

**GEORGIA STATE BOARD OF PHARMACY**

**BOARD MEETING**

February 8, 2012

Professional Licensing Boards

237 Coliseum Drive

Macon, GA 31217

**Members Present:**

Bill Prather, Chairperson  
Judy Gardner, Vice Chairperson  
Fred Barber  
Ronnie Wallace  
Tony Moye  
Al McConnell  
Laird Miller  
Pat McPherson

**Staff Present:**

Eric Lacefield, Executive Director  
Janet B. Wray, Board Attorney  
Rick Allen, GDNA  
Melanie Bradley, Board Support Specialist

**Visitors:**

Jim Bartling, Mercer  
Scott Biddulph, Target  
Hal Henderson, Omnicare  
Jimmy England, Walgreens  
Francis Cullen, attorney

Bill Prather established that a quorum was present and called the meeting to order at 9:55 a.m.

*Judy Gardner made a motion, Tony Moye seconded, and the Board voted unanimously 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 Fred Barber, Al McConnell, Laird Miller, Pat McPherson, and Ronnie Wallace.*

**Appointments – Executive Session**

1. Lisa K. Hodnett appeared before the Board to appeal the revocation of her Pharmacy Technician registration. A motion was made by Ronnie Wallace to reverse the Board's previous decision to revoke

and to reinstate her registration as pharmacy technician with 1 year probation; Tony Moyer seconded the motion and the Board voted in favor of the motion. Fred Barber opposed.

2. Christopher Heard appeared before the Board to appeal the denial of his Pharmacy Technician registration application. A motion was made by Judy Gardner to uphold the Board's previous decision to deny; Ronnie Wallace seconded the motion the Board voted unanimously in favor of the motion.
3. W.H.L. Jr. and his advocate appeared before the Board to discuss the reinstatement of his Pharmacist license. Ronnie Wallace made a motion to reinstate his Pharmacist license under a Private Consent Order with 5 years probation and other stipulations. Pat McPherson seconded the motion and the Board voted unanimously in favor of the motion.
4. April J. Baker appeared before the Board to appeal the revocation of her Pharmacy Technician registration. Ronnie Wallace made a motion to reverse the Board's previous decision to revoke and to reinstate her registration as pharmacy technician with 1 year probation. Judy Gardner seconded and the Board voted unanimously in favor of the motion.
5. R.I. and his attorney Francis Cullen appeared before the Board to discuss the reinstatement of his Pharmacist license. Al McConnell made a motion to uphold the Board's previous decision to deny the reinstate application. Fred Barber seconded the motion and the Board voted unanimously in favor of the motion.
6. **F.H.B.** and his advocate appeared before the Board to discuss the reinstatement of his Pharmacist license. Tony Moyer made a motion to reinstate the pharmacy license under a Private Consent Order with 5 years probation and other stipulations. Judy Gardner seconded the motion and the Board voted in favor of the motion. Fred Barber opposed.

#### **Applications/Licensures**

1. C.M.L. – Pharmacy Technician - Board recommended approval for registration.
2. H.T.N. – Pharmacy Technician – Board recommended approval for registration.
3. K.C.S. – Pharmacy Technician – Board recommended approval for registration.
4. K.M.M. – Board recommended to deny registration and reapply once probation is terminated.
5. L.R.S. – Pharmacy Technician - Board recommended approval for registration.
6. R.U.W. – Pharmacy Technician - Board recommended approval for registration.
7. C.L.C. – Pharmacy Technician - Board recommended to deny registration and reapply once probation is terminated.
8. K.D.J. – Pharmacy Technician - Board recommended approval for registration.
9. M.K.S. – Pharmacy Technician - Board recommended approval for registration.
10. R.M.R. – Pharmacy Technician - Board recommended approval for registration.
11. **D.F.M.B. – Pharmacist – Refund request was forwarded to Division Director**
12. J.T.R. – Pharmacist - Board recommended approval of reactivation.
13. K.R.M. – Pharmacist Certificate of Drug Therapy Modification - Board recommended for staff to send letter that the protocol is not in compliance with Statute 43-34-24.
14. J.M.D. – Nuclear Pharmacist - Board recommended approval application.

