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ALABAMA STATE BOARD OF PHARMACY

BOARD MEETING

Wednesday, April 20, 2016

9:15 a.m.

LOCATION: Alabama State Board of Pharmacy
111 Village Street
Hoover, Alabama 35242

REPORTER: Anne E. Miller

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ATTENDEES

BOARD MEMBERS:

- Tim Martin, President
- Buddy Bunch, Vice President
- David Darby, Treasurer
- Donna Yeatman, Member
- Ralph E. Sorrell, Member

ALSO PRESENT:

- Susan Alverson, PhD, Executive Secretary
- Mitzi Ellenburg, Director of Operations
- Eddie Braden, Chief Inspector
- Scott Daniel, Drug Inspector
- Mark Hebert, Drug Inspector
- Peyton Zarzour, Drug Inspector
- Rhonda Coker, Board of Pharmacy
- Charlie Cook
- Chris Burgess
- Cammie Burgess
- Julie Hunter
- Lee Foreman

1	Wes Averett
2	Eddie Vanderver
3	Clemice Hurst
4	Akilaranith Madheswaran
5	Kelli Newman
6	Gary Mount
7	Mike Garver
8	Becky Sorrell
9	Lauren Nishi
10	Corey Pachiazz
11	Rich Palombo
12	Hal Henderson
13	Rod Harbin, Jr.
14	Bart Bamberg
15	Bruce Harris
16	Kevin Ryan
17	Jon Linna
18	Dan McConaghy
19	Jim Easter
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1 DR. MARTIN: This is Alabama Board of
2 Pharmacy April meeting. We welcome you to the meeting.
3 We have just concluded the rule making hearings on four
4 topics: .14, .18, .24 and .40. And next month we will
5 be going through the final approval process for those
6 and reading those into the record. For the business
7 meeting today, I'm going to announce that we do have a
8 quorum. All Board members are present. I'm going to
9 open the floor for a motion to adopt the agenda as
10 proposed.

11 MS. YEATMAN: I move that we adopt the
12 agenda as proposed.

13 MR. SORREL: Second.

14 DR. MARTIN: All in favor?

15 MR. SORRELL: Aye.

16 MR. DARBY: Aye.

17 MS. YEATMAN: Aye.

18 MR. BUNCH: Aye.

19 DR. MARTIN: It is adopted. At this time
20 we are going to quickly go through the process we did
21 just a minute ago for the rule making hearing where we
22 introduced ourselves to the reporter.

23 MS. ELLENBURG: Mitzi Ellenburg, Board of

1 Pharmacy.

2 MS. COCKER: Rhonda Cocker, Board of

3 Pharmacy.

4 MR. COOK: Charlie Cook, ALSHP.

5 MR. EASTER: Jim Easter, Brookwood Baptist

6 Health System.

7 MR. GARVER: Michael Garver, the Wellness

8 Committee.

9 MR. PALOMBO: Rich Palombo, Express

10 Scripts.

11 MR. HARBIN: Rod Harbin, Jr., Wellness

12 Pharmacy.

13 MR. BURGESS: Chris Burgess, Heritage

14 Compounding Pharmacy.

15 MS. BURGESS: Cammie Burgess, UAB.

16 MR. HARRIS: Bruce Harris, APCI.

17 MS. SORRELL: Becky Sorrell, Alabama

18 Pharmacy Association.

19 MR. AVERETT: Wes Averett, Turenne

20 PharMedco.

21 MR. FOREMAN: Lee Foreman, Turenne

22 PharMedco.

23 MS. HUNTER: Julie Hunter, Omni Care.

1 MR. HENDERSON: Hal Henderson, Alixa RX.
2 MR. RYAN: Kevin Ryan, Cardinal Health.
3 MR. LINNA: Jon Linna, Senior Care
4 Pharmacy.
5 MS. MADHESWARAN: Akilaranith Madheswaran,
6 Walgreens.
7 MR. MOUNT: I'm Gary Mount, Baptist Health,
8 Montgomery.
9 MS. NEWMAN: Kelli Newman, Alabama
10 Medicaid.
11 MS. HURST: Clemice Hurst, Alabama
12 Medicare.
13 MR. VANDERVER: Eddie Vanderver, CAPS,
14 Incorporated.
15 MR. BAMBERG: Mark Bamberg, Publix
16 Supermarkets.
17 MR. DANIEL: Scott Daniel, State Board of
18 Pharmacy.
19 MS. NISHI: Lauren Nishi, Cubex Systems.
20 MR. PACHIAZZ: Cory Pachiazz, Cubex
21 Systems.
22 MR. McCONAGHY: Dan McConaghy,
23 miscellaneous.

