

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

President Ralph Sorrell called the February 19, 2020, meeting of the Alabama State Board of Pharmacy to order at 9:07 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	Twalia King, Pharmacy Licensing Manager
Susan Alverson, Dir. of Regulatory Affairs	Wendy Passmore, Operations Manager
Eddie Braden, Chief Drug Investigator	Rhonda Coker, Technician Licensing Mgr.
Glenn Wells, Drug Investigator	Kim Pickett, Facilities Licensing Manager
Mark Delk, Drug Investigator	Terry Lawrence, IT/Licensing Manager
	Tonya Linville, Facilities Licensing Specialist

Members of the public present were:

Jim Driskell	Tommy Cobb	Lauren Paul
Carin Rutland	Roland Naseman	Stephan Scott
Jim Easter	Julie Lasseigne	Amanda Argo
Jennifer Clark	Laura Matthews	Wes Maddox
Katie Grayson	Donnis Hackney	Holli Pogue
Alisa Chamblee	Tomie Ann Boackle	Audra Clifton
Sarah Merkle	Ana Espinal	Kelly Tate
Joe Keating	Matthew Irwin	Clemice Hurst
Shawn Myers	Pauline Long	Kelsey Fitzpatrick
Conroy Whitely	Laura Armistead	Alex Jenkins
Connor Giesie	Allison Souders	Kelli Newman
Will Hunt	Rusty Harris	Louise Jones
Charlie Cook	Bart Bamberg	Tracy Davis
Kaitlyn Claybrook	Katie Hall	Jennifer Clark
Boyd Ennis		

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. Garmon and seconded by Dr. Denson. A vote was taken and the motion to adopt the agenda passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

2. PRESENTATIONS:

- Connor Giesie gave a presentation on behalf of Payless Drugs requesting central fill for its four locations in North Birmingham, Morris, Fairfield, and Springville. Central fill prescriptions will be filled at the Springville location. The central fill would provide individualized dose packaging for patients. After a discussion, a motion was made by Mr. Phung and seconded by Dr. Denson to approve the request for central fill. A vote was taken and the motion passed unanimously.
- Ana Espinal and Matthew Irwin of Roman Health Pharmacy gave a presentation requesting a nonresident pharmacy permit. Roman Health Pharmacy is owned by Ro, which also owns and operates three divisions of telehealth, Rory, Roman, and Zero. Rory is for women's health. Roman is for men's health. Zero is for smoking cessation. All divisions only provide telehealth, based upon the patient's history and a telephone call with the patient. Due to the lack of a defined patient-physician relationship, the Board did not feel comfortable approving this request at this time and chose to table the request until they receive additional information from Roman Health Pharmacy.
- Stephan Scott with TRC Pharmacy, Inc., dba Hayes Drugs in Jemison, Alabama, requested Amanda Argo become a nonpharmacist keyholder. Mr. Phung suggested she be given a lockbox containing the key to the pharmacy which could be passed on to a relief pharmacist, if needed. Mr. Phung made a motion and Dr. Denson and Mr. Colburn seconded to allow Amanda Argo to have a lockbox with an unknown combination to her in her possession. A vote was taken and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.
- Shawn Myers and Joe Keating of Regional Rehabilitation Hospital Phenix City, which is operated by Encompass Health, gave a presentation requesting remote order entry with Cardinal Health. Regional Rehabilitation Hospital believed it was approved for remote order entry since October of 2015 but recently learned that was not the case and is now seeking the proper approval to engage in remote order verification for after-hours service. A motion was made by Dr. Denson and seconded by Dr. Garmon to approve the request for remote order entry. A vote was taken, and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

3. TREASURER'S REPORT:

Treasurer Chris Phung presented the treasurer's report. As of January 30, 2020, total revenues were 67.12 percent of the annual budget and that is ahead of budget. Total expenses were 30.1 percent of annual budget and that is 3 percent below budget.

The licensing fee revenues were 68.21 percent of the annual budget projection. Most expense accounts were on track with the exception of those planned but they are on track for annual projections. January has a negative balance in the repairs and maintenance account, which is caused by the receipt of insurance reimbursement for automobile repair prior to the expense being paid, so that account self-corrected in February.

A motion was made by Mr. Colburn and seconded by Dr. Denson 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. Colburn, Dr. Garmon, and Dr. Denson.

4. WELLNESS COMMITTEE REPORT

Mr. Eddie Braden gave the report of Dr. Michael Garver as follows:

There are currently 128 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 presently two pharmacists in residential treatment and two pharmacists in a halfway house. There is a pharmacist with an indefinitely suspended license who wants to return and Dr. Garver is working with that person. There is one pharmacist in treatment who has a retired license but now has decided they want to come back into pharmacy. Dr. Garver will be monitoring this person and will let the Board know more details as they become available. One pharmacy student tested positive on a school drug screen, had an evaluation and has started intensive outpatient therapy this past week. The total number of pharmacy professionals identified and worked with in 2020 is seven.

5. APPROVAL OF MINUTES

A motion was made by Mr. Colburn and seconded by Mr. Phung to approve the business meeting minutes from the January 29, 2020, business meeting. A vote was taken and the motion to approve the business meeting minutes passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

A motion was made by Mr. Colburn and seconded by Dr. Denson to approve the interview minutes from the January 29, 2020, interviews. A vote was taken and the motion to approve the interview minutes passed with aye votes from Dr. Garmon, Dr. Denson, and Mr. Phung.

