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ALABAMA STATE BOARD OF PHARMACY

BUSINESS MEETING

Wednesday, May 14, 2014

9:15 a.m.

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

REPORTER: Sheri G. Connelly, RPR

1 APPEARANCES

2

3 BOARD MEMBERS:

4 Mark Conradi, President

5 Tim Martin, Vice President

6 Dan McConaghy, Treasurer

7 Buddy Bunch, Member

8 David Darby, Member

9

10 ALSO PRESENT:

11 Henry Burks, Chief Inspector

12 Susan Alverson, Director of Professional
13 Affairs and Secretary

14 Jim Ward, Board Attorney

15 Todd Brooks

16 Shirley Feagin

17 Cara Leos

18 Anne Salsbury

19 Susan DelMonico

20 Rick Stephens

21 Christy Garmon

22 Morgan Luker

23 Louise Jones

- 1 Tracy Davis
- 2 Boopathy Sivaraman
- 3 Tammie Koelz
- 4 Paul Rengering
- 5 Jason Rogers
- 6 Katie Bradford
- 7 Julie Hunter
- 8 Bruce Harris
- 9 Ronda Lacey
- 10 Scott Daniel
- 11 Bart Bamberg
- 12 Eddie Vanderver
- 13 Kyle Frederick
- 14 David Barrington

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18 MR. CONRADI: I'll call to order the
19 May meeting of the Alabama Board of Pharmacy.
20 Sorry we're starting so late. Appreciate y'all
21 being here.

22 As usual, we're going to start on the
23 front row with Ms. Cara, if y'all will go down

1 and introduce yourself and tell who you're with
2 loud enough for the court reporter to hear
3 you.

4 MS. LEOS: Cara Leos with ALSHP.

5 MS. SALSBUry: Anne Salsbury with
6 CVS.com Pharmacy.

7 MS. DELMONICO: Susan DelMonico, CVS.

8 MR. STEPHENS: Rick Stephens, Senior
9 Care Pharmacy.

10 MS. GARMON: Christy Garmon, CVS
11 Pharmacy.

12 MS. LUKER: Morgan Luker, CVS
13 Pharmacy.

14 MS. JONES: Louise Jones, Alabama
15 Pharmacy Association.

16 MS. DAVIS: Tracy Davis, Alabama
17 Pharmacy Association.

18 MR. SIVARAMAN: Boopathy Sivaraman,
19 Auburn grad.

20 MS. KOELZ: Tammie Koelz, Walgreens
21 Pharmacy.

22 MR. RENGERING: Paul Rengering,
23 Walgreens Pharmacy.

1 MR. ROGERS: Jason Rogers, Medistat.

2 MS. BRADFORD: Katie Bradford, Auburn.

3 MS. HUNTER: Julie Hunter, Omnicare.

4 MR. HARRIS: Bruce Harris, APCI.

5 MS. LACEY: Ronda Lacey, McWhorter

6 School of Pharmacy.

7 MS. FEAGIN: Shirley Feagin, Board of

8 Pharmacy.

9 MR. DANIEL: Scott Daniel, Board of

10 Pharmacy.

11 MR. BAMBERG: Bart Bamberg, Publix

12 Supermarkets.

13 MR. VANDERVER: Eddie Vanderver, Caps,

14 Incorporated.

15 MR. FREDERICK: Kyle Frederick, not

16 representing anyone.

17 MR. CONRADI: Good morning. I need a

18 motion to adopt the agenda.

19 DR. MARTIN: I move we adopt the

20 agenda as proposed.

21 MR. CONRADI: All in favor?

22 DR. MARTIN: Aye.

23 MR. WARD: Aye.

1 MR. DARBY: Aye.

2 MR. BUNCH: Aye.

3 MR. CONRADI: First up we have CVS
4 pharmacy services permit. Susan, do y'all want
5 to get up here and present? Make sure that mike
6 is on so everybody can hear you back there.

7 MS. DELMONICO: Anne is actually going
8 to be presenting.

9 MR. CONRADI: Okay. You can stand,
10 you can sit, whatever you want to do.

11 MS. SALSURY: Good morning.

12 MR. CONRADI: Good morning.

13 MS. SALSURY: As I said, my name is
14 Anne Salsbury and I work for CVS.com Pharmacy
15 and we actually are here today to apply for a
16 pharmacy services permit for the facility.

17 MS. DELMONICO: And Anne is also here
18 for reciprocity to become the PIC.

19 MS. SALSURY: Yes. So just to
20 explain exactly what we do, we are a community
21 licensed pharmacy in the State of Rhode Island.
22 We -- I actually work in the facility that does
23 the pharmacy calls and questions. We do the

1 prescription data processing where we are and we
2 do the drug utilization review.

3 Now, we have a symbiotic relationship
4 with CVS store 6570 in Indianapolis, Indiana.
5 They actually print the labels out. They fill
6 the prescriptions and they ship them to the
7 customers. We currently take approximately
8 4,500 calls a month. We do 1,600 orders a week.
9 One percent of those are patients from Alabama.
10 That would mean 16 orders a week are coming back
11 to the State of Alabama.

