

The Georgia State Board of Pharmacy met on December 7-8, 2005 at the Office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA 31217

Members Present:

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

Visitors:

- Sonny Mayes, Agent, Georgia Drugs and Narcotics Agency

Staff Present:

- Janet Wray, Board Attorney, Attorney General's Office
- Bill Atkins, Director, Georgia Drugs and Narcotics Agency
- Rick Allen, Deputy Director, Georgia Drugs and Narcotics
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Laura Sturick, Administrative Assistant

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

Mr. Prather moved, Mr. Palmer 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 McPherson, Mr. Tatum, Mrs. Gardner and Mr. Barber.

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 was to meet with Byron McClellan and his advocate, however, Mr. McClellan cancelled the appointment.
- The Board met with Kim McKay and Devony Sanford, IT Section, PLB Division
- The Board met with J.P.P. to discuss possible reinstatement of his pharmacist license.
- The was to meet with Buddy Harden and Dale Coker, however, Mr. Harden and Mr. Coker did not attend the meeting.
- The met with Mary Lou Rahn, DHR to discuss Certified Medication Aides Pilot Project.

Byron McClellan: Mr. McClellan cancelled his appointment with the Board December 6, 2005

Kim McKay & Devony Sanford, IT Section, PLB Div.: Mrs. McKay and Ms. Sanford presented the new items for viewing now available on the GA SOS website to the Board re: Board Orders and application updates.

D.P.P.: Mr. Prather made a motion to deny the applicant's request for reinstatement at this time; however, once a decision has been made regarding the applicant's medical license, another request to meet with the Board may be submitted.

David Williford, RPH014514: Mrs. Gardner made a motion to approve Mr. Williford's request for reinstatement of his pharmacist license under a public consent agreement for reinstatement. Mr. Dial seconded the motion and it carried unanimously.

Buddy Harden & Dale Coker: Mr. Harden and Mr. Coker did not attend the meeting with the Board.

Mary Lou Rahn, DHR, re: Certified Medication Aides Pilot Project: This item was viewed as informational by the Board.

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

- Mrs. Wray updated the Board on all open cases in the Attorney General's Office and presented 1 Public Consent Agreement for Reinstatement:
 - **David Williford, RPH014514:** Mr. Dial made a motion to approve the Public Consent Order for Reinstatement for Mr. Williford. The motion was seconded by Mr. Prather and it carried unanimously.

Bill Atkins, Director, Georgia Drugs and Narcotics Agency:

- Provided an update of the open Investigative Cases with GDNA
- Request a change in Board 480-7-.01, add a paragraph which states:
 - (6) Whenever any manufacturer holding a permit issued by the Board markets a dangerous drug or controlled substance product in this state, that manufacturer shall provide, at no cost, a quantity of one gram or more of the pure compound of each such product to the Board or its designee. Such quantities of pure compound will only be used for testing and analysis purposes, among which uses will be to verify whether or not samples of a product are counterfeit or are indeed the actual product. All quantities of a pure compound provided to the Board to be used in testing and analysis will be accounted for using a perpetual inventory system, and a copy of each inventory will be available for review upon request by the Board or upon written request to the Board by the manufacturer providing the compound.

Bill Prather, Cognizant Board member reported on the following cases:

- GDNA Initiated: Case# A05-34, #A05-45, #A05-50, #A05-51, #A05-53, #A05-55, A-275271, #A27532, #A27536, #A27561, B-27550/PHAR060043
- Old Board Complaints:
 - Board Complaint #03-01-00014
 - Board Complaint #03-01-00016
 - Board Complaint #03-02-02030/GDNA #B25822
 - Board Complaint #03-03-01004/GDNA #25922
 - Board Complaint #03-02-02061/GDNA #B26127
 - Board Complaint PHAR040031 A&B/GDNA #B26852/#B26853
 - Board Complaint PHAR040022/#B26817
 - PHAR040012/GDNA #B26811
 - PHAR040090/GDNA #B26284

GDNA Case #A05-34: The cognizant member recommended closing the case with a Letter of Concern. Mr. Dial made a motion to accept the cognizant's recommendation. Mr. Palmer seconded the motion and it carried unanimously.

GDNA Case #A05-45: The cognizant member recommended accepting the Private Consent Order signed by the pharmacist. Mr. Palmer made a motion to accept the cognizant's recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

Cynthia Johnson,RPH015124: The cognizant member recommended accepting the Interim Consent Order signed by Ms. Johnson Mr. Palmer made a motion to accept the cognizant's recommendation. Mr. McPherson seconded the motion and it carried unanimously.

