

The Georgia State Board of Pharmacy met on April 21, 2004 at the Professional Licensing Boards Office, 237 Coliseum Drive, Macon, GA.

Members Present:

- Mickey Tatum, President
- Eddie Madden, Vice-President
- John Sherrer
- Jeff Lurey
- Charles Palmer
- Bill Prather
- Fred Barber
- Robbie Dial

Staff Present:

- Bill Atkins, Director, Georgia Drugs and Narcotics Agency
- Rick Allen, Deputy Director, Georgia Drugs and Narcotics Agency
- Robert Renjel, Board Attorney
- Tachunta Thomas, Assistant Division Director
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Ylice Crews, Administrative Assistant

Visitors Present:

- Mr. Merrill Norton, Advocate

Mr. Tatum established that a quorum was present, and called the meeting to order at 9:40 a.m. At this time, Mr. Tatum welcomed our new consumer Board Member, Robbie Dial and the Assistant Division Director, Tachunta Thomas. It was also announced that funds for Mr. Tatum to attend the Annual Conference in Chicago have been approved.

Mr. Sherrer moved, Mr. Lurey 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. Dial, Mr. Madden, Mr. Palmer and Mr. Prather.

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 **Clark B. Hentz** and his advocate, Mr. Merrill Norton, to discuss possible reinstatement.
- **Karen Long** did not show for her appointment with the Board.

Sandy Bond, Executive Director:

- Reviewed the current fee of \$25.00 for verification of license and/or certification of intern hours to other states. The Board Members inquired as to whether the money collected for this could be used to license pharmacy technicians. Ms. Thomas stated the fees associated with this could not be used for licensing these technicians under the current Rules. Instead, the Board would need to promulgate a new rule and the state would then be expected to furnish the necessary resources.

- The group discussed protocol concerning multiple requests from individuals (examples - **John R. Hodges and Ronalynn E. Faircloth**) to meet with the Board in reference to the reinstatement of their license. The Board will continue to review each request as they are presented.
- The Board reviewed and discussed a letter received from Buck Wilson requesting clarification of the Board's decision in reference to his initial complaint made during the March Board Meeting.

Robert Renjel, Attorney General's Office:

- A status report on current cases was reviewed.
- Mr. Renjel presented the following consent orders for approval:
 - Alpine Pharmacy
 - Eckerd Drugs #2662
 - Kroger #324
 - Physician's Pharmacy
 - Glen Kaas
 - Hani Mussad
 - Summerville Pharmacy
 - Owen Scott Oliver
 - Matthew Alexander
 - Cynthia Johnson
 - Michael Melvin

Bill Atkins, Director, Georgia Drugs & Narcotics Agency:

- Reviewed legislation that had passed during this year's General Session.

Eddie Madden, Cognizant Board member reported on the following cases

- Investigative Interview – Board Case #PHAR0400032, GDNA Case #A04-17, A04-18, A04-13, A04-12, and A03-37.

Clark Hentz, RPh: Mr. Palmer made a motion to **approve** Mr. Hentz's request for reinstatement of his pharmacist license. The motion was seconded by Mr. Lurey and approved by the Board.

The following votes were made in reference to Mr. Renjel's report:

- **Alpine Pharmacy:** Mr. Lurey made a motion to **accept** the public consent order as signed for Alpine Pharmacy. The motion was seconded by Mr. Sherrer and approved by the Board.
- **Eckerd Drugs #2662:** Mr. Sherrer made a motion to **accept** the public consent order as signed for Eckerd Drugs #2662. The motion was seconded by Mr. Madden and approved by the Board.
- **Kroger #324:** Mr. Madden made a motion to **accept** the public consent order as signed for Kroger #324. The motion was seconded by Mr. Sherrer and approved by the Board.
- **Physicians Pharmacy:** Mr. Madden made a motion to **accept** the public consent order as signed for Physicians Pharmacy. The motion was seconded by Mr. Barber and approved by the Board with Mr. Sherrer abstaining.
- **Glen Kaas:** Mr. Lurey made a motion to **accept** the public consent order signed by Mr. Kaas. The motion was seconded by Mr. Barber and approved by the Board.
- **Hani Mussad:** Mr. Madden made a motion to **accept** the public consent order signed by Mr. Mussad. The motion was seconded by Mr. Lurey and approved by the Board.
- **Summerville Pharmacy:** Mr. Madden made a motion to **accept** the public consent order as signed for Summerville Pharmacy. The motion was seconded by Mr. Lurey and approved by the Board.