12 We primarily serve CVS Pharmacy
13 patients. We do free shipping, so we also do a
14 lot of Medicare patients. Anybody can use us
15 because we are a retail pharmacy, not
16 technically mail order. We use one central
17 database to process the prescriptions, which is
18 Rx Connect.

19 So my center, we take the doctor
20 calls. We do refill authorizations, new
21 prescriptions that come in. Any new
22 prescription that comes in, the pharmacist
23 reviews before it goes to data. We do the

1 patient counseling and we do the customer
2 contacts for order issues.

3 We are open Monday through Friday from
4 8:00 a.m. until 11:00 p.m. and we do have a
5 pharmacist on obviously the entire time,
6 Saturday 8:30 to 5:00. If we have an emergency
7 after hours, they go to a -- the calls after
8 hours would go to a 24-hour CVS Pharmacy in the
9 area where the patient lives.

10 So just as a quick summary as to why
11 we are here today, we're here today because we
12 are looking to license our facility with
13 Alabama. We feel that we really would be a
14 benefit to be able to provide this service to
15 the patients in Alabama where convenient and we
16 find that our service for a lot of patients adds
17 a lot of value. Our facility is currently
18 licensed in multiple states and holds a clean
19 and valid license in the State of Rhode Island
20 where we reside.

21 So functions of the facility include
22 inbound and outbound calls, remote processing,
23 patient counseling, and proficient resolution of

1 DURs. We do not do any fulfillment of the
2 prescription orders at our facility and we have
3 pharmacists available during all hours of
4 operation with access to a pharmacist available
5 24 hours a day if they need one.

6 MR. WARD: What does that mean
7 available, are they there or would that be by
8 phone?

9 MS. SALSBURY: No, that would be by
10 phone. Now, if we have a customer who, you
11 know, needs a pharmacist immediately, like I
12 said, it would get -- the call would get triaged
13 to a 24-hour CVS store in the area where the
14 patient is.

15 MR. WARD: Who's in charge of this
16 place?

17 MS. SALSBURY: Who's in charge of it?

18 MS. DELMONICO: You're going to be the
19 PIC.

20 MS. SALSBURY: I will be the PIC. I'm
21 here also for reciprocity. I took the MPJ last
22 week.

23 MR. WARD: Does the Indiana pharmacy,

1 do they have a permit?

2 MS. SALSBUARY: Yes, they do, that's --
3 yes, and the pharmacist there is also -- has
4 applied for her Alabama license. And that's all
5 I have.

6 MR. WARD: How many -- how many
7 technicians do you have working there?

8 MS. SALSBUARY: Okay. Currently I have
9 24 technicians, only one of them is not
10 nationally certified so that gives us 95.8
11 percent certification -- nationally certified
12 technicians.

13 MR. WARD: They're all working at one
14 time?

15 MS. SALSBUARY: No, sir, they are
16 not.

17 MR. WARD: What's the -- how many are
18 there -- how many are there at once?

19 MR. CONRADI: Yeah, how many per
20 pharmacist?

21 MS. SALSBUARY: Okay. Well, we have
22 certain -- in ratio states -- we have a pod that
23 works ratio states. So we have 5.5 pharmacists

1 and we have 24 technicians and if we have more
2 than the three to one, what we do is we actually
3 have a pod -- we have two -- I mean, I'm sorry,
4 two technicians that work specifically with one
5 pharmacist and they process the orders
6 specifically for the states that have ratio
7 states, so I have -- I'm right now -- I was
8 assigned --

9 MR. WARD: Just so I understand,
10 during the day how many -- how many people will
11 be -- will be there during the day?

12 MS. SALSBURY: On an average day, I
13 probably have about 11 or 12 technicians on.

14 MR. WARD: And how many pharmacists,
15 two?

16 MS. SALSBURY: No, no, it's two --
17 myself and the other pharmacy manager work 8:00
18 to 5:00 Monday through Friday. We have a
19 pharmacist that works -- he comes in 11:30 to
20 8:00 and then we have a 2:30 to 11:00 and then
21 we have a girl that works two days a week and my
22 supervisor -- direct supervisor is also a
23 registered pharmacist.

1 MS. DELMONICO: You know in the State
2 of Rhode Island there is no ratio so.

3 MR. WARD: Right.

4 MS. SALSURY: So what we do in order
5 to -- the states that require a ratio, we use a
6 two to one ratio and we have two technicians
7 specifically that only work those states and
8 they are supervised by a pharmacist.

9 MR. WARD: So all --

10 MS. DELMONICO: So segregate.

11 MR. WARD: So all Alabama calls would
12 go to them?

13 MS. SALSURY: Alabama calls are going
14 to be routed -- yes, will be -- we have a system
15 where they will be -- it's going to be by area
16 code so they will go to the two -- the pod.

17 MR. CONRADI: All those calls go to
18 that pod?

19 MS. SALSURY: Yes, to the pod. That
20 would be -- that's only -- it's 16 orders a
21 week, so it's not -- so it -- right now it's
22 very easy to segregate and just have my two
23 technicians that work the ratio states and one

1 pharmacist.

2 MR. BUNCH: So you just have -- you
3 just have two technicians here in this part of
4 the room?

5 MS. SALSURY: Yes.

6 MR. BUNCH: And then one pharmacist --
7 one pharmacist there with them, so how many
8 ratio states are there out there?

