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              ALABAMA STATE BOARD OF PHARMACY
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7
                     BUSINESS MEETING
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9
               Wednesday, November 19, 2014
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                          9:00 a.m.
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18
    LOCATION: Alabama State Board of Pharmacy
19
                  111 Village Street
20
                  Hoover, Alabama 35242
21
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    REPORTER: Tanya D. Cornelius, RPR
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1	APPEARANCES
2	BOARD MEMBERS:
3	Mark Conradi, President
4	Tim Martin, Vice-President
5	Dan McConaghy, Treasurer
6	Buddy Bunch, Member
7	David Darby, Member
8	
9	ALSO PRESENT:
10	Susan Alverson, Director of
11	Professional Affairs and Secretary
12	Jim Ward, Board Attorney
13	Mitzi Ellenburg, Board of Pharmacy
14	Donna Yateman
15	Susan Sidwell
16	Tammie Koelz
17	Charles Thomas
18	Matthew Muscato
19	David Belser
20	Kacey Bratcher
21	Leanne Justis
22	Cody Berguson
23	Gary Mant

1	Mei Li
2	Ryan Rickles
3	Cynthia Ransburg-Brown
4	Wendy Sprayberry
5	Bruce Harris
6	Roger Bates
7	Dane Yarbrough
8	Julie Hunter
9	Cara Leas
10	Elizabeth Rodriguez-Gomez
11	John Rocchio
12	Ronda Lacey
13	Rick Stephens
14	Clemice Hurst
15	Emi Raycraft
16	Kelli Newman
17	Steven Brickman
18	Ashley Core
19	Andy Compton
20	Sara Worth
21	Eddie Vanderver
22	Josh Knight
23	Louise Jones

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3
                MR. CONRADI: Good morning.
                                             Sorry
4
    for being so late. We'll get started. First, I
    want to apologize if any of y'all were here last
6
    month. It got a little out of hand with UAB,
7
    and I apologize for that. I call to -- has Tim
8
    got here?
9
                MR. DARBY: I haven't seen Tim.
10
                MR. CONRADI: We're going to call the
11
    November meeting of the Alabama Board of
12
    Pharmacy to order. A majority of the members
13
    are present. We need to adopt the agenda.
14
                MR. BUNCH: I make a motion that we
15
    adopt the agenda.
16
                MR. DARBY: Second.
17
                MR. CONRADI: All in favor?
18
                MR. MCCONAGHY: Aye.
19
                MR. DARBY: Aye.
20
                MR. CONRADI: Aye.
21
                MR. BUNCH:
                           Aye.
22
                MR. CONRADI: Okay. First thing up
23
    is CVS Caremark of Florida. Step up here and
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- 1 make sure that microphone light is on. Thank
- you. I already told Jeff y'all were on the
- front, so you may proceed.
- 4 MR. ROCCHIO: How are you? My name
- 5 is John Rocchio. I am the director of
- 6 regulatory compliance representing the state
- <sup>7</sup> with our company.
- 8 MS. RODRIGUEZ-GOMEZ: And my name is
- 9 Elizabeth Rodriguez-Gomez. I'm from CVS
- 10 Caremark in Hollywood, Florida.
- MR. CONRADI: Go ahead. I'm sorry.
- 12 Speak loud enough for her to hear you. She's
- got you on the record. So move that microphone
- 14 closer to you.
- MS. RODRIGUEZ-GOMEZ: And we're here
- 16 today to present a request for a pharmacy
- services permit. We are a community licensed
- 18 pharmacy in the State of Florida. What we
- 19 currently do in our facility is prescription
- data entry, drug utilization review, and
- 21 prescription verification. We primarily service
- our CVS Caremark patients and clients, members,
- 23 and we're under a central database that is used

