

**ALABAMA STATE BOARD OF PHARMACY  
BUSINESS MEETING MINUTES  
May 10, 2017**

President Buddy Bunch called the May 10, 2017, meeting of the Alabama State Board of Pharmacy to order at 9:17 a.m. to conduct necessary business and determined a quorum was present. The following Board members were present:

Buddy R. Bunch	President
David S. Darby	Vice President
Donna C. Yeatman	Treasurer
Ralph E. Sorrell	Member
Brenda R. Denson	Member

Other Alabama Board of Pharmacy staff members present were:

Susan P. Alverson, Ph.D., Executive Secretary  
Cristal O. Anderson, Director of Compliance  
Edward R. Braden, Chief Inspector  
Dr. Mike Garver, Wellness Committee  
Glenn Wells, Drug Inspector  
Todd Brooks, Drug Inspector  
Peyton Zarzour, Drug Inspector  
Terry Lawrence, Board of Pharmacy  
Rhonda Coker, Board of Pharmacy  
Wendy Passmore, Board of Pharmacy  
Kim Pickett, Board of Pharmacy

Members of the public present were:

Danielle Cole	Monica Arnett
Brandi Nichols	Tracy Davis
Tommy Cobb	Ronda Lacey
Charlie Cook	Helen Bellingheri
Chris Riviere	Julie Hunter
Jeenu Philip	Hubbs Botcher
Malia Manning	Tiffany Simpson
Brendan Meyer	Bart Bamberg
Cammie Burgess	

### 1. **MOTION TO ADOPT AGENDA**

President Bunch called for a motion to adopt the agenda. A motion was presented by Mr. Sorrell and seconded by Ms. Yeatman. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Ms. Denson, Ms. Yeatman, and Mr. Bunch.

### 2. **WELLNESS COMMITTEE REPORT**

Dr. Mike Garver gave the Wellness Committee report. There are 156 people in the screening program. There are four pharmacists in treatment and three technicians in treatment, three pharmacists who are being held for six months before being presented to the Board, and one student finishing treatment. The total number of pharmacy professionals identified and worked with in 2017 is 16: Nine pharmacists, five technicians, and two students. The total number of pharmacy health professionals identified during this time period in 2016 was 19. All individuals who are in treatment or in evaluation or undecided are presently out of the work force and without a license.

Dr. Garver has met personally with all licensees returning to work to sign contracts and explain how monitoring works. All returning licensees have been placed in a caduceus, either pharmacy or health professional. He thanks the Board for letting him serve recovering professionals and the staff for making the process seamless.

Dr. Garver recently attended the National Association of Treatment Providers (NATP) meeting in Houston, Texas. The amount of illegal hydrocodone coming into the United States because of heroin addiction is on the rise and they are warning all treatment professionals about it. NATP expects a rise in diversion across all fields -- bad prescriptions, pharmacy theft, that sort of thing, because the heroin addicts are moving up into the middle class of working folks and those are the people who don't want to miss work, so those are the people who will use hydrocodone all day long and get their fix at night. DEA attended the meeting and stated they are trying to confiscate the drugs but it was an astronomical amount of hydrocodone in the first quarter of this year. Dr. Garver will provide Mr. Ward will literature he received from the meeting.

Dr. Garver shared a humorous story about his mother having an estate sale of her things in the retirement home in which she lives.

### 3. **PRESENTATIONS**

Ms. Brandi Nichols of HealthSouth Rehab Hospital of Gadsden made a presentation requesting an off-site verification by CardinalHealth. A motion was made to approve the use of remote order entry by Mr. Darby and seconded by Ms. Yeatman and Ms. Denson. A vote was taken and the motion passed with ayes from Mr. Sorrell, Ms. Denson, and Mr. Bunch.

### 4. **TREASURER'S REPORT**

Treasurer, Donna C. Yeatman, presented the treasurer's report. The Board is at approximately 80 percent of anticipated revenue for its two-year cycle and should be at 67 percent of its annual expenses, but at this time, expenses are only 60 percent. The budget is

on track. Several building maintenance and repairs have been spent but 29 percent of the budget is allocated for that. A motion was made to approve the treasurer's report by Ms. Denson and seconded by Mr. Sorrell. A vote was taken and the motion passed with ayes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Mr. Bunch.

#### **5. APPROVAL OF MINUTES**

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the abbreviated business meeting minutes from the April 19, 2017, business meeting. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the interview minutes from the April 19, 2017, interviews. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Ms. Denson, and Ms. Yeatman.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the interview minutes from the May 4, 2017, interviews at Samford University. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Ms. Denson, Ms. Yeatman, and Mr. Bunch.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the interview minutes from the May 8, 2017, interviews at Auburn University. A vote was taken and the motion passed with aye votes from Mr. Darby, Ms. Denson, Ms. Yeatman, and Mr. Bunch.

#### **6. INSPECTOR'S REPORT**

Chief Inspector Edward R. Braden was called upon to give his report of activities of the inspectors and investigations. His report in the Dropbox listed the statistics for the month of April. He noted the issues that tend to be a trend are the diversion of controlled substances and medication errors. Mr. Braden also had additional items for executive session.

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

Dr. Susan Alverson gave her report, which consisted of the following:

- Several Board members and Dr. Alverson visited Samford University and Auburn University to interview new license applicants. This is working well as it cuts down on traffic problems at the Board office and allows students to be in a more relaxed environment.
- NABP annual meeting is in Orlando, Florida, May 20 through 23. Vance Alexander, Cristal Anderson, and Dr. Alverson plan to attend.
- The Board legislation is waiting to be heard in the House or the Senate. Dr. Alverson thanked Elaine Beech, Billy Beasley, and Logan Gray for their hard work on getting this legislation to this point.
- The Board has ordered a portable defibrillator for the building.

