

The Board recommended scheduling a conference call on Tuesday, January 16, 2018 at 11:00 a.m. to discuss Rule 480-11-.02 Compounded Drug Preparations.

There being no further business to discuss, the meeting was adjourned at 3:18 p.m.

The next meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, February 2, 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