15. J.Y. – Nuclear Pharmacist Reinstatement - Board recommended approval for license.
16. R.P.D.Jr. – Pharmacist Reactivation - Board recommended approval for license.
17. G.R.J. – Pharmacist – Board recommended to lift supervised practice restriction from consent order.
18. K.D.M. – Pharmacist Reciprocity - Board recommended to deny application.
19. E.J.M. – Pharmacist Reinstatement - Board recommended approval for license.
20. K.W.S. – Pharmacist Reinstatement - Board recommended to deny application.
21. K.N.D. – Pharmacist Reinstatement - Board recommended approval for license once all fees are paid.
22. R.P.A. – Pharmacist Reinstatement – Board recommended approval for license.
23. K.P.Q. – Pharmacist - Board recommended an Order for Mental/Physical Evaluation.
24. M.B.B. – Pharmacist - Board recommended to schedule for an appearance.
25. R.O.H. – Board recommended to approve request and lift probation.
26. T.C.H. - Board recommended to approve request and lift the stipulation from the consent order.
27. P.S.I. – Retail Pharmacy Reinstatement – Board recommended approval for license.
28. A.M.B.I.P.I. – Pharmacy Wholesaler Reinstatement – Board recommended approval for license.
29. G.E.S. – Pharmacy Technician - Board recommended approval for registration.

**Attorney General’s Report:**

Janet Wray presented a status report including 38 open cases and 5 closed cases. The following consent orders were presented for acceptance:

- L.E.C. - Pharmacist – Private Interim Consent Order
- C.T.J. – Pharmacist - Private Consent Order for Reinstatement
- Brian Fernandez – Pharmacy Intern – Public Consent Order
- W. – Retail Pharmacy – Private Interim Consent Order
- Courtney Jonda – Pharmacist – Public Consent Order for Suspension
- C.J. – Pharmacist – Private Consent Order for Reinstatement

**Cognizant Report – Judy Gardner**

**GDNA Case #A-30063 1)** – The Cognizant Member recommended to refer this case to the Attorney General’s Office.

**GDNA Case #A-30063 1A)** - The Cognizant Member recommended a public reprimand and \$500 fine to pharmacist.

**GDNA Case #A-30063 1B)** – The Cognizant Member recommended no action and to close the case.

**GDNA Case #A-30063 1C)** - The Cognizant Member recommended a public reprimand and \$500 fine to pharmacist.

**GDNA Case #A-30063 1D)** - The Cognizant Member recommended a public reprimand and \$500 fine to pharmacist.

**GDNA Case #A-30063 1E)** - The Cognizant Member recommended a public reprimand and \$6500 fine or a voluntary surrender to pharmacist in charge.

**GDNA Case #A-30063 1F)** – The Cognizant Member recommended a \$75,000 fine to the pharmacy.

**GDNA Case #A-30134** – The Cognizant Member recommended to issue a letter of concern to the pharmacist and the pharmacy involved.

**GDNA Case #B12-03** – The Cognizant Member recommended to to close the case.

**GDNA Case #T-12-04** – The Cognizant Member recommended to accept the signed voluntary surrender.

**GDNA Case #A12-05** – The Cognizant Member recommended to a Board Order for assessment of chemical impairment.

**GDNA Case #T12-06** – The Cognizant Member recommended to accept the signed voluntary surrender

**GDNA Case #12-10** – The Cognizant Member recommended a accept the signed private interim consent order.

**GDNA Case #11-53** – The Cognizant Member recommended a summary suspension for the pharmacy and a voluntary surrender from the pharmacist involved.

**GDNA Case #B-30094** – The Cognizant Member recommended a \$7500 fine for the pharmacist.

**GDNA #B-30140 8B)** - The Cognizant Member recommended a Private Consent Order, \$500 fine for the pharmacist, \$500 fine for the pharmacy, and to attend misfill school within 1 year.

**GDNA #B-30158** – The Cognizant Member recommended to close out due to no violation.

**GDNA #B-30162** – The Cognizant Member recommended to close out due to no violation.

**GDNA #B-30163** – The Cognizant Member recommended to close out due to no violation.

**GDNA #A-30189** – The Cognizant Member recommended to approve the retail pharmacy application and issue the license.

**GDNA #A-30194** – The Cognizant Member recommended an investigative interview.

**GDNA #A12-07** – The Cognizant Member to deny the retail pharmacy application.

At the conclusion of **EXECUTIVE SESSION**, Ronnie Wallace made a motion to enter into **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business; Al McConnell the motion. Voting in favor of the motion were Judy Gardner, Tony Moye, Fred Barber, Laird Miller, and Pat McPherson.

#### **OPEN SESSION**

Judy Gardner made a motion to approve the recommendations made in Executive Session; Pat McPherson seconded the motion. Voting in favor of the motion were Al McConnell, Fred Barber, Laird Miller, Tony Moye, and Ronnie Wallace.

