

The Georgia State Board of Pharmacy met on July 21-22, 2004 at the Professional Licensing Boards Office, 237 Coliseum Drive, Macon, GA.

**Members Present:**

- Mickey Tatum, President
- Eddie Madden, Vice-President
- Charles Palmer
- Bill Prather
- Fred Barber
- Robbie Dial
- Judy Gardner
- Pat McPherson

**Staff Present:**

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

**Visitors Present:**

- Dr. Ron Smith
- F. Nicholas Willard (Regulatory Consultant – WebMD)
- Kevin Hutchinson Bob Beckley, and Ken Whittamore (Surescript)
- Bob Pavlasky, ADDS Telepharmacy Solutions
- Tom Miller, Advocate
- Dan Coffman
- Ron Coker
- Tuck Dunn

**WEDNESDAY, JULY 21, 2004**

Mr. Tatum established that a quorum was present, and called the meeting to order at 10:08 a.m.

Mr. Palmer 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. Dial, Mrs. Gardner, Mr. Madden, and Mr. McPherson.

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 Varner and his advocate, Mr. Tom Miller, to discuss possible reinstatement.
- Sara Colvin did not show for her appointment with the Board.
- The Board met Bob Pavlasky, Director of Sales, ADD to review the automated drug delivery systems.

**Janet Wray, Attorney General's Office:**

- A status report on current cases was reviewed.
- Mrs. Wray presented the following consent orders for approval:
  - Max Staples, Jr.
  - Leonard Givens
  - Donald Chapman
  - Clark Hentz
  - Jonathan W. Taylor
- In addition, Mrs. Wray presented further information on two cases:
  - K.B.
  - Y.K.

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

- Investigative Interview – Board Case #PHAR0400087A and B, GDNA Case A04-25, A04-26, A04-27, A04-28, A04-29, A04-31, A04-32, B04-33, A04-39, A04-34, A04-41, A04-42, A-27044, A-27083, B-26899 and B-27010.

**Public Hearing – Chapter 480-2 “Education”:**

The Board reviewed the proposed rule change:

- I. Mr. Madden moved that it is the Board's opinion that the formulation and adoption of these changes do 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 O.C.G.A. § 26-4--27, 26-4-28, 26-4-42, and 26-4-46 and that it is not legal or feasible to meet the objectives of O.C.G.A. 26-4-27, 26-4-28, 26-4-42, and 26-4-46 to adopt or implement differing actions for business as listed in O.C.G.A. § 50-13-4(a)(3)(A),(B),(C) & (D). The Board also states that the formulation and adoption of these changes will impact every license in the same manner and each licensee is independently licensed, owned and operated in the field of Pharmacy. Mr. Palmer seconded the motion and it carried unanimously.
- II. Mr. Madden moved that the Board adopt the Rule as amended. Mr. Palmer seconded the motion and it carried unanimously.

**Ronald Varner, RPh:** Mr. Prather made a motion to **approve** Mr. Varner's request for reinstatement of license under a Public Consent Order. Mr. Palmer seconded the motion and it carried unanimously.

**Bob Pavlasky, Director of Sales, ADDS Telepharmacy Solutions:** The Board viewed his presentation as informational.

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

- **Max Staples:** Mr. Prather made a motion to accept the Public Consent Order as signed by Mr. Staples. Mr. Madden seconded the motion and it carried unanimously.
- **Leonard Givens:** Mr. Prather made a motion to accept the Public Consent Order as signed by Mr. Givens. Mr. Barber seconded the motion and it carried unanimously.
- **Donald Chapman:** Mr. Madden made a motion to accept the Public Consent Order as signed by Mr. Chapman. Mr. Palmer seconded the motion and it carried unanimously.
- **Clark Hentz:** Mrs. Gardner made a motion to accept the Public Consent Order as signed by Mr. Hentz. Mr. McPherson seconded the motion and it carried unanimously.
- **Jonathan W. Taylor:** Mr. Madden made a motion to accept the Public Consent Order signed by Mr. Taylor. Mr. McPherson seconded the motion and it carried unanimously.

- **Yvette King**: Mr. Madden made a motion to close the case. Mr. Prather seconded the motion and it carried unanimously.

