

**ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
November 20, 2019**

President Kenny Sanders called the November 20, 2019, meeting of the Alabama State Board of Pharmacy to order at 9:10 a.m. to conduct necessary business and determined a quorum was present.

The following Board members were present:

Kenny 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:

Christy Garmon, Incoming Bd. Member	Glenn Wells, Drug Investigator
Donna C. Yeatman, Executive Secretary	Rhonda Coker
Cristal Anderson, Director of Compliance	Lynn Martin
Edward R. Braden, Chief Drug Investigator	Terry Lawrence
Scott Daniel, Asst. Chief Drug Investigator, Legal/Legislative Liaison	Twalia King
Wendy Passmore, Operations Manager	Tonya Linville
Mark Delk, Drug Investigator	Kim Pickett

Members of the public present were:

Milicent Yeager	Johnny Garcia	Sidney Sustarich
Dee Thomason	Darren Kennedy	Kelli Newman
Kevin Arnold	Rich Palombo	Gary Mount
Brittney Langden	Aaron Wolff	Clemice Hurst
Roland Naseman	Stephen McCormick	Rusty Harris
Thomas Cobb	Audra Clifton	Donnis Hackney
Julie Lasseigne	Melissa Pharo	Eddie Vanderver
Wes Maddox	Kelly Tate	Mark Todd
Rachel Slaton	Danielle Cole	Matt Todd
Bailey Petrey	Kelsey Fitzpatrick	Ava Eure
Anders Allen	Julie Hunter	Kristi Bowden
Tina Goodman	Lea Wolsoncroft	William Bowden
Robby Ronnlund	Clayton Posey	Hope May
Roger Bates	Eric Holmes	Jessica Skelley
Brittney Withers	Julie Bussey	Jim Easter
Lauren Tepool	Shondra Sholar	Ami Patel
Brad Wright	Rachel Weaver	Alex Jenkins
Kolfi Damouso	Keith Hill	Charlie Cook

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. Michael Garver was present at the meeting and gave the following Wellness Committee report: There are currently 130 people in the screening program, which includes individuals with signed monitoring contracts but does not include the number of individuals who choose not to contact the Board after being advised to by investigators or staff.

There are two pharmacists in residential treatment and three pharmacists in a halfway house. There is one pharmacist who is being held out for six months before being presented to the Board who is not in a halfway house. There is one pharmacist with an indefinitely suspended license who wants to return to practice. Dr. Garver is working with that person.

There is one pharmacist who has been in chronic relapse and has tested positive and decided to permanently surrender his license. There is one pharmacy student who failed a drug test, had an evaluation, and decided to permanently withdraw from school. The total number of pharmacy professionals identified and worked with in 2019 is 44.

Dr. Garver reviewed the listing of individuals who have been given his card and have been told to contact him regarding the Wellness Program and that number is 26, of which two are pharmacists and 24 are technicians. Of those 26, Dr. Garver attempted to contact all of them either through telephone or email and he has only been able to be in contact with nine of those individuals.

Dr. Garver then explained about halfway houses and why an individual might go through a halfway house. He then shared a great story about his mother who lives in an assisted living home.

3. PRESENTATIONS:

- Lea Wolsoncroft with Remedies Pharmacy gave a presentation requesting a permit to become a central fill facility for compounding. After a discussion, the Board determined Remedies Pharmacy needed to provide additional information to the Board before the request can be approved.
- Eric Holmes with Option Care Enterprises gave a presentation requesting approval of a non-pharmacist keyholder. The keyholder would be a nurse, not a registered technician nor a pharmacist. After a discussion, a motion was made by Mr. Colburn and seconded by Dr. Denson to deny the request to allow a non-pharmacist keyholder. A vote was taken and the motion to deny passed unanimously.

- Tina Goodman with Weno Exchange, LLC, gave a presentation regarding an e-prescribing system. Ms. Goodman is requesting Weno Exchange be allowed to use its e-prescribing system within Alabama. After a discussion, the Board wants to further research how it handled Surescripts' initial approval. Ms. Goodman was advised that a representative from the Board would contact her once that information is retrieved to determine the next appropriate step for approval.
- Ami Patel was present to give a presentation requesting Home Care's nonresident application. Ms. Patel advised a representative from Infucare RX would be attending a future meeting and giving a presentation requesting Infucare RX's permit. The Board understood both parties would be present to give presentations. Ms. Passmore had advised Ms. Markle that both presentations would be done at the November Board meeting. Ms. Patel was prepared to present only on Home Care. The Board determined representatives from both parties must attend as the Board had questions about the business model of both companies and their interactions. The presentation of both companies will be rescheduled for a future date.

