

ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
January 29, 2020

President Ralph Sorrell called the January 29, 2020, 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:

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 Mgr.
Susan Alverson, Dir. of Regulatory Affairs	Wendy Passmore, Operations Manager
Cristal Anderson, Director of Compliance	Rhonda Coker, Technician Licensing Mgr.
Eddie Braden, Chief Drug Investigator	Lynn Martin, Pharmacist Licensing Mgr.
Scott Daniel, Asst. Chief Drug Investigator, Legal/Legislative Liaison	Kim Pickett, Facilities Licensing Manager
Glenn Wells, Drug Investigator	Terry Lawrence, IT/Licensing Manager
	Dr. Michael Garver, Wellness Committee

Members of the public present were:

Jim Driskell	Allison Souders	Rachel Weaver
Kendra Ayers	Jeff Church	Shondra Sholar
Tommy Cobb	Wes Maddox	John Farringer
Roland Naseman	Tomie Ann Boackle	Julie Hudgens
Julie Lasseigne	Mark Todd	Tricia Killingsworth
Charlie Cook	Conroy Whitely	John Brandon
Sarah Merkle	Camellia Speegle	Donnis Hackney
Seth Gross	Chris Bovell	Audra Clifton
Emily Janchus	Angela Dee Thomason	Kelly Tate
Jon Linna	Stephen Brown	Tracy Davis
Tammi Foshee	Wyatt Burns	Aaron Wolff
Karen Drinkard	Yvette Austin	Louise Jones
Brad Livingston	Laura Armistead	Clemice Hurst
Jim Easter	LaTonya Porter	Alex Jenkins
Matt Todd		

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 Mr. Phung. 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. WELLNESS COMMITTEE REPORT

Dr. Michael Garver gave his report as follows:

There are currently 127 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. Dr. Garver will begin tracking that number in 2020.

There are presently two pharmacists in residential treatment and one pharmacist in a halfway house. There is a pharmacist with an indefinitely suspended license who wants to return to practice but as of last night, Dr. Garver will not be advocating for 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, which is the last two weeks of December 2019 and the first three weeks of January, is six.

Dr. Garver also stated he has issued a letter on behalf of ALBOP Wellness Committee that due to the recent rise of the use of CBD and/or hemp oil that he is advising all ALBOP Wellness Committee participants not to use these products. When tested on a drug screen, there is no way to distinguish THC from CBD.

3. NEW BUSINESS

- President Sorrell requested input to develop remote order entry guidelines for the Board. Any suggestions should be sent to Donna Yeatman. The guidelines would alleviate the need to have most remote order entry requests personally appear before the Board.

4. PRESENTATIONS:

- Jon Linna, Tammi Foshee, and Emily Janchus gave a presentation on behalf of Senior Care Pharmacy requesting remote order entry between its Northport, Birmingham, and Daphne locations. This would be mainly used in emergency situations if one facility was inoperable. After a discussion, a motion was made by Dr. Denson and seconded by Mr. Phung to approve Senior Care Pharmacy's 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.

- Rachel Weaver and Yvette Austin of USA Health University Hospital gave a presentation requesting several items. First, they requested an extension of their deadline for transporting chemotherapy from their main Mitchell Cancer Institute to their Mitchell Cancer Spring Hill location. The Spring Hill location is not open and due to construction delays, they need an extension of their initial request until May 1, 2020. A motion was made by Dr. Denson and seconded by Mr. Phung to approve the extension until May 1, 2020, to transport chemotherapy from Mitchell Cancer Institute to the Mitchell Cancer Institute Spring Hill location. The motion passed unanimously.

Then they presented their request for reduced pharmacy hours for USA Health University Hospital's new bronchoscopy lab pharmacy and to add the bronchoscopy lab to the hospital's existing remote order entry privileges so that pharmacist could assist when necessary. Ms. Austin suggests the bronchoscopy lab pharmacy be open on Monday, Wednesday, and Friday between the hours of 8:00 a.m. and 12:00 p.m. until the lab is established with more patients. A motion was made by Dr. Denson and seconded by Mr. Colburn to approve the request for reduced pharmacy hours and to add the bronchoscopy lab to USA Health's remote order entry group. A vote was taken and the motion to approve passed with aye votes from Mr. Colburn, Dr. Denson, and Mr. Phung.

