

**GEORGIA STATE BOARD OF PHARMACY**  
**Board Meeting Minutes**  
**Mercer University-Atlanta**  
**3001 Mercer University Drive**  
**Room PAC117**  
**Atlanta, GA 30341**  
**January 9, 2013**  
**9:30 a.m.**

The Georgia State Board of Pharmacy met on January 9, 2013 for the purpose of conducting business.

**Board Members Present:**

Al McConnell, Chairperson  
Bill Prather  
Mike Faulk  
Ronnie Wallace  
Chris Jones  
Pat McPherson  
Laird Miller  
Tony Moye

**Staff Present:**

Rick Allen, GDNA  
Dennis Troughton, GDNA  
Janet Wray, Senior Assistant Attorney General  
Tanja D. Battle, Executive Director  
Tamara Elliott, Board Support Specialist

**Visitors**

Jimmy England  
Scott Biddulph  
Ross Sheppard  
Robert Esgro

Al McConnell established that a quorum was present and called the meeting to order at 9:32a.m.

Bill Prather made the motion, Ronnie Wallace 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 deliberate and to receive information on applications, investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were Al McConnell, Bill Prather, Mike Faulk, Ronnie Wallace, Chris Jones, Pat McPherson, Laird Miller, and Tony Moye.

**Appointments**

The Board held the following:

**Appointments**

09:30 a.m.-C.G.D.-Pharmacist  
09:45 a.m.-G.A.M.  
10:00 a.m.-A.H.J.-Pharmacy Technician

Al McConnell concluded Executive Session, in which no votes were taken, and declared the meeting back in Open Session.

## **Open Session**

Robert Esgro, representing Fresenius Medical Care, is pursuing a waiver to send dialysis related medications to dialysis clinics so patients can pick up their prescriptions at such facility. Mr. Esgro gave an overview of the company and its proposal to the Board. Ms. Wray asked if the pharmacists sending the prescriptions were licensed in Georgia and Robert Esgro answered that they are licensed in Tennessee. Ms. Wray indicated that the dialysis clinic will not be able to receive drugs from a non-licensed pharmacist. She further explained that the receiver of medication from an unlicensed pharmacist would be in violation of Georgia Law. Bill Prather asked who is responsible for counseling the patient when they pick up prescription, and Ms. Wray responded that Georgia pharmacist doing the dispensing is responsible for counseling. Given the information provided, it did not appear to the Board that what Fresenius Medical Care was proposing is permissible in Georgia.

### **Approval of Minutes from the December 12, 2012 Board Meeting**

Ronnie Wallace made a motion to approve the minutes from the December 12, 2012 meeting. Tony Moye seconded and the Board voted unanimously in favor of the motion.

### **Report of Licenses Issued December 5, 2012-December 31, 2012**

Bill Prather made a motion to approve the Report of Licenses Issued December 5, 2012 – December 31, 2012. Chris Jones seconded and the Board voted unanimously in favor of the motion.

### **Correspondence from American Academy of Ophthalmology Letter on Compounding Pharmacies**

The Board considered this correspondence. The Board directed staff to respond that, while it understands the predicament about which they write, the law is clear regarding this matter.

### **Correspondence from Kevin Smiley**

The Board considered this correspondence. Ms. Wray states that rule 480-13-.04 does apply to them and that the law does not allow for an exception. Further it was stated that this rule change merely reflects the change in the statute.

### **Correspondence from Megan Scanlon**

The Board considered this correspondence regarding Georgia's remote prescription drug processing regulations. The Board tabled this matter and advised staff to grant an appearance at an upcoming meeting.

### **Synthetic Drug Ordinance**

Ronnie Wallace submitted a local ordinance regarding synthetic drugs as presented to him by Lance Dyer. Rick Allen indicated that this may be addressed during the upcoming legislative session.

