

The Georgia State Board of Pharmacy met on January 21, 2004 at Mercer University Southern School of Pharmacy, 3001 Mercer University Drive, Atlanta, GA.

Members Present:

- Mickey Tatum, President
- Fred Barber
- Roger Lane
- Jeff Lurey
- Eddie Madden
- Charles Palmer
- Bill Prather
- John Sherrer

Staff Present:

- Bill Atkins, Director, Georgia Drugs and Narcotics Agency
- Rick Allen, Dep. Dir., Georgia Drugs and Narcotics Agency
- Janet B. Wray, Board Attorney
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Ylice Crews, Administrative Assistant/Board Secretary

Visitors Present:

- Tom Miller, Advocate
- Dr. Early, Advocate
- Bob Wineholt, Advocate
- Dr. Judy S. Rivenbark, Advocate
- Dr. Ray Gaskin, Advocate
- Leroy Tolliver, Advocate
- Dale Coker, Ballground Pharmacy
- Mac Pelkie, RPH
- Jeff Reagen, RPH

Mr. Tatum established that a quorum was present, and called the meeting to order at 9:30 a.m.

At this time, Mr. Tatum thanked Mr. Sherrer for his outstanding service as President. Mr. Palmer made the motion to order a plaque to be presented to Mr. Sherrer at a later time. The motion was seconded by Mr. Prather and approved by the Board.

Mr. Sherrer moved, Mr. 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 review applications, deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board Members Mr. Barber, Mr. Lane, Mr. Lurey, Mr. Madden, and Mr. Palmer.

At the conclusion of EXECUTIVE SESSION the Board returned to **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business.

APPOINTMENT (S)

- The Board met with **Ronald L. Varner** and his advocate to discuss possible reinstatement.
- The Board met with **M.H. and his advocates** to discuss possible reinstatement.
- The Board was to meet with **Owen Scott** and his advocate to discuss possible reinstatement.

- The Board met with **Nicholas Collora** and his advocates to discuss possible reinstatement.
- The Board met with **Dale Coker** and his associates to discuss compounding issues.

Bill Atkins, Director, Georgia Drugs & Narcotics Agency:

- Updated the Board on the current budget. His department has been asked to cut \$100,000.

Janet B. Wray, Attorney General's Office:

- A status report on current cases was reviewed.
- Mrs. Wray presented the following consent orders for approval:
 - Bruce Hatfield
 - K-Mart Pharmacy #3660
 - James Giesler
 - Garry David George
 - George's Hometown Drugs
 - Charles Lewis Posey
 - Thomas Barrett
 - Kent Logan
- The following cases were dismissed: Discount Drugs of Canada, RWW and Rite Aide Drugs.
- The Board received the following Advice Requests: (1) Review of Therapeutic Equivalent Regulation of Kentucky, (2) EBX Waiver Request and (3) Canadian Drug Importation and Storefront Issues.
- Mrs. Wray presented a follow-up on Board Complaint #PHAR030181 and GDNA Report No. B26715.

Eddie Madden, Cognizant Board member reported on the following cases:

- #A03-73; #A03-75; #B25993; #B25537; #B25617; #B25291; #B26327; #B26807; #B26810; #B26883; #B26855; #B26912; #B26915; #B26910; Investigative Interview E.C.B. and Investigative Interview M.H.

Sandy Bond, Executive Director:

- The following rule changes were presented to the Board: (1) Rule 480-19 and (2) Rule 480-2-.02 & 480-2-.03.

Femi Ajayi, Executive Director of Testing & Examination:

- Dr. Ajayi presented a brief overview of the Georgia Practical Exam scheduled for Thursday, January 22, 2004.

Ronald L. Varner, RPh: Mr. Barber made a motion to **deny** Mr. Varner's request for reinstatement of his pharmacist license. The motion was seconded by Mr. Lane and approved by the Board.

M.H., RPh: Mr. Lane made a motion to **approve** M.H.'s request for reinstatement of his pharmacist license under private consent order. The motion was seconded by Mr. Madden and approved by the Board.

Owen Scott, RPh: Mr. Madden made a motion to **approve** Mr. Scott's request for reinstatement of his pharmacist license under a public consent order. The motion was seconded by Mr. Barber and approved by the Board.

Nicholas Collora, RPh: Mr. Madden made a motion to **approve** Mr. Collora's request for reinstatement of his pharmacist license under a public consent order. The motion was seconded by Mr. Prather and approved by the Board with Mr. Lane and Mr. Barber opposing.

Dale Coker, Ballground Pharmacy: The Board viewed Mr. Coker's presentation as it relates to compounding issues as informational.