9 MS. SALSURY: How many ratio states
10 do we do right now?

11 MR. BUNCH: I guess what I'm getting
12 at is if you're only filling 16 prescriptions
13 for Alabama, you've got two technicians that are
14 just Alabama technicians.

15 MR. CONRADI: They'll be doing other
16 things too I think is what they're saying.

17 MR. BUNCH: Right.

18 MS. DELMONICO: Yeah.

19 MS. SALSURY: Yes, yes.

20 MR. BUNCH: So really you've got more
21 technicians --

22 MR. CONRADI: You've got 12.

23 MR. BUNCH: You've got more

1 technicians, so if you're filling a prescription
2 for an Alabama resident.

3 MS. SALSBUARY: Uh-huh.

4 MR. BUNCH: And you've only got these
5 two technicians doing that with one pharmacist
6 there.

7 MS. SALSBUARY: Yes.

8 MR. BUNCH: That seems logistically
9 weird.

10 MS. DELMONICO: Well, that's what we
11 have to do.

12 MS. SALSBUARY: Yeah.

13 MS. DELMONICO: We have to have a
14 nonresident license and that's what -- you know,
15 that's the way we try to operate it so you can
16 be compliant. I mean, we're in compliance in
17 our state because we have no ratio there.

18 MR. WARD: Well, the --

19 MS. DELMONICO: No, I know --

20 MR. WARD: Well, the pharmacy permit
21 rule says that the Board may impose ratios.

22 MS. DELMONICO: Right.

23 MR. WARD: The ratio applies to the

1 pharmacy where there's actually drugs.

2 MS. DELMONICO: Right.

3 MR. WARD: The rule says they can set
4 ratios if they like and that's the only reason I
5 was asking. It doesn't sound like it's needed
6 to me.

7 MS. SALSBURY: No, okay.

8 MS. DELMONICO: Thank you.

9 MR. CONRADI: Do y'all have any other
10 questions? Anybody want to make a motion to
11 approve it?

12 MR. DARBY: I make a motion we approve
13 the pharmacy services permit for CVS.com.

14 MR. BUNCH: I'll second.

15 MR. CONRADI: All in favor?

16 DR. MARTIN: Aye.

17 MR. CONRADI: Aye.

18 MR. DARBY: Aye.

19 MS. SALSBURY: Thank you.

20 MS. DELMONICO: Now, on the
21 reciprocity, do we have to stay for that too?

22 MR. CONRADI: Are you on the interview
23 list for today?

1 MS. DELMONICO: Yeah.

2 MR. CONRADI: Are you on the interview
3 list?

4 MS. SALSBURY: Yes, but I -- when I --
5 when I called, they said that I probably could
6 do it at the same time so that Susan and I can
7 catch a flight.

8 MS. DELMONICO: If we can't, it's no
9 problem.

10 MS. SALSBURY: Yeah.

11 MR. CONRADI: What time is your
12 flight?

13 MS. DELMONICO: We have it for three
14 o'clock.

15 MS. SALSBURY: Yeah.

16 MR. CONRADI: Okay. How about we'll
17 get you after the business meeting?

18 MS. SALSBURY: Okay, perfect. Thank
19 you.

20 MS. DELMONICO: Thank you.

21 MS. SALSBURY: Thank you very much.

22 MR. CONRADI: Thank you. Dan, do you
23 have a treasurer's report?

1 MR. MCCONAGHY: Not much of one.
2 We're -- once again, when you focus in on the
3 expenses, we're almost -- it looks artificial
4 that we're right on the number where we need to
5 be as far as during the cycle of our fiscal
6 year, and if you look at the net revenue, we're
7 about 300,000 down on that, which is actually
8 about where we're supposed to be in this -- this
9 year where we have less income than we do the
10 following year. So it's kind of hard for
11 somebody in business to say we're losing 300,000
12 and that's good but it's --

13 MR. CONRADI: It's only 300,000.

14 MR. MCCONAGHY: It's right on track to
15 where -- by the end of this fiscal year, we will
16 still have money in the bank to pay the bills
17 and then the next cycle goes and we actually
18 will build up and have a little extra in there
19 that takes care of this off year but if you --
20 expense wise, when you -- if you go down the
21 line and compare that, we're right on the mark
22 where we need to be and we've actually saved
23 some on some of the areas that -- that in the

1 past have cost us \$8,000 or \$10,000, we've been
2 able to weed out some of those items that we no
3 longer use now that we're in this building and
4 functioning full speed on that. So it's -- it's
5 a good report and any questions about any of the
6 items on there that if anybody has seen anything
7 that I didn't see that looks out of hand there,
8 I'll be glad to look at.

9 MR. CONRADI: Thank you, Dan.

10 MR. DARBY: I move we accept the
11 financial report.

12 DR. MARTIN: Second.

13 MR. CONRADI: All in favor?

14 DR. MARTIN: Aye.

15 MR. DARBY: Aye.

16 MR. CONRADI: Aye.

17 MR. BUNCH: Aye.

18 MR. CONRADI: Wellness -- Susan, are
19 you doing the wellness report?

20 DR. ALVERSON: I didn't think I was
21 supposed to. It's in the Dropbox.

22 DR. MARTIN: Would you like for me to
23 read it in?

1 MR. CONRADI: Yeah, read it in, Tim.
2 I'm sorry, I haven't got it up.

3 DR. MARTIN: That's fine. There are
4 presently 134 people in our screening program
5 with signed contracts or orders. This number
6 includes any individuals with a DMC, that's a
7 diagnostic monitoring contract, but it does not
8 include any of the professionals listed below.