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

**#PHAR040087A (GDNA Case #A04-36) and #PHAR040087B (GDNA Case A04-35)**: After reviewing the case and meeting with the two students, the cognizant member recommended that the Board grant their licenses as long as they have passed all exams. Mr. Barber made a motion to approve the recommendation. Mr. Palmer seconded the motion. The motion was approved with Mrs. Gardner, Mr. Dial and Mr. Prather opposing.

**#A04-25**: The cognizant member recommended that a \$200 fine per violation be imposed on the pharmacist with a Public Consent Order to include five years probation for unprofessional behavior and failure to conduct drug utilization review for abuse and misuse. In addition, the Georgia Board of Pharmacy will refer this case on to the Georgia Board of Dentistry. Mr. Prather made a motion to approve the recommendation. Mr. Dial seconded the motion and it carried unanimously.

**#A04-26**: The cognizant member recommended accepting the signed Private Interim Consent Order. Mr. Palmer made a motion to approve the recommendation. Mr. Prather seconded the motion and it carried unanimously.

**#A04-27**: The cognizant member recommended accepting the signed Private Interim Consent Order. Mr. Palmer made a motion to approve the recommendation. Mr. Barber seconded the motion and it carried unanimously.

**Higgins, Matthew T., RPh021389**: The cognizant member recommended accepting the signed Voluntary Surrender of License. Mr. Barber made a motion to approve the recommendation. Mr. Palmer seconded the motion and it carried unanimously.

**#A04-29**: The cognizant member recommended sending the pharmacist a Letter of Concern for promoting and filling coded compounded prescriptions and for unprofessional conduct. Mr. McPherson made a motion to approve the recommendation. Mr. Palmer seconded the motion and it carried unanimously.

**#A04-31**: The cognizant member recommended accepting the signed Voluntary Surrender of License. Mr. Barber made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

**#A04-32**: The cognizant member recommended accepting the signed Private Interim Consent Order. Mr. Barber made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

**Board Complaint #PHAR040079 (GDNA #B04-33)**: The cognizant member recommended that a \$500 fine be imposed on the pharmacist with a Public Consent Order to include probation for theft of dangerous drugs. Mr. Palmer made a motion to approve the recommendation. Mr. McPherson seconded the motion and it carried unanimously.

**#A04-39**: The cognizant member recommended accepting the Private Interim Consent Order upon receipt from the pharmacist. Mr. Barber made a motion to approve the recommendation. Mr. Dial seconded the motion and it carried unanimously.

**#A04-34**: The cognizant member recommended that a \$500 fine be imposed on the pharmacist with a public consent order for failure to offer patient counseling which resulted in a possible error in the compounding of the medication. 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 to include a review of the new compounding rule. Mr. Barber made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

**#A04-41:** The cognizant member recommended accepting the Private Intern Consent Order, upon receipt from the pharmacist. Mr. Barber made a motion to approve the recommendation. Mr. Dial seconded the motion and it carried unanimously.

**#A04-42:** The cognizant member recommended sending the pharmacist a Letter of Concern for dispensing drugs in unlabeled containers and for obtaining a dangerous drug without a prescription. Mr. Barber made a motion to approve the recommendation. Mr. Palmer seconded the motion and it carried unanimously.

**#A-27044:** The cognizant member recommended referring this case to the Attorney General to issue a cease and desist order against this business regarding the use of "pharmacy" in its name. Mr. Barber made a motion to approve this recommendation. Mr. Palmer seconded the motion and it carried unanimously.

**#A-27083:** The cognizant member recommended arranging an investigative interview with the pharmacist to discuss his failure to sign the daily computer printout, failure to post the license of the Pharmacist-in-Charge, failure to notify the Board office of a change in the Pharmacist-in-Charge, and failure to provide the biennial DEA inventory. Mr. Palmer made a motion to accept the recommendation. Mr. Barber seconded the motion and it carried unanimously.

**PHAR040047 (GDNA #B-26899):** The cognizant member recommended closing the case due to lack of information. Mr. McPherson made a motion to approve this recommendation. Mr. Prather seconded the motion and it carried unanimously.