## 8. ATTORNEY'S REPORT

Mr. Ward stated he had no items to report but he did have two items to discuss in executive session.

## 9. OLD BUSINESS

- Ms. Denson provided an update on the issue of repackaging in long-term care facilities. A task force has been created and for which she is looking for additional members to join. Ms. Denson received and provided to the Board a letter from Mr. Holden with the Assisted Living Association outlining some of the Alabama Board of Health and FDA guidelines for repackaging.
- Dr. Alverson stated that a rule change process has been started for Rule 680-X-2-.19 regarding compounding. The rule is being revised to state that all compounding in the State of Alabama should follow the guidelines set forth in the United States Pharmacopeia (USP) and all specific instructions on compounding are being eliminated. This change also clarifies the terms parenteral versus sterile and changed the title of the rule to Parenteral Sterile Therapy. Ms. Yeatman made a motion for the rule to be sent through the proper process in compliance with the Alabama Administrative Procedure Act in order to amend Rule 680-X-2-.19. Mr. Darby seconded the motion. A vote was taken and the motion passed unanimously.
- Ms. Yeatman read Rule 680-X-2-.43 and proposed a motion to ratify it and Mr. Darby seconded it. A vote was taken and passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman. An additional motion was made by Ms. Yeatman that Rule 680-X-2-.43 will be sent through the proper process in compliance with the Alabama Administrative Procedure Act. The motion was seconded by Mr. Darby. A vote was taken and the motion passed unanimously.
- Ms. Yeatman discussed the April 19, 2017, request by Azalea City Medical Services to reduce their operating hours. Mr. Darby made a motion to allow Azalea City Medical Services to be open 20 hours per week in the months of October through April and then the remainder of the year to be open 20 hours per month. Ms. Yeatman seconded the motion. Ms. Yeatman also stated that Azalea City Medical Services will be required to maintain the cleaning of the hoods every six months and no medications are allowed in the pharmacy during the off season that the reduced hours are in place due to the lack of verification of refrigerator temperatures. Mr. Darby also clarified that certification needs to be done immediately preceding their going to expanded hours every year. A vote was taken and the motion passed with ayes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

Dr. Alverson added there is one additional step in the rulemaking process. There will first have to be a ruling that the Alabama Board of Pharmacy is not interfering with

business or limiting anyone's right to do business and then when that is received, the Board can send the rule changes back to the Legislative Reference Service.

#### **10. NEW BUSINESS**

- Dr. Alverson began a discussion regarding partial filling of C-II prescriptions. According to the Comprehensive Addiction and Recovery Act (CARA), partial fillings on C-IIs are allowed but they must be completed within 30 days. Chief Inspector Eddie Braden has contacted DEA in Alabama and the DEA states partial fills of C-IIs are not allowed. CARA's intent is to limit the number of units dispensed. Board members believe using the partial fill to fill 60 pills for insurance purposes and then 30 pills to be paid by cash is against the intent of CARA. Further discussion was had about the matter and Mr. Darby suggested Mr. Ward perform additional research regarding the matter. Dr. Alverson is going to contact North Carolina's Board of Pharmacy to see what their protocol is on this issue.
- APA has begun the process to fill the place of community pharmacist which Mr. Bunch will be vacating at the end of the year.
- Dr. Alverson is going through all office policies, so this month the travel policy and harassment policy is in the Board members' binders. A discussion was held regarding to what position harassment would need to be reported: the immediate supervisor, the executive secretary, or the Board president. A statement to the harassment policy will also be added that an employee has the right to contact the Alabama Fair Employment Practices Agency or the United States EEOC. A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the policy changes. A vote was taken and the motion passed unanimously.

#### **11. EXECUTIVE SESSION**

A motion was made by Mr. Darby and seconded by Ms. Yeatman to go into executive session for the purpose of discussing the qualifications and competency of those regulated by the Board. Mr. Ward stated that as an attorney licensed to practice law in the State of Alabama, one of the reasons for the executive session is to discuss the resolution of pending cases before the Board. An individual voice vote was taken and the motion passed unanimously. The executive session began at 10:14 a.m.

#### **12. RETURN FROM EXECUTIVE SESSION**

At 11:37 a.m., the Board resumed its public meeting status.

#### **13. MOTIONS ON CASES**

A motion was made by Mr. Darby and seconded by Ms. Yeatman to accept the recommended action of no violation in Case Nos. 16-0163, 17-00017, 17-0041, and 17-0040. A vote was taken and the motion passed unanimously.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to take the recommended action of a letter of concern in Case Nos. 17-0005, 17-0019, 17-0036, 17-0044. A vote was taken and the motion passed unanimously.

A motion was made by Mr. Darby and seconded by Ms. Yeatman and Mr. Sorrell to take the action of a written action plan in Case No. 17-0024 and 17-0042. A vote was taken and the motion passed unanimously.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to accept the recommended action of a permanent surrender in Case No. 17-0023. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

**14. MOTION TO ADJOURN**

A motion was made by Ms. Denson and seconded by Mr. Sorrell to adjourn the meeting at 11:39 a.m. A vote was taken and the motion passed with aye votes from Ms. Denson and Mr. Sorrell.

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Buddy R. Bunch, President

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Susan P. Alverson, Executive Secretary