- in processing of all our prescriptions.
- Just a little bit of background,
- 3 we've been licensed with Alabama for the last
- 4 ten years. The reason we're here is during the
- 5 change of location of our facility, we were
- 6 recommended to move our permit from a
- 7 non-resident pharmacy license to a pharmacy
- 8 services permit. The reason for it is that we
- 9 do not have a dispensing site any longer. We're
- only a front end operation.
- Filling of the prescription, as
- 12 mentioned -- filling of the prescription is
- mentioned, prescription entries, DUR reviews,
- 14 and prescription verification. Hours of
- operation are 9:00 to 5:00 Monday through
- 16 Friday, and we do have pharmacists accessibility
- 17 24/7 every day of the year.
- Basically, if you have any questions
- 19 for us at this point in time. This is a summary
- of what I currently just expressed to you.
- MR. DARBY: You're just a data entry,
- 22 prescription entry?
- MS. RODRIGUEZ-GOMEZ: We have

- 1 prescription entry. We do the verification of
- the prescription there. And if there's any type
- of conflicts on the prescription itself, then
- 4 the pharmacist will review it as well.
- MR. DARBY: How many pharmacists are
- 6 at this location?
- 7 MS. RODRIGUEZ-GOMEZ: There's a total
- 8 of forty pharmacists, including myself,
- 9 management team.
- MR. DARBY: And you're the
- 11 supervising?
- MS. RODRIGUEZ-GOMEZ: I'm the
- 13 supervising pharmacist for them.
- MR. CONRADI: Are you inputting for
- 15 retail or for mail order?
- MS. RODRIGUEZ-GOMEZ: No, this is
- mail order.
- MR. DARBY: The prescriptions y'all
- input, where are they actually filled?
- MS. RODRIGUEZ-GOMEZ: They would end
- up being filled, dispensed out of our Illinois
- facility or out of our Pennsylvania facility.
- MR. DARBY: And some of these would

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be shipped in to people from Alabama?
1
2
                MS. RODRIGUEZ-GOMEZ: Yes. It will
    be shipped to residents of Alabama.
3
4
                             That's all I've got.
                MR. DARBY:
5
                MR. CONRADI: Any more questions?
                MR. BUNCH: No more questions.
6
7
                MR. DARBY: Do we need to approve
8
    that?
9
                MR. CONRADI: Motion to approve?
10
                MR. DARBY: I make a motion we grant
11
    the pharmacy permit to CVS Caremark.
12
                MR. BUNCH: Second.
                MR. CONRADI: All in favor?
13
14
                MR. MCCONAGHY: Aye.
15
                MR. DARBY:
                            Aye.
16
                MR. CONRADI: Aye.
17
                MR. BUNCH: Aye.
18
                MR. MARTIN: Aye.
19
                MR. CONRADI: Thank y'all for coming.
20
                MS. RODRIGUEZ-GOMEZ: Thank you.
21
                MR. CONRADI: I think everybody --
22
    most everybody is here. I don't see Louise yet.
23
    So we'll start on the --
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1
                PARTICIPANT: She's on her way.
2
                MR. CONRADI: Well, I know that.
    They were asking, You've forgot to have
3
4
    everybody introduced. I was trying to wait
5
    until she got here. If you would, we will do
6
    like we normally do. Start on the front row.
7
    Tell who you are and who you represent loud
8
    enough for the court reporter to hear you so we
9
    can record who is here for the meeting.
10
                MS. ANDERSON: I'm Crystal Anderson.
11
    I'm now employed with the State Board of
12
    Pharmacy, and I am the director of compliance.
13
                MS. ELLENBURG: Mitzi Ellenburg,
14
    Board of Pharmacy.
15
                MS. LEAS: Cara Leas, ALSHP.
16
                MR. MANT: Gary Mant, Director of
17
    Pharmacy, Baptist South in Montgomery.
18
                MS. LI: Mei Li, resident at Baptist
19
    South.
20
                MR. RICKLES: Ryan Rickles, resident
21
    at Baptist South.
22
                MS. KOELZ: Tammie Koelz, Walgreens.
23
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MR. MUSCATO: Matthew Muscato,