1 MR. HEBERT: Mark Hebert, Board of
2 Pharmacy.

3 MR. ZARZOUR: Peyton Zarzour, Board of
4 Pharmacy.

5 DR. MARTIN: Did we get everyone? Thank
6 you for being here this morning. This work that we do
7 is certainly better because of your presence and
8 participation, and we value you being here. I'm going
9 to exercise the Board's prerogative to take some
10 business out of order. If you don't mind, we have
11 Dr. Garver with us this morning, and he is going to be
12 bringing the Wellness report. Dr. Garver?

13 DR. GARVER: Morning, Board Members. Thank
14 you for letting me intercede myself this morning. I
15 understand it's been a couple of busy days for you
16 guys. I'm going to read this into the record, and then
17 if there are any comments, I will be glad to take them.
18 There are presently 148 people in our screening program
19 with signed contracts and orders. This number includes
20 any individuals on a diagnostic monitoring contract but
21 does not include any of the health professionals listed
22 below. And here is our current work: There are two
23 pharmacists in inpatient treatment. There is one

1 pharmacist who is having an evaluation right now.
2 There are three techs in treatment. I'm revising that
3 as I just found out this morning we have a third
4 pharmacy tech in treatment, and we have two students
5 who are in treatment. So the total number of pharmacy
6 professionals identified and worked with in 2016 is now
7 17, not 16. There are ten pharmacists, five pharmacy
8 techs and two students. That's beginning to -- the
9 rate is beginning to pick up as it normally does this
10 time of year. The first quarter through the summer
11 time, there will be a lot of folks identified, and
12 hopefully we get all of those in treatment. All the
13 individuals who are in treatment are in evaluation or
14 undecided or presently out of the workplace and without
15 license. And without license means there is a
16 suspension of some sort that's gone on to prevent those
17 individuals from performing their professional duties
18 right now. There are about nine others that are
19 working their way through a halfway house, time out for
20 recovery or who are in the process of being
21 investigated or scheduled for hearings. That's down a
22 lot from last year. We worked through a big back log
23 over the last year and a half with people from the last

1 big year we had. Last year was not a big year, but the
2 year before last was. So that's basically the report,
3 statistical report. If there are any questions for me
4 this morning, I would be glad to answer them.

5 DR. MARTIN: Any questions for Dr. Garver?
6 Dr. Garver, we thank you very much. We appreciate the
7 work that you do. I think we are fortunate to have you
8 as part of the program.

9 DR. GARVER: Well, I appreciate that, and
10 let me accept that thanks on behalf of about 20 other
11 pharmacists and pharmacy techs who are actually working
12 behind the scenes in this program. So thank you very
13 much. Good to see all of you.

14 DR. MARTIN: Okay. We will at this time
15 turn to the treasurer's report. David?

16 MR. DARBY: Well, we are at the 50 percent
17 mark of the year, of the fiscal year. As you can see
18 in the drop box, you have a copy of the budget. And we
19 are at 57 percent of the revenue, which is to be
20 expected because obviously we are driven heavily by
21 permits. And then on the expense side, we are actually
22 at 49 percent. So we are in good shape according to
23 the budget. As y'all all know, we are in a two year

1 cycle, and this is the bad year of the two year cycle.
2 But the good news is we are on budget, and we were
3 expecting this. And so we are going to be fine when
4 Donna takes over.

5 DR. MARTIN: Great. Anything else,
6 Mr. Darby?

7 MR. DARBY: That's all.

8 DR. MARTIN: Do the Board members have any
9 questions for Mr. Darby related to the financial
10 report? Would anyone like to move that we receive the
11 treasurer's report as submitted?

12 MS. YEATMAN: I move that we receive the
13 treasurer's report as submitted.

14 MR. BUNCH: Second.

15 DR. MARTIN: All those in favor?

16 MR. SORRELL: Aye.

17 MR. DARBY: Aye.

18 MS. YEATMAN: Aye.

19 MR. BUNCH: Aye.

20 DR. MARTIN: Any opposed, same sign?

21 (No response.)

