

**ALABAMA STATE BOARD OF PHARMACY**  
**BUSINESS MEETING MINUTES**  
**May 13, 2020**

President Ralph Sorrell called the May 13, 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	Rhonda Coker, Technician Licensing Mgr.
Susan Alverson, Dir. of Regulatory Affairs	Terry Lawrence, IT/Licensing Manager
Dr. Cristal Anderson, Dir. of Compliance	Kim Pickett, Facilities Licensing Manager
Edward R. Braden, Chief Drug Investigator	Twalia King, Pharmacy Licensing Manager
Scott Daniel, Drug Investigator	Dr. Mike Garver, Wellness Program Director
Casey Shaw, Drug Investigator	Vance Alexander, Hearing Officer
Wendy Passmore, Operations Manager	

Members of the public present were:

Clemice Hurst	Laura Matthews
Jim Easter	Louise Jones
Julie Lasseigne	Kim Witt
Kara Latham	Lauren Paul
Kelli Newman	Chuck Beams
Sarah Merkle	Tracy Davis
Tomie Ann Boackle	Helen McKnight
Rachel Weaver	Danielle Cole
June Hampton	Aaron Wolff
Jeff Church	Bart Bamberg
Gary Mount	Roland Naseman
Alex Jenkins	Brad Livingston

**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, and

Mr. Phung.

**2. TREASURER'S REPORT:**

Treasurer Chris Phung presented the treasurer's reports for March and April 2020. As of March 31, 2020, total revenues were 73.94 percent of the annual budget, which is ahead of budget. Total expenses were 44.77 percent of annual budget, which is six percent below budget. Licensing fee revenues were 73.5 percent of annual budget projection. Most expense accounts were on track for the fiscal year. March had an increase in building improvement expenses associated with the signage and lighting changes, which were included in the annual budget.

As of April 30, 2020, total revenues were 79.41 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.

A motion was made by Dr. Denson and seconded by Mr. Colburn and Dr. Garmon to approve the March 31, 2020 and April 30, 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, and Dr. Denson.

**3. WELLNESS COMMITTEE REPORT**

Dr. Michael Garver attended the meeting via WebEx and gave his report 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 one pharmacist in a halfway house. There is a pharmacist who admitted to diverting and permanently surrendered his/her license. There is one pharmacist who recently admitted to relapse and was returning to treatment. The total number of pharmacy professionals identified and worked with in 2020 is 14.

Due to layoffs in the medical community in response to the COVID-19 pandemic, the service medical community such as collectors at collector sites, many of the program participants were unable early on to show compliance through their screening programs. A virtual collection site has been established with experienced collectors. All PETH and alcohol tests are now being done in front of a collector in a virtual setting.

That has enabled Dr. Garver to verify that technicians and pharmacists are continuing to be monitored and in compliance with their monitoring contracts. The program participants are supplied with boxes at their home where they collect the blood specimen that is viewed by the virtual collector online, put the chain of custody together, and then put the specimen in

the box which is mailed to the testing facility. When testing sites return to full operation, participants will be expected to return to those testing sites.

#### **4. APPROVAL OF MINUTES**

A motion was made by Dr. Denson and seconded by Mr. Colburn to approve the Board business meeting minutes from the March 11, 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 Dr. Denson and seconded by Mr. Colburn to approve the interview minutes from the March 11, 2020, interviews. A vote was taken and the motion to approve the interview minutes 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. Colburn to approve the Board business meeting minutes from the April 2, 2020, emergency business meeting. A vote was taken and the motion to approve the meeting minutes passed with aye votes from Dr. Garmon, Dr. Denson, and Mr. Phung.

#### **5. INVESTIGATOR'S REPORT**

Chief Investigator Eddie Braden was called upon to give his report. The investigation and inspection statistics for the months of March and April are listed in his report. There were fewer inspections during March and April due to the COVID-19 pandemic. In April, investigators began doing virtual inspections of hospitals because several hospitals were doing remodeling and the hospitals sent necessary certifications by email that were necessary to complete the inspections.