9 Under current work there are two
10 pharmacists currently in treatment. There are
11 two pharmacists in a halfway house. There are
12 16 pharmacists that are either being held out
13 for some reason or in the process of being
14 investigated or made ready for presentation to
15 the Board. Currently there are no techs in
16 treatment. There are four technicians who need
17 disposition of some sort and the staff is aware
18 of these people and they are working with them
19 to bring the resolution for each case.

20 There are no students in treatment.
21 There are two students signing orders --
22 actually signed orders yesterday at the
23 hearings. All of these individuals who are in

1 treatment or in evaluation or undecided are
2 presently working -- out of the workplace and
3 without a license. There are 47 individuals in
4 a facility-driven aftercare.

5 Dr. Garver says that they have
6 personally met with all licensees returning to
7 work to sign contracts and explain how
8 monitoring works. All returning licensees have
9 been placed in a caduceus and -- excuse me,
10 either pharmacy or a health professional
11 caduceus. Dr. Garver says he has finally been
12 able to procure a professional database manager
13 to set up templates for them to have a master
14 list of the individuals and he will begin
15 providing the template once it's designed and
16 placing the professionals on the list as we go
17 along and I believe that was a request of the
18 Board that he make that information available to
19 us. This will not violate the professional's
20 privacy rights and will be HIPAA compliant and
21 that's the end of the report.

22 MR. CONRADI: Thank you, Tim. Board
23 minutes we need to approve from last -- from

1 April. May have to -- we have to do these
2 individually.

3 MR. DARBY: I make a motion we approve
4 the Board of Pharmacy meeting minutes from April
5 16.

6 MR. CONRADI: All in favor?

7 DR. MARTIN: Aye.

8 MR. BUNCH: Aye.

9 MR. DARBY: Aye.

10 MR. CONRADI: Did you second that,
11 Buddy?

12 MR. BUNCH: I second that.

13 MR. DARBY: Make a motion that we
14 approve the Board of Pharmacy work session
15 minutes from April 16.

16 DR. MARTIN: Second.

17 MR. BUNCH: Second.

18 MR. CONRADI: All in favor?

19 DR. MARTIN: Aye.

20 MR. DARBY: Aye.

21 MR. BUNCH: Aye.

22 MR. CONRADI: Aye.

23 One more, David, interview.

1 MR. DARBY: Interview -- they're not
2 on here. I make a motion we approve the
3 interview minutes from April 16, 2014.

4 MR. BUNCH: Second.

5 MR. CONRADI: All in favor?

6 DR. MARTIN: Aye.

7 MR. DARBY: Aye.

8 MR. BUNCH: Aye.

9 MR. CONRADI: Henry, have you got an
10 inspector's report?

11 MR. BURKS: Yes, sir. Going over the
12 monthly enforcement report for April of 2014,
13 there were 108 inspections that were completed
14 and for the -- from January 1 through the end of
15 April 2014, we've completed a total of 388.
16 Now, on some of these if you'll look, I know on
17 some of these categories, it may have a zero by
18 someone's name. That's because they were out on
19 medical leave during this month and weren't able
20 to perform any. I just wanted to let you know.
21 Also, if you think some of these look a little
22 bit low on the inspector's side, a lot of these
23 are because they were doing the 797 or 795

1 inspections, which takes a lot more time than it
2 does your regular retail inspection or your
3 wholesaler inspection and so we have a lot of
4 those that were completed.

5 On the complaints for April 2014,
6 we've received 20 and we have completed 17 in
7 the month of April 2014. And then I do have
8 stuff for executive session for you.

9 MR. CONRADI: Thank you, Henry. Is
10 everybody back yet from medical leave?

11 MR. BURKS: Yes, sir.

12 MR. CONRADI: Secretary report,
13 Ms. Susan.

14 DR. ALVERSON: Yes, because the Board
15 was kind enough to agree that students could
16 interview before they took their tests, you're
17 going to have quite a group today, so there will
18 be interviews today at 11:30, 1:30, and 3
19 o'clock but I think half of the state's students
20 who are looking for licenses will be done by the
21 end of the day today. There will probably be a
22 fairly large group next month and then it will
23 really taper off.

1 MR. CONRADI: What do we have today,
2 about 150?

3 DR. ALVERSON: I think maybe about 130
4 would be closer to it, all right.

5 We are planning to set up a separate
6 office and a separate computer that we can
7 access the portal for NABP because there will
8 be -- there are options for us to download
9 information. There's information that we have
10 to send to NABP. We do have an extra laptop in
11 the building. We're not going to have to buy
12 anything but we would like to set up one place
13 where we will use for access to NABP and
14 everybody could use that computer rather than
15 have it on everyone's computer.

