

ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
July 22, 2020

President Ralph Sorrell called the July 22, 2020, meeting of the Alabama State Board of Pharmacy to order at 9:00 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	Wendy Passmore, Operations Manager
Susan Alverson, Dir. of Regulatory Affairs	Rhonda Coker, Technician Licensing Mgr.
Dr. Cristal Anderson, Dir. of Compliance	Terry Lawrence, IT/Licensing Manager
Edward R. Braden, Chief Drug Investigator	Starla Gamble, Licensing Specialist
Peyton Zazour, Drug Investigator	
Sean Malloy, Drug Investigator	

Members of the public present via WebEx teleconference were:

Brigham Cowgli	Roland Naseman
Kelsey Hall	Jeff Mesaros
Kirsten Doremus	Clemice Hurst
Jennifer Anderson-Pung	Ronda Lacey
Laura Matthews	Gary Mount
Tricia Harris	Ryan Burke
Louise Jones	Jeenu Philip
Grant McGuffey	Tommie Ann Boackle
Tommy Cobb	Haley Palmer
Jeff Church	Paula Hudson
Lauren Paul	Danielle Cole
Aaron Wolff	Stephen McCormick
Tracy Davis	Kelli Newman
Alex Jenkins	

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

2. PRESENTATIONS:

- Chris Parker with Centralized Healthcare Solutions gave a presentation requesting a pharmacy services permit. After a discussion, a motion was made by Mr. Phung and seconded by Dr. Denson to approve the request for a pharmacy services permit. A vote was taken and the motion passed unanimously.
- Jocelyn Amoo with MedEmpower, LLC, gave a presentation requesting a pharmacy services permit. After a discussion, a motion was made by Mr. Colburn and seconded by Dr. Denson to approve the request for a pharmacy services permit. A vote was taken and the motion passed unanimously.

3. TREASURER'S REPORT:

Treasurer Chris Phung presented the treasurer's reports for May and June 2020. As of May 31, 2020, total revenues were 84.54 percent of the annual budget, which is ahead of budget. Total expenses were 52.21 percent of annual budget, which is six percent below budget. Licensing fee revenues were 77 percent of the annual budget projection. Most expense accounts were on track for the fiscal year. Vehicles were purchased in May that exceeded the budgeted amount but was a necessary expense due to adding an investigator.

As of June 30, 2020, total revenues were 87.17 percent of the annual budget, which is ahead of budget. Total expenses were 69.91 percent of annual budget, which is 5.09 percent below budget. Licensing fee revenues were 83.26 percent of the annual budget projection. Most expense accounts were on track for the fiscal year. The building equipment and grounds expense is further above budget for the year due to purchasing a five-ton split air handling system for the building.

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

4. WELLNESS COMMITTEE REPORT

Eddie Braden, Chief Drug Investigator, gave the report of Dr. 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 and two technicians in residential treatment. There is one pharmacist being held for six months before being presented to the Board who is not in a halfway house. There are three pharmacy students in treatment. There are four pharmacy technicians deciding on evaluations or asking for permanent surrender. The total number of pharmacy professionals identified and worked with in 2020 is 28.

Dr. Garver has met personally with all licensees returning to work with signed contracts to explain how monitoring works. All returning licensees have been placed in a caduceus, either pharmacy or health professional, and he thanked the Board for letting him continue to serve recovering pharmacy professionals.

5. APPROVAL OF MINUTES

A motion was made by Mr. Colburn and seconded by Dr. Garmon to approve the Board business meeting minutes from the May 13, 2020, business meeting. A vote was taken and the motion to approve the business meeting minutes passed unanimously.

A motion was made by Mr. Colburn and seconded by Dr. Garmon to approve the interview minutes from the May 20, 2020, May 21, 2020, and May 28, 2020, interviews. A vote was taken and the motion to approve the interview minutes passed unanimously.

A motion was made by Mr. Colburn and seconded by Dr. Garmon to approve the July 13, 2020, emergency Board business meeting minutes. A vote was taken and the motion to approve the emergency meeting minutes passed unanimously.

A motion was made by Mr. Colburn and seconded by Dr. Garmon to approve the interview minutes from the July 13, 2020, interviews. A vote was taken and the motion to approve the interview minutes passed unanimously.

6. INVESTIGATOR'S REPORT

Chief Investigator Eddie Braden was called upon to give his report. The investigation and inspection statistics for the months of May and June are listed in his report. Board investigators have completed seven virtual temporary inspections on USP 797 facilities via Facetime. When the COVID-19 outbreak is contained, investigators will do a physical inspection on those facilities.

7. ATTORNEY'S REPORT

Mr. Ward only has items for Executive session.

8. SECRETARY'S REPORT

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

- Ms. Yeatman announced that Representative Ron Johnson passed away Tuesday, July 13. Representative Johnson was a pharmacist and had always been a tremendous advocate for pharmacy and a partner with the Board on numerous legislative issues. Specifically, Representative Johnson was instrumental in passing the collaborative practice legislation. The Board is extremely saddened by his passing and expresses its sympathies for his family.