- **Owen Oliver Scott**: Mr. Palmer made a motion to **accept** the public consent order signed by Mr. Scott. The motion was seconded by Mr. Prather and approved by the Board.
- **Matthew Alexander**: Mr. Madden made a motion to **accept** the public consent order signed by Mr. Alexander. The motion was seconded by Mr. Barber and approved by the Board.
- **Cynthia Johnson**: Mr. Madden made a motion to **accept** the public consent order signed by Ms. Johnson. The motion was seconded by Mr. Lurey and approved by the Board.
- **Michael Melvin**: Mr. Madden made a motion to **accept** the public consent order signed by Mr. Melvin. The motion was seconded by Mr. Lurey and approved by the Board.

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

Ricketson, Joe T., RPh008963: The cognizant member recommended that the Board accept the Voluntary Surrender. Mr. Sherrer made a motion to approve the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

#A04-18: The cognizant member recommended that the pharmacy be placed on five (5) years probation. In addition, a \$500.00 fine per discrepancy be imposed on the pharmacy with a public consent order for failing to properly document the transfer of hydrocodone/APAP and Carisoprodol prescriptions from Alabama, failing to comply with various pharmacy and controlled substances laws, and issuing multiple unlawful refills on controlled substances. Mr. Palmer made a motion to approve the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

#A04-13: The cognizant member recommended accepting the signed private interim consent. Mr. Barber made a motion to approve the recommendation. The motion was seconded by Mr. Lurey and approved by the Board.

#A04-12: The cognizant member recommended accepting the signed 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.

#B26854: The cognizant member recommended sending a letter of concern advising the pharmacy and pharmacist to maintain more accessible RX records in the future. Mr. Prather made a motion to approve the recommendation. The motion was seconded by Mr. Palmer and approved by the Board.

#A03-37: The cognizant member recommended summary suspension of license. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Sherrer and approved by the Board.

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

- **John Hodges**: Mr. Sherrer made a motion to **deny** the applicant's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Madden and approved by the Board.
- **Rosalyn Faircloth**: Mr. Luray made a motion to **deny** the applicants request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Sherrer and approved by the Board.
- **Complaint Letter from Buck Wilson**: Mr. Sherrer made a motion to send Mr. Wilson a letter stating the Board continues to stand by its original decision to close the case since there was not a enough evidence to continue the investigation. The motion was seconded by Mr. Luray and approved by the Board.

The Board made the following votes regarding the submitted applications and requests:

- **D.B.P.**: Mr. Luray made a motion to **approve** the applicant's request for waiver of 1,000 intern hours since applicant is currently licensed in Florida. The motion was seconded by Mr. Palmer and approved by the Board.
- **M.H.**: Mr. Luray made a motion to **deny** Mr.'s request for reduction in "intern-like" hours for reinstatement from 1,000 to 400. The motion was seconded by Mr. Sherrer and approved by the Board.
- **S.G.**: Mr. Prather made a motion to **deny** applicant's request to meet with the Board to discuss possible reinstatement of license until all requirements of Policy #3A and #4 have been met. The motion was seconded by Mr. Barber and approved by the Board.
- **R.L.A.**: Mr. Luray made a motion to **deny** his request for reinstatement until all requirements of Policy #3A & #4 have been met. The motion was seconded by Mr. Barber and approved by the Board.
- **J.Z.G.**: Mr. Barber made a motion to **approve** J.Z.G.'s application by exam. The motion was seconded by Mr. Sherrer and approved by the Board.
- **L.J.G.**: Mr. Prather made a motion to **approve** L.J.G.'s application by exam. The motion was seconded by Mr. Palmer and approved by the Board.
- **K.P.Q.**: Mr. Prather made a motion to **approve** K.P.Q.'s application by exam. The motion was seconded by Mr. Palmer and approved by the Board.
- **K.L.S.**: Mr. Barber made a motion to **approve** K.L.S.'s application by exam. The motion was seconded by Mr. Sherrer and approved by the Board.
- **M.A.S.**: Mr. Madden made a motion to **approve** M.A.S.'s application by exam. The motion was seconded by Mr. Sherrer and approved by the Board.
- **B.C.L.**: Mr. Palmer made a motion to **approve** B.C.L.'s application by exam. The motion was seconded by Mr. Madden and approved by the Board.
- **Y.K.K.**: Mr. Lurey made a motion to **approve** Y.K.K.'s application by reciprocity. In addition, the Board has requested that the Attorney General's office prepare a consent order to track the Virginia agreement. The motion was seconded by Mr. Sherrer and approved by the Board.
- **K.S.F.**: Mr. Madden made a motion to **approve** K.S.F.'s application by exam. The motion was seconded by Mr. Palmer and approved by the Board.
- **J.T.M.**: Mr. Sherrer made a motion to **approve** J.T.M.'s application by exam. The motion was seconded by Mr. Prather and approved by the Board.
- **K.L.W.**: Mr. Sherrer made a motion to **approve** K.L.W.'s application by exam and to accept her intern hours as presented since she is currently licensed in Virginia. The motion was seconded by Mr. Palmer and approved by the Board.
- **A.H.**: Mr. Madden made a motion to **approve** A.H.'s application by exam. The motion was seconded by Mr. Sherrer and approved by the Board.

