

**ALABAMA STATE BOARD OF PHARMACY**  
**BUSINESS MEETING MINUTES**  
**August 21, 2019**

President Kenny Sanders called the August 21, 2019 meeting of the Alabama State Board of Pharmacy to order at 9:02 a.m. to conduct necessary business and determined a quorum was present.

The following Board members were present:

|                    |                |
|--------------------|----------------|
| C. Kenneth Sanders | President      |
| Ralph E. Sorrell   | Vice President |
| Brenda R. Denson   | Treasurer      |
| Chris Phung        | Member         |
| Rob Colburn        | Member         |

Other Alabama Board of Pharmacy staff members present were:

|   |                                    |
|---|------------------------------------|
| Donna C. Yeatman, Executive Secretary                                     | Terry Lawrence, Licensing Manager  |
| Susan P. Alverson, Ph.D., Dir.-Regulatory Affairs                         | Rhonda Coker, Licensing Supervisor |
| Cristal Anderson, Director of Compliance                                  | Wendy Passmore, Operations Manager |
| Edward R. Braden, Chief Drug Investigator                                 | Twalia King, Licensing Manager     |
| Scott Daniel, Asst. Chief Drug Investigator,<br>Legal/Legislative Liaison |                                    |
| Glenn Wells, Drug Investigator  |                                    |
| Peyton Zarzour, Drug Investigator   |                                    |

Members of the public present were:

|                   |                    |                   |
|-------------------|--------------------|-------------------|
| James Driskell    | Gil Hanahan        | Audra Clifton     |
| Chad Lightsey     | Chuck Beams        | Kelly Tate        |
| Courtney Hope     | Shrouq Qaisi       | Kelly Newman      |
| Jim Easter        | Sam Blakemore      | Clemice Hurst     |
| Tomie Ann Boackle | Brad Livingston    | Aaron Wolff       |
| Mark Todd         | Wes Maddox         | Bart Bamberg      |
| Julie Lasseigne   | Jeff Church        | Louise Jones      |
| Roland Naseman    | Robby Smith        | Danielle Cole     |
| Tommy Cobb        | Rachel Weaver      | Stephen McCormick |
| Jonathan Fowler   | Donnis Hackney     | William Bowden    |
| Denise Morris     | Jonathan McLachlan |                   |
| Smita Patel       | Lauren Paul        |                   |
| Juliana Camelo    | Jeenu Philip       |                   |
| Jennifer Robinson | Chris Riviere      |                   |
| Kimberly Witt     | Rich Palombo       |                   |
| Laura Matthews    | Eddie Vanderver    |                   |
|                   | Matt Todd          |                   |
|                   | John Farringer     |                   |
|                   | Camellia Speegle   |                   |

**1. MOTION TO ADOPT AGENDA**

President Sanders called for a motion to adopt the agenda. A motion was presented by Mr. Sorrell and seconded by Dr. Denson. A vote was taken and the motion to adopt the agenda passed unanimously.

**2. WELLNESS COMMITTEE REPORT**

Dr. Garver gave the Wellness Committee report. There are currently 127 people in the screening program. This number includes individuals on a Diagnostic Monitoring Contract but does not include the number of individuals who chose not to contact the Board after being advised by investigators or staff to do so.

There are two pharmacy technicians in residential treatment and two pharmacy technicians that are deciding on evaluations or asking for permanent surrenders. There are two pharmacy students in treatment and one pharmacy student undergoing an evaluation. There is one pharmacist in residential treatment and two pharmacists in a halfway house. There is one pharmacist being held out for six months who is not in a halfway house, and that pharmacist will be presented to the Board when scheduled. There is one pharmacist deciding on an evaluation or asking for permanent surrender and has until the end of the month to decide.

**3. PRESENTATIONS:**

Shrouq Qaisi with SinfoniaRx gave a presentation seeking a permit in Alabama to commit to helping patients that reside in Alabama. She mentioned their setting is unique in that it is a pharmacist-run call center. They do not house any medications or dispense any medications but do carry out comprehensive medication reviews and work with PBMs and health plans. The call center is in Austin, Texas.

Smita Patel, on behalf of OptumRx, gave a presentation requesting a Pharmacy Services Application. Ms. Patel is the pharmacist-in-charge of the Jacksonville, Florida location. She presented to the Board they are a nondispensing front end pharmacy. She lists the responsibilities of the supervising pharmacist to include verifying the pharmacy to technician ratio, maintaining all applicable records, and adherence to policy and procedure. Ms. Patel mentions that their technicians will be able to enter data that their pharmacists can then verify, where it will then go to a fulfillment site in Alabama. The Board approved the Pharmacy Services Permit for the Jacksonville location.

Denise Morris with BriovaRx gave a presentation requesting a Pharmacy Services Application and permission for remote order entry. Ms. Morris mentions if a patient is received by a technician or pharmacist at her site, they have the ability within their database to set up the patient without multiple transfers, which allows them to service patients in the most timely manner. A motion was made by Mr. Colburn and seconded by Dr. Denson that the Board approve remote order entry for the Briova specialty pharmacy at the Birmingham location.

