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ALABAMA STATE BOARD OF PHARMACY

BUSINESS MEETING

Wednesday, February 19, 2014

9:00 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 Mitzi Ellenburg, Interim Secretary

12 Henry Burks, Chief Inspector

13 Susan Alverson, Dir., Professional Affairs

14 Scott Daniel, Investigator

15 Todd Brooks, Investigator

16 Rhonda Coker

17 Lynn Martin

18 Gary Mount

19 Cara Leos

20 Jim Easter

21 Matthew Muscato

22 David Barrington

23 Susan DelMonico

- 1 Rich Palombo
- 2 Rick Stephens
- 3 Billy Lawley
- 4 Greg Gamble
- 5 Kyle Frederick
- 6 Scott Clark
- 7 Carter English
- 8 Clemice Hurst
- 9 Kelli Newman
- 10 Jason Colquitt
- 11 Jennifer Cook
- 12 Charlie Thomas
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1 MR. CONRADI: We'll call the February
2 meeting of the Alabama State Board of Pharmacy
3 to order. It looks like all members are
4 present. We have a quorum.

5 Do I have an adoption of the agenda?

6 DR. MARTIN: I move we adopt the
7 agenda as proposed.

8 MR. DARBY: Second.

9 MR. CONRADI: All in favor?

10 MR. MCCONAGHY: Aye.

11 DR. MARTIN: Aye.

12 MR. DARBY: Aye.

13 MR. BUNCH: Aye.

14 MR. CONRADI: Aye.

15 We're going to go back around and
16 check roll again so the court reporter will
17 know -- she can write down who's here. If
18 anybody comes in later, we'll do it, so if y'all
19 would, start on the front row and work your way
20 back, stand up and tell who you are, who you
21 represent.

22 MR. MOUNT: I'm Gary Mount, director
23 of pharmacy at Baptist Health in Montgomery.

1 MS. LEOS: Cara Leos with ALSHP.

2 MS. COKER: Rhonda Coker with the
3 Board of Pharmacy.

4 MS. MARTIN: Lynn Martin with the
5 Board of Pharmacy.

6 MR. DANIEL: Scott Daniel, Board of
7 Pharmacy.

8 MR. BROOKS: Todd Brooks, Board of
9 Pharmacy.

10 MR. EASTER: Jim Easter, Baptist
11 Health System.

12 MR. MUSCATO: Matthew Muscato,
13 Walgreens Pharmacy.

14 MR. BARRINGTON: David Barrington,
15 OmniCare.

16 MS. DELMONICO: Susan DelMonico, CVS
17 Caremark.

18 MR. PALOMBO: Rich Palombo, Express
19 Scripts.

20 MR. STEPHENS: Rick Stephens, Senior
21 Care Pharmacy.

22 MR. LAWLEY: Billy Lawley, Walmart
23 Pharmacy.

1 MR. GAMBLE: Greg Gamble, Walgreen Co.
2 MR. FREDERICK: Kyle Frederick, Target
3 Pharmacy.
4 MR. CLARK: Scott Clark, Humana
5 RightSource.
6 MR. ENGLISH: Carter English,
7 Department of Mental Health.
8 MS. HURST: Clemice Hurst, Alabama
9 Medicaid.
10 MS. NEWMAN: Kelli Newman, Alabama
11 Medicaid.
12 MR. COLQUITT: Jason Colquitt, CVS
13 Pharmacy.
14 MS. COOK: Jennifer Cook, Samford
15 student.
16 MR. THOMAS: Charlie Thomas, Alabama
17 Department of Public Health.
18 MR. CONRADI: All right. Thank you.
19 No presentations today, Mitzi?
20 MS. ELLENBURG: None.
21 MR. CONRADI: Dan, do you have a
22 treasurer's report?
23 MR. MCCONAGHY: Yes. Yeah, that --

1 this report goes through the end of January and
2 once again, the main point is that our expenses
3 are less than our revenues to this point but I
4 remind the Board that this is the year that our
5 revenue is not as high as it is in opposite
6 years so that as we move on into the year,
7 that's going to flip.