### **Attorney General's Open Session - Janet Wray**

Ms. Wray relayed that, upon initial review, there appears to be an issue with the ordering of a drug being handled electronically and then verified by the physician. The law requires the practitioner to transmit the prescription. This appears to be done by an RN or LPN at the facility, according to the presentation. The Board directed staff to communicate this concern to PointClickCare and point them specifically to O.C.G.A. § 26-4-80. The Board emphasized that PointClickCare should familiarize themselves with all the laws and rules in Georgia to ensure compliance. This directive

came in the form of a motion from Bill Prather, seconded by Ronnie Wallace and a unanimous vote by the Board.

Ms. Wray briefly discussed compliance with Open Meetings and Open Records laws. As information, she relayed that Board members and staff in violation of such would not be defended by the Attorney General's Office.

#### **Executive Director's Open Session - Ms. Tanja D. Battle**

88% pharmacist have renewed as of 1/09/2013. Ms. Battle discussed the high rate of deficiencies being primarily for secure and verifiable documents. She further reported that a bill amending the requirement for such has been pre-filed for consideration during the upcoming legislative session.

- Voluntary Surrender – Appearance request for K.M.

Bill Prather made a motion to revoke license and schedule for hearing at the February meeting, Ronnie Wallace seconded and the Board voted in favor of the motion.

#### **Miscellaneous**

Tony Moye reported that PCOM would not test until 2014 but that its schedule would be the same as that of UGA and Mercer. He further discussed that South University could amend test schedule for the 2014 graduating class so students would graduate 10 days earlier and not conflict with exams in June. The Board discussed how it would administer the exam in one day to accommodate all students and the possibility of adding a second day for testing.

#### **Test Dates**

Liard Miller made a motion to accept the following exam dates. Bill Prather seconded and the Board voted unanimously in favor of the motion.

- June 6, 2013 at UGA
- August 22, 2013 at South University

#### **480-2-.04 Examinations:**

Tony Moye made a motion to amend the rule regarding examinations by changing the minimum passing score to 70 for each section and an overall score of 75. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

Tony Moye discussed requiring applicants reciprocating to Georgia passage of a wet lab. He further asked if it would be possible to issue a provisional license until such candidates could take and pass such. The Board discussed its statutory authority to issue temporary licenses however indicated that it would not allow for a long enough period to accommodate someone waiting for an examination date.

Mike Faulk, who had been tasked to study compounding and what the Board could do to regulate such more effectively. He discussed the idea of requiring continuing education for pharmacists who do sterile compounding. He further reported that he spoke to UGA & South University who are willing to develop a live CE curriculum collaboratively. Tony Moye expressed concern about the utilization of the term "compounding pharmacy." Bill Prather emphasized that any pharmacist can compound. Ms. Wray cautioned against trying to prohibit a name.

Bill Prather made a motion to add a question regarding the practice of compounding on renewal

notices, Laird Miller seconded and the Board voted unanimously in favor of the motion.

Bill Prather submitted as information to the Board that he had a meeting with the Governor regarding proposed legislation regarding the establishment of the Board as an autonomous entity.

Bill Prather made a motion to post the Robot Rule as amended, Ronnie Wallace seconded and the Board voted unanimously in favor of the motion.

#### **480-10-19. Use of Automated and or Robotic Pharmacy Systems**

(a) As used in this rule, the following terms shall mean:

(1) "Automated pharmacy systems" (APS) means a mechanical system that perform operations or activities, other than compounding or administration, relative to storage, packaging, and labeling of medication for the purpose of dispensing of medication to a patient or patient's agent.

(2) "Robotic pharmacy systems" (RPS) means a mechanical system controlled by a computer that performs operations or activities relative to the storage, packaging, and labeling of medication for the purpose of distribution (dispensing) of medication to a patient or a patient's agent.

(3) "Board" shall mean the Georgia State Board of Pharmacy.

(b) A Georgia licensed retail pharmacy may use automated pharmacy systems or robotic pharmacy systems in the preparation of medication for dispensing provided such systems meet the following requirements:

(1) The system collects, controls, and maintains all transaction information;

(2) The system is located within the licensed pharmacy, or if in a general merchandising store, within the pharmacy department;

(3) Medication loaded into the system can be visually identified as well as identified by bar code or other such secondary identification system to ensure the proper medication is being placed into and recognized as the correct medication by the system;

(4) The system has adequate security systems and procedures to prevent unauthorized access to the system;

(5) The system complies with federal laws and state regulations;

(6) The system maintains patient confidentiality;

(7) The system provides a visual image or a description of the medication at final verification.