4. TREASURER'S REPORT:

Treasurer Brenda Denson presented the treasurer's report. As of October 31, one month into the new fiscal year, revenues were at 15.35 percent of the annual budget; expenses 8.63 percent of the annual budget; and licensing fee revenues were 14.9 percent of the annual budget projection. The expenses for water and sewer are a little bit over budget but that is due to repairs to the sprinkler system and renovations to the building.

A motion was made by Mr. Sorrell and seconded by Mr. Phung to approve the treasurer's report. A vote was taken and the motion to approve the treasurer's report passed with aye votes from Mr. Sorrell, Mr. Colburn, and Mr. Phung.

5. APPROVAL OF MINUTES

A motion was made by Mr. Sorrell and seconded by Dr. Denson to approve the business meeting minutes from the October 16, 2019, business meeting. A vote was taken and the motion to approve the business meeting minutes passed with aye votes from Mr. Sorrell, Mr. Colburn, Dr. Denson, and Mr. Phung.

A motion was made by Mr. Sorrell and seconded by Dr. Denson to approve the interview minutes from the October 16, 2019, interviews. A vote was taken and the motion to approve the interview minutes passed unanimously.

6. INVESTIGATOR'S REPORT

Chief Investigator Edward R. Braden was called upon to give the report of activities of investigations and inspections. As of November 20, 2019, 259 cases had been investigated by the Board. Last year, the number of cases was barely 200, so the number of cases is up significantly. There has also been a rise in pharmacy burglary cases. Mr. Braden believes this is due to the difficulty of obtaining opioids.

The investigations and inspection statistics for the month of October are in the Dropbox. Investigators also participated in the DEA Drug Take Back on October 26, 2019 at the Board of Pharmacy office. There was a very good response to the event. There was a higher level of participation of individuals bringing drugs to be disposed of at this Drug Take Back than in the past, although there was not as many pounds received as in the past.

7. SECRETARY'S REPORT

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

- Ms. Yeatman began by welcoming Dr. Christy Garmon to the Alabama Board of Pharmacy. She has been appointed to be the chain pharmacy representative on the Board beginning January 1, 2020.
- The Board is still awaiting an opinion from the Attorney General as requested by the Alabama Board of Medical Examiners on the statute related to the legality of any physician being a party to a collaborative practice agreement and their antitrust concerns. The Legislative Services agency informed the Board that the issue of verbiage that the BME brought up as far as physicians licensed by the Board of Medical Examiners is a scrivener's error and that it will be corrected once codified. However, the BME is still voicing concerns over FTC issues and how that pertains to the North Carolina dental case. The ALBME feels we should rewrite the statute to address that concern.
- The company to design and install the new street sign has been identified. That project should be complete the first of 2020.
- Ms. Yeatman is working with the Department of Finance, Procurement Division, to gather sealed bids for the building's lighting project.
- Several Board members and staff attended the Maltagon conference in Biloxi October 27-30, 2019. Ms. Yeatman stated it was a very informative meeting and probably the best meeting the staff and Board members attend as far as getting genuine feedback from other states. Todd Brooks, Kim Pickett, and Susan Alverson represented Alabama well in serving as moderators for sessions.
- Ms. Yeatman had a meeting with Peggy Benson, the executive director for the Board of Nursing, and Sarah Moore, the executive director for the Board of Medical Examiners. The three boards plan to have quarterly meetings to discuss topics pertinent to their respective agencies.
- The Board is still engaged in the legal audit with the Alabama Department of Public Examiners. The auditor is now in Montgomery compiling the report.

- As far as an update on the Board's progress with cases, 21 cases were heard November 19; six cases are scheduled for December; 19 cases scheduled for January; 17 cases scheduled for February; and 16 cases remain to be scheduled. There are 135 cases that are now in process with counsel. Twenty cases were added last month.

(A brief recess was taken from 10:35 a.m. to 10:48 a.m.)

8. ATTORNEY'S REPORT

Mr. Ward only has items for executive session.