16 MR. CONRADI: Why would you want to
17 use a laptop instead of getting a desktop?

18 DR. ALVERSON: Because we had one.

19 MR. CONRADI: Okay.

20 DR. ALVERSON: Whichever computer we
21 have in the building we thought we would try to
22 make use of what we had rather than go out and
23 buy another one.

1 MR. CONRADI: That's fine. I was just
2 curious.

3 DR. ALVERSON: Okay. I wanted you to
4 know who was going to APA and ALSHP.

5 MR. CONRADI: Okay.

6 DR. ALVERSON: Henry's going to both.
7 I'm going to both. To the APA meeting, three
8 inspectors are going -- Mark, Todd, and Glenn
9 are going to the APA meeting. The other three
10 inspectors are going to the hospital society
11 meeting. We will have a booth at both meetings.
12 I'm planning to have something to raffle off and
13 you get a raffle ticket if you write a question
14 for frequently asked questions for our
15 website.

16 MR. CONRADI: What will we have in the
17 booth?

18 DR. ALVERSON: Well, there will be
19 four of us there that are going to man the
20 booths. We've ordered copies of the law to be
21 available if someone wanted an updated copy of
22 the law. We have a brochure that covers
23 frequently asked questions, which will also be

1 available in the booth and we are really hoping
2 that with the frequently asked questions, we
3 could engage people in conversation somewhat.

4 For the APA meeting, I would like to
5 present our new website to have that ready to go
6 for the APA meeting. We will have transferred
7 everything over. Everything will not have been
8 rewritten yet but we had to make a choice,
9 either we go with the new website with what will
10 be rewritten at that time and bring some of the
11 older data over or wait longer until everything
12 has been rewritten and I think we -- it would be
13 a better choice to go ahead, implement it, it
14 will be more user friendly, and we'll continue
15 to rewrite as we go. Did I explain that well
16 enough?

17 MR. CONRADI: I guess I have a
18 question: Is it going to be worth showing if
19 it's not anything new? I mean, what are we
20 going to show?

21 DR. ALVERSON: There will be a lot --
22 there's a lot that's been rewritten.

23 MR. CONRADI: Okay.

1 DR. ALVERSON: I -- we've reorganized
2 it in ways that I think are much more user
3 friendly and we've done a lot on frequently
4 asked questions, so I'm hoping pharmacists will
5 be able to find answers to questions as opposed
6 to calling here to look for answers to
7 questions, which I'm hoping will free up time
8 for everybody, so that's my intent.

9 MR. CONRADI: Okay.

10 DR. ALVERSON: All right. For
11 renewals, we still have not seen the proposed
12 renewal software from GLS and I believe I told
13 you that last month.

14 MR. CONRADI: We've got to give them a
15 deadline so we have that at least by the end of
16 June.

17 DR. ALVERSON: I feel we need it now,
18 at least one or two of them because we have to
19 test it and I mean, it never goes smoothly. It
20 always takes a number of weeks to fix something.
21 It took two months to fix the technician renewal
22 software and we're going to have seven or eight
23 renewals come fall.

1 MR. BUNCH: What do you suggest us do,
2 get Joe involved again or --

3 DR. ALVERSON: I've communicated with
4 Joe recently. I have a call scheduled for
5 tomorrow but I wanted to call one of the people
6 at -- we have a contact with in administration
7 this afternoon to say, you know, this is just
8 untenable. I mean, we can't -- we can't
9 function like this.

10 MR. BUNCH: Get somebody's
11 attention.

12 MR. WARD: Don't pay them. That's the
13 best way.

14 MR. BUNCH: Yeah. Dan, hold the
15 check.

16 DR. ALVERSON: Hold the check.

17 MR. MCCONAGHY: No problem.

18 DR. ALVERSON: I will inform them this
19 afternoon that we are going to start to hold
20 checks if that's all right with you.

21 MR. MCCONAGHY: Susan and I -- I know
22 I've had the conversation with her, but I think
23 we need to continue to look at alternatives to

1 them because it's just -- at this point, it
2 should be getting better as far as how the
3 cooperation goes and all and I know we don't
4 want to look at having to do another total
5 conversion like we just went through but if it
6 doesn't get better, then I think your best
7 bargaining point is to have somebody else lined
8 up to take it over.

9 MR. BUNCH: And that might even be
10 mortal disaster if you start -- this one is
11 screwed up and then you get another company in
12 here.

13 MR. CONRADI: That's what part of the
14 problem was on this. I think all of the data
15 has been two or three different companies
16 working on it and it had a lot of trash in it.

17 MR. WARD: I think the next time you
18 do this, you hire a consultant, someone to come
19 in -- it's worth the money. No telling how many
20 hours of Susan's time it's taken. You're paying
21 a lawyer -- just to have someone here who is
22 working for us as our manager -- as our monitor
23 and manager. This happens to us every single

1 time. How much time have you -- I mean, all of
2 y'all's time.

3 DR. ALVERSON: But I think we --
4 whether we threaten or not, I don't feel we
5 should make a change until after this renewal
6 cycle.

7 MR. CONRADI: Oh, we can't right
8 now.

9 DR. ALVERSON: Because we have to get
10 all of the renewal data in so we have everything
11 up to date, at least our data is -- is
12 straightened out so.

13 MR. CONRADI: Do you want to give us
14 an update on the CE audit of technicians? I
15 think you're finally finished with it.