#### **6. ATTORNEY'S REPORT**

Mr. Ward only has items for Executive session.

#### **7. SECRETARY'S REPORT**

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

- Ms. Yeatman stated that this meeting is being conducted in accordance with Governor Ivey's proclamation for open meetings to address matters necessary to respond to COVID-19 and perform the essential minimum functions of the Board and in compliance with the requirements of emergency meetings. This meeting is not an emergency meeting.
- The collaborative practice bill is at status quo with the Board of Medical Examiners. The regular legislative session resumed May 4, 2020, to address budgets and local bills. Governor Ivey may call the legislature back for a special session to address necessary issues and the budgets could be delayed if she vetoes the ones presented.

- The monument sign in front of the building has been replaced and should aid with visibility to the Board's location.
- Regarding the bathroom remodel project, an architect has been identified and has been working on the design.
- They Board needs a second bid for the flagpole outside the building.
- 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). Choose application and forms on the right side of the webpage and then underneath pharmacists, in-state pharmacies, or nonresident pharmacies, choose change of supervising pharmacist. Additionally, a link has been added under each category for individuals or entities to request a duplicate copy of any license or permit they may need.
- The lighting project is now 99-percent complete. There are four light bulbs which have been ordered and once received, the project will be complete. The new fixtures will allow for the use of more economical bulbs and the occupancy and movement sensors will reduce lighting expenses.
- Thermostats in the building have been converted to a programmable thermostat with oversight using an online portal. This will also allow for energy conservation.
- The Board began conducting interviews of candidates for a position in the licensing department. Anyone interested in that position should send a resume immediately as those interviews will finish this week.
- Effective January 1st, 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](mailto:ahuntley@albop.com). Once that documentation is received, the technician will receive a certificate from the Board recognizing the completion of required training.
- Any pharmacy that has received approval for a nonpharmacist keyholder, the certificate of approval must be displayed prominently in the pharmacy.
- The Board office has maintained normal operating hours during the pandemic using a rotation of in-office scheduling to allow for maximum social distancing. When the staff has not been working in the office, they have continued to work remotely. Ms. Yeatman thanked all licensing staff and investigators for performing at an incredibly high level during this unusual time.

- The Board will be hosting interviews for licensure of Auburn University and Samford University graduates from their respective pharmacy schools next week. Reciprocity candidates should consider applying for a temporary pharmacist permit available on the website should the candidate require licensure prior to the next scheduled interview date. The Board office is working to identify scheduling opportunities to provide interviews in compliance with social distancing and will keep candidates aware of those opportunities as they become available.
- The State of Alabama continues to operate under a state of emergency. Some social distancing guidelines have been relaxed, although the state of emergency remains in place. Therefore, guidelines regarding scheduled medications are still in place. Please refer to the Board website for more information and guidance.
- Board cases for the last two months have been continued and will be heard on additional hearing dates to be determined.
- Ms. Yeatman thanked all pharmacy professionals who work hard every day to care for the citizens of Alabama. She said that now more than ever pharmacists play an important and beneficial role in our health care in the state and she is personally very proud to be a part of that profession.
- Mr. Sorrell thanked Ms. Yeatman for her leadership and enthusiasm in this unique and special time in the history of pharmacy in this state. He stated that her job description changed dramatically over the last few weeks, as did many of the Board's, and she rose to the occasion and they are proud of the work that has been done.

## **8. OLD BUSINESS**

- Discussions regarding medical marijuana, remote order entry guidelines, and parenteral standards will be resumed once meetings return to normal.
- The process for rule changes to 680-X-2-.14 and 680-X-3-.03 will be restarted. The public hearings for the rule changes were scheduled for the April 22, 2020, meeting, which was canceled due to the COVID-19 pandemic.