8 So David, you haven't been through
9 this budget before. As we move through it,
10 you'll look at it and see that we're losing
11 money toward the last few months of the year but
12 that's a normal process because we're running
13 like a two-year cycle and the next year has
14 higher revenue than this -- this current year.
15 So it -- it generally has always worked out in
16 the past and hopefully it will again.

17 I didn't see any -- any of the numbers
18 that were out of sync there other than our
19 budget numbers still need to have some
20 adjustments done to them but any questions?

21 DR. MARTIN: When will we begin the
22 budget cycle for next period, preparing for
23 that? Are y'all starting on that yet?

1 MR. MCCONAGHY: No, we haven't started
2 on it. It would actually be for October when we
3 implement it, so we have been starting on it in
4 about July.

5 DR. MARTIN: Uh-huh.

6 MR. MCCONAGHY: And the -- the real
7 problem with this current budget is that we --
8 we were working off of some figures that had
9 been accumulated over the past in a different
10 accounting system that we thought we knew what
11 we were looking at and we really weren't looking
12 at the correct figures and the -- we thought we
13 were looking at actual figures and we were
14 looking at some budgeted figures and mixed in
15 with some of it and we haven't -- we haven't
16 gone back and corrected it yet but that's
17 something that we will need to do. I don't know
18 that it matters that we do it before this time
19 but before next time, it needs to be accounted
20 for. But we will have been through two cycles
21 on this new system by then so we will have real
22 numbers that you can look at in QuickBooks
23 instead of -- Mitzi can tell you, they used that

1 old system and it was not very good at reporting
2 your numbers. It was fine for paying bills and
3 keeping up with the money but as far as
4 budgeting and having numbers to work with for a
5 budget, it's not very good but it's all been
6 converted over to the QuickBooks where we can
7 look at it multiple different ways in the future
8 so it will be much easier in the future.

9 DR. MARTIN: Did GL Solutions have
10 anything to do with this?

11 MR. MCCONAGHY: No, no, GL Solutions,
12 that's -- it's not that. We're dealing with the
13 actual numbers. It didn't get into that. It's
14 a separate accounting system altogether.

15 DR. MARTIN: Thank you.

16 Do you need a motion to adopt?

17 MR. CONRADI: We do.

18 DR. MARTIN: I move we adopt the
19 treasurer's report as submitted.

20 MR. DARBY: Second.

21 MR. BUNCH: Second.

22 MR. CONRADI: All in favor? Aye.

23 MR. MCCONAGHY: Aye.

1 DR. MARTIN: Aye.

2 MR. DARBY: Aye.

3 MR. BUNCH: Aye.

4 MR. CONRADI: Mitzi, have you got the
5 Wellness report?

6 MS. ELLENBURG: I do.

7 There are presently 129 people in the
8 screening program with signed contracts order.
9 This number includes any individuals on a
10 diagnostic monitoring contract but does not
11 include any of the professionals listed below.

12 There are two pharmacists in
13 treatment, two pharmacists in halfway houses,
14 three pharmacists waiting a period of time to be
15 reevaluated before coming to the Board, five
16 other pharmacists who need some sort of
17 disposition. The staff is aware of these.

18 There are no techs in treatment, ten
19 techs who need disposition of some sort. The
20 staff is aware of these people and we are
21 looking with them to bring a resolution for each
22 case.

23 There are no students in treatment,

1 one student finishing an evaluation. Treatment
2 will be indicated.

3 All of these individuals who are in
4 treatment or in evaluation or undecided are
5 presently out of the workplace and without
6 license. There are 66 individuals in
7 facility-driven aftercare.

8 MR. CONRADI: Thank you. I've got two
9 board minutes we need to approve from last --
10 last month. We will do them individually. I
11 need a motion on that.

12 MR. DARBY: I move we approve the
13 minutes of the Alabama Board of Pharmacy work
14 session from January 15, 2014, minutes.