(8) The system can only be accessed by personal code.

(c) Each retail pharmacy utilizing an APS or RPS must maintain documentation, as to type of equipment, serial numbers, content, policies and procedures, on-site in the pharmacy for review by an agent of the Board.

(d) The filling/stocking of all medications in the APS or RPS shall be performed by licensed pharmacist, licensed pharmacy intern or a registered pharmacy technician under the direct, on-site supervision of a licensed pharmacist. An electronic or hard copy record of medications produced by the system shall be maintained for 2 years, and shall include identification of the person stocking/filling the system, and if a pharmacy intern or registered pharmacy technician, the name of the pharmacist providing the supervision.

(e) Access to and limits on access to the APS or RPS must comply with state and federal laws and regulations. Proper identification and access control, including electronic passwords, biometric identification, unique credentials or other coded identification, must be authorized by the pharmacist on duty. A record of who was assigned the identifications, credentials or passwords must be maintained for 2 years in order to ascertain who accessed the APS or RPS.

(f) The pharmacist in charge ("PIC") of the retail pharmacy is responsible for maintaining all records pertaining to the access, usage, audits and maintenance of the systems. These records must

be readily accessible and available for inspection upon request by an agent of the Board. In addition, the PIC is responsible for developing and maintaining policies and procedures to assign, discontinue, or change access to the system, insure that access to the medications comply with state and federal regulations, and insure that the system is filled/stocked.

(g) The pharmacist in charge is responsible to assure that the APS or RPS is in good working order.

(h) Any pharmacist utilizing the APS or RPS must assure that the system is accurately producing the correct strength, dosage form, and quantity of the drug prescribed while maintaining appropriate record keeping and security safeguards.

(i) Any retail pharmacy utilizing an APS or RPS in violation of this rule is subject to disciplinary action which may include, but is not limited to, a restriction on the authority to utilize an APS or RPS.

(j) Nothing herein shall relieve a pharmacist of the professional responsibility to verify the accuracy of the medication being dispensed prior to its being delivered to the patient or the patient's agent.

Bill Prather made a motion to accept the economic impact statement, Pat Miller seconded and the Board voted unanimously in favor of the motion. The statement reads as follows:

The formulation and adoption of this new 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, 26-4-60, 26-4-80, 26-4-82, 26-4-83, 26-4-84, 26-4-88, 26-4-110, 26-4-111, 26-4-113, and 43-1-19. Also, that it is not legal or feasible to meet the objectives of O.C.G.A §§ 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-83, 26-4-84, 26-4-88, 26-4-110, 26-4-111, 26-4-113, and 43-1-19 to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(a)(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 dominant in the field of Pharmacy.

Dean Matthews made remarks regarding the College of Pharmacy and Health Sciences. The Mercer University Health Sciences Center became operational July 1, 2012 and is composed of the colleges of nursing, pharmacy, medicine and health professions. The Fall 2012 enrollment was comprised of 593 doctors of pharmacy, 41 graduates, 91 physician assistants, and 100 physical therapy students for a total enrollment of 825. An additional 50 students will enroll in the Physician Assistant Program beginning in January 2013. Approval was given to proceed in developing a plan to build a new pharmacy facility. Gamma Psi Chapter at Mercer University was ranked as the #1 collegiate chapter of the Kappa Psi Pharmaceutical Fraternity, Inc.

Al McConnell thanked the Dean for accommodating the Board as it administered its exam.

Laird Miller made the motion, Pat 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 deliberate and to receive information on applications, investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were Al McConnell, Bill Prather, Mike Faulk, Ronnie Wallace, Chris Jones, Pat McPherson, Laird Miller, and Tony Moye.

