

**ALABAMA STATE BOARD OF PHARMACY  
BUSINESS MEETING MINUTES  
August 19, 2020**

President Ralph Sorrell called the August 19, 2020, meeting of the Alabama State Board of Pharmacy to order at 9:14 a.m. to conduct necessary business and determined a quorum was present.

The following Board members were present:

Ralph E. Sorrell	President
Brenda R. Denson	Vice President
Chris Phung	Treasurer
Rob Colburn	Member
Christy K. Garmon	Member
Jim Ward	Board Attorney

Other Alabama Board of Pharmacy staff members present were:

Donna C. Yeatman, Executive Secretary	Rhonda Coker, Technician Licensing Mgr.
Cristal Anderson, Dir. of Compliance	Terry Lawrence, IT/Licensing Manager
Edward R. Braden, Chief Drug Investigator	Kim Pickett, Facilities Licensing Manager
Casey Shaw, Drug Investigator	Starla Gamble, Licensing Specialist
Wendy Passmore, Operations Manager	

Members of the public present via WebEx teleconference or in person for presentations were:

Alex Jenkins	Louise Jones
Gary Mount	Tommy Cobb
Julie Lasseigne	Leah Pierce
Kelli Newman	Brianna Smith
Eddie Vanderver	Jeenu Philip
Clemice Hurst	Lauren Paul
Laura Matthews	Taylor Mathwich
Chris Riviere	Walter Minger
Jeff Church	Mark Todd
Jeff Mesaros	Kara Latham
Roland Naseman	Wes Maddox
Ana Espinal	Amy Westergreen
Lauren Jackson	Jessica Adams
Joe Jones	Therese Twomey
Josh Hardin	Kristin Calabro
Ansley Peters	Jeffery Trent Buckelew

**1. MOTION TO ADOPT AGENDA**

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

**2. STATEMENT BY MS. YEATMAN**

A statement was made by Ms. Yeatman that the meeting was being held in accordance with Governor Ivey's proclamation for open meetings to address matters necessary to perform essential minimum functions of the Board and in compliance with any other requirements.

**3. MOMENT OF SILENCE**

A moment of silence was had in honor of all health care professionals fighting COVID-19, including Dan McConaghy, past president of the Alabama Board of Pharmacy.

**4. PRESENTATIONS:**

- Ansley K. Peters and Jeffery Trent Buckelew with Double A Drugs appeared requesting Ms. Peters be a keyholder of Double A Drugs in Vincent. After a discussion, it was recommended that Ms. Peters obtain a lockbox in which to keep the extra key. Ms. Peters may keep the lockbox in her possession and Mr. Buckelew would retain the code to the lockbox to be given to a relief pharmacist.
- Josh Hardin and Joe Jones of Mills Pharmacy gave a presentation explaining updates and changes that have been made to their central fill procedures. After a question-and-answer session, it was determined that their new procedures do comply with the Board requirements. All Board members agree with their changes and no further action was taken.
- Therese Twomey of Script2U, LLC, gave a presentation requesting approval of their central fill facility. Script2U fills prescriptions for partner pharmacies and returns them to the pharmacy for patient pickup or mails them directly to the patient, based on the patient's preference. After a discussion, Dr. Denson made a motion and Mr. Colburn seconded to grant the central fill application to Script2U, LLC. A vote was taken and the motion passed unanimously.
- Kristin Calabro of MedWiseRx gave a presentation requesting a pharmacy services permit for its MTM services. After a discussion, a motion was made by Mr. Phung and seconded by Dr. Denson to approve the application for a pharmacy services permit. A vote was taken and the motion passed unanimously.

**5. TREASURER'S REPORT:**

Treasurer Chris Phung presented the treasurer's report as of July 31, 2020. Total revenues were 91.35 percent of the annual budget, which is ahead of budget. Total expenses were 77.44 percent of annual budget, which is 5.56 percent below budget. Licensing fee revenues were 85.51 percent of the annual budget projection. Most expense accounts were on track for the fiscal year.

A motion was made by Mr. Colburn and seconded by Dr. Denson and Dr. Garmon to approve the July 31, 2020, treasurer report. A vote was taken and the motion to approve the treasurer's report passed with aye votes from Mr. Colburn, Dr. Garmon, and Dr. Denson.

**6. WELLNESS COMMITTEE REPORT**

Eddie Braden, Chief Drug Investigator, gave the report of Dr. Garver as follows:

There are currently 127 people in the screening program with signed contractors or orders. There are presently three pharmacists and one technician in residential treatment. There is one pharmacist who is undergoing a neuropsychological evaluation. The total number of pharmacy professionals identified and worked with in 2020 is 28. All licensees have responded well to the virtual observation collections and more collection sites are returning to their normal routines.