15 MR. BUNCH: Second.

16 MR. CONRADI: All in favor?

17 DR. MARTIN: Aye.

18 MR. DARBY: Aye.

19 MR. MCCONAGHY: Aye.

20 MR. BUNCH: Aye.

21 MR. DARBY: I move we approve the
22 Alabama Board of Pharmacy Board meeting minutes
23 from January 15, 2014.

1 MR. BUNCH: Second.

2 MR. CONRADI: All in favor?

3 MR. MCCONAGHY: Aye.

4 DR. MARTIN: Aye.

5 MR. DARBY: Aye.

6 MR. BUNCH: Aye.

7 MR. CONRADI: One more.

8 MR. DARBY: I approve we -- move we
9 approve the interview minutes from the January
10 15, 2014.

11 MR. BUNCH: Second.

12 MR. CONRADI: All in favor?

13 MR. MCCONAGHY: Aye.

14 DR. MARTIN: Aye.

15 MR. DARBY: Aye.

16 MR. BUNCH: Aye.

17 MR. CONRADI: Henry, have you got an
18 inspector's report?

19 MR. BURKS: Yes, sir, a couple of
20 things. The -- starting off the new year, the
21 monthly enforcement report for January 2014, we
22 completed a total of 103 inspections. We had
23 six new complaints come in in the month of

1 January. We have completed eight complaints in
2 the month of January and we still have 11 that
3 we carried over from 2013 that are still under
4 investigation. And then of course each thing is
5 broken down by inspector, all the stats there.

6 MR. CONRADI: What's the oldest
7 complaint we've still got out there?

8 MR. BURKS: It's going to be a 2013
9 but I'm not sure of the date. I'll check on it
10 for you.

11 The second thing I have is a couple of
12 Board meetings ago the Board wanted the
13 inspectors -- some of the inspectors to set
14 up -- for us to set up a exhibitor booth at the
15 APA convention and the Hospital Association
16 convention and we will be there to answer
17 questions and pass out some things and I have
18 left with you on the APA convention the -- the
19 booth is going to cost, if you want a prime --
20 what they call a prime booth, it would be \$1,200
21 and then a standard booth would be \$1,050 if we
22 do it before April -- I think it's the 18th. So
23 I need to go ahead and get approved to get a

1 check cut so we can send and get this taken care
2 of. I think on the second page there's a
3 listing of where the prime spots are considered
4 if that's something y'all want to do or just go
5 with a standard spot.

6 MR. BUNCH: I make a motion that we
7 give you approval I guess to go ahead and tie
8 down the prime booth.

9 MR. BURKS: A prime, okay.

10 MR. CONRADI: And I second. All in
11 favor?

12 MR. MCCONAGHY: Aye.

13 MR. DARBY: Aye.

14 DR. MARTIN: Aye.

15 MR. BUNCH: Aye.

16 MR. CONRADI: Aye.

17 MR. BURKS: Now, with -- I'll go ahead
18 and tell you -- I meant to tell you.

19 MR. CONRADI: How much is the Hospital
20 booth?

21 MR. BURKS: Zero, they're giving it to
22 us free.

23 MR. BUNCH: We'll make that motion.

1 DR. MARTIN: Sure.

2 MR. BURKS: But one of the things with
3 the -- with the APA is that one of the
4 exhibitors gets in free at the convention and
5 then two would get half -- 50-percent discount
6 on the actual convention cost.

7 MR. BUNCH: Okay.

8 DR. MARTIN: Now, you said --

9 MR. CONRADI: That's not the room
10 though; right?

11 MR. BURKS: No, sir, that's just the
12 actual convention.

13 DR. MARTIN: You said Hospital
14 Association. I think what you meant was Alabama
15 Society of Health System Pharmacists.

