

**ALABAMA STATE BOARD OF PHARMACY  
EMERGENCY BUSINESS MEETING VIA VIDEOCONFERENCE  
MEETING MINUTES  
April 2, 2020**

President Ralph Sorrell called the April 2, 2020, meeting of the Alabama State Board of Pharmacy to order at 9:00 a.m. to conduct necessary emergency business and determined a quorum was present via web-assisted videoconference. All attendees were present via videoconference.

Ms. Yeatman stated that the meeting is being conducted in accordance with Governor Ivey's proclamation for open meetings and in compliance with the requirements of emergency meetings.

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  
Susan Alverson, Dir. of Regulatory Affairs  
Eddie Braden, Chief Drug Investigator  
Wendy Passmore, Operations Manager

Members of the public present were:

|                   |                       |
|-------------------|-----------------------|
| Yolanda Ellison   | Tracy Davis           |
| Clemice Hurst     | Kelli Newman          |
| Sarah Merkle      | Matthew Todd          |
| Alex Jenkins      | Mary Margaret Carroll |
| Mary McKnight     | Tomie Ann Boackle     |
| Stephen McCormick |                       |

**1. MOTION TO ADOPT AGENDA**

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

## 2. SECRETARY'S REPORT

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

- The Alabama legislative regular sessions have used 14 of 30 legislative days, which must be completed by May 18, 2020. At this time, the legislature will reconvene on April 28, 2020, unless the Speaker of the house and President Pro Tem of the Senate decide otherwise.

Issues that still need to be addressed during this session include budgets, prison reform, economic development issues, medical marijuana, as well as local bills. Governor Ivey may call the legislature back for a special session to address certain issues as deemed necessary. The budgets may be postponed and addressed in a later special session due to the economic uncertainties caused by the Covid-19 pandemic.

- The April 21, 2020, hearings have been continued and the April 22, 2020, Board meeting has been postponed.
- Ms. Yeatman recognized the following individuals and entities for all of their assistance and hard work during this difficult time: Board members, ALBOP team, Terry Lawrence, Jim Ward, Susan Alverson, iGov, Kim Pickett, and all pharmacists, technicians, and pharmacy personnel in all settings throughout the State that are working to care for the citizens of Alabama.
- In regard to institutional issues related to the SARS-CoV-2 pandemic, the Board has done/is doing the following:
  - (a) Identified a process to expedite processing of 222s for medications, especially with wholesalers where a previous relationship has not existed.
  - (b) Contacted HHS to inquire about medication available in the national stockpile.
  - (c) Working to facilitate the spread of inventory between hospitals when supply allows.
  - (d) Contacted wholesalers to try to increase order size and delivery of needed medications.
- Ms. Yeatman received the following information from the DEA to facilitate expediting of orders:

The Board's Diversion Control COVID-19 website is <https://www.deadiversion.usdoj.gov/coronavirus.html> and is being updating frequently.

The following instructions are on the ALBOP website if a registrant needs to set up an alternate site:

- (a) Email [Natural.Disaster@dea.usdoj.gov](mailto:Natural.Disaster@dea.usdoj.gov) subject line: TEMPORARY DEA REGISTRATION REQUEST
- (b) Email should include details of the business category, i.e. pharmacy, hospital/clinic and state license information

- (c) Add address of temporary location
- (d) Add security details of where CS will be stored
- (e) Add name/DEA of supplier so that we can contact them in case they need controlled substances ASAP
- (f) Temp DEA site can order CS from distributor using letterhead request – fax or scan/email allowed

- Ms. Yeatman has been receiving comments and questions relative to pharmacy operations and Covid-19. Many of these questions can be answered by referring to the website and reference “Coronavirus – Safety Methods.” For supervising pharmacist information, refer to Rule 680-X-2-.12 which defines the responsibilities and authority of the supervising pharmacist.
- The Board’s website ([www.albop.com](http://www.albop.com)) is being updated as new information is available and is a quick and efficient source of direction relative to COVID-19.
- Some pharmacies are closing intermittently due to employee exposure and/or cleaning/sanitizing efforts. Please inform the Board of those closures and reopenings as they occur. Patients shall be notified of how to access to their prescriptions if the pharmacy does close.