- John Farringer, Julie Hudgens, and Tricia Killingsworth of Ascension Healthcare gave a presentation requesting permission to implement their virtual technician program. Patients being admitted into the hospital would virtually communicate with a certified pharmacy technician to ascertain the patient's medication history. The technician would interview the patient and check with physicians' offices and other references to verify the patient's medication history. There will be no pharmacist oversight and the technicians will not be Alabama registered pharmacy technicians. Due to these reasons, the Board of Pharmacy will not have authority over the use of this program in hospitals.
- Karen Drinkard with Thomasville Regional Medical Center gave a presentation requesting remote order entry with Cardinal Health for the new Thomasville Regional Medical Center upon opening. The hospital will have full pharmacist coverage between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. Cardinal Health would provide coverage the remaining periods of time in which a pharmacist was not available in the hospital.

A motion was made by Dr. Denson and seconded by Mr. Colburn and Dr. Garmon to approve the request for remote order entry with Cardinal Health. A vote was taken to approve the request for remote order entry and the motion passed unanimously.

5. TREASURER'S REPORT:

Treasurer Chris Phung presented the treasurer's report. As of December 31, 2019, total revenues were 59.67 percent of the annual budget and that is ahead of budget. Total expenses were 22.74 percent of annual budget and that is right on track.

The licensing fee revenues were 63.55 percent of the annual budget projection. Most expense accounts were on track with the exception of larger items like building expenses, which were expected.

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

6. APPROVAL OF MINUTES

A motion was made by Mr. Colburn and seconded by Mr. Phung to approve the business meeting minutes from the December 18, 2019, business meeting. A vote was taken and the motion to approve the business meeting minutes passed unanimously.

7. INVESTIGATOR'S REPORT

Chief Investigator Eddie Braden was called upon to give his report. Investigations and complaints increased from just over 200 in 2018 to 293 at year end 2019. The increase is attributed to an increase in complex investigations that included multiple pharmacies and pharmacists, as well as an increase in diversion. The statistics for the month of December are in the Dropbox.

8. SECRETARY'S REPORT

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

- Ms. Yeatman began by welcoming new Board member, Christy Garmon, to the Board.
- Board members Chris Phung and Brenda Denson and Jim Ward and Ms. Yeatman met with the Alabama Board of Medical Examiners Board members to discuss steps to move forward with collaborative practice. BME has not written rules and they wish to work with us to make amendments to the statute.
- The sign for the entrance to the Board office is being fabricated and should be installed in March.
- The bidding process is complete for the lighting project and it should begin in the next few weeks.
- Ms. Yeatman is in the process of requesting architecture designs for remodeling and updating the bathrooms. Hopefully that will be complete during this fiscal year.
- The technician training program went into effect January 1, 2020. Current Board-approved training programs are listed on the Board of Pharmacy website. As training programs are approved, they will be added to the website. To get a program approved, send it to Ms. Yeatman. The requirement for training is Board policy 19-003.

Once a technician has completed the training program, they 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. These verifications should be submitted to Ashley Huntley at the Alabama Board of Pharmacy, ahuntley@albop.com. It is the supervising pharmacist's responsibility to insure all technicians have the required training.

