

The Georgia State Board of Pharmacy met on October 20, 2004 at the Professional Licensing Boards Office, 237 Coliseum Drive, Macon, GA.

Members Present:

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

Members Absent:

- Bill Prather

Staff Present:

- Janet Wray, Board Attorney
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Femi Ajayi, Executive Director of Testing & Examination
- Ylice Crews, Administrative Assistant

Visitors Present:

- Elizabeth Hartmen, Advocate
- Merrill Norton, Advocate
- Flagg Taylor, Advocate
- J.E. Smith, RPh, Gateway Behavioral Health Services
- Steve Lincoln, Wal-Mart

Mr. Tatum established that a quorum was present, and called the meeting to order at 10:05 a.m.

Mr. Barber moved, Mr. McPherson 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. Madden, Mr. Tatum, and Ms. Gardner.

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

APPOINTMENT (S)

- The Board met with R.C.T. and his advocate, Mrs. Elizabeth Hartman, to discuss possible reinstatement.
- The Board met with Philip S. Fowler and his advocate, Mr. Merrill Norton, to discuss possible reinstatement.
- The Board met with David Shubeck and his advocate, Flagg Taylor, to discuss possible reinstatement.

R.C.T.: Mr. Madden made a motion to approve R.C.T.'s request for reinstatement of license. Mr. Palmer seconded the motion and it carried unanimously.

Phillip S. Fowler: Mrs. Gardner made a motion to approve Mr. Fowler's request for reinstatement of license. Mr. Madden seconded the motion and it carried with Fred Barber, Robbie Dial and Pat McPherson opposing.

David Shubeck: Mr. Madden made a motion to approve Mr. Shubeck's request for reinstatement of license. Mr. Palmer seconded the motion and it carried unanimously.

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

- **Reinstatement Application of T.M.:** Mr. Madden made a motion to send Mr. Macek a letter stating he would need to complete Poicy #3A in order to reinstate his license. The Board did agree that work hours would be accepted in lieu of 1,000 intern-like hours. Mrs. Gardner seconded the motion and it carried unanimously.
- **Reinstatement Application of B.G.R.:** Mr. Palmer made a motion to schedule a meeting with Mr. Roberts to discuss his request for reinstatement. Mr. Barber seconded the motion and it carried unanimously.
- **Request to Renew Pharmacist Intern License of E. H.:** Mr. Madden made a motion to approve E.H. request for a renewal of his pharmacist intern license. Mr. Palmer seconded the motion and it carried unanimously.
- **Request from M.L. requesting an appearance before the Board:** Mrs. Gardner made a motion to schedule a meeting with M.L. to discuss her request for licensure. Mr. Dial seconded the motion and it carried unanimously.
- **Review Letter from Cathy Cox pertaining to the November 4, 2004 meeting with all Board Presidents:** The Board agreed that Mr. Madden would attend for Mr. Tatum and that Mr. Palmer would also attend on behalf of the Board.

Letter from Jonathan M. Perry: Mr. Madden made a motion to approve Mr. Perry's request to lift his Consent Order. Mrs. Gardner seconded the motion and it carried unanimously.

Letter from Greg P. Sullivan: Mr. Madden made a motion to approve Mr. Sullivan's request to lift his pharmacist-in-charge restriction. Mr. Palmer seconded the motion and it carried unanimously.

Letter from Marc W. Smith: The Board approved sending Mr. Smith a reinstatement application along with Policies #3A, 3B and 4.

Letter from Thomas J. Barrett: Mr. Madden made a motion to deny Mr. Barrett's request to lift his nuclear pharmacy only restriction. Mr. Barber seconded the motion and it carried unanimously.

Letter from Clark B. Hentz: Mr. Madden made a motion to approve his community service selections. Mr. Dial seconded the motion and it carried unanimously.

Letter from Alfred Houston, Jr. and Consecrated Care: Mr. Madden made a motion to approve Mr. Houston's request for an exemption of Rule 480-33-.05 as it pertains to "**Weighing and Labeling**" and "**Other Equipment**". Mr. Palmer seconded the motion and it carried unanimously.

Letter from J.O. Smith, Acting Chief, Enforcement Techniques Division (FLETC): The Board requested that Mr. Allen, GDNA, and Mrs. Wray, Attorney General's Office, review this letter and submit clarification to Mr. Smith.

Newly Licensed Pharmacists/Pharmacy Interns: Mr. Madden made a motion to ratify all newly licensed pharmacists/pharmacy interns. Mr. McPherson seconded the motion and it carried unanimously. (Attachment 1)

Draft – September 2004 Board Meeting Minutes and September 27, 2004 Teleconference Minutes: Mrs. Gardner made a motion to approve the minutes as amended. Mr. Palmer seconded the motion and it carried unanimously.