9. OLD BUSINESS

- Public hearing on proposed new Rule 680-X-2-.44, Collaborative Practice. The purpose is to allow a cooperative working arrangement between a physician and a pharmacist for better patient medication management. Written opinions have been received from the following: Medical Association of the State of Alabama; Alabama Board of Medical Examiners; National Association of Chain Drug Stores; CVS Health; Katelin Lisenby; Kevin Arnold; and Jessica Skelley.
- Public hearing on proposed Amended Rule 680-X-3-.3, Time and Method of Payment; Renewal and Non-Disciplinary Penalty for Late Renewal of Controlled Substances Permit. The purpose is to correct wording to coincide with FDA Drug Quality and Security Act. No opinions submitted.
- Public hearing on proposed Amended Rule 680-X-2-.14, The Role of Technicians in Pharmacies in Alabama. The purpose is to make consistent the role of technicians, resident and nonresident, for Alabama permit holders. Written opinions have been received from the following: PCMA; Quarles & Brady, LLP, on behalf of Express Scripts, Inc.; National Association of Chain Drug Stores; CVS Health; and Walgreens. Oral comments were made during the public hearing by the following: Lauren Paul, CVS Health; Jeenu Philip, Walgreens and Darren Kennedy, Alliance RX; and Rich Palombo, Express Scripts.
- Update on proposal of an amendment to Rule 680-X-2-.33, Internet Pharmacies. To ensure valid patient/physician relationship for all prescriptions. Opinions can be submitted to the Board Office November 1 through December 11 in writing, fax, or email to Wendy Passmore. The public hearing on this rule will be December 18, 2019, at 9:00 a.m.
- Ms. Yeatman stated there has been some discussion from the legislature regarding if medical marijuana were approved, who would regulate it. Ms. Yeatman would like the Board members to keep that in mind because she expects the issue to have to be addressed in the future.

Dr. Denson added that in some states, carriers of a medical marijuana card cannot work as some professions. Some of the affected professions would be nurses, physicians, law enforcement officers that carry weapons, heavy equipment operators, and truck drivers.

10. NEW BUSINESS

- The following hearing and meeting dates for 2020 were presented to the Board: January 28-29; February 18-19; March 10-11; April 21-22; May 19-20; June 23-24; July 21-22; August 18-19; September 15-16; October 13-14; November 17-18; December 15-16; January 19-20, 2021; and February 16-17, 2021. A motion was made by Dr. Denson and seconded by Mr. Phung and Mr. Colburn to accept the 2020 and early 2021 hearing and meeting dates as scheduled. A vote was taken and the motion passed unanimously.

11. EXECUTIVE SESSION

A motion was made by Mr. Sorrell and seconded by Dr. Denson to retire to executive session for the purpose of discussing the qualifications and competency of those regulated by the Board. An individual voice vote was taken and the motion to retire to executive session passed unanimously. The recess for executive session began at 11:21 a.m.

12. RETURN FROM EXECUTIVE SESSION

At 12:36 p.m., the Board resumed its public meeting status.

13. MOTIONS ON CASES

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action to accept permanent surrenders on case numbers 15-0046 and 19-0233. A vote was taken and the motion to accept the permanent surrenders passed with aye votes from Mr. Sorrell, Mr. Colburn, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Sorrell 19-0089 to take the recommended action to send back for further investigation on the steps and functions of completing a blister card. A vote was taken and the motion to send back for further investigation on the steps and functions of completing a blister card passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to issue an action plan in case numbers 19-0175 and 19-0234. A vote was taken and the motion to issue an action plan passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to issue a letter of concern and action plan in case number 19-0173. A vote was taken and the motion to issue an action plan passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of no violation in case numbers 19-0200, 19-0202, 19-0204, 19-0206, 19-0207, 19-

0211, and 19-0222. A vote was taken and the motion to take the recommended action of no violation passed unanimously.


A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action to issue a letter of concern and compliance on case number 19-0196. A vote was taken and the motion to issue a letter of concern and compliance passed with aye votes from Mr. Sorrell, 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 in case numbers 19-0180, 19-0205, 19-0216, 19-0218, and 19-0219. A vote was taken and the motion to take the recommended action of no further action passed unanimously.

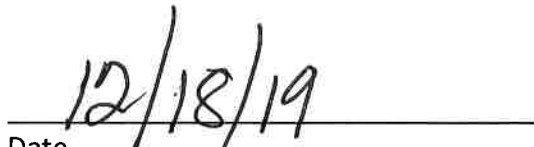
A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action of no action in case numbers 17-0068 and 19-0226. A vote was taken and the motion to take the recommended action of no further action passed unanimously.

14. ADJOURN

The meeting was adjourned at 12:40 p.m.


Kenny Sanders, President


Donna C. Yeatman, Executive Secretary


Date