22 DR. MARTIN: Thank you very much. Thank
23 you for the treasurer's report. Next item will be

1 Board minutes for approval or any correction that's
2 needed.

3 MR. DARBY: I make a motion we approve the
4 March 16th business meeting Board minutes.

5 MS. YEATMAN: Second.

6 DR. MARTIN: There is a motion and a second
7 to approve the March 16th Board meeting minutes. All
8 those in favor say aye.

9 MR. SORRELL: Aye.

10 MR. DARBY: Aye.

11 MS. YEATMAN: Aye.

12 MR. BUNCH: Aye.

13 DR. MARTIN: Any opposed?

14 (No response.)

15 DR. MARTIN: Minutes approved.

16 MR. DARBY: Also make a motion we approve
17 the March 16th interview session minutes.

18 MS. YEATMAN: Second.

19 DR. MARTIN: There is a motion and a second
20 to approve the interview minutes for the month of
21 March. Any discussion?

22 (No response.)

23 DR. MARTIN: All those in favor?

1 MR. SORRELL: Aye.

2 MR. DARBY: Aye.

3 MS. YEATMAN: Aye.

4 MR. BUNCH: Aye.

5 DR. MARTIN: Any opposed?

6 (No response.)

7 DR. MARTIN: Those minutes are approved.

8 Do we have any other minutes to approve at this time?

9 Seeing none, we will move to the inspector report.

10 Mr. Braden?

11 MR. BRADEN: Yes, sir, Mr. President.

12 Members of the Board, as you can see the statistics for

13 March, we are getting a lot of inspections completed.

14 So you see we had a lot of activities that we did in

15 the additional activities section of the report. Also

16 I would like to comment just briefly, we have had a

17 rash of burglaries in south Alabama of independent

18 pharmacies. We have worked with the Alabama Law

19 Enforcement Agency, and they have put together a task

20 force. All the information is going through the

21 Alabama Law Enforcement Fusion Center to try to

22 identify these burglars and apprehend them.

23 MR. DARBY: How do you define south

1 Alabama?

2 MR. BRADEN: However you want to define it,
3 Mr. Darby. But it is reaching from the Opp area all
4 the way over to Mr. Darby's area, all the way over to
5 Baldwin County and now Mobile County. And this past
6 weekend, it was occurring in Dallas County and Mobile
7 County so --

8 DR. MARTIN: Appreciate you sharing that
9 information, Eddie. And people in the audience, you
10 are welcome obviously to share that. This is a -- we
11 learned that this is a group moving through this area
12 of the country from -- is it okay for me to say where
13 they are from?

14 MR. BRADEN: Yes, sir.

15 DR. MARTIN: It's a group from a gang in
16 Houston moving through the area, and they are quick
17 hitters, in and out, three minutes. Very good at what
18 they do. As far as I know, it's all burglary. There
19 is no robberies.

20 MR. BRADEN: As of this point, yes, sir.

21 DR. MARTIN: As far as we know, they are
22 not looking for a confrontation but looking to get your
23 stuff. Any questions for Mr. Braden? Thank you,

1 Eddie. Secretary's report. Susan?

2 DR. ALVERSON: You won't find one in the
3 drop box. I had two things I would like to touch on.
4 I e-mailed you during the month that we will be going
5 to Samford and to Auburn to do interviews with the
6 graduating students rather than have them come here for
7 an afternoon in divided groups. And they are both very
8 thankful that the Board has agreed to do that. As I
9 said in my e-mail, the president of the fourth year
10 class at Auburn said please tell them they are
11 brilliant. So I want you to know that's how you are
12 observed right now. That will change, of course, when
13 they get into practice, but for right now.

14 So we are to be at Auburn on Monday, May
15 9th, at 2:30. And I envision it taking an hour. We
16 don't need the whole Board. Some people have already
17 said they can make it. We only need two or three
18 members.

19 DR. MARTIN: You have your two or three?

20 DR. ALVERSON: Yes. I'm glad to have
21 anybody go, but -- and then we will be at Samford at
22 two on Monday, May 2nd. All right? Just so you know
23 ahead of time, Auburn has some students who are in the

1 Mobile area who do everything by video conferencing.
2 So there will most likely be some people who we see by
3 video. There will be an Auburn faculty member there
4 with them. We will send all the forms to be signed, et
5 cetera, et cetera, ahead of time.