## **9. NEW BUSINESS**

- A discussion was held regarding the following proposed amended rules:
  - Rule 680-X-2-.04, Prescription Department Technical Equipment
  - Rule 680-X-2-.03, Time and Method of Payment; Renewal and Non-Disciplinary Renewal and Non-Disciplinary Penalty for Late Renewal of Controlled Substances Permit
  - Rule 680-X-2-.14, The Role of Technicians in Pharmacies in Alabama

- Rule 680-X-2-.37, Continuing Education for Pharmacy Technicians
- Rule 680-X-2-.23, Drug Manufacturers; Whole Distributors
- Rule 680-X-2-.45, Noncontrolled Prescription Requirements

These amendments will be posted on the Board's website, [www.albop.com](http://www.albop.com), to review and make comments.

- A discussion was held regarding an update to Board Policy 17-003 regarding 90-day supply. This policy has been changed to clarify that a pharmacist can fill a prescription for less than the amount written by the physician/health care provider.
- The Board received a request from an animal policy group to amend Rule 680-X-2-.21, Patient Counseling. After a discussion, the Board decided not to amend the rule.
- Graduating pharmacy student interviews for Auburn University and Samford University are scheduled for May 20 and 21, 2020, at the Board office. Ms. Yeatman requested Board member volunteers to attend these interviews. More interview dates will be scheduled for reciprocity candidates.
- Ms. Yeatman requested everyone to check their calendars and email her with available dates for additional hearing days in June and/or July to make up for hearing days that had to be canceled due to COVID-19.
- Proposed changes to the employee handbook are as follows:
  - Policy No. 9: Insurance coverage limits changed for Board vehicles to comply with State regulations. A motion was made by Dr. Garmon and seconded by Mr. Colburn to approve changes to Policy No. 9, insurance coverage. A vote was taken and the motion to approve the changes to the insurance coverage for Board vehicles policy passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.
  - Policy No. 13: Update to Board fire evacuation plan. A motion was made by Dr. Garmon and seconded by Mr. Colburn to approve changes to Policy No. 13, update to Board fire evacuation plan. A vote was taken and the motion to approve the changes to the fire evacuation plan policy passed with aye votes from Mr. Colburn, Dr. Denson, and Mr. Phung.
  - Policy No. 15A: Data protection policy. A motion was made by Dr. Garmon and seconded by Mr. Phung to approve changes to Policy No. 15A, data protection policy. A vote was taken and the motion to approve the changes to the data protection policy passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

- Policy No. 15B: Data breach policy. A motion was made by Dr. Garmon and seconded by Mr. Phung and Dr. Denson to approve changes to Policy No. 15B, data breach policy. A vote was taken and the motion to approve the changes to the data breach policy passed unanimously.
- Policy No. 16: Laptop computer and mobile device policy. A motion was made by Dr. Garmon and seconded by Mr. Phung to approve changes to Policy No. 16, laptop computer and mobile device policy. A vote was taken and the motion to approve the changes to the laptop computer and mobile device policy passed with aye votes from Mr. Colburn, Dr. Garmon, and Mr. Phung.
- Policy No. 18: Longevity policy. A motion was made by Dr. Garmon and seconded by Mr. Phung to approve changes to Policy No. 18, longevity policy. A vote was taken and the motion to approve the changes to the longevity policy passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.
- Ms. Yeatman asked that participants who called in to the WebEx meeting to email her to document their attendance at the meeting.
- Ms. Yeatman announced that all rules discussed in new business will be posted online for viewing and comment. She also stated all employees will receive an updated copy of the employee handbook and will sign an acknowledgment that they understand it. The updated employee handbook will also be presented to any new hires.

**10. EXECUTIVE SESSION**

A motion was made by Dr. Denson and seconded by Mr. Phung to retire into executive session. An individual voice vote was taken and the motion passed unanimously. The recess for executive session was held from 9:42 a.m. to 1:56 p.m.

**11. ADJOURN**

The meeting was adjourned at 1:57 p.m.

ME Sorrell  
Ralph Sorrell, President

Donna C. Yeatman  
Donna C. Yeatman, Executive Secretary

7/24/20  
Date