- Technician renewals are delinquent after December 31, 2019. It is the technician's responsibility to renew their registration, along with the supervising pharmacist's responsibility to be sure all technicians working under them have current registrations.
- In cases where a technician application is completed by someone other than the technician, that technician is still responsible for making sure the information is accurate and complete. A technician can still have charges brought against them even if someone else or a third-party entity files their application on their behalf.
- Ms. Yeatman is sending information regarding sanctions issued by the Board of Medical Examiners in emails.
- The final audit from the Public Examiner's office is still not complete.
- Thanks to Scott Daniel for updating the Board's website, especially in the FAQs section and providing hyperlinks where needed.
- Thanks to Chris Phung and Brenda Denson who represented the Board of Pharmacy and Christy Garmon who represented APA at the recent pharmacy advocacy event held at Samford University.
- Approximately seven years ago, Alabama was in the top five offenders for fraudulent activities in pharmacy. Alabama is no longer listed in the top offenders. Ms. Yeatman wants to thank the Board for their diligent activity in charging those who are attempting to or committing fraud making Alabama an uncomfortable environment in which they would practice. She also thanked the staff and investigators for their role in making Alabama a better state related to pharmacy practice.
- The Board heard four cases this month. From an operational standpoint, the Board is going to restructure the time which cases are scheduled on hearing days to make the most efficient use of the Board's time. Initially 24 cases were scheduled for January but four were heard. Currently, there are 14 cases scheduled for February; 25 scheduled for March; and another 25 scheduled for April with 18 remaining to be scheduled. There are 129 cases in progress with our counsel, reduced from 130 last month. There are 98 cases being actively worked by investigators. Two cases are pending resolution and three complaints are pending resolution.

9. OLD BUSINESS

- Medical marijuana: No new updates.

10. NEW BUSINESS

- President Sorrell again President Sorrell requested input to develop remote order entry guidelines for the Board. Any suggestions should be sent to Donna Yeatman. The guidelines would alleviate the need to have most remote order entry requests personally appear before the Board.
- President Sorrell mentioned that Jim Easter had brought it to the Board's attention that there is no update or CE requirements for parenteral pharmacists. Mr. Sorrell asked Mr. Ward to look at that as well as anyone that has suggestions to submit them to the Board.

11. MOTIONS ON CASES

A motion was made by Dr. Denson and seconded by Mr. Sorrell to take the recommended action to accept a permanent surrender on case numbers 19-0159, 19-0225, 19-0230, 19-237, 19-0261, and 19-0264. A vote was taken and the motion to accept a permanent surrender passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Dr. Garmon to take the recommended action to accept a permanent surrender and issue an action plan to the pharmacy on case number 19-0260. 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 Dr. Garmon to take no further action on case number 17-0026. A vote was taken and the motion to take no further action passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Dr. Garmon to take no action for case number 19-0284. A vote was taken and the motion to take no action passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Dr. Garmon to take no further action for the following case numbers: 17-0020, 17-0069, 17-0122, 17-0148 19-0022, 19-0238, 19-0251, 19-0258, 19-0265, and 19-0266. A vote was taken and the motion to take no further action passed unanimously.

A motion was made by Dr. Denson and seconded by Dr. Garmon to take the recommended action to refer to home state board of pharmacy on case number 19-0282. A vote was taken and the motion to refer to home state passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Dr. Garmon of no violation on the following case numbers: 19-0021, 19-0027, 19-0028, 19-0029, 19-0214, 19-0214, and 19-0215. A vote was taken and the motion of no violation passed unanimously.

A motion was made by Dr. Denson and seconded by Dr. Garmon to take the recommended action to issue a warning letter and action plan on case numbers 19-0003 and 19-0236. A vote was taken and the motion to issue a warning letter and action plan passed unanimously.

A motion was made by Dr. Denson and seconded by Dr. Garmon to issue a letter of concern on case number 19-0262. A vote was taken and the motion to issue a letter of concern passed unanimously.

The following cases were reviewed with counsel for the Board, Jim Ward, on 12/19/19. Resolutions are below:

- Cases 16-L-138 and 19-L-0006 were combined into one case under 19-L-0006.
- Case 17-0148 was closed and moved to CRC due to insufficient evidence.
- Case 19-L-0003 was closed and moved to CRC due to insufficient evidence.
- Case 15-L-0027 was closed and replaced as 18-0179.
- Case 16-L-0176 was closed and replaced as 18-0177.
- Case 17-0150 was closed and moved to CRC.
- Case 17-L-0159 was closed due to technician registration no longer being active.
- Case 17-L-0009 was closed due to pharmacy license was permanently surrendered.
- Case 17-L-0060 was closed due to age of infraction and verification of current compliance.

12. ADJOURN

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

The meeting was adjourned at 11:50 a.m.


Ralph Sorrell, President


Donna C. Yeatman, Executive Secretary

2-19-20
Date