6 DR. MARTIN: And you have your Board
7 members for that one also?

8 DR. ALVERSON: Yes.

9 DR. MARTIN: Thank you.

10 DR. ALVERSON: The second thing I wanted
11 you to know is the head of audits for the state of
12 Alabama stopped by to pay us a friendly visit. It was
13 not the exit for our financial audit, but it was a
14 heads up. We have one or two things they found,
15 nothing that is going to be a problem for us. So one
16 of the things was that when we created a way for
17 technicians to pay a fee if they registered late, there
18 is nothing in the statute that says we can charge a fee
19 for late registration, and so we got the cart ahead of
20 the horse. So it's no problem. They see the logic of
21 it. We just did one before the other, and we have to
22 clean that up. All right? Of getting that one line of
23 legislation in.

1 We had one over payment to an agency of
2 \$15,000, which we have gone back and forth to try to
3 figure out how that happened to get the money back. So
4 that was the only financial issue that we had.

5 The third thing was that I have not told
6 the Board the work that Logan Gray does or put that in
7 the monthly report and connected Logan Gray, who is
8 with Strategy South who works with us during the
9 legislation times. So it looks like he didn't do any
10 work. So I will probably ask him to do a report for
11 you once a year as a summary of what he has done. I
12 have gone back and pulled all his e-mails, phone
13 conversations, and we have a lot of that. But going
14 forward, I need to tell you what he is doing so that's
15 visible and have him report to you. That was pretty
16 much it for the financial.

17 We will now be moving into sunset. John
18 Segrest, who was here, will appoint the person who will
19 do our sunset audit. We have not received that name
20 yet, but John will be appointing someone. We will
21 appear before the legislative committee in September.
22 That date has not yet been set, but he said we will be
23 September. And he said if we know what's good for us,

1 every Board member will be there unless you are dying
2 or can prove you are having surgery on that day. He
3 said the legislative committee takes it as an insult if
4 a Board member feels they don't have to be there. We
5 will have approximately 30 minutes. John Segrest will
6 have the results of our sunset review at the time. He
7 will prepare a report. He said he expects it to be a
8 factual, short but friendly report, and then the people
9 on the committee can ask us any questions that they
10 want. He suggested we meet and decide who is going to
11 speak on what topics or how we are going to go about
12 doing that presentation, and I'm sure we will hear from
13 John between now and September to say do this, don't do
14 that, those kinds of things. He is not expecting any
15 problems, but that was his advice to us. All right?

16 DR. MARTIN: Anything else?

17 DR. ALVERSON: No. Other than that, it's
18 been kind of the routine things that we have been
19 doing. Oh, thank you, Mitzi. As we have to have
20 something in legislation to give us the ability to do
21 different types of licenses, we have started rewriting
22 our applications for repackagers, manufacturers,
23 wholesalers, and third party logistics groups. And as

1 we have said a couple of times, we can -- we have been
2 told do this not by having legislation that runs
3 through the house and the senate. But because it's a
4 federal mandate, we can run it through the legislative
5 review service. So we need to get something in writing
6 to run through that service that will say we can change
7 the different categories of licenses. We are not going
8 to be licensing really anybody that we don't license
9 except maybe some third party logistics people, but we
10 need to have that on the record.

11 DR. MARTIN: So if I remember the
12 discussion earlier, it would be desirable to not list
13 the various categories for licenses and permits in the
14 legislation but to allow the Board to have the
15 authority as needed to determine those categories. Is
16 that still the direction we are taking?

17 DR. ALVERSON: That's correct.

18 MR. WARD: I think you do a rule that adopts
19 what the feds are telling us we have to do.

20 DR. ALVERSON: Right. We are going to have
21 to do these renewals every year rather than every other
22 year, which is probably going to cost more to this
23 office. And so we probably want to do something to

1 make sure we are covered, if we do that.

2 DR. MARTIN: So manufacturers, wholesalers,
3 distributors, and 3PL's will have to be an annual --

4 DR. ALVERSON: And repackagers.

5 DR. MARTIN: And repackagers?

6 DR. ALVERSON: Yes.

7 DR. MARTIN: Well, if we don't have any
8 choice, we don't have any choice. As far as having
9 someone to write the content of that rule, is that
10 going to come out of your office?