The Board voted to accept the following signed Board orders:

L.E.C. - Pharmacist – Private Interim Consent Order  
C.T.J. – Pharmacist - Private Consent Order for Reinstatement  
Brian Fernandez – Pharmacy Intern – Public Consent Order  
W. – Retail Pharmacy – Private Interim Consent Order  
Courtney Jonda – Pharmacist – Public Consent Order for Suspension  
C.J. – Pharmacist – Private Consent Order for Reinstatement  
Tegan S. Hubbard – Pharmacy Technician – Voluntary Surrender  
Toshiba Watkins – Pharmacy Technician – Voluntary Surrender

Judy Gardner made a motion to approve the minutes as amended from the January 11, 2012 Board meeting; Laird Miller seconded the motion and the Board voted to approve the minutes.

Executive Director Eric Lacefield presented a list of licenses and registrations (561) that were issued from January 1-31, 2011. Laird Miller made a motion to ratify the list of licenses and registrations; Fred Barber seconded the motion. The Board voted to ratify the licenses and registrations issued. Bill Prather requested that the minutes reflect that it took the Board less than two minutes to ratify 561 licenses and registrations.

The Board held a public hearing regarding the Board Rule, Chapter 480-37, Remote Automated Medication Systems in the State of Georgia.

Following the comments, Ronnie Wallace made a motion to adopt Rule 480-37 as posted and published. Laird Miller seconded and the Board voted to adopt Rule 480-37 as follows:

**480-37, Remote Automated Medication Systems in the State of Georgia**

**480-37-.01 Definitions**

For purposes of this Chapter, the following words shall mean:

- (a) “Board” means the Georgia Board of Pharmacy
- (b) “GDNA” means the Georgia Drugs and Narcotics Agency.
- (c) “Remote automated medication system” or “RAMS” means an automated mechanical system in which medication is stored and retrieved for a specific patient pursuant to a practitioner’s prescription medication order.

Authority: O.C.G.A. Sections 26-4-5 and 26-4-28.

**480-37-.02 Licensure**

- (a) In order to install or operate a RAMS, a Georgia licensed pharmacy must make application for licensure to the Board on a form approved by the Board, and pay a fee. No person other than an approved licensed pharmacy may install or operate a RAMS. Each location having a RAMS must have a separate license from the Board. If more than one licensed pharmacy operates a RAMS at the same skilled nursing facility or hospice, each licensed pharmacy must maintain a registration at the skilled nursing facility or hospice. A Georgia licensed pharmacy that has paid a fee for one RAMS location will not be required to pay fees for the additional locations.
- (b) A Georgia licensed pharmacy may only use the RAMS at a skilled nursing facility or hospice licensed as such pursuant to O.C.G.A. T. 31, Ch. 7, that does not have an on-site licensed pharmacy.

(c) The Pharmacist-in-Charge (PIC) for a licensed pharmacy shall be considered the PIC for each separate license to operate a RAMS at a skilled nursing facility or hospice.

(d) The RAMS must collect, control, and maintain all transaction information.

Authority: O.C.G.A. Sections 26-4-5, 26-4-28 and 26-4-110.

### **480-37-.03 Minimum Requirements**

Minimum Requirements. A pharmacy may use a RAMS provided that:

(a) The pharmacy has a policy and procedure manual at the skilled nursing facility or hospice that includes:

- 1) The type or name of each RAMS including a serial number or other identifying nomenclature.
  - 2) A method to ensure security of a RAMS to prevent unauthorized access. Such method may include the use of electronic passwords, biometric identification (optic scanning or fingerprint) or other coded identification.
  - 3) A process of filling and stocking a RAMS with drugs; an electronic or hard copy record of medication filled into the system including the product identification, lot number, and expiration date.
  - 4) Documentation of inventory procedures including removal of any discontinued/out-dated medications.
  - 5) Compliance with a Continuous Quality Improvement Program.
  - 6) A method to ensure that patient confidentiality is maintained.
- (b) No more than a 30 day supply of each individual medication may be stocked in a RAMS at one time.
- (c) All drugs in a RAMS must inventoried no less than once every 30 days and documentation must be maintained of the inventories including the removal of any discontinued/out of date medications.
- (d) All the registered pharmacists, licensed pharmacy interns or registered pharmacy technicians involved in the process of stocking, entering information into RAMS, or inventorying the RAMS must be identified. No person shall be permitted to perform a function related to the machine that they are not authorized to do in the pharmacy. Specifically, where direct supervision is required in the pharmacy, such supervision must occur in duties related to the RAMS.
- (e) Patient confidentiality must be maintained.
- (f) The PIC, or a pharmacist designated by the PIC, must be able to revoke, add, or change access to RAMS at any time.
- (g) Only a Georgia registered nurses or a Georgia licensed practical nurse may be assigned access to and remove dangerous drugs from a RAMS.
- (h) Only a Georgia registered nurse may access and remove a controlled substances from a RAMS
- (i) The system ensures that each prescription is dispensed in compliance with the definition of dispense and the practice of the profession of pharmacy.
- (j) The system shall maintain a readily retrievable electronic record to identify all pharmacists, pharmacy interns, or registered pharmacy technicians involved in the processing of the prescription order.
- (k) A RAMS shall provide the ability to comply with product recalls generated by the manufacturer, distributor, or pharmacy. The system shall have a process in place to isolate affected lot numbers including an intermix of drug product lot numbers.
- (l) The stocking or restocking of a dangerous drug or controlled substances shall only be completed by a Georgia pharmacist or a pharmacy intern/extern under the direct on-site supervision of a Georgia licensed pharmacist.
- (m) A RAMS must use at least two separate verifications, such as bar code verification, electronic verification, weight verification, radio frequency identification (RFID) or similar process to ensure that the proper medication is being dispensed from a RAMS.
- (o) All medication shall be packaged and labeled in compliance with Board rules and laws for patient specific labeled medication and/or unit of use medication.

