

ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
September 18, 2019

President Kenny Sanders called the September 18, 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:

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	Glenn Wells, Drug Investigator
Susan P. Alverson, Ph.D., Dir.-Regulatory Affairs	Peyton Zarzour, Drug Investigator
Cristal Anderson, Director of Compliance	Terry Lawrence, Licensing Manager
Edward R. Braden, Chief Drug Investigator	Rhonda Coker, Licensing Supervisor
Scott Daniel, Asst. Chief Drug Investigator, Legal/Legislative Liaison	Wendy Passmore, Operations Manager
Todd Brooks, CISCI Investigator	Kim Pickett, Facilities Licensing Manager
Mark Hebert, Investigator	

Members of the public present were:

James Driskell	Brian Beckett	Bo Lamons
Peyton Strickland	Jeff Church	Josh Hyatt
Mike Strickland	Wes Maddox	Nick Meza
Dan McConaghy	Jessica Cain	John Farringer
Ben Harding	Angela Smith	Ava Eure
Eddie Vanderver	Julie Lasseigne	Matt Todd
Alyna Smith	Angela Thomason	Rusty Harris
Danielle Cole	Confidence Ekeanyanwu	Leah Pierce
Louise Jones	Naomi Loomis	Alex Jenkins
Roger Bates	Stan Loomis	Kelli Newman
Melissa Pharo	Jim Easter	Donnis Hackney
Kelly Tate	Rich Palombo	Stephen McCormick
Audra Clifton	Jeenu Philip	Johnny Garcia
Sue Duran	Jon Linna	Aaron Wolff
Donnie Calhoun	Sarah Barker	William Bowden
Vance Alexander	Keith Hill	Tom Bostwick
Jonathan Fowler	Kristen Fano	Jim LaBella
Tommy Cobb	Lana Ferguson	
Austin Falk	Melissa Cox	

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. TREASURER'S REPORT

Treasurer Brenda Denson presented the Treasurer's Report. Total revenues reached 116 percent of the fiscal year budget. Total expenses were 97 percent of the fiscal year budget which is on target for the year. Repairs and maintenance on the building are exceeding annual budget. Overall expenses are on target with the annual budget projections.

A motion was made by Mr. Sorrell and seconded by Mr. Colburn 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.

3. PRESENTATIONS:

Lana Ferguson, on behalf of RMC Stringfellow, gave a presentation seeking to change the remote order entry provider to Comprehensive Pharmacy Services. Ms. Ferguson mentioned it was not in patients' best interest to put the workload on the Anniston campus, so they are asking that the remote order entry instead be performed by CPS Telepharmacy. She explained that CPS Telepharmacy is in a centralized location with an actual office and that they have a group of pharmacists dedicated to their organization. The Board approved the remote order entry from the hours of 1800 to 0700 Monday through Friday and from the hours of 1400 to 0800 Saturday and Sunday and allowed CPS Telepharmacy to be the provider for RMC Stringfellow's remote order entry during those times.

Nick Meza with Quarles & Brady, along with Jim LaBella on behalf of MedImpact Direct and Tom Bostwick on behalf of NoviXus, gave a presentation requesting approval of a shared services arrangement between MedImpact Direct and NoviXus. Mr. Meza explained that NoviXus has modified its policies and procedures since they last appeared before the Board and ensure they are in strict compliance with the Alabama rules. He mentioned that the low volume of prescriptions they receive for Alabama allows for a pharmacist to be dedicated to processing only Alabama prescriptions and ensures compliance with technician ratios. A motion was made by Dr. Denson and approved by Mr. Phung that the remote order entry relationship between MedImpact Direct and NoviXus for Alabama be approved.

President Sanders led a discussion regarding USP 800, stating the Board had received information from USP that they are reconsidering their stance on some of their latest standards, which includes USP 800. The Board has exercised its discretion not to enforce the proposals until they are final, and once they are final, the Board will determine how much time will be necessary for everyone to comply. A motion was made by Mr. Phung and seconded by Dr. Denson that the Board continue to enforce the current USP guidelines but wait until USP comes out with their final revisions, at which time the Board will set forth a time period to reevaluate.