- Ms. Yeatman is continuing to work with the Department of Finance-Procurement Division regarding the bathroom remodel project. The design has been completed and she will meet with the architect to determine a start date.
- Forms for a change of supervising pharmacist and/or a temporary change of supervising pharmacist can be accessed on the website, www.albop.com. There is also a link to request a duplicate license on the website. That information will also be in Executive Secretary Yeatman's monthly update which is emailed to those who have signed up for the emails.
- 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.
- Starla Gamble, the Board's new employee in the licensing department, began work on June 26, 2020. The Board is glad to have her working in licensing.
- 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. 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. 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.
- The Alabama Board of Pharmacy was to host Maltagon in 2020. However, due to the COVID-19 pandemic and other states' travel restrictions, Alabama's hosting of Maltagon has been moved to 2021. Maltagon will be held at The Lodge at Gulf State Park, October 17 through 20, 2021.
- The Board's physical offices were closed for COVID-19 quarantine in June. The employees were able to maintain all processes and procedures during that time. The building was sanitized and will be sanitized monthly going forward to reduce the possibility of spread of any potential COVID virus. Ms. Yeatman greatly appreciates everyone's understanding and compliance with social distancing and mask requirements.

- Ms. Yeatman requested the Board members' review of requests of HomeCare RX/ InfuCare RX and Roman Health, so that the Board members may follow up on their questions to determine if their requests may be approved.
- The Alabama Board of Medical Examiners has submitted a request to amend the rule regarding the use of noncontrolled drugs for weight reduction and treatment of obesity. The rule appears to remove the specific delineation for two specific medications and opens it up with language that refers to all noncontrolled drugs, so if there's any comment the Board would like to make, Ms. Yeatman will send a letter. It appears the only change is taking the restriction of two specific medications and opening them up to a full class.
- Ms. Yeatman thanked David Brunson and the Elmore County EMA for donating KN95 masks to the Board of Pharmacy for their investigators. She greatly appreciates their support and generosity and she also thanked Investigator Sean Malloy for facilitating those donations.
- Case update: The Board will hear cases two days in July, so at the conclusion of the hearings on July 23, 2020, the Board will have heard and/or settled 35 cases. There are 18 cases scheduled for August; 23 scheduled for September; 21 scheduled for October; and 19 remaining to be scheduled. Eighty-seven cases are in process with our counsel, which is down from 91 from the previous report. Sixty-eight cases are being actively worked by investigators, which is down from 75 from the previous report. There are four cases and four complaints pending resolution.
- Ms. Yeatman thanked all pharmacy professionals that continue to work hard every day to care for the citizens of Alabama.

9. OLD BUSINESS

- There were no discussions regarding medical marijuana, remote order entry guidelines, or parenteral standards, so those items will be continued on the agenda.
- Public Hearings:
 - Rule 680-X-3-.03 – Time and Method of Payment; Renewal and Non-Disciplinary Penalty for Late Renewal of Controlled Substances Permit. There were no comments received regarding the rule change. Ms. Yeatman read the rule changes into the record. A motion was made by Mr. Colburn and seconded by Dr. Garmon to accept the rule changes for Rule 680-X-3-.02. A vote was taken and the motion passed unanimously.
 - Rule 680-X-2-.14 – The Role of Technicians in Pharmacies in Alabama. There were no comments received regarding the rule change. Ms. Yeatman read the rule changes into the record. A motion was made by Mr. Colburn and seconded

by Dr. Garmon to accept the rule changes for Rule 680-X-2-.14. A vote was taken and the motion passed unanimously.

- Rule 680-X-2-.04 – Prescription Department Technical Equipment. There was one comment received from CVS Health, which Ms. Yeatman read into the record. Ms. Yeatman then read the rule changes into the record. A motion was made by Mr. Colburn and seconded by Dr. Garmon to accept the rule changes for Rule 680-X-2-.04. A vote was taken and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.
- Rule 680-X-2-.37 – Continuing Education for Pharmacy Technicians. There were no comments received regarding the rule change. Ms. Yeatman read the rule changes into the record. A motion was made by Mr. Colburn and seconded by Dr. Garmon to accept the rule changes for Rule 680-X-2-.37. A vote was taken and the motion passed unanimously.
- Rule 680-X-2-.23 – Drug Manufacturers; Wholesale Distributors. There was one comment received from CVS Health, which Ms. Yeatman read into the record. A motion was made by Mr. Colburn and seconded by Dr. Garmon to accept the rule changes for Rule 680-X-2-.23. After further discussion needing clarity on the rule, the vote for the rule was postponed until the August 2020 meeting.
- Rule 680-X-2-.45 – Noncontrolled Prescription Requirements. There were comments received from Walgreens and CVS Health regarding this new rule. Ms. Yeatman read the comments into the record. A motion was then made by Dr. Garmon to accept the requested change to the rule replacing “serial” number with “prescription” number. The motion was seconded by Mr. Phung and Mr. Colburn.