16 MR. BURKS: I'm sorry, yes, sir, yes,
17 sir.

18 DR. MARTIN: Yeah, I wouldn't have
19 said anything except it's going to be in the
20 minutes.

21 MR. BURKS: Oh, that's what I meant.
22 I have some -- about six cases to go over in
23 executive session.

1 MR. CONRADI: Okay. Anybody got any
2 questions for Henry?

3 DR. MARTIN: No.

4 MR. BUNCH: That sounds like a -- is
5 that about a normal case complaint for the
6 month, six?

7 MR. BURKS: It varies. I mean, we've
8 had months we've had 12 come in. We've had
9 months we only had two come in. It just kind of
10 varies. I would say that's about average.

11 MR. BUNCH: About average.

12 MR. CONRADI: Mitzi, have you got the
13 secretary report?

14 MS. ELLENBURG: The only thing I have
15 is that now that tech renewal cycle has
16 finished, I need to know the percentage of tech
17 renewals that the Board would like audited.

18 MR. CONRADI: If we can get the data
19 from NABP on who hadn't done it, then I would
20 say 100 percent but if not, I'd say do like we
21 have been, ten percent.

22 MS. ELLENBURG: Ten?

23 MR. CONRADI: Isn't that what we have

1 been doing?

2 MS. ELLENBURG: I was thinking five.

3 MR. MCCONAGHY: Five.

4 MR. CONRADI: Five percent?

5 MR. MCCONAGHY: Five.

6 MR. CONRADI: If we can get a listing
7 of who is short, then it would be a lot more
8 effective to do all of those.

9 MS. ELLENBURG: Well, I'm having a
10 hard time getting it. Susan, did you ever hear
11 back from Neal?

12 MS. ALVERSON: I heard back from Neal
13 and he said he was going to do another training
14 session with us this Friday afternoon but I have
15 to be in Auburn Friday afternoon.

16 DR. MARTIN: Is Neal at NABP?

17 MS. ALVERSON: So we'll try to set it
18 up -- pardon?

19 DR. MARTIN: Neal is at NAPB?

20 MS. ALVERSON: Neal is --

21 MR. CONRADI: Yeah.

22 MS. ALVERSON: -- has been the
23 computer person over IT with NABP but his job

1 has now changed. He's supervising I think the
2 southeast region of the country and someone else
3 is taking over IT but Neal said he would do a
4 training session with anyone -- another training
5 session and then give us the names, have us
6 download all of the names of everybody and their
7 CE hours.

8 MR. CONRADI: Are they in there?
9 Mitzi was saying that y'all ran a few and they
10 had no CE at all reported.

11 MS. ALVERSON: I don't -- I haven't
12 seen that. He says they do.

13 MR. CONRADI: Okay.

14 MS. ELLENBURG: Well, he -- he helped
15 me and I gave him numbers and he couldn't find
16 any CE under any techs.

17 DR. MARTIN: Through CPE?

18 MS. ELLENBURG: Now, there's
19 pharmacists in there. I can go under the NAP
20 web portal and there's pharmacists -- our
21 pharmacists and CE but there's no techs.

22 DR. MARTIN: It's required of
23 pharmacists now; right?

1 MR. CONRADI: Right.

2 DR. MARTIN: Is it required of the
3 techs?

4 MS. ELLENBURG: Yes.

5 MR. CONRADI: In Alabama?

6 MS. ELLENBURG: Because I thought that
7 they had submitted like wrong NABP profile IDs
8 and I gave him several of the numbers just
9 randomly and he couldn't find any CE and he was
10 supposed to check it and get back to me and I
11 haven't heard anything.

12 DR. MARTIN: So are we -- are we
13 dealing with an issue of noncompliance at the
14 tech level or are we dealing with the time when
15 it was rolled out and there's not enough --

16 MS. ALVERSON: We could call Auburn or
17 Samford or APA or the hospital society and get
18 the names of techs who have attend CE programs
19 and then see if they're in the database and if
20 they're there, then I would assume that people
21 who don't have CE just didn't get it.