4. WELLNESS COMMITTEE REPORT

Eddie Braden, on behalf of Dr. Michael Garver, gave the Wellness Committee report. There are presently 127 people in the screening program with signed contracts or orders. This number includes any individuals on a Diagnostic Monitoring Contract. It does not include the number of individuals who chose not to contact the Board after being advised by the staff to do so.

There are two pharmacy technicians in residential treatment and two pharmacy technicians deciding on evaluations or asking for permanent surrenders. One technician has decided on counsel. There is one pharmacy student in treatment and one pharmacy student undergoing an evaluation. There are two pharmacists in residential treatment and one pharmacist in a halfway house. There is one pharmacist being held for six months who is not in a halfway house. There is one pharmacist deciding on an evaluation or asking for permanent surrender. There is one pharmacist with an indefinitely suspended license who is wanting to return, and the Wellness Committee is currently working with this person.

5. APPROVAL OF MINUTES

A motion was made by Mr. Sorrell and seconded by Mr. Colburn to accept the August 21, 2019 Board minutes. A vote was taken and the motion to accept the meeting minutes passed unanimously.

A motion was made by Mr. Sorrell and seconded by Dr. Denson to approve the August 21, 2019 candidate interview minutes. A vote was taken and the motion to approve the candidate interview minutes passed unanimously.

6. SECRETARY'S REPORT

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

- Ms. Yeatman gave an update on legislation, mentioning the Collaborative Practice rules need to be adopted to begin the rule-making process. She mentioned she appreciated everyone's input and cooperation in working through the rules and getting them ready for public comment.
- Ms. Yeatman announced that everyone needs to be aware that there have been several news releases lately regarding spiked CBD products found in Alabama. She asked that all pharmacies remain diligent in making sure that any products they are purchasing and selling is compliant with regulations.
- Estimates have been received for replacing the sign in front of the building and progress continues on that project. A vendor for the parking lot resurfacing and restriping has been identified and work will begin at the end of the week. Ms. Yeatman thanked Peyton Zarzour for his help in identifying a vendor to get that project completed.

- A consulting firm has been engaged for the purpose of evaluating the lighting needs, and they are working on receiving bids for having the lighting work done in the building and on the exterior of the building.
- Ms. Yeatman discussed that she, Vance Alexander, Susan Alverson, and Scott Daniel reviewed the new pretesting MPJE questions for NABP. She mentioned that she appreciated their help in going through all the questions and ensuring their accuracy and clarity.
- Ms. Yeatman mentioned that she had an opportunity to speak with the first-year pharmacy students at Samford University. She stated that she, Dr. Michael Garver, and Eddie Braden had a very engaging conversation with McWhorter School of Pharmacy and Harrison School of Pharmacy about ensuring consistency in identifying and evaluating pharmacy students with potential or confirmed substance abuse issues. She thanked both schools for showing concern for their students and for their commitment to healthcare in Alabama.
- Ms. Yeatman announced they are still engaged in a routine legal audit by the Alabama Department of Public Examiners. The audit is scheduled to end September 30. Ms. Yeatman stated that the audit seems to be going well, that everything they have asked for they've been able to provide, and they look forward to receiving the report.
- Ms. Yeatman reminded everyone that any rule changes adopted by the Board are posted to the Board's website underneath the Statutes/Rules tab.
- This month the Board has heard 22 cases. 25 cases are scheduled for October 15, 23 cases are scheduled for November 19, and a few remain to be scheduled. 141 cases are in process with counsel. 103 cases are being actively worked by the Board's investigators, and 5 cases are pending resolution.