GDNA Case #A05-51: The cognizant member recommended accepting the Private Interim Consent Order signed by the pharmacist. Mr. Dial made a motion to accept the cognizant's recommendation. Mr. McPherson seconded the motion and it carried unanimously.

O. Tyrus Smith, RPH017303: The cognizant member recommended accepting the Voluntary Surrender signed by Mr. Smith. Mr. Dial made a motion to accept the cognizant's recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

GDNA Case #05-55: The cognizant member recommended accepting the Private Interim Consent Order signed by the pharmacist. Mr. Dial made the motion to approve the cognizant's recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

GDNA Case #A-27271: The cognizant recommended closing the case with a Letter of Concern. Mrs. Gardner made a motion to accept the cognizant's recommendation. Mr. Dial seconded the motion and it carried unanimously.

GDNA Case #A-27532: The cognizant recommended closing the case with no violations. Mr. Palmer made a motion to accept the cognizant's recommendation. Mr. McPherson seconded the motion and it carried unanimously.

GDNA Case # A-27536: The cognizant recommended referring the case to GDNA for the scheduling on an investigative interview. Mr. Dial made a motion to accept the cognizant's recommendation. Mr. Palmer seconded the motion and it carried unanimously.

GDNA Case # A-27561: The cognizant recommended referring the case to GDNA for the scheduling on an investigative interview. Mr. Tatum made a motion to accept the cognizant's recommendation. Mr. McPherson seconded the motion and it carried unanimously.

GDNA Case #B-27550/PHAR060043: The cognizant member recommended closing the case with no violations. Mr. Prather made a motion to accept the cognizant's recommendation. Mr. Palmer seconded the motion and it carried unanimously.

Old Board Complaints:

- **Board Complaint #03-01-00014:** The cognizant member recommended closing the case. Mr. Dial made a motion to accept the cognizant's recommendation. Mrs. Gardner seconded the motion and it carried unanimously.
- **Board Complaint #03-01-00014:** The cognizant member recommended closing the case. Mr. Dial made a motion to accept the cognizant's recommendation. Mrs. Gardner seconded the motion and it carried unanimously.
- **Board Complaint #03-01-00016:** The cognizant member recommended closing the case. Mr. Palmer made a motion to accept the cognizant's recommendation. Mr. Barber seconded the motion and it carried unanimously.
- **Board Complaint #03-02-02030/GDNA#B25822:** The cognizant member recommended closing the case. Mr. Barber made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.
- **Board Complaint #03-03-01004/GDNA#B25922:** The cognizant member recommended closing the case. Mr. Barber made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.

- **Board Complaint #03-02-02030/GDNA#B25822:** The cognizant member recommended closing the case. Mr. Barber made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.
- **Board Complaint #03-02-02061/GDNA#B26127:** The cognizant member recommended closing the case. Mr. Barber made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.
- **PHAR040031 A&B/GDNA#B26852/#B26853:** The cognizant member recommended closing the case. Mr. Barber made a motion to accept the cognizant's recommendation. Mr. Tatum seconded the motion and it carried unanimously.
- **PHAR040022/GDNA #B26817:** The cognizant member recommended closing the case. Mrs. Gardner made a motion to accept the cognizant's recommendation. Mr. Dial seconded the motion and it carried unanimously.
- **PHAR040012/GDNA#B256811:** The cognizant member recommended closing the case. Mr. McPherson made a motion to accept the cognizant's recommendation. Mr. Palmer seconded the motion and it carried unanimously.
- **PHAR040090/GDNA#B26284:** The cognizant member recommended closing the case. Mr. Tatum made a motion to accept the cognizant's recommendation. Mr. Dial seconded the motion and it carried unanimously.

Letter submitted by Charles Gass License#017332: Mr. Prather made a motion to approve Mr. Gass' request to meet with the Board to discuss possible reinstatement of his pharmacist license. Mr. Barber seconded the motion and it carried unanimously.

Letter submitted by Steven A. Simpson, PHI-011995: Mr. Dial made a motion deny the Mr. Simpson's request to meet with the Board to discuss possible reinstatement of his pharmacist license at this time. The Board also request to meet with the individuals at the Anderson-Oconee Behavioral Health Services prior to granting approval of their treatment program. Mr. Palmer seconded the motion and it carried unanimously.