- 1 Walgreens Pharmacy.
- MR. KNIGHT: Josh Knight, pharmacy
- 3 student at Samford.
- 4 MR. COMPTON: Andy Compton, Samford
- <sup>5</sup> University.
- MS. SPRAYBERRY: Wendy Sprayberry,
- 7 Calhoun Treatment Center.
- MR. BELSER: David Belser,
- <sup>9</sup> representing ALAMTA.
- MS. TIDWELL: Susan Tidwell, ALAMTA.
- MS. RODRIGUEZ-GOMEZ: Elizabeth
- 12 Gomez, CVS Health.
- MR. ROCCHIO: John Rocchio, CVS
- 14 Health.
- MR. YARBROUGH: Dane Yarbrough,
- 16 Turenne PharMedCo.
- MR. STEPHENS: Rick Stephens, Senior
- 18 Care Pharmacy.
- MS. RANSBURG-BROWN: Cynthia
- 20 Ransburg-Brown, Sirote & Permutt.
- MS. HUNTER: Julie Hunter, Omnicare.
- MS. HURST: Clemice Hurst, Medicaid.
- MS. RAYCRAFT: Emi Raycraft, student

- <sup>1</sup> at Auburn.
- MS. NEWMAN: Kelli Newman, Medicaid.
- MS. LACEY: Ronda Lacey, Samford
- 4 University.
- MR. BATES: Roger Bates, Alabama
- 6 Pharmacy Association.
- 7 MR. THOMAS: Charlie Thomas, Alabama
- 8 Department of Public Health.
- 9 MR. BRICKMAN: Steve Brickman, Sirote
- 10 & Permutt. I bet Cynthia didn't know I was
- 11 coming.
- MS. WORTH: Sarah Worth, Samford
- 13 University student.
- MS. CORE: Ashley Core, Samford
- <sup>15</sup> University student.
- MS. JUSTIS: Leanne Justis, Samford
- 17 University student.
- MS. BRATCHER: Kacey Bratcher,
- 19 Samford student.
- MR. BERGUSON: Cody Berguson, CVS
- Pharmacy.
- MR. HARRIS: Bruce Harris, APCI.
- MS. YATEMAN: Donna Yateman, CVS

1 Pharmacy. 2 MR. VANDERVER: Eddie Vanderver, 3 CAPS, Incorporated. 4 Thank you. Also, I MR. CONRADI: 5 would like to say Donna Yateman is going to be my replacement for next year, so I feel sorry 6 7 for her. The Treasury report, Dan? 8 MR. MCCONAGHY: I've got it in the 9 Unless you've got any questions, it's Dropbox. 10 going to be real short and concise. We're into 11 a new year, but we have already collected thirty 12 percent of our budget on licensing fees, which 13 is pretty amazing to be this early in the 14 season. And our expenses that we have incurred 15 so far are within like point five percent of 16 what we had budgeted. So that's all in line 17 with where it should be, and we've still got 18 money in the checkbook. So if you've got any 19 questions, that's all my report. 20 MR. CONRADI: Any questions? 21 MR. DARBY: I make a motion we accept 22 the treasurer's report.

MR. BUNCH:

Second.

23

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1
                MR. CONRADI: All in favor?
2
                MR. MCCONAGHY:
                                 Aye.
3
                MR. DARBY: Aye.
4
                MR. CONRADI: Aye.
5
                MR. BUNCH: Aye.
6
                 MR. MARTIN:
                              Aye.
7
                MR. CONRADI: The wellness report
8
    we're going to put off until about 10:00.
9
    board minutes we need to approve, assuming y'all
10
    have turned in any corrections you needed to
11
    Sheri.
12
                MR. DARBY: I make a motion we
    approve the Board minutes from the October 15th
13
14
    meeting.
15
                MR. BUNCH: Second.
16
                MR. CONRADI: All in favor.
17
                MR. MCCONAGHY: Aye.
18
                MR. DARBY:
                             Aye.
19
                MR. CONRADI: Aye.
20
                MR. BUNCH:
                             Aye.
21
                MR. MARTIN: Aye.
22
                MR. DARBY:
                             I make a motion we
23
    approve the Board minutes of the work session
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1 from October 15th. 2 MR. BUNCH: Second. 3 MR. CONRADI: All in favor? 4 MR. MCCONAGHY: Aye. 5 MR. DARBY: Aye. 6 MR. CONRADI: Aye. 7 MR. BUNCH: Aye. 8 MR. MARTIN: Aye. 9 MR. DARBY: I make a motion we approve the interview minutes from October 15th. 10 11 MR. BUNCH: Second. 12 MR. CONRADI: All in favor? 13 MR. MCCONAGHY: Aye. 14 MR. DARBY: Aye. 15 MR. CONRADI: Aye. 16 MR. BUNCH: Aye. 17 MR. MARTIN: Aye. 18 MR. CONRADI: Susan, do you have the 19 inspector's report? 20 MS. ALVERSON: I do. We completed 21 fifty-eight inspections in October. We received 22 eleven complaints. We completed fifteen 23 complaints, because we had -- we were completing