16 DR. ALVERSON: Yes, we did, and I gave
17 you a sheet of paper yesterday. Mitzi has been
18 working very hard. Over half of the people had
19 their CE. We had another section, maybe close
20 to 20 percent, who had their hours but maybe
21 they were four in one year and two in the other
22 year and we agreed to do a deferment on their
23 consent orders, so that has been done on about

1 another 20 percent. I believe we had about 90
2 people who just never responded and at the rate
3 people drop out of the technician field, I
4 imagine that's what's happened, so their
5 licenses will no longer be -- be valid but we
6 have --

7 MR. CONRADI: Has that been entered on
8 the website so people can pull it up and they
9 know they --

10 MR. WARD: You can't do that. You've
11 got to -- you can't just deny it without giving
12 some sort of due process first.

13 DR. ALVERSON: So we have sent consent
14 orders on everybody and some people have signed
15 consent orders and are doubling their CE and
16 they'll be fined but others we just haven't
17 heard from.

18 MR. CONRADI: Have we sent the
19 inspectors out to where their last known work to
20 see if they're working?

21 DR. ALVERSON: No, no, we've made
22 phone calls to see if they're there but I
23 didn't --

1 MR. CONRADI: That's what I mean to
2 see if they're still working.

3 DR. ALVERSON: -- want to send an
4 inspector out to each one of those places.

5 MR. CONRADI: As long as we've made
6 contact to make sure they're not working.

7 DR. ALVERSON: We have.

8 MR. CONRADI: Okay. Thank you.

9 Mr. Ward, have you got a report?

10 MR. WARD: No, nothing other than what
11 Susan just covered. We're going to have
12 probably a handful of technicians who did not
13 respond. Their certified mail came back. We're
14 going to go ahead and notice them anyway because
15 that's the last address we have. We're going to
16 call and see if we can find them. I think that
17 will be fine to do it that way. We need to be
18 sure to put something in our system that if they
19 tried to renew, that bells and whistles and
20 noises and smoke and strobe lights go off, okay,
21 so they don't sneak on through if those bozos
22 who are our computer people can figure out how
23 to do that. You can say bozos if you want.

1 COURT REPORTER: I got it -- B-O-Z-O.

2 MR. CONRADI: Any old business? Tim,
3 have you got some old business?

4 DR. MARTIN: I don't have old or new
5 either one.

6 MR. WARD: Well, we've got that
7 Physician RX thing, whether y'all are going to
8 give them a permit or not -- the Limestone
9 County, the call center, y'all need to decide on
10 that.

11 DR. MARTIN: Yeah.

12 MR. CONRADI: Whether or not it's
13 going to require a pharmacist to be there and
14 all of that.

15 DR. MARTIN: We had a proposal last
16 month, I believe it was, for a pharmacy services
17 permit. Presentation was made if I remember
18 right and the Board needs to take a position on
19 granting or not granting the pharmacy services
20 permit as requested and there may need to be
21 some discussion among the Board members at this
22 point on how they wish to proceed.

23 MR. WARD: Well, the issue was whether

1 or not a pharmacy services permit was needed and
2 y'all decided that it was.

3 DR. MARTIN: Correct, and we decided
4 that a pharmacy services permit would be
5 needed.

6 MR. CONRADI: Was that on that
7 Physician RX call center that was in March?

8 MR. WARD: Yes, yes.

9 MR. DARBY: Two months ago.

10 DR. MARTIN: Yeah. So if there --
11 I'll go ahead and propose that the permit be
12 granted and I guess you may want that in the
13 form of a motion.

14 MR. CONRADI: We will.

15 DR. MARTIN: So I will move that the
16 permit be granted and follow up with discussion
17 if we get a second.

18 MR. CONRADI: And that's on Physician
19 RX Source, Incorporated, call center.

20 DR. MARTIN: That's correct.

21 MR. DARBY: I'll second it so we can
22 have a discussion.

23 MR. CONRADI: Okay. Any discussion?

1 DR. ALVERSON: I'd like to comment. I
2 believe their plan is the person who is the
3 pharmacist in charge at the pharmacy is also
4 planning to be the pharmacist in charge at the
5 call center.

6 MR. CONRADI: The pharmacy was in
7 Athens?

8 MR. WARD: Yes.

9 DR. ALVERSON: She's planning to
10 travel back and forth between the two and spend
11 20 hours at the call center and I think --

12 MR. CONRADI: Is that all the call
13 center would be open, just when he's there?

14 DR. ALVERSON: I have no idea how many
15 hours.

16 MR. DARBY: Can she be the supervising
17 pharmacist at two locations?

18 DR. MARTIN: I don't think so.

19 MR. DARBY: I know it's different type
20 of permits.

21 MR. WARD: You can't for a -- you
22 can't for a old timey pharmacy unless you get
23 permission.

1 MR. MCCONAGHY: Twenty-hour
2 pharmacy.

3 MR. WARD: Twenty hours, yes, but if
4 you've never addressed whether you can be at one
5 with a regular permit and one with a pharmacy
6 service permit, that's never been -- been an
7 issue for y'all.