**PHAR040075 (GDNA#B-27010):** The cognizant member recommended sending the pharmacist a Letter of Concern and fining him \$500 for failure to offer patient counseling and failure to inform patient of the choice of a generic drug. Mrs. Gardner made a motion to approve this recommendation. Mr. McPherson seconded the motion and it carried unanimously.

**PHAR050013:** The cognizant member recommended referring this case to the Attorney General's office for a Consent Order. The Consent Order will require quarterly reports be submitted from his treatment team as it relates to his mental illness. Mr. Prather made a motion to approve the recommendation. Mr. Palmer seconded the motion and it carried unanimously.

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

- **Brian Gulley:** The Board reviewed Mr. Gulley's request for reinstatement. At this time, the Board would like to meet with Mr. Gulley in August to review his request.
- **Abbas H. Shabbir:** Mr. Shabbir failed to renew his license in 2002. The Board reviewed his application. Mr. Madden made a motion to approve his application for reinstatement. Mr. Barber seconded the motion and it carried unanimously.

**Letter from Bobby C. Trebony:** Mr. Prather made a motion to approve Mr. Trebony's request to meet with the Board to discuss possible reinstatement. Mr. Palmer seconded the motion and it carried unanimously.

**Letter from Phillip S. Fowler:** Mr. Madden made a motion to approve Mr. Fowler's request to meet with the Board to discuss possible reinstatement. Mr. Dial seconded the motion and it carried unanimously.

**Letter from Melody Loyd:** Mr. Prather made a motion to deny Ms. Loyd's request to meet with the Board since Ms. Loyd is no longer eligible to hold an intern's license. Once she has taken and passed the NAPLEX exam, the Board will then consider meeting with her. Mrs. Gardner seconded the motion and it carried unanimously.

**Letter from Michael Powell:** Mr. Madden made a motion to deny Mr. Powell's request to meet with Board. He may petition the Board after his criminal probation is fulfilled. Mr. Palmer seconded the motion and it carried unanimously.

**Letter from Herbert K. Dominy:** Mr. Madden made a motion to deny Mr. Dominy's request to remove the PIC and pharmacy ownership provision from his Consent Order. Mr. Prather seconded the motion and it carried unanimously.

**Letter from Michael Turnage:** Mr. Madden made a motion to approve Mr. Turnage's request to lift supervised practice. Ms. Gardner seconded the motion and it carried unanimously.

**Letter from Garry D. George:** Mr. Madden made a motion to approve Mr. George's 7.5 CEU credits – "Patient Safety: A Look at Current & Emerging Concepts to Prevent Medication Errors". Mr. Prather seconded the motion and it carried unanimously.

**Letter from Pam Marquess:** Mr. Madden made a motion to approve Ms. Marquess' request to receive CEU credits for attending the NABPLEX Review Course offered by the Florida Board of Pharmacy. Mr. Prather seconded the motion and it carried unanimously.

**Letter from Lori E. Shifrin:** After reviewing the number of candidates currently approved to sit for the exam, it was determined that the entire exam could be completed on September 15<sup>th</sup> thus allowing Ms. Shifrin to arrive home before Rosh Hashanah begins. Ms. Shifrin will be contacted regarding this.

**Application for Approval of Internship Program for Sara Kauffman:** Mr. Madden made a motion to approve Ms. Kauffman's application of non-conventional intern hours on a one (1) for two (2) basis. Mr. Palmer seconded the motion and it carried unanimously.

**Letter from Lindsey Kesler:** Mr. Madden made a motion to approve Ms. Kesler's request of non-conventional intern hours on a one (1) for two (2) basis. Mr. Prather seconded the motion and it carried unanimously.

**Letter from Griffin Healthcare:** Mr. Madden made a motion to approve their request for a variance as it pertains to square footage of a pharmacy department and for certain equipment. Mr. Barber seconded the motion and it carried unanimously.

**Letter from Option-Care:** Option-Care is requesting a variance of Rule 480-10-.12. At this time, the application is being returned to them since it was incomplete and not signed by the Pharmacist-in-Charge.