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

Review and Discuss the Georgia Practical Exam:

- The January Georgia Board of Pharmacy Practical Examination will be conducted on the Mercer University Campus. The Board will meet in November to review questions and compounding prescriptions to be used in the compounding section of the examination.
- The Board has received at least four appeal letters from those applicants who did not pass the Georgia Practical. Dr. Ajayi reported that each test had been re-scored and the applicant's grades did not change. Per, Rule 480-2-.04(a), "Candidates for a Georgia license are required to make a minimum grade of 75 on the NAPLEX examination. Applicants are also required to obtain a minimum score of 75 on the Georgia Practical examination, and a minimum score of 75 on the jurisprudence examination. A score of less than 60 on any section of the Georgia practical examination invalidates all the scores from that administration of the Georgia Practical examination." The Board instructed Dr. Ajayi to send letters to these four applicants instructing them of the findings.

Letter from Maria L. Sikking, PHI-011365: Mr. Palmer made a motion to approve Ms. Sikking's request for non-conventional intern hours on a one (1) to two (2) basis. Mr. Madden seconded the motion and it carried unanimously.

Letter from Christopher M. Jones: Mr. Dial made a motion to approve Mr. Jones' request for non-conventional intern hours on a one (1) to two (2) basis. Mr. Madden seconded the motion and it carried unanimously.

Letter from XCEL Pharmaceuticals: The Board agreed to table this request until Mr. Madden has had a chance to review the request further.

Letter from Gateway Behavioral Health Services: The Board recommended that Mr. Smith complete an Outpatient Clinic Pharmacy Application instead of an Application for Retail or Hospital Pharmacy License.

Letter from Wal-Mart: After careful consideration, the Board recommended, on the advice of the Attorney General's Office, that Wal-Mart submit a waiver (50-13-9.1) and a security plan (O.C.G.A. 26-4-1(10) (j) and Rule 480-10-16). Until such time that the Board can review this request, Wal-Mart was instructed to close both "sub-stations".

Review E-Mail Inquiry on Requiring Background Checks on Interns: The Board did discuss this at length. The Board would have two options – (1) have the law changed to require background checks or (2) require applicants to submit a background check, at their own expense, with their application. At this time, the Board will not pursue either one.

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

- A04-58, A04-59, A04-49, A04-50, A04-52, and B27038 (#PHAR040080).

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

A. Lee Pate, RPh011337: The cognizant member recommended accepting the Voluntary Surrender. Mr. Palmer made a motion to approve the recommendation. Mr. Dial seconded the motion and it carried unanimously.

#A04-59: The cognizant member recommended accepting a Private Interim Consent Order upon receipt. Mr. Barber made a motion to approve the recommendation. Mr. McPherson seconded the motion and it carried unanimously.

Alison Renee Snow, PHI-11582: The cognizant member recommended accepting the Voluntary Surrender. Mr. Palmer made a motion to approve the recommendation. Mr. Dial seconded the motion and it carried unanimously.

David Williford, RPh014514: The cognizant member recommended accepting the Public Interim Consent Order. Mr. Palmer made a motion to approve the recommendation. Mr. Dial seconded the motion and it carried unanimously.

#A04-52: The cognizant member recommended accepting the Private Interim Consent Order. Mr. Barber made a motion to approve the recommendation. Mr. Dial seconded the motion and it carried unanimously.

#PHAR040080/GDNA #B-27038: The Board agreed to table their decision on this case until Mrs. Gardner has had a chance to review. This case will be reviewed at the November Board Meeting.

Janet Wray, Attorney General's Office:

- A status report (as of October 2004) on current cases was reviewed.
- Mrs. Wray presented the following consent order for approval:
 - K.B.
 - M.H.
 - G.M.
 - S.S.

The following vote was made in reference to Mrs. Wray's report:

Mr. Madden made a motion to accept the following Private Consent Order as signed:

- K.B.
- M.H.
- G.M.
- S.S.

Mr. Palmer seconded the motion and it carried unanimously.

Sandy Bond, Executive Director:

- The Board reviewed and approved the proposed 2005 Board Meeting Dates.

Mickey Tatum, Board President:

- Reviewed letter from NABP requesting a representative from the Board to attend the MPJE State-Specific Review. Bill Prather will represent the Georgia Board of Pharmacy.
- Received a letter from Johnson & Johnson requesting that Georgia's Dangerous Drugs List be revised to allow Maximum Strength (20 mg), Pepcid® AC to be sold over-the-counter. Mr. Madden made a motion to approve the reclassifying of this drug to be sold over-the-counter. Mr. Palmer seconded the motion and it carried unanimously.

There being no further business to be discussed, the meeting was adjourned at 4:45 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**