- what was from the month before.
- We had inspectors attend the Attorney
- 3 General's Law Enforcement Summit. Three
- 4 inspectors assisted the FBI in a search warrant
- of a pharmacy in Alabama. Three inspectors
- 6 attended the NASCSA, N-A-S-C-S-A, conference,
- 7 and our inspectors also attended Multigon this
- 8 month. All right. So that's the inspector's
- 9 report.
- MR. CONRADI: On the complaints, how
- 11 far -- how long is it averaging taking from the
- time it comes in until the time it's resolved?
- MS. ALVERSON: I would say for half
- of them we're averaging three to four weeks now,
- because we handle them in a meeting before the
- board meets, and a number of those you see in
- what's presented to you in the report. If it's
- determined it has to go on to Jim, we're getting
- 19 them back from Jim before the next board
- meeting, and they are being dealt with in the
- next board meeting.
- So I would say nothing is taking more
- than two months unless it's an exceptional case

1 with a lot of complications. 2 MR. CONRADI: Any other questions? 3 The secretary's report? 4 MS. ALVERSON: We've spent a lot of time in inspections for sterile and non-sterile 5 6 compounding this month. Crystal, as you know, 7 is our newest employee, and so we've been doing 8 a lot of training with her, and I think she's 9 seen things now she wasn't expecting to see and 10 understand. 11 We have met with the Board of Nursing 12 about their computer system and really liked it, 13 but as I've told you in the past, they spent a 14 lot of money on that system. So we have met --15 or I have met with that company, and they made 16 us a promise that whatever we are paying now, 17 they will come in below that cost for the full 18 system that the nursing program has. And there 19 will be somebody here in our building with us 20 probably fifty percent of the time, the full 21 time. 22 MR. BUNCH: When we go live?

MS. ALVERSON:

23

Well, more than go

- 1 live. For the full install and while we're
- getting used to it. So I want to get all of
- 3 that in writing. We have a meeting the Monday
- 4 after Thanksgiving, and then we're going to
- 5 demonstrate the program for the full staff to
- 6 make sure that they see it as workable for them,
- because I would like to make a decision by the
- 8 time of the next board meeting, and we should
- 9 have the comparison of the three systems then
- 10 for you by the next board meeting.
- MR. CONRADI: Make sure Joe is in
- 12 that meeting with you.
- MS. ALVERSON: Okay. I will.
- MR. BUNCH: Refresh my memory. Are
- they local? Do they have a office here?
- MS. ALVERSON: They are out of
- 17 Florida. Well, we have two, one that's in Texas
- and one that's in Florida. But the one we're
- 19 talking about now is in Florida, but they both
- 20 have an office in Atlanta. And the person who
- is the supervisor for all installs is in
- 22 Atlanta. And he's probably in Birmingham one
- out of every two weeks.