**7. APPROVAL OF MINUTES**

A motion was made by Dr. Denson and seconded by Mr. Colburn to approve the Board business meeting minutes from the July 22, 2020, business meeting. A vote was taken and the motion to approve the business meeting minutes passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Colburn to approve the interview minutes from the July 22, 2020, interviews. A vote was taken and the motion to approve the interview minutes passed unanimously.

**8. INVESTIGATOR'S REPORT**

Chief Investigator Eddie Braden was called upon to give his report. The investigation and inspection statistics for the month of July is listed in his report in the Dropbox. Investigators are still doing virtual institution inspections but once COVID orders are released, the investigators will perform physical inspections on those facilities. He also lists other activities in which investigators have been involved.

**9. ATTORNEY'S REPORT**

Mr. Ward only has items for Executive session.

**10. SECRETARY'S REPORT**

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

- The Attorney General's office issued opinion 2020-043 in response to a request by the ALBME. The question related to the verbiage, "physician licensed by the Alabama Board of Medical Examiners" in 34-23-77(a). The Attorney General stated it is a self-correcting error and that a pharmacist from the Alabama State Board of Pharmacy and a physician licensed by the Medical Licensure Commission may enter into a collaborative practice agreement.

The second question of the Attorney General related to antitrust law regarding collaborative practice agreements. The Attorney General's office declined to answer the question because antitrust law falls under the province of federal authorities.

- Ms. Yeatman is continuing to work with the Department of Finance-Procurement Division regarding the bathroom remodel project. The bathrooms are not currently ADA compliant so they are having to be redesigned so the stalls are wide enough to meet ADA specifications. It is likely the remodel will not begin until December 2020 or January 2021.
- Forms for a change of supervising pharmacist and/or a temporary change of supervising pharmacist can be accessed on the website, [www.albop.com](http://www.albop.com). There is also a link to request a duplicate license on the website. Ms. Yeatman reminded everyone that it is not the employer's responsibility to change the supervising pharmacist information with the Board. The Board holds the pharmacist's license and it is the pharmacist's duty to update that information within 10 days of any change.
- Approved technician training programs continue to be listed on the Board's website. In addition, website addresses are provided for those programs that are not associated with an employer.
- Effective January 1, 2020, newly registered technicians are required to complete a Board-approved training program within six months of their registration. Due to the coronavirus pandemic, that deadline has been extended to December 31st, 2020. Any technicians receiving their registration on or after August 1, 2020, have six months to complete the technician training. Technicians that have completed their training should print and complete the technician training verification document from the website and send it to [ahuntley@albop.com](mailto:ahuntley@albop.com). Once that documentation is received, the technician will receive a certificate from the Board recognizing the completion of required training.
- The State of Alabama continues to operate under a state of emergency. Therefore, emergency guidelines regarding scheduled medications are still in place, along with other emergency orders that have been sent out by the Board. Those orders are on the Board's website, [www.albop.com](http://www.albop.com).
- The Board is working with APA, the Jefferson County Department of Public Health, and pharmacy schools at Auburn and Samford to address a need to increase the distribution of Naloxone. There is a need for increased distribution of Naloxone as there has been a rise in overdose deaths.

- Ms. Yeatman attended the contract review committee meeting on August 6, 2020. The contracts of Jim Ward, attorney for the Board, and Vance Alexander, hearing officer for the Board, have been extended and approved.
- Ms. Yeatman thanked Samford University's McWhorter School of Pharmacy for allowing her to provide a video for their first-year students' orientation. She hopes she was able to provide some insight and advice to the students as they embark on their path to the pharmacy profession.
- Several members of the Board and the Board staff will attend the APA 2020 annual meeting in Montgomery on August 29.
- Ms. Yeatman stated the ballots for the at-large position on the Board have been mailed but it appears numerous individuals have yet to receive their ballot via mail. She is conferring with Mr. Ward, the Board's attorney, to create an alternate plan in the event ballots must be re-sent, while maintaining the integrity of the voting process.
- Case update: The Board heard eight cases on Tuesday, August 18. A couple of cases had to be continued due to concerns that the individual had been exposed to COVID. Thirty cases were cleared this month. There are 23 cases scheduled for September; 31 scheduled for October; and 24 scheduled for November. There are 84 cases being worked on by Mr. Ward, down from 87 last month.

There are 81 cases that are being actively worked by investigators, which is up from 68 cases last month. Four cases are pending resolution and six complaints are pending resolution.

- Ms. Yeatman thanked all pharmacy professionals that continue to work hard every day to care for the citizens of Alabama facing difficult challenges regularly with COVID and other conditions.

#### **11. OLD BUSINESS**

- There were no updates regarding medical marijuana or remote order entry guidelines, so those items will be continued on the agenda.
- Dr. Denson had an update regarding parenteral standards. She and Ms. Yeatman talked about adding the requirement that parenteral certified pharmacists be required to have two or three hours per renewal cycle of parenteral continuing education in order to stay abreast of changes in the field. Ms. Yeatman will be working on a rule to add this requirement to present at the September 2020 Board meeting.
- Rule 680-X-2-.23 – Drug Manufacturers; Wholesale Distributors. At the August 2020 meeting there was a question about the verbiage regarding private-label distributors.