#### Executive Session

The Board discussed the following:

**Georgia Drugs and Narcotics Agency** - Rick Allen

B

GCL

Discussion of the NECC cases

**Cognizant Report – Al McConnell**

- GDNA Case #A-30502
- GDNA Case #T12-78
- GDNA Case #T12-79
- GDNA Case #T12-81
- GDNA Case #T12-84
- GDNA Case #T12-85
- GDNA Case #B-29586
- GDNA Case #B-29734
- GDNA Case #B-30553
- GDNA Case #B-30554
- GDNA Case #B-30557
- GDNA Case #B-30558
- GDNA Case #B-30559
- GDNA Case #B-30565
- GDNA Case #B-30372

**Attorney General’s Report - Janet Wray**

- J.H.
- A.P.M.
- K.A.W.
- M.B.B.
- A.D.M.
- E.H.
- J.L.
- C.

**Executive Director’s Report - Ms. Tanja D. Battle**

Tanja Battle and Board discussed the recent referral of Complaints to the Georgia Composite Medical Board.

**Applications:**

1. H.D.S.W.D.C. Wholesale Pharmacy
2. O.M.D.I. Wholesaler Pharmacy
3. A.J.H. Pharmacist Reinstatement
4. K.A.L. Pharmacist Reinstatement
5. K.K.S. Pharmacist Reciprocity
6. A.T. Pharmacist Renewal
7. B.D.N. Pharmacist Renewal
8. B.W.M. Pharmacist Renewal
9. B.D.P. Pharmacist Renewal
10. B.W.S. Pharmacist Renewal
11. C.A.P. Pharmacist Renewal
12. C.A.P. Pharmacist Renewal
13. C.R.S. Pharmacist Renewal
14. C.A.F. Pharmacist Renewal

15. C.C.A.	Pharmacist Renewal
16. D.F.E.	Pharmacist Renewal
17. D.H.S.	Pharmacist Renewal
18. D.S.D.	Pharmacist Renewal
19. D.H.	Pharmacist Renewal
20. G.M.B.	Pharmacist Renewal
21. H.J.M.	Pharmacist Renewal
22. H.D.W.III	Pharmacist Renewal
23. J.E.F.	Pharmacist Renewal
24. L.C.H.	Pharmacist Renewal
25. M.J.O.	Pharmacist Renewal
26. M.C.S.	Pharmacist Renewal
27. O.O.	Pharmacist Renewal
28. P.J.M.R.	Pharmacist Renewal
29. R.H.S.	Pharmacist Renewal
30. R.P.	Pharmacist Renewal
31. R.W.B.	Pharmacist Renewal
32. S.M.	Pharmacist Renewal
33. S.J.S.	Pharmacist Renewal
34. S.W.I.	Pharmacist Renewal
35. S.R.V.	Pharmacist Renewal
36. T.B.C.	Pharmacist Renewal
37. U.O.U.	Pharmacist Renewal
38. W.B.I.	Pharmacist Renewal
39. W.L.H.	Pharmacist Renewal
40. C.M.L.	Pharmacist Certification of DTM
41. C.L.C.	Pharmacist Certification of DTM
42. E.T.B.	Pharmacist Certification of DTM
43. E.M.S.	Pharmacist Certification of DTM
44. J.E.	Pharmacist Certification of DTM
45. K.M.Q.	Pharmacist Certification of DTM
46. L.M.P.	Pharmacist Certification of DTM
47. M.K.B.	Pharmacist Certification of DTM
48. N.Y.Y.	Pharmacist Certification of DTM
49. A.M.K.	Pharmacy Technician
50. B.A.M.	Pharmacy Technician
51. C.L.P.	Pharmacy Technician
52. C.D.R.	Pharmacy Technician
53. C.M.H.	Pharmacy Technician
54. D.S.	Pharmacy Technician
55. H.L.	Pharmacy Technician
56. J.W.P.	Pharmacy Technician
57. J.M.A.	Pharmacy Technician
58. L.M.S.	Pharmacy Technician
59. M.B.A.	Pharmacy Technician
60. M.A.D.	Pharmacy Technician
61. R.P.C.	Pharmacy Technician
62. S.A.Jr.	Pharmacy Technician
63. T.D.C.	Pharmacy Technician

Al McConnell concluded Executive Session, in which no votes were taken, and declared Open Session.