(p) The licensed pharmacist responsible for filling, verifying, or loading the RAMS shall be responsible for their individual action.

(q) A prescription drug dispensed by the RAM pursuant to the requirements of this rule shall be deemed to have been certified by the pharmacist.

(r) A licensed pharmacist may remove discontinued and/or out-dated medications from the RAMS and return such medications to the licensed pharmacy for proper disposition. A registered or licensed practical nurse may remove discontinued and/or out-dated medications and place them in the designated secured return bin in a RAMS.

Authority: O.C.G.A. Sections 26-4-5, 26-4-28, 26-4-80, 26-4-82 and 26-4-110.

#### **480-37-.04 Dispensing of Drugs**

Drugs shall only be dispensed by the RAMS pursuant to prescription drug orders of practitioners authorized under the laws of this state to prescribe drugs.

Authority: O.C.G.A. Sections 16-13-41, 16-13-74, 26-4-5, and 26-4-28.

#### **480-37-.05 Inspections**

(1) The Pharmacist in Charge, personally or by licensed pharmacist designee, shall inspect all RAMS within his/her jurisdiction and responsibility and make appropriate written records of such inspections. Such inspections, at a minimum, shall verify that:

a) All drugs in a RAMS must inventoried no less than once every 30 days. All controlled substances drugs in a RAMS must inventoried no less than once every 7 days. A system of accountability must exist for all drugs contained in a RAMS.

(b) Drugs requiring special storage conditions are properly stored to insure their stability;

(c) No outdated drugs are stocked in a RAMS;

(d) Distribution and administration of controlled substances are properly and adequately documented and reported by both pharmacy and other licensed medical personnel;

(e) Only medications may be stored in a RAMS and all medications stored in the RAMS must be on the RAMS inventory list.

(f) All necessary and required security and storage standards are met;

(g) A licensed pharmacist will empty the return bin at least every 30 days. Discontinued/out-dated return transactions shall be documented by the RAMS.

(2) Board of Pharmacy shall be conducted by representatives of the GDNA. Such inspections shall include all aspects of the management and operation of all RAMS in this State to verify compliance with the Pharmacy Laws, the Rules and Regulations of the Board of Pharmacy, and such other standards as may be appropriate to insure that the health, safety, and welfare of patients of the skilled nursing facility and/or hospice are protected. A written report shall be filed with the GDNA, the licensed pharmacy, and skilled nursing facility or hospice. Any discrepancies or deficiencies noted shall be corrected and written notice filed with GDNA within 30 days after receipt of the inspection notice.

Authority: O.C.G.A. Sections 26-4-5, 26-4-28 and 26-4-29.

Laird Miller reported his findings regarding “robots.” Bill Prather assigned Al McConnell & Laird Miller to meet with GDNA Director, Rick Allen for the purpose of writing a rule regulating robots.

Aaron J. Bevill, Jalise Rodriguez, Jimmy Taylor Shannon Proctor, and Diebert Marbun submitted letters requesting an appearance before the Board. Tony Moyer made a motion to grant the requests for an appearance; Ronnie Wallace seconded the motion, and the Board voted to grant the requests for an appearance.

**Miscellaneous**

Bill Prather thanked all the staff for their diligent work with the Board of Pharmacy.

No more business was discussed and the meeting adjourned at 4:22 p.m.

The next Pharmacy Board meeting will be Wednesday, March 14, 2012 at 10:00 a.m. at the Office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

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Bill Prather, President  
The Georgia State Board of Pharmacy

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Date

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Eric Lacefield, Executive Director  
The Georgia State Board of Pharmacy

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Date