7. OLD BUSINESS

- For Proposed Amended Rule 680-X-2-.36, Continuing Education for Pharmacists, the Board took no action during the meeting but did give an opportunity for further comment.
- For Amended Rule 680-X-1-.01, Organization, there were no comments received. This is simply a change to correct the address for the Board office.
- President Sanders led a discussion about the Collaborative Practice Update. He mentioned forming a committee and thanked all who participated in it. Mr. Sorrell also thanked everyone who participated in the advisory committee and mentioned they reviewed the proposed rule, which was patterned after recommendations by the American Medical Association, and received lots of suggestions for additions and

revisions. A motion was made by Mr. Sorrell and seconded by Mr. Phung to adopt Rule 680-X-2-.44 on Collaborative Practice.

- Dr. Denson headed the effort to approve the Technician Training Policy. She thanked everyone that served and read Policy 19-003 entitled Competencies and Requirements for Pharmacy Technician Training Programs. Rule 680-X-2-.14, Section 10(a) applies to newly registered technicians as of January 1, 2020. A motion was made by Dr. Denson and seconded by Mr. Sorrell to approve Policy 19-003.
- Amended Rule 680-X-2-.07, Mail Order Prescriptions, was tabled from the August meeting. Some written comments were received. A motion was made by Mr. Phung and seconded by Mr. Colburn to adopt the Amended Rule 680-X-2-.07, Mail Order Prescriptions, without changes.

8. NEW BUSINESS

- Proposed amendment to Rule 680-X-3-.03, Time and Method of Payment Renewal and Non-Disciplinary Penalty for late Renewal of Controlled Substances Permit. An issue was found where dates needed to be corrected and changed in regards to annual renewals to ensure consistency. Within the rule, “even numbered year” will be changed to “renewal cycle.” A motion was made by Mr. Sorrell and seconded by Dr. Denson to begin the rule-making process to amend Rule 680-X-3-.03, Time and Method of Payment Renewal and Non-Disciplinary Penalty for late Renewal of Controlled Substances Permit.
- Proposed amendment to Rule 680-X-2-.14, The Role of Technicians in Pharmacies in Alabama. This change is to ensure that everyone is clear on the Board's expectations regarding the technician ratio inside and outside Alabama state lines. The change would take the title The Role of Technicians in Pharmacies in Alabama and strike “in Alabama.” There will also be an amendment to Section 3. This change was made to ensure the rule encompassed pharmacy services permits as well as retail pharmacies. A motion was made by Mr. Colburn and seconded by Mr. Phung to begin the rule-making process for Rule 680-X-2-.14, The Role of Technicians in Pharmacies in Alabama.
- Employee Personnel Policy No. 10, Employee Leave Benefits. There was a clerical error in the original policy, so an updated policy was submitted. A motion was made by Mr. Sorrell and seconded by Dr. Denson that the Board approve the Employee Personnel Policy No. 10 concerning employee leave benefits.

9. 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 10:35 a.m.

10. RETURN FROM EXECUTIVE SESSION

At 1:01 p.m., the Board resumed its public meeting status.

11. MOTIONS ON CASES

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of permanent surrender on case number 19-0163. A vote was taken and the motion to take the recommended action of permanent surrender 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. Phung to take the recommended action of letter of concern on case numbers 18-0184, 19-0099, 19-0142, and 19-0158. A vote was taken and the motion to take the recommended action of 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. Phung to take the recommended action of no violation on case numbers 19-0068, 19-0151, 19-0157, 19-0161, and 19-0166. 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.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of no violation on case numbers 19-0167 and 19-0168. 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.

A motion was made by Dr. Denson and seconded by Mr. Colburn to take the recommended action of no action on case numbers 18-0165, 19-0008, 19-0011, 19-0013, 19-0176, and 19-0178. 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. Colburn to take the recommended action of no further action on case numbers 19-0119, 19-0120, 19-0121, 19-0122, 19-0125, 19-0127, 19-0148, 19-0149, 19-0150, 19-0124, 19-0145, and 19-0146. 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.

12. ADJOURN

The meeting was adjourned at 1:08 p.m.



C. Kenneth Sanders, President



Donna C. Yeatman, Executive Secretary

10/14/19
Date