8 MR. CONRADI: I mean, they're not even
9 close to each other.

10 MR. DARBY: Yeah, I would not be in
11 favor of that.

12 MR. CONRADI: I think they have to
13 have a pharmacist on premises to do that.
14 That's what we required Walgreens to do.

15 MR. DARBY: Yeah.

16 MR. WARD: Okay.

17 MR. CONRADI: So we approve it with
18 that addendum to it, they must have a pharmacist
19 in charge on duty at all times.

20 DR. MARTIN: A designated pharmacy
21 supervisor.

22 MR. CONRADI: In the facility.

23 DR. MARTIN: We want to -- what's the

1 official terminology, Dan?

2 MR. DARBY: Supervising pharmacist.

3 DR. MARTIN: The supervising
4 pharmacist can only be the supervising
5 pharmacist of one facility and not both.

6 MR. CONRADI: They would have to have
7 one in that facility at all times.

8 DR. MARTIN: Correct.

9 MR. CONRADI: A pharmacist while
10 they're open in the call center.

11 DR. MARTIN: Yeah, I think -- I think
12 we're talking about two different topics. One
13 is should there be a pharmacist present at all
14 times and the second topic is whether they can
15 have designated -- a pharmacist designated as a
16 supervising pharmacist for two different
17 facilities.

18 MR. CONRADI: No.

19 DR. MARTIN: So we're saying that
20 they -- we're not in favor of them having an
21 individual designated as a supervising
22 pharmacist for two facilities.

23 MR. DARBY: That's correct and then --

1 and then they also have to have a pharmacist --

2 MR. WARD: On site.

3 MR. DARBY: -- physically on site, who
4 may or may not be the supervising pharmacist.

5 MR. BUNCH: Do we want to let that
6 motion die or do we want to go ahead and approve
7 it with those stipulations?

8 MR. CONRADI: We could do a friendly
9 amendment to it.

10 DR. MARTIN: Let's go ahead and vote
11 down the current motion and I'll restate it.

12 MR. CONRADI: All in favor of giving
13 the -- the name of it is the Physicians RX
14 Source, Incorporated, call center a pharmacy
15 services permit, say aye.

16 (No response.)

17 MR. CONRADI: All against?

18 DR. MARTIN: Aye.

19 MR. CONRADI: Aye.

20 MR. DARBY: Aye.

21 MR. MCCONAGHY: Aye.

22 MR. BUNCH: Aye.

23 MR. CONRADI: Motion failed.

1 DR. MARTIN: Mr. President, I'd like
2 to move that we allow that facility to have a
3 pharmacy services permit with the conditions
4 that the individual named as the supervising
5 pharmacist be the supervising pharmacist of only
6 one facility and that during operations there be
7 a pharmacist present.

8 MR. DARBY: I'll second that.

9 MR. CONRADI: Okay. All in favor?

10 DR. MARTIN: Aye.

11 MR. DARBY: Aye.

12 MR. BUNCH: Aye.

13 MR. MCCONAGHY: Aye.

14 MR. CONRADI: Aye. Susan, will you
15 communicate that to them?

16 DR. ALVERSON: Yes, I will.

17 MR. CONRADI: Any other old business?

18 (No response.)

19 MR. CONRADI: Any new business?

20 DR. MARTIN: I have one item of new
21 business, Mr. President.

22 MR. CONRADI: Dr. Martin.

23 DR. MARTIN: I'm going to ask the

1 Board to allow hours gained in institutional
2 settings that are consistent with the definition
3 of traditional hours as presented in 680-X-2-.16
4 be honored as a requirement for traditional
5 hours.

6 MR. CONRADI: Do I hear a second on
7 that motion?

8 MR. BUNCH: Second.

9 MR. CONRADI: All in favor?

10 DR. MARTIN: Aye.

11 MR. BUNCH: Aye.

12 MR. DARBY: Aye.

13 MR. CONRADI: Aye.

14 Do you understand that, Ms. Susan?

15 DR. ALVERSON: Yes, sir.

16 MR. CONRADI: Any other new business?

17 I'd like to make a motion we retire
18 into executive session for the purpose of
19 discussing the professionalism, competence,
20 general reputation, and character of licensees
21 and registrants of the Board.

22 MR. WARD: Hold on a second. Hold on
23 one minute.

1 MR. CONRADI: You always have to
2 interrupt me.

3 MR. WARD: I just want to make sure
4 because you'll say if I didn't interrupt you,
5 you'll ask me later why I didn't, so I lose
6 either way.

7 We got an email from Louise about
8 changing institutional permit -- institutional
9 rule. Are we going to talk about that, so do we
10 want to do that as new business or wait until
11 next time? I just read it.

12 MR. CONRADI: I think we wanted to
13 discuss it --

14 MR. WARD: I just read it last night.

15 MR. CONRADI: Yeah, have time to read
16 it and bring it up next time.

17 MR. WARD: All right. I just want to
18 make sure --

19 MS. JONES: Yeah, I sent it to you
20 late Monday and I fully understood --

21 MR. WARD: Okay.

22 MS. JONES: -- that it was late
23 notice. I wasn't asking for this time.

1 MR. WARD: And I looked it over and it
2 looks, at least from my -- legally it looks fine
3 to me but -- so we need to put it on the agenda
4 for the next time, okay.