22 MR. CONRADI: There is some -- some CE
23 providers across the nation we have found with

1 NABP that are not turning in the report --
2 taking the short step and still handing out
3 certificates, which they're not supposed to do.
4 They're supposed to report them all on those
5 certificates, so I think ACPE is addressing that
6 trying to get some of the providers -- I don't
7 think we have any here for that. Dan.

8 MR. MCCONAGHY: I'd like to make a
9 motion that we just continue what we've been
10 doing until we've been through at least two
11 cycles with this so that we know the integrity
12 of the data is there so that we don't go through
13 an exercise of penalizing folks that don't need
14 to be penalized.

15 MS. ELLENBURG: Well, I can say we
16 have techs that still don't know what an NABP
17 profile ID number is.

18 MR. CONRADI: Do they say they don't
19 have any CE neither?

20 DR. MARTIN: Do you think they don't
21 understand that it's required?

22 MS. ELLENBURG: I would say that, yes,
23 sir.

1 DR. MARTIN: How can we help them
2 understand that it's required?

3 MS. ELLENBURG: Susan, go out there
4 and hold their hand.

5 MS. ALVERSON: I mean, techs have --
6 just because the system is a new way of
7 recording it, the law didn't change about you
8 need CE.

9 MS. ELLENBURG: Their excuse is, you
10 didn't tell me, the pharmacy or pharmacist
11 didn't tell me. Rhonda has gotten a sheet she
12 sends out with new -- every new registrant
13 explaining the CE, what to look for, to go to
14 NABP's website and sign up.

15 DR. MARTIN: Why don't we back up and
16 ask a real fundamental question. Who says it's
17 required?

18 MS. ELLENBURG: The rule.

19 DR. MARTIN: Our rule?

20 MS. ELLENBURG: Our rule.

21 DR. MARTIN: The Board of Pharmacy in
22 Alabama rule says that when a technician or a
23 pharmacist gets CE, it has to go through

1 NABP through this --

2 MR. CONRADI: No.

3 MR. WARD: No.

4 MR. CONRADI: It has to be ACPE
5 approved.

6 DR. MARTIN: It has to be ACPE
7 approved.

8 MS. ELLENBURG: Right.

9 MR. CONRADI: And that's the only way
10 you get credit.

11 DR. MARTIN: And that's all it says?

12 MR. CONRADI: Yeah. The only way you
13 get credit is that way.

14 DR. MARTIN: And now, the only way you
15 can get ACPE-approved hours is that the ACPE has
16 worked with NABP and when that tech or that
17 pharmacist gains those hours, that's
18 automatically reported supposedly to the CE
19 monitor.

20 MS. COKER: They have to give them
21 their number.

22 MS. ELLENBURG: Yeah, they have to
23 provide their NABP --

1 MS. COKER: They do have to get the
2 number when they do their CE. They have to know
3 their CP number.

4 DR. MARTIN: So it sounds like a
5 pretty big disconnect.

6 MR. DARBY: Mark, I want to second
7 Dan's motion. He's got a motion.

8 DR. MARTIN: Sorry.

9 MR. DARBY: That's all right.

10 DR. MARTIN: I forgot we had a motion
11 on the floor. I wasn't supposed to be having
12 discussion.

13 MR. CONRADI: Any more discussion?

14 DR. MARTIN: Yeah, I think we've got
15 to do something besides talk about it. I mean,
16 is it a topic for a newsletter? Is it a topic
17 for the website? Does it rise to some other
18 level?

19 MS. ELLENBURG: We've done
20 everything -- newsletter, website. Like I said,
21 Rhonda sends out a thing to them. I mean, any
22 suggestions would be greatly appreciated.

23 MR. CONRADI: Well, I mean, it's been

1 there three years now.

2 MR. BUNCH: It's been there a long
3 time.

4 DR. MARTIN: Yeah, and I'm not
5 speaking in opposition to Dan's motion. I'm
6 just exploring but it would appear to me that if
7 those processes are lined up as they were
8 intended, then it would not be possible for a
9 technician to get ACPE accredited CE and it not
10 appear on their CPE monitor list.