That question has been resolved and the rule stands as amended. A motion was made by Dr. Denson and seconded by Dr. Garmon to accept the rule changes for Rule 680-X-2-.23. A vote was taken and the motion passed unanimously.

- Dr. Alverson led a discussion at the August meeting regarding the Memorandum of Understanding (MOU) in which the U.S. Food and Drug Administration (FDA) is asking all state boards of pharmacy to sign. Ms. Yeatman has reached out to the Alabama Attorney General's office to see if the Board was willing to sign the MOU, does the Board have the authority to bind the state in an MOU such as this. Ms. Yeatman is awaiting the Attorney General's response.
- In reference to pharmacists reading TB skin test results, Mr. Ward performed research and believes Alabama pharmacists do not have statutory authority to read such tests at this time. Therefore, a statute will need to be written and presented to the Alabama legislature. Mr. Sorrell requested Ms. Yeatman write a draft of that statute and present it to the Board.
- A discussion was held regarding the nonresident pharmacy permit request from Roman Health. After a discussion, it was determined Roman Health had satisfied the Board's requests from their presentation and Roman Health's business model does comply with Alabama's pharmacy laws and rules. A motion was made by Dr. Denson and seconded by Dr. Garmon to approve the nonresident pharmacy permit for Roman Health. A vote was taken and the motion passed unanimously.
- A discussion was held regarding InfuCareRX and Home Care's request for a pharmacy permit. The Board specified what questions they still need answered from InfuCareRx and HomeCareRx to approve the permit for the two entities.

## **12. NEW BUSINESS**

- CVS Health and Walgreens have sent letters to the Board requesting technicians be allowed to provide immunizations. Mr. Jeenu Philip of Walgreens and Ms. Lauren Paul of CVS spoke during the meeting in support of allowing technicians to immunize patients. A representative from PTCB will be attending an upcoming Board meeting and the Board would like to hear from that person before making further decisions on this topic.
- The Board has been asked if pharmacists can give COVID vaccinations when they are available. Pharmacists may provide COVID vaccinations once available within the Board's vaccination protocols.
- Auburn University Clinical Health Services Pharmacy asked for permission of the Board to be open reduced hours during its winter holiday break from December 20, 2020, through January 2, 2021. A motion was made by Dr. Garmon and seconded by

Mr. Colburn to grant the request for reduced operating hours during the winter holiday break. A vote was taken and the motion passed with aye votes from Dr. Garmon, Mr. Colburn, Dr. Denson, and Mr. Phung.

### **13. EXECUTIVE SESSION**

A motion was made by Mr. Phung and seconded by Mr. Colburn and Dr. Garmon to retire into executive session. An individual voice vote was taken and the motion passed unanimously.

The recess for executive session was held from 12:03 p.m. to 12:40 p.m.

### **14. MOTIONS ON CASES**

A motion was made by Dr. Denson and seconded by Mr. Colburn and Mr. Phung to take the recommended action of issuing a letter of concern in the following case numbers: 17-0061, 19-0194, 19-0277, 20-0022, 20-0023, 20-0033, and 20-0038. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Colburn and Mr. Phung to take the recommended action to issue a letter of concern to the supervising pharmacist and the district supervisor in case number 20-0055. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Phung, Dr. Denson, and Mr. Colburn.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action to issue a letter of concern in case numbers 20-0091 and 19-L-0060. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Dr. Denson, Dr. Garmon, and Mr. Colburn.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action to close the case and take no further action in case numbers 18-L-0170, 19-L-0076, and 20-L-0058. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action to issue a warning letter in case number 18-0117. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action 18-0129 to issue a warning letter to the permit holder and supervising pharmacist in case number 18-0129. A vote was taken and the motion passed with aye votes from Dr. Garmon, Dr. Denson, Mr. Colburn, and Mr. Sorrell.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action to issue an informational letter in case number 20-0065. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of no action in the following case numbers: 18-0058, 19-0091, 19-0116, 19-0231, 19-0278, 19-0293, 20-0048, 20-0049, 20-0053, 20-0054, 20-0056, 20-0062, 20-0063, 20-0064, and 20-0068. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of no violation in the following case numbers: 20-0005, 20-0010, 20-0032, 20-0066, 20-0072, 20-0079, 20-0081, 20-0083, and 20-0086. A vote was taken and the motion passed unanimously.

**15. ADJOURN**

A motion to adjourn was made by Mr. Colburn and seconded by Dr. Garmon. A vote was taken and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung. The meeting was adjourned at 12:44 p.m.

  
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Ralph Sorrell, President

  
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Donna C. Yeatman, Executive Secretary

9-16-20  
Date