### 3. NEW BUSINESS

- Proposal to amend Rule 680-X-2-.18.01ER Emergency Dispensing for Institutional Facilities.

Ms. Yeatman read the proposed amended Rule as follows:

Due to the SARS-CoV-2 pandemic, Institutional Facilities in Alabama are faced with situations of treating patients with Metered Dose Inhalers and/or other necessary related medications. After the initial treatment, if the patient is not allowed to retain the medication, it must be discarded thereby causing possible shortages and waste of the remaining drug. Therefore, in order to prevent shortages and waste and ensure continuity of care, the Board adopts the following emergency rule.

- (a) “Emergency dispensing” is defined as prescribing/providing necessary medications to patients being treated by institutional facilities within the physical institutional facility or to be taken with the patient upon discharge.
- (b) Requirements for “Emergency Dispensing” labeling must include, but is not limited to:
  1. The name and address of the facility from which the prescription was dispensed
  2. The directions for use
  3. The name of the drug as it is dispensed

4. The strength per dosage unit,
  5. Any additional information that is a true statement of fact may be included as deemed essential for proper storage, handling, safety, and/or usage of the prescription.
- (c) “Emergency Dispensing” may be utilized for the following medications:
1. Metered Dose Inhalers
  2. Medications deemed necessary with Board approval
- (d) Ability to perform Emergency Dispensing under this rule shall expire one hundred twenty (120) days after the effective date of this rule or when the Governor proclaims the termination of the state’s public health emergency related to the SARS-CoV-2 pandemic, whichever is sooner.

After a brief discussion, a motion was presented to approve the amendment to Rule 680-X-2-.18.01ER by Mr. Phung and seconded by Dr. Garmon. A vote was taken and the motion passed unanimously.

- Proposal to add Rule 680-X-2-.01ER Temporary Pharmacist Practice Permit. This rule would be enacted if Governor Ivey issues a proclamation to allow temporary hospitals and treatment centers in response to the SARS-CoV-2 pandemic. The rule would be passed within 72 hours of the proclamation.

Ms. Yeatman read the proposed Rule as follows:

Due to the SARS-CoV-2 pandemic, there is a need for additional pharmacists to provide healthcare to citizens of Alabama suffering from and effected by COVID-19.

- (1) The Board of Pharmacy may issue a Temporary Pharmacist Practice Permit to applicants that evidence satisfactorily to the Board the following:
- a. The applicant possesses a full and unrestricted license to practice pharmacy issued by the appropriate pharmacy licensing board of another state;
  - b. The applicant has never been convicted, received adjudication, community supervision, or deferred prosecution of any felony offense or any crime related to fraud, violence, sexual violations, or related to the practice of pharmacy;
  - c. The applicant has never had his or her pharmacy license subjected to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to the nonpayment of fees related to a license;
  - d. The applicant has never had a controlled substance license or permit suspended or revoked by any state or the Drug Enforcement Agency;
  - e. The applicant is not currently under investigation by a licensing agency or law enforcement authority or any state, federal, or foreign jurisdiction;

- f. The applicant is a United States citizen, a National of the United States, or an alien lawfully present in the United States.
- (2) A Temporary Pharmacist Practice Permit issued under this rule shall expire one hundred twenty (120) days after the effective date of this rule or when the Governor proclaims the termination of the state's public health emergency related to the SARS-CoV-2 pandemic, whichever is sooner. The effectiveness of this rule and any temporary permit issued may be extended by the order of the Governor.
- (3) An applicant issued a Temporary Pharmacist Practice Permit shall also be issued a temporary controlled substances permit for the purpose of dispensing controlled substances only to patients suffering from and affected by the SARS-CoV-2 pandemic.
- (4) An applicant for a Temporary Pharmacist Practice Permit shall certify to the Alabama State Board of Pharmacy that he/she intends to practice pharmacy to provide healthcare to citizens of Alabama suffering from and effected by the SARS-CoV-2 pandemic.
- (5) Applications for a Temporary Pharmacist Practice Permit shall not be required to pay a fee.
- (6) Applicants shall be entitled to the expedited issuance of a Temporary Pharmacist Practice Permit upon certification of the applicant's satisfaction of this rule by the Board's Executive Secretary or her designee.