The following votes were made in reference to the **Cognizant Member's** report:

#A03-73: The cognizant member recommended issuing a strong letter of concern referencing previous violations of receiving RX's from third parties and selling drugs to unlicensed persons and vendors. Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. Sherrer and approved by the Board.

#A03-75: The cognizant member recommended accepting private interim consent order. Mr. Sherrer made a motion to approve the recommendation. The motion was seconded by Mr. Palmer and approved by the Board.

#B25993 (Board Case # 03-01-01-032): The cognizant member recommended closing the case with no violations. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

#B25537 (Board Case #03-02-00-003): The cognizant member recommended closing the case with no violations. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Palmer and approved by the Board.

#B25617 (Board Case #03-02-00-017): The cognizant member recommended closing the case with no violations. Mr. Sherrer made a motion to approve the recommendation. The motion was seconded by Mr. Palmer and approved by the Board.

#B25921 (Board Case #03-02-01-227): The cognizant member recommended issuing a strong letter of concern. Mr. Sherrer made a motion to accept the recommendation. The motion was seconded by Mr. Lurey and approved by the Board.

#B26327 (Board Case No. PHAR020106): The cognizant member recommended issuing a strong letter of concern. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

#B26807 (Board Case No. PHAR040007): The cognizant member recommended that a \$500 fine be imposed for the pharmacist and a \$500.00 fine to the pharmacy involved with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain 15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

#B26810 (Board Case No. PHAR040011): The cognizant member recommended that a \$500 fine be imposed for the pharmacist and a \$500.00 fine to the pharmacy involved with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain 15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Barber and approved by the Board.

#B26883 (Board Case No. PHAR040024): The cognizant member recommended scheduling an investigative interview as soon as possible. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Sherrer and approved by the Board.

#B26855 (Board Case No. PHAR040033): The cognizant member recommended that a \$500 fine be imposed for the pharmacist and a \$500.00 fine to the pharmacy involved with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain 15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling. Mr. Sherrer made a motion to accept the recommendation. The motion was seconded by Mr. Lane and approved by the Board.

#026912 (Board Case No. PHAR040050): The cognizant member recommended that a \$500 fine be imposed for the pharmacist and a \$500.00 fine to the pharmacy involved with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain 15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law

and patient counseling. Mr. Prather made a motion to accept the recommendation. The motion was seconded by Mr. Sherrer and approved by the Board.

#B26915 (Board Case No. PHAR040051): The cognizant member recommended that the pharmacist complete a continuous quality improvement class relating to mis-fills within the next six months. If RPH successfully completes the class, the case will be closed. If not, the Board will proceed with disciplinary action to include a Consent Order and fine. Mr. Lurey made a motion to accept the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

#B26910 (Board Case No. PHAR0400345): The cognizant member recommended that a \$500 fine be imposed for the pharmacist and a \$500.00 fine to the pharmacy involved with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain 15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Palmer and approved by the Board.

#A03-67: The cognizant member recommended a strong letter of concern. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

#A04-01: The cognizant member recommended a private consent order to include the following: (1) reports from psychiatrist; (2) quarterly reports from the RPH and employer; (3) Letter from psychiatrist and RPH allowing Board access to treatment records; and (4) probation for five years. Mr. Prather made a motion to accept the recommendation. The motion was seconded by Mr. Sherrer and approved by the Board.

The following votes were made in reference to **Mrs. Wray's** report:

- **Bruce Hatfield, RPh:** Mr. Lurey made a motion to **accept** the public consent order signed by Mr. Hatfield. The motion was seconded by Mr. Lurey and approved by the Board.
- **K-Mart Pharmacy, #3660:** Mr. Sherrer made a motion to **accept** the public consent order for the retail pharmacy. The motion was seconded by Mr. Lane and approved by the Board.
- **James Giesler, RPh:** Mr. Sherrer made a motion to **accept** the public consent order signed by Mr. Giesler. The motion was seconded by Mr. Lane and approved by the Board.
- **Garry David George, RPh:** Mr. Sherrer made a motion to **accept** the public consent order by Mr. George. The motion was seconded by Mr. Barber and approved by the Board.
- **George's Hometown Drugs:** Mr. Lurey made a motion to **accept** the public consent order for the retail pharmacy. The motion was seconded by Mr. Palmer and approved by the Board.
- **Charles Lewis Posey, RPh:** Mr. Madden made a motion to **accept** the public consent order by Mr. Posey. The motion was seconded by Mr. Lane and approved by the Board.
- **Thomas Barrett, RPh:** Mr. Lurey made a motion to **accept** the public consent order by Mr. Barrett. The motion was seconded by Mr. Sherrer and approved by the Board.
- **Kent Logan, RPh:** Mr. Sherrer made a motion to **accept** the public consent order by Mr. Logan. The motion was seconded by Mr. Madden and approved by the Board.
- **Discount Drugs of Canada:** Mr. Lane made a motion to **close the case**. The motion was seconded by Mr. Prather and approved by the Board.
- **R.W.W., RPh:** Mr. Lane made a motion to **close the case**. The motion was seconded by Mr. Prather and approved by the Board.