**VOTE:**

C.G.D.

Bill Prather made a motion to approve, Chris Jones seconded and the Board voted unanimously in favor of the motion.

G.A.M.

Ronald Wallace made a motion refer to AG's office for denial of renewal, Mike Faulk seconded and the Board voted unanimously in favor of the motion.

A.H.J.

Ronald Wallace made a motion to approve, Laird Miller seconded and the Board voted unanimously in favor of the motion.

R.G.- No Action.

Bill Prather made a motion, Chris Jones seconded and the Board voted unanimously to accept the following recommendations based on deliberations in Executive Session:

**Cognizant Report** –Al McConnell

- GDNA Case #A-30502           Close with No Action
- GDNA Case #T12-78           Accept Signed Voluntary Surrender
- GDNA Case #T12-79           Accept Signed Voluntary Surrender
- GDNA Case #T12-81           Accept Signed Voluntary Surrender
- GDNA Case #T12-84           Accept Signed Voluntary Surrender
- GDNA Case #T12-85           Accept Signed Voluntary Surrender
- GDNA Case #B-29586           Send LOC refer to Board Policy #1
- GDNA Case #B-29734           Close with No Action
- GDNA Case #B-30553           Close with No Action
- GDNA Case #B-30554           Close with No Action
- GDNA Case #B-30557           Close with No Action
- GDNA Case #B-30558           Close with No Action
- GDNA Case #B-30559           Send LOC
- GDNA Case #B-30565           Send LOC refer to Board Policy #1
- GDNA Case #B-30372           Send LOC

Ronald Wallace made a motion, Chris Jones seconded and the Board voted unanimously to accept the following AG's Case Reports:

**Attorney General's Report** - Janet Wray

- J.H.                            Accept Signed Public CO
- A.P.M.                        Accept Signed Private CO
- K.A.W.                        Accept Upon Receipt Signed Private CO
- M.B.B.                        Accept Upon Receipt Signed Private CO
- A.D.M.                        Accept Upon Receipt Signed Private CO
- E.H.                            Private Reprimand & \$1,000 Fine
- J.L.                            Send LOC
- C                                Send LOC

Mike Faulk made a motion, Ronald Wallace seconded and the Board voted unanimously to accept the following recommendations based on deliberations in Executive Session.