Letter submitted by Jonathan Brantley, RPH018694: Mr. McPherson made a motion to approve four (4) of six (6) continuing education hours submitted. Mr. Brantley will need to submit two (2) additional hours for possible approval. Mr. Barber seconded the motion and it carried unanimously.

Letter submitted by Martin Dotson, RPh017387: Mr. Prather made a motion to approve Mr. Dotson's request to lift the supervision restriction as noted in the consent order. Mr. Dial seconded the motion and it carried unanimously.

Draft of October 19, 2005 Board meeting minutes: Mrs. Gardner made a motion to approve the minutes as presented. Mr. Palmer seconded the motion and it carried unanimously.

Letter submitted by Anthony Pecoraro, RPh019764: Mr. Tatum made a motion to approve Mr. Pecoraro's request to meet with the Board to discuss possible reinstatement of his pharmacist license. Mr. Dial seconded the motion and it carried unanimously.

Letter submitted by A. Leroy Toliver on behalf of his client, B.V.: Mr. Prather made a motion to approve Mr. Toliver's request on behalf of his client to meet with the Board to discuss possible reinstatement of his client's pharmacist license.

Request for renewal of intern license submitted by Rochelle C. Godet: Mr. Barber made a motion to approve Ms. Godet's request for renewal of her intern license. Mrs. Gardner seconded the motion and it carried unanimously.

Request for approval of application for licensure as a registered pharmacist submitted by M.S.S.: Mr. Palmer made a motion to approve the applicant's request for licensure as a registered pharmacist. Mr. McPherson seconded the motion and it carried unanimously.

Edwin Eleazer, RPh019836: Mr. Palmer made a motion to approve Mr. Eleazer's request to lift the PIC restriction as noted in the consent order. Mr. Dial seconded the motion and it carried unanimously.

Mark Lott, RPh016893: Mr. Barber made a motion to approve Mr. Lott's request to meet with the Board at the next available meeting. Mrs. Gardner seconded the motion and it carried unanimously.

Letter submitted by Joseph Holt, RPh017489: The Board directed to send a response to Mr. Holt advising him that Mr. Jim Bartling has the requested information.

Salary Increase for Bill Atkins, Director, Georgia Drugs and Narcotics Agency: Mr. Tatum made a motion to approve a salary increase of 8% for Mr. Bill Atkins. Mrs. Gardner seconded it and it carried unanimously.

Information submitted NABP re: NAPLEX Scores: This item was viewed as informational by the Board.

Information submitted by Jeffrey w. Wadlin, PhD., ACPE re: April 25-27 2006 Evaluation of accreditation program at South University:

- Mr. Barber made a motion that Mrs. Judy Gardner on the Board's behalf; attend with the NABP, South University to evaluate their program for continued accreditation. Mr. Mickey Tatum was selected as the alternate. Mrs. Gardner seconded the motion and it carried unanimously.

Drive Thru Plans Approval request: The Kroger Company: Mr. Prather made a motion to approve the drive thru plans submitted by the Kroger Company. Mr. McPherson seconded the motion and it carried unanimously.

The **Public Hearing to hear comments related to the adoption of proposed changes to Board rule 480-07-.07 Credit for Returned Expired Drugs**, scheduled to begin at 10:00 AM **was called to order** at 10:10 AM.

A letter from Richard Hedinger, representing AstraZeneca was reviewed and was made a part of the permanent record.

President Sherrer established that a quorum was present, and called the Board meeting to order at 11:10 A.M.

Rule 480-07-.07: Mr. Lane made a motion to **adopt** Board Rule 480—07-.07 Credit for Returned Expired Drugs. The Board voted that the rule change and the formulation and adoption of this rule does 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, and 26-4-115.

It is not legal or feasible to meet the objectives of O.C.G.A. §§ 26-4-27, 26-4-28, and 26-4-115 to adopt or implement differing actions for business as listed in O.C.G.A. 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominate the field of Pharmacy.

The motion was seconded by Mr. Madden and was approved by the Board.

As required by O.C.G.A. §26-4-24, Mr. Dial **nominated** Bill Prather for President of the Board for the year 2006. The motion was seconded by Mr. McPherson and was approved by the Board.

As required by O.C.G.A. §26-4-24, Mr. Barber **nominated** Judy Gardner for Vice President of the Board for the year 2006. The motion was seconded by Mr. Tatum and was approved by the Board.

There being no further business, the meeting adjourned at 3:50 p.m.

Eddie Madden, President

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

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

Minutes approved by the Board at its January 11-12, 2006 Board meeting.