11 MS. ELLENBURG: Well, here's one thing
12 I've decided. When they have -- I don't think
13 it will go any further without an NABP profile
14 ID number, right, when they go in to put -- take
15 the CE?

16 MS. COKER: No, if you do --

17 MS. ELLENBURG: I think they make up a
18 number to be honest with you.

19 MS. LEOS: Yeah, that could be --

20 DR. MARTIN: Tell us who you are.

21 MS. LEOS: Yeah, sorry, Cara with
22 ALSHP.

23 First of all, I know that we've sent

1 it out to our membership and I know in our -- in
2 our legislative updates, we've hit that hard the
3 last, what, two, three years now. However, the
4 technicians are difficult people to catch
5 through the state associations but what I can
6 tell you, I mean, I just did a CE the night
7 before last and I couldn't even get as far as
8 creating an online ID without that number so --
9 and I think I'm just speaking from personal
10 experience, I think most of our techs do their
11 CE online. If you're doing it through
12 Pharmacist's Letter or any of those places, they
13 require that. So I'm not sure if it's a
14 technician disconnect or a technology
15 disconnect.

16 MS. ELLENBURG: Do you think it --
17 there's any way they actually verify the name
18 with the number or I could just make up a number
19 and it would go through as long as it was six
20 digits?

21 MR. CONRADI: Well, you've got to have
22 that and your month and day of your birthday so
23 those don't match.

1 MS. LEOS: Yeah, yeah, so I don't -- I
2 don't know. I didn't try to make up a number or
3 put one in incorrectly, at least I hope I
4 didn't.

5 MS. ELLENBURG: Because they'll send
6 one -- they'll send them to us and that's been
7 Louise's complaint too that, you know, all the
8 numbers she -- that they give her are not
9 correct.

10 MS. LEOS: And I know I've heard that
11 from our administration as well that when
12 they're having to write down the number, we're
13 not getting correct numbers but I know ALSHP has
14 been submitting tech and pharmacy stuff like APA
15 has for two years now --

16 MS. ELLENBURG: Right.

17 MS. LEOS: -- you know, that way. So
18 I mean, I'd be happy from an ALSHP standpoint
19 and I'm sure -- I don't know if Louise is here
20 yet but you know, we'll be happy to go out and
21 send something out again. We did some direct
22 contact with directors of pharmacy as well to
23 try to help with that.

1 MS. ALVERSON: When we reregistered
2 techs this year, Rhonda could maybe speak to
3 this, that was one of the questions required on
4 your tech registration this year: What is your
5 CPE number? What is the month and day of your
6 birthdate, and check, did you get all the CE you
7 were supposed to get this year? So we could
8 pull a query I guess of how many of them
9 answered that.

10 MR. CONRADI: It still may not be the
11 right NABP CPE monitoring number is what I think
12 it was Mitzi that was saying.

13 MS. COKER: You had to answer it or it
14 wouldn't let you go any further.

15 MS. ALVERSON: Right, you had to
16 answer or the system closed you down. You
17 couldn't complete your tech registration.

18 MS. COKER: Only if you didn't put
19 anything in there.

20 DR. MARTIN: So we're kind of --

21 MS. COKER: You had to put something
22 in the box.

23 MR. CONRADI: All right. We're

1 chasing rabbits.

2 DR. MARTIN: We've been -- we've been
3 informed that we're really engaging in improper
4 discussion at this point with a motion -- and
5 I'm not trying to run your job.

6 MR. CONRADI: No, go ahead.

7 DR. MARTIN: But since the cow is out
8 of the barn, can we just let Mr. Easter talk.
9 He was very polite and raised his hand. If he
10 could make his comment, then we'll try to get
11 this thing back on track.

12 MR. EASTER: Jim Easter. If you have
13 a broken system, sampling five percent or
14 sampling 100 percent is not going to give you
15 the information that you need. I would just
16 from my statistics class say you need to go back
17 and fix the database, make sure it's there, then
18 sample the size that you find statistically
19 significant.