5 MS. JONES: And I will not be present
6 at the Board meeting next month, but we will
7 have a representative here that's capable of
8 discussing that.

9 MR. CONRADI: Why can't you come back
10 from Italy and be here? At least Skype in --
11 you can Skype in right here.

12 MS. JONES: You want to Skype me in
13 from Europe, seven-hour time difference, so
14 that's the first obstacle, so yeah.

15 MR. CONRADI: You'll be here on time
16 then.

17 MS. JONES: Maybe.

18 MR. BUNCH: Don't count on it.

19 MS. JONES: But I'll have someone here
20 that's capable of answering any questions from
21 our perspective on that.

22 MR. CONRADI: Okay. I think Tim said
23 we'll have some other things with that rule we

1 need to clean up at the same time, so.

2 DR. MARTIN: I think while we're
3 opening it up it makes sense to do a little
4 additional housekeeping in that one. We
5 appreciate you bringing that to the Board.

6 MR. CONRADI: Now can we go into
7 executive session, Mr. Ward?

8 MR. WARD: Yes, you may as far as I'm
9 concerned. We could have done it before that
10 but you would have asked my why -- yeah.

11 MR. CONRADI: We will go in at ten
12 o'clock and come out at 10:20 to go over some
13 cases from the Board and after 10:20 we will
14 vote on those cases and then adjourn. No more
15 business will be conducted after that. You're
16 welcome to stay, can come back or -- we
17 appreciate you being here.

18 MR. WARD: Do you want me to interrupt
19 you to make a motion?

20 MR. CONRADI: I done made the
21 motion.

22 MR. WARD: No, you didn't.

23 MR. CONRADI: Yeah, you did. You

1 interrupted me.

2 MR. BUNCH: We have to individually
3 vote.

4 MR. CONRADI: We've got to
5 individually vote on it. All in favor,
6 Mr. McConaghy?

7 MR. MCCONAGHY: Aye.

8 MR. CONRADI: Mr. Darby?

9 MR. DARBY: Aye.

10 MR. CONRADI: Dr. Martin?

11 DR. MARTIN: Aye.

12 MR. CONRADI: Aye.

13 MR. BUNCH: And aye.

14 MR. CONRADI: Thank y'all.

15

16 (Whereupon, a recess was taken from

17 9:53 a.m. to 11:04 a.m.)

18

19 MR. CONRADI: I need a motion to come
20 out of executive session.

21 MR. DARBY: I move we come out of
22 executive session.

23 MR. MCCONAGHY: Second.

1 THE COURT: All in favor?

2 DR. MARTIN: Aye.

3 MR. MCCONAGHY: Aye.

4 MR. DARBY: Aye.

5 MR. BUNCH: Aye.

6 MR. CONRADI: Let me see if I can get
7 all of these together.

8 On complaint number 13-0638, complaint
9 number 14-0033, complaint number 14-0038,
10 complaint number 14-0047, complaint number
11 14-0048, complaint number 14-0050, I have a
12 finding of no violation. How do y'all vote?

13 MR. MCCONAGHY: Aye.

14 MR. DARBY: Aye.

15 DR. MARTIN: I move we accept the --

16 MR. CONRADI: Recommendation.

17 DR. MARTIN: -- recommendation as
18 submitted.

19 MR. MCCONAGHY: Second.

20 MR. CONRADI: All in favor?

21 DR. MARTIN: Aye.

22 MR. DARBY: Aye.

23 MR. CONRADI: Aye.

1 MR. BUNCH: Aye.

2 MR. CONRADI: Complaint number
3 14-0040, suggested action, letter of
4 education.

5 DR. MARTIN: I move we accept the
6 recommended action.

7 MR. MCCONAGHY: Second.

8 MR. CONRADI: All in favor?

9 MR. MCCONAGHY: Aye.

10 DR. MARTIN: Aye.

11 MR. DARBY: Aye.

12 MR. CONRADI: Aye.

13 Y'all be sure and not leave these
14 laying around. If you don't take them home,
15 shred them.

16 MR. MCCONAGHY: Yeah.

17 MR. CONRADI: Please.

18 DR. ALVERSON: Thank you.

19 MR. CONRADI: All right. I make a
20 motion we adjourn the May 2014 meeting.

21 MR. MCCONAGHY: Second.

22 MR. CONRADI: All in favor?

23 MR. MCCONAGHY: Aye.

1 DR. MARTIN: Aye.

2 MR. DARBY: Aye.

3 MR. CONRADI: Aye.

4 MR. BUNCH: Aye.

5 DR. MARTIN: I seconded that.

6 MR. CONRADI: Okay.

7

8 (Whereupon, the hearing was adjourned
9 at 11:07 a.m.)

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CERTIFICATE

STATE OF ALABAMA

SHELBY COUNTY

I, Sheri G. Connelly, RPR, Certified Court Reporter, hereby certify that the above and foregoing hearing was taken down by me in stenotype and the questions, answers, and statements thereto were transcribed by means of computer-aided transcription and that the foregoing represents a true and correct transcript of the said hearing.

I further certify that I am neither of counsel, nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

/s/ Sheri G. Connelly

SHERI G. CONNELLY, RPR

ACCR No. 439, Expires 9/30/2014

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