6. INVESTIGATOR'S REPORT

Chief Investigator Eddie Braden was called upon to give his report. The investigation and inspection statistics for the month of January are listed in his report. It also includes the number of inspections completed and the number of complaints received and completed for the month of January and additional activities in which some investigators were involved.

7. SECRETARY'S REPORT

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

- The Board received the Board of Medical Examiners' updated version of the Collaborative Practice Act statute that they would like to see us discuss.
- The sign for the entrance to the Board office is being fabricated and should be installed soon.
- The Board is working with the Department of Finance Procurement Division to gather sealed bids for bathroom renovations.
- The Board is also requesting bids for erection of a flagpole. Only one bid has been received so Ms. Yeatman will be requesting bids from other companies.
- Current Board-approved technician training programs are listed on the Board of Pharmacy website. As training programs are approved, they will be added to the website weekly.

Once a technician has completed the training program, the technician should sign the verification of training from the Board website and have the instructor or pharmacy supervisor attest to the completion of the training and that the technician is proficient in the minimum requirements as required by the Board. The verification should be submitted to Ashley Huntley at the Alabama Board of Pharmacy, ahuntley@albop.com. Once verification is received, the technician will be sent a certificate. If the technician does not receive the certificate, the Board has not received the training verification.

- The Board is still awaiting its audit report from the Public Examiner's office.
- ALBOP had a strong presence at the AARB meeting at Joe Wheeler State Park in February. Ms. Yeatman thanked all investigators that attended, especially Peyton Zarzour for his participation on the planning committee for the meeting.
- The staff has begun preparation for Maltagon 2020. Alabama is the host state. It will be held at The Lodge at Gulf State Park, October 4-7, 2020.

- Ms. Yeatman thanked APA for allowing her to speak at the Midwinter conference to provide a Board update and to the Board members for having 100-percent participation at the meeting.
- Student licensure interviews will be held April 29 at 1:00 p.m. at Samford University. They will be held May 1 at 2:00 p.m. at Auburn University.
- The Board heard six cases this month. Currently, there are 19 cases scheduled for March; 22 scheduled for April; 10 scheduled for May; and 22 remaining to be scheduled. There are 109 cases in progress with our counsel, reduced from 129 last month. There are 97 cases being actively worked by investigators, down from 98 last month. Four cases are pending resolution and five complaints are pending resolution.

The numbers of cases scheduled each month will be increasing so with settlements and continuances, more cases may be heard each month.

8. ATTORNEY'S REPORT

Mr. Ward only has items for Executive Session.

9. OLD BUSINESS

- Mr. Braden heard an open hearing was being held regarding medical marijuana and there may be a vote on February 20, 2020.
- President Sorrell requested input to develop remote order entry guidelines.
- President Sorrell mentioned updating parenteral standards so anyone providing a parenteral product is up to date on what is required to prepare a parenteral product.

10. NEW BUSINESS

- Proposal to amend Rule 680-X-3-.03-Time and Method of Payment; Renewal and Non-disciplinary Penalty for Late Renewal of Controlled Substances Permit. This rule is proposed to be amended so that in the event of a late renewal of a registration after December 31 but before January 31 of the following year, a one-time non-disciplinary administrative penalty of \$500 must be paid. This is in addition to the renewal fee. Any subsequent instance of late renewal shall result in disciplinary action.
- Proposal to amend Rule 680-X-2-.14-The Role of Technicians in Pharmacies in Alabama. This rule is proposed to be amended to require six hours of continuing education, two hours of which must be live presentation, within the two-year renewal period.
- President Sorrell stated that pharmacy students receiving early admission to pharmacy school in Alabama should obtain a technician registration and complete technician

training until such time they are admitted into pharmacy school. Intern/extern permits are only for students who have been admitted and began pharmacy school.

- The Board has reviewed the Board of Medical Examiners' substitute bill for collaborative practice and is formulating a response.

11. EXECUTIVE SESSION

A motion was made by Dr. Denson and seconded by Dr. Garmon to go into executive session. An individual voice vote was taken and the motion passed unanimously. The recess for executive session was held from 10:55 a.m. to 12:54 p.m.

12. MOTIONS ON CASES

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action to accept a permanent surrender on case numbers 19-0135, 19-0190, 19-286, and 19-0287. 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 on case numbers 19-0086, 19-0210, 19-0212, 19-0281, and 20-0009. 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 on case numbers 19-0068, 18-0008, 19-0131, 19-0235, 19-0256, and 19-0280. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to issue a letter of concern for case numbers 19-0064 and 19-0067. A vote was taken and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of no action in case numbers 19-0288 and 20-0014. A vote was taken and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, and Dr. Denson.

A motion was made by Dr. Denson and seconded by Dr. Garmon to issue letters of concern to the supervising pharmacist and permit holders in case numbers 19-0286 and 19-0287. A vote was taken and the motion to issue letters of concern to the supervising pharmacist and permit holders passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

Donna Yeatman stated the following regarding case closures:

Case number 18-L-0126 will be closed because there is no specific rule for the private label distributor in relation to the complaint against this permit holder.

Case number 18-L-0012 will be closed because a waiver letter was not sent with the initial registration.

13. ADJOURN

A motion to adjourn was presented by Mr. Colburn and seconded by Dr. Garmon and Dr. Denson. A vote was taken and the motion to adjourn was approved with aye votes from Mr. Colburn, Dr. Garmon, and Dr. Denson.

The meeting was adjourned at 1:17 p.m.



Ralph Sorrell, President



Donna C. Yeatman, Executive Secretary

3 - 11 - 20
Date