- 1 And two other state agencies have
- 2 also signed with them now. The real estate
- 3 board has signed with them, and I'm not sure of
- 4 the other state agency that has signed with
- 5 them. But because we all have very similar
- 6 needs, they are able to use one system that's
- 7 already built. That doesn't mean it won't take
- 8 tweaking.
- 9 MR. CONRADI: Does it have an
- 10 enforcement side to it?
- MS. ALVERSON: It does have an
- enforcement side. So I'm feeling pretty
- optimistic about that system right now.
- MR. CONRADI: We did about the last
- one. 15
- MS. ALVERSON: I understand. That's
- $^{17}$  why I am --
- MR. MARTIN: I hope we're getting
- 19 smarter.
- MS. ALVERSON: That's my hope, that
- we're looking at more things, and we'll have
- 22 more in the contract. So all right. I have
- 23 asked the two schools of pharmacy to bring a

- 1 proposal to the Board. They have some concerns
- about people who are being assessed. The
- 3 assessment takes a while. By the -- if they are
- found to not have a problem, by the time that
- 5 process is finished, the student cannot finish
- 6 that semester of school.
- 7 MR. MARTIN: Like a wellness
- 8 assessment?
- 9 MS. ALVERSON: Right.
- MR. CONRADI: So they are making them
- 11 sit out while they have the assessment?
- MS. ALVERSON: Well, because they've
- been identified with a problem, we take their
- intern/extern license. And the schools will not
- allow them to continue without an intern/extern
- license. And the way the curriculum is now,
- students start in their first year being out on
- 18 rotations. It's not like waiting until the end.
- 19 And so they really cannot go on rotations if
- they don't have an intern/extern license.
- 21 And we're -- for the schools, they
- 22 must sign a contract with all the places where
- they place students saying that there is no

- issue with the student having an impairment
- 2 problem. So if the school knows there's a
- potential one, it's too high a risk. They can't
- 4 do that. That would violate their contract.
- 5 MR. CONRADI: So it's not us as much
- 6 as it is -- I mean, we're not taking their
- 7 intern license before we find out they have a
- 8 problem, are we?
- 9 MS. ALVERSON: Yes, we are. I mean,
- if it's reported that they have a problem, yes,
- 11 we do take their --
- MR. CONRADI: So they do have a
- problem. We're just getting them assessed to
- see how bad a problem?
- MS. ALVERSON: Right. For instance,
- 16 you know, was it a bad decision on a Saturday
- night after a football game or do you have a
- drinking problem?
- MR. WARD: That takes a week. Once
- you go into a facility, the assessment is
- 21 completed within a week.
- MS. ALVERSON: Right. But getting a
- bed in a facility, finding the money, getting

- insurance, that takes a couple of weeks.
- MR. WARD: So we should change the
- 3 whole program because a couple of students?
- 4 They have a couple of students?
- MS. ALVERSON: Well, we would like to
- 6 talk about what are the other possibilities.
- 7 MR. WARD: Well, the assessment has
- 8 to be valid. That's the whole point.
- 9 MS. ALVERSON: I understand, but we
- would like to -- we're proposing to the Board,
- couldn't we talk about other possibilities?
- MR. MARTIN: So I think from the
- school's standpoint, obviously they are not
- qoing to allow the student to function in that
- experiential environment without the proper
- credentials, and we're saying there appears to
- be an issue related to -- possibly related to
- the ability of the person to make a good or bad
- decision in that environment because they may be
- impaired. So that's the reason we're holding
- 21 back on that.
- MS. ALVERSON: That's right.
- MR. MARTIN: So it's kind of like a

- 1 catch twenty-two. Until we satisfy ourselves
- that they are not a harm to patients, you know,
- we're not going to let them have the certificate
- 4 back. And until they get the certificate back,
- 5 they are not going to be able to practice in the
- 6 experiential environment.
- 7 MS. ALVERSON: Right.
- MR. CONRADI: Sounds like even if
- 9 they have the intern/extern license or permit or
- whatever you want to call it, they can't go
- there anyway if there's a cloud above them,
- 12 right?
- MS. ALVERSON: Right. The school
- 14 still --
- MR. CONRADI: So it doesn't have
- 16 really anything to do with the intern/extern
- 17 license.
- MR. MARTIN: Well, I think that's
- 19 probably the school's simplest way of saying
- 20 that's --
- MR. CONRADI: That's not our problem,
- 22 it's yours?
- MR. MARTIN: Yeah, yeah.