20 DR. MARTIN: If I understood the way
21 it's supposed to work and the pieces of it and
22 how they're supposed to interrelate, then the
23 disconnect to me seems to be at the user level,

1 that the technicians are not getting the CE and
2 I agree with Dan, I probably don't need to come
3 out with a, you know, a can of -- to fix this
4 this time but I can't -- I can't see of any
5 other reason other than the techs aren't getting
6 the CE and therefore it's not flowing through
7 the system. So the responsibility needs to go
8 back to the technician.

9 Now, is it right for us to reeducate,
10 yes, website, newsletter, ask ALSHP to do it
11 again, ask APA to do it again, and the next time
12 around, that's it.

13 MR. CONRADI: Is that all the
14 questions?

15 All in favor of Dan's motion?

16 DR. MARTIN: Aye.

17 MR. DARBY: Aye.

18 MR. MCCONAGHY: Aye.

19 MR. CONRADI: Aye.

20 MR. BUNCH: Aye.

21 MS. ELLENBURG: So I'm to audit five
22 percent paper.

23 MR. CONRADI: Five percent.

1 MR. WARD: Mitzi, you will probably
2 need your third grade teaching certificate when
3 you start hearing all the excuses.

4 MS. ELLENBURG: I was thinking
5 kindergarten.

6 MR. CONRADI: Susan, have you got a
7 report for today, professional affairs.

8 MS. ALVERSON: Yes. Since I last
9 reported to you, we have inspected 16 more
10 places. We've done a number of inspections
11 where people are starting to call and say, I'm
12 putting in a room. I'm putting compounding --
13 sterile compounding, will you come look at it
14 before we actually build it, which is great
15 because we would much rather go in ahead of time
16 than go in and say, pull that all down and start
17 over again.

18 We've had a few instances where we've
19 threatened to shut the business down unless
20 things changed within a very short period of
21 time and we've been fortunate with that so far
22 that we've had turnaround within 48 to 72 hours
23 to the point that we were willing to give them

1 another 48 or 72 hours to continue with the
2 process.

3 We're getting a lot more questions,
4 can I do this, can I do that. So it's nice to
5 have the questions but it's like where did that
6 question come from, I don't know.

7 Right now we've been spending a lot of
8 time on what the FDA is going to do. As you
9 know, FDA is holding a meeting in March for
10 state boards of pharmacy to lay out their plan
11 of how they're going to handle compounding
12 pharmacies that manufacture and we have their
13 intention. We have a few publications but
14 nothing in detail and they have not released a
15 memorandum of understanding yet which all states
16 are going to be required to sign or that state
17 will get no exemptions for compounding. So
18 we're kind of at a standstill with the FDA
19 things until after that meeting.

20 We've gotten most of the computer
21 glitches that were due to be fixed by February
22 15 are better. All the printing of licenses has
23 been fixed. Our queries of emails and addresses

1 are much better. What we do think now is there
2 are a number of duplicates in the system and
3 until pharmacists and businesses register this
4 coming fall and we get all of that new data in,
5 we're probably going to continue to have some
6 mixed data, some duplicates. We're trying to
7 weed them out as we go. We think all of that
8 will be much better after everybody renews and
9 the data is all clean.

10 I will state GLS worked fairly hard to
11 try to meet that February 15 date and it is not
12 perfect yet but it's better.

13 MR. CONRADI: It probably will never
14 be perfect.

15 MS. ALVERSON: Right, I'm sure.

16 MR. CONRADI: Any questions for Susan?
17 Susan, we have appointed you to be our
18 representative at the FDA and we'll see if we
19 have anybody else. I've asked Dan to see if he
20 can go.