- **Rite Aide Drugs**: Mr. Lane made a motion to **close the case**. The motion was seconded by Mr. Prather and approved by the Board.

- **#PHAR030181 and GDNA #B26715**: Mr. Lurey made a motion to **close the case**. The motion was seconded by Mr. Barber and approved by the Board.

The Board approved the following amendments to be posted:

- **Notice of Intent to Adopt a Proposed Amendment – Chapter 480-19**: Mr. Sherrer made a motion to **accept** the proposed amendment with changes amended for posting. The motion was seconded by Mr. Palmer and approved by the Board.
- **Notice of Intent to Adopt a Proposed Amendment – Chapter 480-2-02 and 480-2-03**: Mr. Lurey made a motion to **accept** the proposed amendment with changes amended for posting. The motion was seconded by Mr. Madden and approved by the Board.

Letter from Ibrahim Hawash: Mr. Sherrer made a motion to **deny** Mr. Hawash's request to waive FPGEE. The motion was seconded by Mr. Barber and approved by the Board.

Letter from Vic Johnson, RPh: Mr. Lurey made a motion to **approve** Mr. Johnson's request to terminate his probation. The motion was seconded by Mr. Sherrer and approved by the Board.

Letter from David R. Epps, RPh: Mr. Sherrer made a motion to **approve** Mr. Epps' request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Barber and approved by the Board.

Letter from Michael Turnage, RPh: Mr. Sherrer made a motion to **deny** Mr. Turnage's request to amend his Consent Order as it relates to the number of supervised hours he must work per week. In addition, the Board would like it reiterated to Mr. Turnage that he could work at multiple pharmacies to receive his 20 hours. The motion was seconded by Mr. Lurey and approved by the Board with Mr. Barber opposing.

Letter from C.S.S.: Mr. Lurey made a motion to **approve** C.S.S.'s request to amend his consent order to allow for random drug screenings instead of monthly drug screenings. The motion was seconded by Mr. Palmer and approved by the Board with Mr. Barber opposing.

Letter from Ronalynn Faircloth, RPh: Mr. Sherrer made a motion to **deny** Ms. Faircloth's request to meet with the Board concerning reinstatement of her pharmacist license. The motion was seconded by Mr. Lurey and approved by the Board.

Letter from Don M. Manley, RPh: Mr. Madden made a motion to **lift** Mr. Manley's probation. The motion was seconded by Mr. Lurey and approved by the Board.

Newly Licensed Pharmacists/Pharmacy Interns: Mr. Sherrer made a motion to **ratify** all newly licensed pharmacists/pharmacy interns. The motion was seconded by Mr. Prather and approved by the Board. (Attachment 1)

Draft – December Minutes: Mr. Sherrer made a motion to **approve** the December minutes as presented. The motion was seconded by Mr. Madden and approved by the Board.

Letter from Jerry F. Meaders, RPh: Mr. Lane made a motion to **approve** Mr. Meaders' request to lift his PIC restrictions. The motion was seconded by Mr. Madden and approved by the Board.

S.M.W., RPh: Mr. Madden made a motion to **approve** Mr. Williams' request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Sherrer and approved by the Board.

L. Grant Clark, RPh: Mr. Sherrer made a motion to **approve** Mr. Clarks' request to lift the "supervised practice" restriction from his pharmacist license. The motion was seconded by Mr. Palmer and approved by the Board.

The following requests have been tabled:

Letter from Redmond Regional Medical Center: GDNA will visit Redmond Regional Medical Center and Polk Medical Center and will report back to the Board.

Review of Rules & Regulations ref: Pseudoephedrine: The Board agreed to continue this discussion at the next Board meeting.

Jeff Lurey:

- Reviewed letter received from Blue Cross/Blue Shield referencing physicians and prescribing.

John Sherrer:

- Reviewed letter received from North Carolina Board of Pharmacy referencing Canadian Drugs.

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

Mickey Tatum, President

**Mollie L. Fleeman, Division Director
Professional Licensing Boards Division**

**Minutes Prepared By: Ylice Crews, Administrative Assistant/Board Secretary
Reviewed/Edited By: Sylvia L. Bond, Executive Director**