- MS. ALVERSON: And having been in
- that position, I know I've found ways to have
- people assessed in less than a week. So I don't
- 4 think it necessarily takes that long that you
- 5 always have to be an inpatient to be assessed
- 6 whether you have a problem.
- 7 MR. WARD: Dr. Garver will differ
- 8 with you about that.
- 9 MS. ALVERSON: And we're just asking
- 10 could we talk about it.
- MR. WARD: Why don't we wait for him
- to get here so we can involve him?
- MS. ALVERSON: Well, I wanted to put
- 14 it in my report so you knew what I was doing
- 15 this month.
- MR. CONRADI: We appreciate it. We
- 17 like to know.
- MR. BUNCH: You don't want to debate
- 19 it now. You just want to get it before the
- 20 Board?
- MS. ALVERSON: Right. I'm just
- trying to tell you what I've been working on
- 23 this month.

- MR. MARTIN: Has he been part of the
- <sup>2</sup> discussion yet?
- MS. ALVERSON: No. So you're part of
- 4 the beginning of the discussion, all right?
- 5 I've been appointed to a national committee to
- 6 write standards for pharmacy technicians
- 7 compounding hazardous drugs, and so I'll be in
- 8 Chicago for a couple of days doing that the end
- 9 of this week.
- MR. CONRADI: You'll be close to home
- 11 then.
- MS. ALVERSON: I hope there's a
- little snow left on the ground when I get there,
- 14 at least a little for me. So the registration
- or renewal of licenses has been going forward.
- 16 The ones with the pharmacists seem to be doing
- 17 pretty well. Lynn has been working very hard,
- 18 but the out of state renewals are moving along
- 19 very smoothly.
- The interview process that we've
- adapted has gone really well. We've had some
- glitches with renewing businesses because GLS
- has been behind in getting every one of those up

- 1 to standard. But Terry and Dianne and Ronda
- have been working with them. And so we've been
- 3 able to renew everything, but we have had a few
- 4 glitches. In case somebody in the community
- 5 says it was hard renewing my precursor license,
- 6 you'll know that they are telling you the truth.
- 7 MR. MARTIN: Can I back up to the
- 8 tech training?
- 9 MS. ALVERSON: Yes.
- MR. MARTIN: So this is through NAVP?
- MS. ALVERSON: No. This is through
- the Hematology/Oncology Pharmacy Society.
- MR. MARTIN: HOPA. So do you know
- the status? I've lost touch with the status of
- the USP 800. I knew it was out for comment.
- MS. ALVERSON: The comment period
- ended July 31st, and I think it's like most
- other things. We're just kind of waiting for
- 19 USP to decide how they are going to handle those
- comments, if they are going to change things.
- 21 So I don't know where it stands, but it wouldn't
- 22 surprise me to receive it in a final form any
- 23 day.

- MR. MARTIN: So HOPA is expecting
- that there's enough of 800 ready to go to set up
- a training around what would be needed to be
- 4 compliant with 800 once it gets official?
- MS. ALVERSON: Yes. Plus, I think
- 6 they feel that too frequently the literature and
- 7 standards are -- say pharmacists, and too
- 8 frequently pharmacists may not train their
- 9 technicians well enough to protect them. And so
- they are hoping to come out with a document that
- 11 also addresses the need to protect technicians.
- MR. MARTIN: Thank you.
- MS. ALVERSON: You're welcome. And
- that's the month.
- MR. CONRADI: Any questions? Mr.
- Ward, do you have any report on the attorney?
- MR. WARD: No. Just for executive
- 18 session.
- MR. CONRADI: Old business? I've got
- one item I know of. We need to vote on the
- 21 proposed guidelines for methadone pharmacy
- 22 activities. I think all y'all got a copy of
- 23 that.