Juliana Camelo, with BriovaRx in San Antonio, Texas, gave a presentation requesting a Pharmacy Services Application and permission for remote order entry. Ms. Camelo mentioned they are a nondispensing front end pharmacy that do both inbound and outbound calls to patients and providers. She lists the responsibilities of the supervising pharmacist as making sure the pharmacist to technician ratio is upheld, ensuring compliance with permits, and prescription verification. Mr. Sanders made a motion that the Board approve the request for the Pharmacy Services Permit for the location in San Antonio, Texas. A motion was made by Mr. Sanders and seconded by Dr. Denson that the Board approve the remote order entry request for the Texas location to perform remote order entry for the Birmingham location.

Chad Lightsey with Fort Williams Pharmacy gave a presentation requesting permission for a nonpharmacist key holder. Mr. Lightsey mentions that in the event a pharmacist is not able to be there, Ms. Courtney Hope could open or close with a floater or fill-in pharmacist. Mr. Sorrell suggested that Mr. Lightsey change the alarm code and give the code to a licensed pharmacist and create a code specifically for floating pharmacists. A motion was made by Mr. Sorrell and seconded by Dr. Denson that the Board approve the key holder request for Fort Williams Pharmacy in Sylacauga, Alabama.

#### **4. TREASURER'S REPORT**

Treasurer Brenda Denson presented the Treasurer's Report. Total revenues reached 112.88 percent of the fiscal year budget. Total expenses were 89.18 percent of the fiscal year budget which is on target for the year. Licensing fee revenues were 104 percent of the annual budget projection. Repairs and maintenance on the building are exceeding annual budget. The budget process for fiscal year 2019-2020 has begun. The vote to approve the budget for the new year will be at the next Board meeting.

A motion was made by Mr. Colburn and seconded by Mr. Phung to accept the Treasurer's Report as presented. The motion to accept the Treasurer's Report passed with aye votes from Mr. Sorrell, Mr. Sanders, Mr. Colburn, Dr. Denson, and Mr. Phung.

#### **5. APPROVAL OF MINUTES**

A motion was made by Mr. Colburn and seconded by Mr. Sorrell to accept the July 17, 2019 Board minutes. A vote was taken and the motion to accept the meeting minutes passed unanimously.

A motion was made by Mr. Colburn and seconded by Mr. Sorrell to approve the July 17, 2019 minutes from the candidate interviews. A vote was taken and the motion to approve the interview minutes passed unanimously.

#### **6. INVESTIGATOR'S REPORT**

Chief Drug Investigator Edward R. Braden was called upon to give his report of investigations and inspection statistics for July 2019. Mr. Braden discussed inspections completed,

number of complaints received, and additional activities for which the Board was involved during the month of July.

## **7. SECRETARY'S REPORT**

Donna Yeatman gave the Executive Secretary's report, which consisted of the following:

- Ms. Yeatman gave an update on legislation, mentioning she drafted Collaborative Practice rules which she forwarded to the Board members for their review. Counsel has reviewed the proposed rules and approved the content. She asked that the Board vote accordingly so that the rule-making process can begin.
- Ms. Yeatman mentioned continued inquiries around CBD and forwarded information to help pharmacies ensure they are complying with best practices on selling CBD. She recommends that all pharmacies keep a copy of the Certificate of Analysis showing that what they are selling is within the .3 percent THC requirements.
- Landscaping is complete on the building and drainage issues have been addressed. Ms. Yeatman mentioned receiving estimates to have the parking lot resurfaced and restriped and making the signage out front say Board of Pharmacy so it is easily recognized by the public. A consulting group has been contacted about revamping the lighting and converting to newer bulbs that will save in energy costs.
- Ms. Yeatman reminded everyone about the monthly update link on the website. You must provide your e-mail address on the website. If you have not received an e-mail but have signed up, please revisit the site and resubmit to make sure the address is correct.
- Ms. Yeatman discussed a visit from Neal Watson with NABP in which they discussed making VAWD approval a requirement. They are getting more information to present to the Board about wholesalers and whether VAWD accreditation will be required going forward.
- Ms. Yeatman mentioned having great representation at the District 3 NABP meeting. She mentioned that Alabama received recognition for being a leader in holding pharmacies accountable regarding sterile compounding.
- Ms. Yeatman announced they are still engaged in a routine legal audit by the Alabama Department of Public Examiners. Originally it was supposed to be for fiscal year 2017 and 2018, but they have extended it to 2019. Ms. Yeatman thanked the staff for their role in getting the auditors what they need in a timely manner.
- The Board heard 17 cases this month. 163 cases have been forwarded to counsel. 103 cases are being worked by the Board's investigators, and 7 cases are pending resolution.