11 DR. ALVERSON: Well, Jim said he could work
12 on that. So if that's all right with the Board -- and
13 we can present that at the next meeting. We will work
14 with Jim cooperatively.

15 MR. MARTIN: Board members, are you okay
16 with Mr. Ward proceeding with the writing of the rule?

17 MR. SORRELL: Yes.

18 MR. DARBY: Yes.

19 MS. YEATMAN: Yes.

20 MR. BUNCH: Yes.

21 DR. MARTIN: Mr. Ward, you are fine with
22 that?

23 MR. WARD: Yes, sir.

1 DR. MARTIN: Okay. We will do that.

2 DR. ALVERSON: And then lastly, there are
3 some changes we would like to discuss in closed session
4 about insurance for the staff that works here, changes
5 in the way the policy is written. But I would like to
6 bring that up in closed session.

7 DR. MARTIN: Okay.

8 DR. ALVERSON: That's my report.

9 DR. MARTIN: Any questions for Susan or
10 anything she has gone over just now? Thank you, Susan.

11 DR. ALVERSON: You are welcome.

12 DR. MARTIN: Mr. Ward, do you have anything
13 for us today?

14 MR. WARD: Just a couple of pending matters
15 to discuss in executive session.

16 DR. MARTIN: Okay. We will move now to old
17 business. I'm seeing that we have 680-X-2-.32 to
18 finalize today, and that's a short one. I see it's got
19 my name on it so I guess that means I have the
20 opportunity to read that one in, Mitzi?

21 MS. ELLENBURG: Yes, sir.

22 DR. MARTIN: Thank you. I will be reading
23 in to the record 680-X-2-.32, prescriptions by

1 electronic means. We have already had the written and
2 verbal comment periods of time on that. And it reads
3 as follows: "The following requirements shall apply to
4 any prescription as that term is defined in the Code of
5 Alabama, 1975, Section 34.23.1(21) for noncontrolled
6 drugs transmitted by electronic means." Section A
7 under number one, "The prescription must include the
8 patient's name and address, the drug prescribed,
9 strength per dosage unit, directions for use and the
10 name of the prescriber or authorized agent. To the
11 extent not included above, the prescription must comply
12 with any applicable provisions of the Alabama Pharmacy
13 Practice Act or Board rule now existing or later
14 amended or changed. Section B, prescriptions may be
15 transmitted directly to the pharmacy or transmitted
16 over an ePrescription network approved by the Board.
17 All such transmissions must ensure appropriate security
18 and authenticity to include the following: Number one,
19 an electronic signature process enabling the pharmacy
20 to ensure the identity of the prescriber; number two,
21 date and time stamp; number three, transmitting system
22 identifier; number four, prescriber internal sender
23 identification; and number five, pharmacy internal

1 receiver identification. Part C, any pharmacy
2 receiving a prescription shall comply with all
3 requirements for record keeping and prescription
4 information mandated by the provisions of the Alabama
5 Pharmacy Practice Act or Board rule now existing or
6 later amended. Part D, prescriptions for controlled
7 substances, whether scheduled pursuant to state or
8 federal law, shall not be authorized until the drug
9 enforcement agency has adopted applicable regulations,
10 at which time all prescriptions for controlled
11 substances must comply with the provisions of any such
12 regulation or any later amendments or changes thereto."
13 Do we have a motion from the Board to accept this as
14 the final rule?

15 MS. YEATMAN: I move that we accept
16 680-X-2-.34 as written as the new amended rule.

17 DR. MARTIN: Is there a second?

18 MR. SORREL: Second.

19 DR. MARTIN: Any further discussion? All
20 those in favor, please say aye.

21 MR. SORRELL: Aye.

22 MR. DARBY: Aye.

23 MS. YEATMAN: Aye.

1 MR. BUNCH: Aye.

2 DR. MARTIN: Anyone opposed?

3 (No response.)

4 DR. MARTIN: None opposed, 680-X-2-.32 has
5 now been through the final adoption and ready to move
6 forward. And I'm assuming we are safe in the time
7 frame that we need to do that?