After a discussion, a motion was presented by Mr. Colburn and seconded by Dr. Garmon to approve Rule 680-X-2-.01ER in the event of a proclamation from Governor Ivey. A vote was taken and the motion passed unanimously.

- Proposal to add Rule 680-X-2-.02ER Temporary Pharmacy Permit. This rule would be enacted if Governor Ivey issues a proclamation to allow temporary hospitals and treatment centers in response to the SARS-CoV-2 pandemic. The rule would be passed within 72 hours of the proclamation.

Ms. Yeatman read the proposed Rule as follows:

Due to the SARS-CoV-2 pandemic, there is a need for additional pharmacies to provide healthcare to citizens of Alabama suffering from and affected by COVID-19.

- (1) The Board of Pharmacy may issue a Temporary In-State Pharmacy Permit to applicants that evidence satisfactorily to the Board the following:
  - a. The applicant shall apply to the board for a Temporary In-State Pharmacy Permit prior to opening.
  - b. The application for a Temporary In-State Pharmacy Permit shall be made on a form prescribed and furnished by the board which when properly executed shall indicate the ownership desiring such permit and the names and license numbers

of all licensed pharmacists employed as well as the location of the pharmacy and other information as the board may require.

- c. If more than one pharmacy is operated by the same owner, a separate application for registration shall be made and a separate Temporary In-State Pharmacy Permit issued for each such establishment.
  - d. Temporary In-State Pharmacy Permits issued under this section shall not be transferrable.
  - e. Any change in the control of ownership or licensed pharmacists shall be reported to the board in writing within ten (10) days of such occurrence.
  - f. It shall be the duty of the owners of pharmacies who are not licensed pharmacists to immediately notify the board upon the termination of employment of licensed pharmacists and to cause the surrender of Temporary In-State Pharmacy Permits if indicated.
  - g. The further operation of the pharmacy in the absence of licensed pharmacist is forbidden; provided, that the nonregistered owner shall have a period of thirty (30) days within which to comply with this subsection.
  - h. Any other qualification the board deems reasonable and necessary in the public interest.
- (2) A Temporary In-State Pharmacy Permit issued under this rule shall expire one hundred twenty (120) days after the effective date of this rule or when the Governor proclaims the termination of the state's public health emergency related to the SARS-CoV-2 pandemic, whichever is sooner. The effectiveness of this rule and any temporary permit issued may be extended by the order of the Governor.
- (3) An applicant for a Temporary In-State Pharmacy Permit shall certify to the Alabama State Board of Pharmacy that the pharmacy intends to provide healthcare to citizens of Alabama suffering from and affected by the SARS-CoV-2 pandemic.
- (4) Applications for a Temporary In-State Pharmacy Permit shall not be required to pay a fee.
- (5) Applicants shall be entitled to the expedited issuance of a Temporary In-State Pharmacy Permit upon certification of the applicant's satisfaction of this rule by the Board's Executive Secretary or her designee.

After a discussion, a motion was presented by Dr. Garmon and seconded by Mr. Colburn to approve Rule 680-X-2-.02ER in the event of a proclamation from Governor Ivey. 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 Mr. Colburn and seconded by Dr. Denson to add a preamble to Rule 680-X-2-.01ER similar to Rule 680-X-2-.02ER. A vote was taken and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Denson, and Mr. Phung.

- Ms. Yeatman announced she is receiving questions for items such as having a nurse refill an automated dispensing cart in a skilled nursing facility or permission to reschedule annual inventories. These are the type questions that the rules allow the Board to approve. Ms. Yeatman is requesting she be given permission to respond to these requests on behalf of the Board due to the COVID-19 pandemic. The Board members agreed it would be appropriate for her to respond to these requests on behalf of the Board.
- Mr. Stephen McCormick, counsel for Alabama Hospital Association, expressed his gratitude for the Alabama Board of Pharmacy working with him and the Hospital Association to put these temporary measures in place.

#### **4. ADJOURN**

A motion to adjourn was presented by Dr. Denson and seconded by Mr. Colburn. A vote was taken and the motion to adjourn passed unanimously.

The meeting was adjourned at 9:56 a.m.

Donna Yeatman  
Executive Secretary  
Alabama Board of Pharmacy

By: /s/ Sheri G. Connelly  
Sheri G. Connelly, Recorder  
April 2, 2020