## **8. OLD BUSINESS**

- The public hearing for the Proposed Amended Rule 680-X-2-.14, The Role of Technicians in Pharmacies in Alabama, received one comment from Mr. Sam Blakemore. A motion was made by Dr. Denson and seconded by Mr. Phung to approve the technician rule amendment to 680-X-2-.14, The Role of Technicians in Pharmacies in Alabama, as written.
- A motion was made by Mr. Sorrell and seconded by Mr. Colburn to amend the Proposed Amended Rule 680-X-2-.18 concerning institutional pharmacies. No comments were submitted.
- One comment was received regarding the rule change to Proposed Amended Rule 680-X-2-.07, Mail Order Prescriptions. The proposed amendment is to ensure technician oversight has the same standards for nonresident pharmacies as it does for resident pharmacies. Jeenu Philip, senior manager for Pharmacy Affairs for Walgreens, addressed his comments previously sent to the Board for review. Rich Palombo, senior director of Regulatory Affairs for Express Scripts, also spoke regarding the rule change. The Board tabled the discussion and plans to revisit it in next month's meeting.
- Proposed Amended Rule 680-X-2-.36, Continuing Education for Pharmacists, was amended to correct the address for the location of the Board office. Opinions can be submitted to the Alabama State Board of Pharmacy office from August 1, 2019 through September 11, 2019. The public hearing will be September 18, 2019, at 9:00 a.m.

## **9. NEW BUSINESS**

- A consulting agreement was provided to the Board to consider renewing the contract for Mr. Logan Gray. A motion was made by Mr. Sorrell and seconded by Mr. Colburn accepting the proposed consulting agreement between the Board and Southern Strategy Group.
- A consulting agreement was provided to the Board to consider renewing the contract for Dr. Michael C. Garver. A motion was made by Mr. Sorrell and seconded by Mr. Colburn to accept the renewed agreement as proposed for Dr. Garver.
- The Board was provided with Donna Yeatman's first draft proposal for the Collaborative Practice Rule. Mr. Sorrell mentioned several definitions he would like to see amended in the language. The Board tabled the discussion so a fair review can be had.
- The requirements for the Technician Training rule were discussed. Ms. Yeatman mentioned multiple people asking for the rule change requiring a training program. Dr. Alverson drafted a document for the Board to consider as minimum requirements for a Board-approved training program. Mr. Sanders requested that Mr. Sorrell work with the

stakeholders about creating a group. Mr. Sanders also requested that Dr. Denson head a group regarding expectations of the technician training.

#### **10. EXECUTIVE SESSION**

A motion was made by Mr. Sorrell and seconded by Mr. Colburn to retire to executive session for the purposes of discussing the qualifications and competency of those regulated by the Board. A vote was taken and the motion to retire to executive session passed unanimously. The recess for executive session began at 12:00 p.m.

#### **11. RETURN FROM EXECUTIVE SESSION**

At 12:30 p.m., the Board resumed its public meeting status.

#### **12. MOTIONS ON CASES**

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of no action on case numbers 19-0083 and 19-0098. A vote was taken and the motion to take the recommended action of no action passed with aye votes from Mr. Sorrell, Mr. Sanders, Mr. Colburn, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of no further action on case number 19-0077. A vote was taken and the motion to take the recommended action of no further action passed with aye votes from Mr. Sorrell, Mr. Sanders, Mr. Colburn, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of action plan on case number 19-0133. A vote was taken and the motion to take the recommended action of action plan passed with aye votes from Mr. Sorrell, Mr. Sanders, Mr. Colburn, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of drafting a Statement of Charges on case number 18-0117. A vote was taken and the motion to take the recommended action of drafting a Statement of Charges passed with aye votes from Mr. Sorrell, Mr. Sanders, Mr. Colburn, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of a letter of concern on case numbers 18-0011 and 19-0062. A vote was taken and the motion to take the recommended action of a letter of concern passed with aye votes from Mr. Sorrell, Mr. Sanders, Mr. Colburn, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of a letter of concern due to theft and DEA Form 106 not being reported to the Board on case number 19-0088. A vote was taken and the motion to take the recommended action of a letter of concern due to theft and DEA Form 106 not being reported to the Board passed with aye votes from Mr. Sorrell, Mr. Sanders, Mr. Colburn, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of a letter of concern on case numbers 19-0110, 19-112, 19-0113, 19-0134, and 19-0152. A vote was taken and the motion to take the recommended action of a letter of concern passed with aye votes from Mr. Sorrell, Mr. Sanders, Mr. Colburn, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of no violation on case numbers 19-0097, 19-0117, 19-0118, and 19-0139. A vote was taken and the motion to take the recommended action of no violation passed with aye votes from Mr. Sorrell, Mr. Sanders, Mr. Colburn, Dr. Denson, and Mr. Phung.

**13. ADJOURN**

The meeting was adjourned at 1:12 p.m.

  
C. Kenneth Sanders, President

  
Donna C. Yeatman, Executive Secretary

  
Date