8 MS. ELLENBURG: Yes, sir.

9 DR. MARTIN: Great. Thank you very much.
10 I see we have one item of new business today that has
11 to do with a request before the Board to change the
12 fine payment schedule for a pharmacist. Board members,
13 have you had an opportunity to review that request and
14 are you prepared to act on it? Do you need a second to
15 look over that?

16 MR. BUNCH: Yeah, please.

17 DR. MARTIN: We will take a minute to look
18 over this request. You will find it under new
19 business.

20 MR. WARD: This needs to be in executive
21 session.

22 DR. MARTIN: Okay. So we have decided that
23 due to the content of the request, we are going to move

1 this to executive session instead of covering it in the
2 business meeting. The way that will happen, just for
3 the benefit of the audience, since this does involve an
4 individual and their name and certain conditions, it
5 would not be proper to speak about in the open meeting
6 here. We will discuss that in executive session, and
7 when we come out, we will have a vote on our decision.
8 And as we do for other topics, there won't be details
9 of those discussed in the open session.

10 Okay. We are through the agenda. I don't
11 see any other items. Let me just ask the Board members
12 one last time, do we have any other business to be
13 conducted today? Hearing none, then we will prepare to
14 go into executive session. So at this time I will
15 entertain a motion for the Board to go into executive
16 session for the purpose of discussing the
17 qualifications and competency of those regulated by the
18 Board. The executive session will begin at five
19 minutes after ten and will end at 10:30. When the
20 Board returns to its public meeting, we will only vote
21 on the matters discussed during the executive session,
22 and then we will adjourn the meeting. Now you are more
23 than welcome to rejoin us at that time when we come out

1 of executive session and take action on those topics,
2 but I will tell you, it will be one of the most boring
3 part of the meetings you will be in. So that's up to
4 you. We do need two things. We need Mr. Ward to make
5 his declaration.

6 MR. WARD: You need to make a motion first.

7 DR. MARTIN: We will entertain a motion to
8 go into executive session.

9 MR. DARBY: I make a motion we go to
10 executive session.

11 MS. YEATMAN: Second.

12 DR. MARTIN: We have a motion --

13 MR. WARD: You need to say the reasons, for
14 the purpose of --

15 DR. MARTIN: My statement was that I would
16 entertain a motion for yada, yada, yada.

17 MR. WARD: You consider that a motion?

18 DR. MARTIN: Yes.

19 MR. DARBY: I will second that.

20 MR. WARD: I will say as a lawyer licensed
21 to practice law in the State of Alabama, I certify that
22 one of the purposes of the executive session is to
23 discuss possible resolution of pending cases or matters

1 involving someone already disciplined.

2 DR. MARTIN: We have a motion and a second
3 to go into executive session. We are going to need an
4 individual voice vote on that so I will start with
5 Mr. Sorrell.

6 MR. SORREL: Yes.

7 Dr. MARTIN: Mr. Darby?

8 MR. DARBY: Yes.

9 DR. MARTIN: I vote yes. Ms. Yeatman?

10 MS. YEATMAN: Yes.

11 DR. MARTIN: Mr. Bunch?

12 MR. BUNCH: Yes.

13 DR. MARTIN: We are now in executive
14 session. Thank you.

15 (Recess taken.)

16 MR. MARTIN: This is Alabama Board of
17 Pharmacy. All members are present. We are coming out
18 of executive session, and we need to take some action
19 on the items that have been discussed. And if you will
20 refer to the information that was previously made
21 available in your drop box under the chief inspector's
22 report, that will take you to that information we have
23 just been discussing. So do we have any motions

1 related to the recommendations from the chief
2 inspector?

3 MR. DARBY: On case number 16-0022, case
4 number 16-0032, I make a motion that we accept the
5 recommended action of the letter of concern.

6 MS. YEATMAN: Second.

7 DR. MARTIN: We have a motion and a second.
8 Any discussion?

9 MS. YEATMAN: No.

10 DR. MARTIN: Seeing none, all in favor say
11 aye.

12 MR. SORRELL: Aye.

13 MR. DARBY: Aye.

14 MS. YEATMAN: Aye.

15 MR. BUNCH: Aye.

16 DR. MARTIN: Any opposed?

17 MS. YEATMAN: No.

18 DR. MARTIN: Motion carries.

19 MR. DARBY: Case number 15-0171, I make a
20 motion we accept the recommended action of a letter of
21 concern and a plan of action.