Letter from Laurence W. Addison: Mr. Sherrer made a motion to **deny** Mr. Addison's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Lurey and approved by the Board.

Letter from Henry Netty: Mr. Sherrer made a motion to **approve** Mr. Netty's request of non-conventional intern hours on a one (1) for two (2) basis. The motion was seconded by Mr. Prather and was approved by the Board.

Letter from Sara Colvin, RPh: Mr. Madden made a motion to **approve** Ms. Colvin's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Sherrer and approved by the Board.

Letter from Jonathan Taylor, RPh: Mr. Madden made a motion to **approve** Mr. Taylor's request to meet with the Board to discuss possible reinstatement of his intern license. The motion was seconded by Mr. Sherrer and approved by the Board.

Letter from C.I.S.: Mr. Madden made a motion to **approve** C.I.S.'s request to meet with the Board to discuss possible reinstatement of his intern license. The motion was seconded by Mr. Prather and approved by the Board.

Letter from David J. Shubeck: Mr. Palmer made a motion to **approve** Mr. Shubeck's request to meet with the Board to discuss possible reinstatement of his intern license. The motion was seconded by Mr. Barber and approved by the Board.

Letter from Yael Waknine: Mr. Sherrer made a motion to **deny** Ms. Waknine's request to meet with the Board to discuss possible reinstatement of her intern license. The motion was seconded by Mr. Lurey and approved by the Board.

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

Draft – March 2004 Minutes Mr. Madden made a motion to **approve** the March minutes as presented. The motion was seconded by Mr. Lurey and approved by the Board.

Letter from Susan M. Thomas: Mr. Madden made a motion to **approve** Ms. Thomas' request of non-conventional intern hours on a one (1) for two (2) basis. The motion was seconded by Mr. Prather and was approved by the Board.

Letter from Miranda Thomas: Mr. Prather made a motion to **approve** Ms. Thomas' request of non-conventional intern hours on a one (1) for two (2) basis. The motion was seconded by Mr. Palmer and was approved by the Board.

Letter from Garry George: Mr. Madden made a motion to **approve** Mr. George's request to attend the following course, "Patient Safety: A Look at Current and Emerging Concepts to Prevent Medication Errors" to fulfill 7.5 hours of CUE's as mandated in his consent order. The motion was seconded by Mr. Lurey and approved by the Board.

E-Mail from Steve Lee: The Board reviewed his e-mail referencing pharmacies charging third parties for copies. The Board recommended sending a letter stating that neither the staff nor Board Members are allowed to dispense legal advise to third parties. They suggested he review federal laws.

Letter from Joe Lumpkin: The Board reviewed his questions concerning the labeling of the prescriptions. The Board requested that a letter be sent clarifying Georgia's Rules & Regulations concerning this.

Letter from Gwinnett Extended Care: Mr. Lurey made the motion to exempt Gwinnett Extended Care Center Pharmacy from having the following equipment on site: Class A balance, weights, stirring rods, and mortar & pestle as long as no compounding of prescriptions is being done on-site. The motion was seconded by Mr. Madden and approved by the Board.

Request from Laura D. Hogue, Attorney, ref: K.B.'s Private Interim Consent Order: Mr. Sherrer made the motion to **deny** request to modify the original Private Interim Consent Order. The motion was seconded by Mr. Madden and approved by the Board.

John Sherrer:

- Preliminary plans are being made to change the Rules & Regulations as it pertains to the classification of Pseudoephedrine. Robert Renjel will be reviewing the law, Bill Prather will be working the Drug Task Force and Rick Allen will contract GBI.

There being no further business to be discussed, the meeting was adjourned at 1:45 p.m.

Mickey Tatum, President

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

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