**Applications:**

- |     |  |                                       |
|-----|--|---------------------------------------|
| 1.  | H.D.S.W.D.C. Wholesale Pharmacy        | Approve                               |
| 2.  | O.M.D.I. Wholesaler Pharmacy           | Approve                               |
| 3.  | A.J.H. Pharmacist Reinstatement        | Schedule for Appearance               |
| 4.  | K.A.L. Pharmacist Reinstatement        | Send a letter regarding reinstatement |
| 5.  | K.K.S. Pharmacist Reciprocity          | Approve                               |
| 6.  | A.T. Pharmacist Renewal                | Approve                               |
| 7.  | B.D.N. Pharmacist Renewal              | Approve                               |
| 8.  | B.W.M. Pharmacist Renewal              | Approve Renewal & Reserve             |
| 9.  | B.D.P. Pharmacist Renewal              | Approve                               |
| 10. | B.W.S. Pharmacist Renewal              | Approve                               |
| 11. | C.A.P. Pharmacist Renewal              | Approve Renewal & Reserve             |
| 12. | C.A.P. Pharmacist Renewal              | Approve Renewal & Reserve             |
| 13. | C.R.S. Pharmacist Renewal              | Approve                               |
| 14. | C.A.F. Pharmacist Renewal              | Approve                               |
| 15. | C.C.A. Pharmacist Renewal              | Approve                               |
| 16. | D.F.E. Pharmacist Renewal              | Approve                               |
| 17. | D.H.S. Pharmacist Renewal              | Approve                               |
| 18. | D.S.D. Pharmacist Renewal              | Approve                               |
| 19. | D.H. Pharmacist Renewal                | Approve                               |
| 20. | G.M.B. Pharmacist Renewal              | Approve                               |
| 21. | H.J.M. Pharmacist Renewal              | Approve                               |
| 22. | H.D.W.III Pharmacist Renewal           | Approve                               |
| 23. | J.E.F. Pharmacist Renewal              | Approve                               |
| 24. | L.C.H. Pharmacist Renewal              | Approve                               |
| 25. | M.J.O. Pharmacist Renewal              | Approve                               |
| 26. | M.C.S. Pharmacist Renewal              | Approve                               |
| 27. | O.O. Pharmacist Renewal                | Approve                               |
| 28. | P.J.M.R. Pharmacist Renewal            | Approve                               |
| 29. | R.H.S. Pharmacist Renewal              | Approve                               |
| 30. | R.P. Pharmacist Renewal                | Approve Renewal & Reserve             |
| 31. | R.W.B. Pharmacist Renewal              | Approve                               |
| 32. | S.M. Pharmacist Renewal                | Approve                               |
| 33. | S.J.S. Pharmacist Renewal              | Approve Renewal & Reserve             |
| 34. | S.W.I. Pharmacist Renewal              | Approve                               |
| 35. | S.R.V. Pharmacist Renewal              | Approve                               |
| 36. | T.B.C. Pharmacist Renewal              | Approve                               |
| 37. | U.O.U. Pharmacist Renewal              | Approve Renewal & Reserve             |
| 38. | W.B.I. Pharmacist Renewal              | Approve                               |
| 39. | W.L.H. Pharmacist Renewal              | Approve                               |
| 40. | C.M.L. Pharmacist Certification of DTM | Review by Board                       |
| 41. | C.L.C. Pharmacist Certification of DTM | Review by Board                       |
| 42. | E.T.B. Pharmacist Certification of DTM | Review by Board                       |
| 43. | E.M.S. Pharmacist Certification of DTM | Review by Board                       |
| 44. | J.E. Pharmacist Certification of DTM   | Review by Board                       |
| 45. | K.M.Q. Pharmacist Certification of DTM | Review by Board                       |
| 46. | L.M.P. Pharmacist Certification of DTM | Review by Board                       |
| 47. | M.K.B. Pharmacist Certification of DTM | Review by Board                       |

48. N.Y.Y.	Pharmacist Certification of DTM	Review by Board
49. A.M.K.	Pharmacy Technician	Approve
50. B.A.M.	Pharmacy Technician	Approve
51. C.L.P.	Pharmacy Technician	Approve
52. C.D.R.	Pharmacy Technician	Approve
53. C.M.H.	Pharmacy Technician	Approve
54. D.S.	Pharmacy Technician	Approve
55. H.L.	Pharmacy Technician	Approve
56. J.W.P.	Pharmacy Technician	Approve
57. J.M.A.	Pharmacy Technician	Approve
58. L.M.S.	Pharmacy Technician	Approve
59. M.B.A.	Pharmacy Technician	Approve
60. M.A.D.	Pharmacy Technician	Approve
61. R.P.C.	Pharmacy Technician	Approve
62. S.A.Jr.	Pharmacy Technician	Approve
63. T.D.C.	Pharmacy Technician	Contact Store to receive confirmation of employment before proceeding with referral to AG's office.

Tony Moye made a motion, Bill Prather seconded and the Board voted unanimously to accept the recommendation regarding the following:

B-Public Reprimand; 50,000 Fine

BCL-Tony Moye made a motion to approve upon receipt of the fee, Bill Prather seconded and the Board voted unanimously in favor of the motion.

Bill Prather made a motion to rescind referral to the Georgia Composite Medical Board, Laird Miller seconded and the Board voted unanimously in favor of the motion.

No more business was discussed and the meeting adjourned 4:30 p.m.

The next Pharmacy Board meeting will be on Wednesday, February 13, 2013 at 9:30 a.m. at the Office of Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.