Ms. Yeatman then read the new rule with the amendment into the record. A motion was made by Dr. Denson and seconded by Mr. Colburn and Dr. Garmon to accept the new rule, 680-X-2-.45, as read. A vote was taken and the motion passed unanimously.

10. NEW BUSINESS

- A discussion was held regarding preceptors being unable to obtain their certifications due to the COVID pandemic and the lack of CEs being offered. Dr. Denson made a motion that was seconded by Mr. Colburn to extend the deadline for preceptor certifications to 12/31/2020 and that the preceptor shall obtain certification at the first available certification program. A vote was taken and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

- The contract of Vance Alexander, the Board's hearing officer, will expire September 30, 2020. A motion was made by Mr. Phung and seconded by Dr. Denson to approve the new contract of Mr. Alexander. A vote was taken and the motion passed unanimously.
- The contract of Jim Ward, the Board's attorney, will expire September 30, 2020. A motion was made by Mr. Phung and seconded by Dr. Denson to approve the new contract of Mr. Ward. A vote was taken and the motion passed unanimously.
- Ms. Yeatman received a question regarding the Board's position on technicians calling an MD office to request or obtain refills on existing prescriptions. Ms. Yeatman read the email she received regarding the matter. After a discussion, the Board clarified that it is allowable for a technician to initiate a request for refill. However, the response to that refill request must be communicated directly to a pharmacist or intern/extern.
- Dr. Alverson led a discussion 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. The MOU would allow the FDA to gain more control over facilities that are compounding and shipping more than 50 percent of their products across state lines. The MOU would require the Board of Pharmacy inspectors to track data regarding what products are being compounded and the location to which the products are being shipped. This would also apply to physicians' offices that compound drugs.

After a lengthy discussion, it was determined more research would need to be conducted into this matter. Ms. Yeatman suggested that the Board request an opinion from the Alabama Attorney General's office as to the Board of Pharmacy's ability to sign and be bound by the MOU. This matter will be discussed further at a future Board meeting.

- The Board received a question about the ability of a pharmacist to administer and read TB skin tests. After a discussion, it was determined the matter would have to be researched further. This matter will be discussed further at a future Board meeting.
- A discussion was held regarding PTCB's immunization credential program for technicians. Once certified, a technician would be allowed to give immunizations under the supervision of a pharmacist. This matter will be discussed further at a future Board meeting.
- Ms. Yeatman has been asked multiple times if the Board will waive the live CE requirement for pharmacist license renewals. After a discussion, the Board contends that it is reasonable to still obtain live CE credits through webinars and the live credits will be required for all pharmacists to comply with the requirement of six hours of live CE prior to renewal on or before December 31, 2020. Also, Ms. Yeatman requests to not wait until the end of the renewal period to renew. She will also post a reminder in her

Secretary report on the Board's website that there are no exceptions or changes to the CE requirements.

11. EXECUTIVE SESSION

A motion was made by Dr. Garmon and seconded by Mr. Colburn to retire into executive session. An individual voice vote was taken and the motion passed unanimously. The recess for executive session was held from 11:41 a.m. to 12:47 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 for the technician on case number 20-0015. 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 accept a permanent surrender on case numbers 20-0019 and 20-0060. 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 letter of concern and action plan in case number 19-0283. 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 letter of concern and action plan to the pharmacist and district supervisor in case number 20-0031. 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 18-0130. 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 letter of concern to the pharmacist and district supervisor on case number 18-0142. 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 letter of concern to the district supervisor in case number 19-0191. 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 letter of concern in case numbers 20-0017 and 20-0034. 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 refer to the home state board of pharmacy in case numbers 19-0279 and 20-0001. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no further action in case numbers 17-0102 and 20-0001. 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 letter of concern in case number 20-0004. 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 letter of concern to the first supervising pharmacist in case number 18-0045. 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 take no action in case number 20-0027. 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 refer to the home state board of pharmacy in case numbers 19-0279 and 20-0001. 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 case numbers 19-0285, 20-0002, 20-0020, and 20-0025. 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 case number 20-0028. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no action and close the case in case numbers 16-L-0024, 17-L-0055, 17-L-0060, 17-L-0068, 17-L-0096 and 17-L-0122. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no action and close the case in case numbers 18-L-0101, 19-L-0048, and 19-L-0174. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no action and close the case in case number 18-L-0102. 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 no action and close the cases in case numbers 18-L-0126, 18-L-0127, 18-L-0138, 18-L-0150, 18-L-0156, and 18-L-0161. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no action and close the case in case number 19-L-0002. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no action and close the case in case numbers 19-L-0047 and 19-L-0098. A vote was taken and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, and Mr. Phung.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no action and close the cases in case numbers 19-L-0104, 19-L-0123, and 20-L-0021. A vote was taken and the motion passed unanimously.

13. ADJOURN

A motion to adjourn was made by Mr. Colburn and seconded by Dr. Denson. 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 12:55 p.m.

Ralph Sorrell

Ralph Sorrell, President

Donna C. Yeatman

Donna C. Yeatman, Executive Secretary

8-19-20

Date