22 MS. YEATMAN: Second.

23 DR. MARTIN: We have a motion and a second.

1 Any discussion? Seeing none, all in favor?

2 MR. SORRELL: Aye.

3 MR. DARBY: Aye.

4 MS. YEATMAN: Aye.

5 MR. BUNCH: Aye.

6 DR. MARTIN: Any opposed?

7 (No response.)

8 DR. MARTIN: Motion carries.

9 MR. DARBY: Case number 15-0126, I make a
10 motion we accept the recommended action of a letter of
11 concern and a plan of action to include proof of
12 correction in PDMP data base.

13 MS. YEATMAN: Second.

14 DR. MARTIN: We have a motion and a second.
15 Do we have any discussion? Seeing none, all those in
16 favor say aye.

17 MR. SORRELL: Aye.

18 MR. DARBY: Aye.

19 MS. YEATMAN: Aye.

20 MR. BUNCH: Aye.

21 DR. MARTIN: All opposed? Motion passes.

22 MR. DARBY: Case number 15-0152, I make a
23 motion we accept the recommended action of permanent

1 surrender as well as a letter of corrective action or
2 plan of action from the supervising pharmacist.

3 MS. YEATMAN: Second.

4 DR. MARTIN: We have a motion and a second.
5 Do we have any discussion? Seeing none, all in favor
6 say aye.

7 MR. SORRELL: Aye.

8 MR. DARBY: Aye.

9 MS. YEATMAN: Aye.

10 MR. BUNCH: Aye.

11 DR. MARTIN: Is anybody opposed?

12 (No response.)

13 DR. MARTIN: No one opposed. The motion
14 passes.

15 MR. DARBY: Case number 15-0136 and case
16 number 16-0040, I make a motion we accept the
17 recommended action of a letter of warning.

18 MS. YEATMAN: Second.

19 DR. MARTIN: We have a motion and a second.
20 Do we have any discussion? Seeing none, all those in
21 favor, say aye.

22 MR. SORRELL: Aye.

23 MR. DARBY: Aye.

1 MS. YEATMAN: Aye.

2 MR. BUNCH: Aye.

3 DR. MARTIN: Any opposed? Motion passes.

4 Do we have other business from the executive session?

5 MS. YEATMAN: Yes, sir. We have one other
6 issue. We had a request by a pharmacist who is having
7 difficulty finding employment that has requested a
8 decrease in his monthly installment of a previously
9 given fine. We have elected to reduce that to \$200 a
10 month, and that individual has to reach back out every
11 three months for us to review his employment status.

12 DR. MARTIN: Do we have a motion to adopt
13 that recommendation?

14 MR. DARBY: So move.

15 DR. MARTIN: Second?

16 MR. SORREL: Second.

17 DR. MARTIN: All those in favor --

18 MR. DARBY: One thing also to include in
19 there is his license number is 11379.

20 DR. MARTIN: For the record his license
21 number has been stated. Any other discussion on this
22 topic? All those in favor of accepting the
23 recommendation as explained say aye.

1 MR. SORRELL: Aye.

2 MR. DARBY: Aye.

3 MS. YEATMAN: Aye.

4 MR. BUNCH: Aye.

5 DR. MARTIN: Anybody opposed?

6 (No response.)

7 DR. MARTIN: Motion passes. Do we have any
8 other business resulting from the executive session?

9 Seeing none, we stand adjourned.

10

11 (Deposition concluded at 11:00 a.m.)

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1 C E R T I F I C A T E

2

3 STATE OF ALABAMA)

4 JEFFERSON COUNTY)

5

6 I hereby certify that the above and foregoing
7 proceeding was taken down by me by stenographic means,
8 and that the questions and answers therein were
9 produced in transcript form by computer aid under my
10 supervision, and that the foregoing represents, to the
11 best of my ability, a true and correct transcript of
12 the proceedings occurring on said date at said time.

13 I further certify that I am neither of counsel
14 nor of kin to the parties to the action; nor am I in
15 anywise interested in the result of said case.

16

17

18

19 /s/ Anne E. Miller

20

ACCR #486

21

Expires 9/30/16

22

My commission expires 11/19/19

23

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