21 Mr. Ward, do you have an attorney's
22 report?

23 MR. WARD: No, other than we have --

1 I've got executive session -- a couple of
2 executive session but other than that,
3 nothing.

4 THE COURT: I don't have any old
5 business. Do y'all have? Buddy?

6 MR. BUNCH: (Shakes head.)

7 MR. CONRADI: Any new business? We're
8 going to wrap up quick today.

9 All right. The only other thing we
10 have to do, we have an executive session to go
11 into which we will adjourn out of and when we
12 adjourn out of it, there will be no other
13 business other than to vote on what we did in
14 executive session. So we'll go in executive
15 session -- let's see, I'd like to make a motion
16 first we retire to executive session for the
17 purpose of discussing professional competence,
18 general reputation, and character of licensees
19 and registrants of the Board.

20 MR. WARD: And also possible
21 settlement of cases.

22 MR. CONRADI: And also possible
23 settlement of cases. We will go into executive

1 session at 9:45 and we will come out at 10:15
2 and the only business that -- the only other
3 business we'll do after that is to vote on what
4 we did in executive session. Y'all are all
5 welcome to come back after that if you want to
6 if you want to sit through the vote of that.

7 MR. WARD: And under the Open Meeting
8 Act, I've got to say that one of the purposes --
9 I've got to say as an attorney licensed to
10 practice law in the State of Alabama, one of the
11 purposes of the executive session will be to
12 discuss settlement of pending cases.

13 I need a roll call vote -- a second
14 and a roll call vote.

15 DR. MARTIN: Second.

16 MR. CONRADI: Dan, do how do you vote?

17 MR. MCCONAGHY: Aye.

18 MR. CONRADI: David?

19 MR. DARBY: Aye.

20 MR. CONRADI: Tim?

21 DR. MARTIN: Aye.

22 MR. CONRADI: Me, aye.

23 MR. BUNCH: Aye.

1 MR. CONRADI: All right. We will go
2 into executive session at 9:45.

3
4 (Whereupon, a recess was taken for
5 executive session from 9:29 a.m. to
6 10:10 a.m.)

7
8 MR. CONRADI: We're going to return
9 back to the open session from executive session.
10 We need to vote on those items and then that
11 will be the last we do.

12 Complaint number 13-0635,
13 recommendation, turn over to another agency.

14 DR. MARTIN: I move we accept the
15 recommendation as submitted.

16 MR. DARBY: Second.

17 MR. CONRADI: All in favor?

18 MR. MCCONAGHY: Aye.

19 DR. MARTIN: Aye.

20 MR. DARBY: Aye.

21 MR. BUNCH: Aye.

22 MR. CONRADI: Aye.

23 Complaint number 13-0603, complaint

1 number 13-0651, no violation.

2 DR. MARTIN: I move we accept the
3 recommendation as submitted.

4 MR. MCCONAGHY: Second.

5 MR. CONRADI: All in favor?

6 DR. MARTIN: Aye.

7 MR. DARBY: Aye.

8 MR. MCCONAGHY: Aye.

9 MR. BUNCH: Aye.

10 MR. CONRADI: Complaint number 13-0641
11 and 13-0654, letter of concern.

12 DR. MARTIN: I move we accept the
13 recommendation as submitted.

14 MR. MCCONAGHY: Second.

15 MR. CONRADI: All in favor?

16 MR. MCCONAGHY: Aye.

17 DR. MARTIN: Aye.

18 MR. DARBY: Aye.

19 MR. BUNCH: Aye.

20 MR. CONRADI: And complaint number
21 14-0003, letter of corrective action.

22 DR. MARTIN: I move we accept the
23 recommendation as submitted.

1 MR. MCCONAGHY: Second.

2 MR. CONRADI: All in favor?

3 MR. MCCONAGHY: Aye.

4 DR. MARTIN: Aye.

5 MR. DARBY: Aye.

6 MR. BUNCH: Aye.

7 MR. CONRADI: Aye.

8 I make a motion we adjourn.

9 DR. MARTIN: Second.

10 MR. MCCONAGHY: Second.

11 MR. BUNCH: Aye.

12 MR. CONRADI: Aye, aye.

13

14 (Whereupon, the business meeting was

15 concluded at 10:15 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 business meeting 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 meeting.

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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