**Letter from Phil Baxter:** The Board reviewed this request as informational. The Board recommended that they contact the Federal Drug Administration.

**Letter from Michelle McElhannan & Melody Hart:** The Board reviewed their request for approval of protocols written for UGA Pharmacy Care Clinic. The Board decided to table this request until the Attorney General's office has had a chance to research the Rules.

**Notice of Borrower Default on Repayment of Student Loan – Angela Briley and Adeyanju Makinde:** Mr. Madden made a motion that the Board suspend Angela Briley and Adeyanju Makinde's licenses to practice as a Pharmacist, License No. RPH18931 and RPH019095 respectively, for failure to repay a student loan, and further move that this suspension will cease upon receipt by the Division Director of a "Notice of Release" from the Georgia Higher Education Assistance Corporation. Mr. Barber seconded the motion and it carried unanimously.

**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)

**Listing of Administratively Approved Reinstatement Application:** Mr. Madden made a motion to approve the reinstatement application administratively approved by the Board staff. Mr. Prather seconded the motion and it carried unanimously. (Attachment 2)

**Draft – May 2004 Board Meeting Minutes and the June 18, 2004 Teleconference Minutes:** Mr. Madden made a motion to approve the minutes as presented. Mr. Palmer seconded the motion and it carried unanimously.

**Sandy Bond, Executive Director and Femi Ajayi, Director of Exams:**

- In light of the problems/challenges incurred during this past Georgia Practical Examination, both Ms. Bond and Dr. Ajayi has asked the Board to review their protocols concerning how and who will prepare and conduct the examination. The following recommendations were made by the Board:
  - Errors & Omissions:
    - Mr. Tatum requested that each Board Member send to Dr. Ajayi at least 10 prescription questions that will be used for the next examination. At least two of these prescriptions should reflect compounding problems. Please return these examples to Dr. Ajayi by July 27, 2004.
    - Once Dr. Ajayi has received these questions, Mr. Madden and Mr. Tatum have agreed to assist him with the completion of a new examination.
  - Letter to the Pharmacy Schools:
    - Mr. Tatum instructed that Mrs. Bond and Mrs. Wray collaborate on a letter to be sent to the Schools of Pharmacy, on behalf of the Board, explaining the changes on how the exam will be prepared but addressing the Board's hope to continue using their facilities to administer the examination.
  - Draft of Rules of Conduct for the Candidates:
    - The Board recommended creating a Rules of Conduct for all candidates to sign and read before testing.

The meeting adjourned for the day at 5:00 p.m.

**THURSDAY, JULY 22, 2004**

Mr. Tatum established that a quorum was present, and called the meeting to order at 9:00 a.m.

**Sandy Bond, Executive Director and Femi Ajayi, Director of Exams:**

- The Board office reviewed correspondence from Ms. Judy Joseph requesting reconsideration of her GA Practical Exam results.
- The Board has been asked to nominate one person for a District III position that is currently vacant. The Board recommended Eddie Madden.

**APPOINTMENT (S)**

- The Board met with Dr. Ron Smith, F. Nicholas Willard (Regulatory Consultant – WebMD), Kevin Hutchinson, Ken Whittamore and Bob Beckley (Surescripts) to discuss e-prescribing. The Board viewed this presentation as informational.

**Bill Atkins, Director, Georgia Drugs & Narcotics Agency:**

- Discussed the high volume of Hispanic grocery stores selling prescriptions without a license.
- Reviewed suggested revisions to Chapter 480-27, "Electronic Prescription Drug Orders". Mr. Allen will continue to work on revisions to the rule as to include designated agents. Once he has completed this revision, he will forward it to Mrs. Bond and Mrs. Wray for their input and approval. Once they have approved the draft, it will be presented to the Board for their review.

Mr. Palmer 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. Dial, Mrs. Gardner, Mr. Madden, and Mr. McPherson.

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.

**Letter from Judy Joseph:** After reviewing her answers from the Georgia Practical Examination, an error was found and the exam results were corrected. Mr. Prather moved to approve Ms. Joseph's examination results. Mr. Palmer seconded the motion and it carried unanimously.

There being no further business to be discussed, the meeting was adjourned at 1:15 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**