- MS. ALVERSON: Could I make a
- 2 comment? We did get a letter forty-eight hours
- 3 ago with two questions, and Mr. Brinkman --
- 4 MR. BRINKMAN: Right here
- <sup>5</sup> (indicating).
- MS. ALVERSON: Oh, you moved.
- 7 MR. BRINKMAN: Yeah.
- MS. ALVERSON: You had a question.
- 9 If we could resolve this now, we could vote and
- 10 be done this month. I'm sorry.
- MR. CONRADI: We want to vote and be
- done this month either way. I'm tired of
- 13 fooling with it almost five years.
- MS. ALVERSON: Mr. Brinkman, what
- needs to go on the label is exactly what DPA
- 16 says. So it would be nothing different than the
- 17 standard label and DPA.
- MR. BRINKMAN: That's what I figured.
- 19 I wanted to hear it from y'all.
- MS. ALVERSON: You wanted to be sure
- 21 from the horse's mouth?
- MR. BRINKMAN: Correct. And we had a
- question on what medication pass area meant.

- 1 That was a term y'all used in the guidelines,
- and I wasn't sure what it meant, and I wanted to
- 3 make sure.
- 4 MS. ALVERSON: We were not
- 5 considering a separate area or walled off area
- or a taped off area. I guess in my mind I was
- <sup>7</sup> thinking where the pharmacist is standing, okay?
- MR. BRINKMAN: Okay. That's fine.
- 9 And then I had one other clarification.
- MS. ALVERSON: Right. About
- 11 designated stock?
- MR. BRINKMAN: Right. The way we do
- business is a little different than the way the
- other facilities do business, and in the letter
- it explained the way we do business, and we
- wanted to have one safe or multiple safes where
- you would have both the administered and the
- 18 take-home doses together because of the way we
- operate. And so I explained the way we operated
- in the letter and asked for an exception to the
- general rule that y'all established in the
- guidelines based on the way we do business. I
- think it's in the last paragraph of the letter

- 1 that I sent to Jim a couple of days ago. And I
- 2 apologize for the late delivery of the letter.
- MS. ALVERSON: Well, we were just
- 4 tied up all day yesterday. We left here -- I
- was going to say it was dark, but that doesn't
- 6 imply anything.
- 7 MR. BRINKMAN: I speak for my clients
- 8 and thank y'all also for the work y'all put in,
- 9 particularly Jim and Susan, on developing the
- 10 guidelines. We're grateful for y'all's
- 11 resolution of that issue. So I wanted to make
- that point clear. But I wanted a clarification
- if possible.
- MS. ALVERSON: One of the things we
- didn't think of but somebody else did was if
- there had to be a separate stock for
- 17 pharmacists, for instance, if there were powders
- or what they were going to mix, it actually
- could be put in a box that's locked and put in
- one safe. That's still a separated pharmacist
- only. If you are ordering and receiving all
- unit dose -- is that my understanding?
- MR. BRINKMAN: Yes.

1 MS. ALVERSON: If the pharmacist could check out of stock what they need for the day, I think we can work around that, all right? 3 4 MR. BRINKMAN: And if possible, if 5 you want to adopt the guidelines and then let me 6 work with Jim and Susan on the issue, we can 7 certainly do that post-meeting if that would be 8 -- if that would suit the Pharmacy Board as 9 well. 10 MS. ALVERSON: I feel I have a few 11 things I have to stick to to be true to the 12 pharmacy law. I think the pharmacist's control 13 of what is dispensed on an outpatient basis is 14 kind of critical to what I see or my 15 understanding from the Board also as being able to satisfy our end of the equation also. But we 16 17 will work on that. 18 MR. BRINKMAN: Okay. 19 MR. MARTIN: I move we adopt the 20 guidelines as proposed. 21 MR. DARBY: I second it. 22 MR. CONRADI: All in favor?

MR. MCCONAGHY:

Aye.

23

1 MR. DARBY: Aye. 2 MR. CONRADI: Aye. 3 MR. BUNCH: Aye. 4 MR. MARTIN: Aye. 5 MR. CONRADI: And would you identify 6 yourself? 7 MR. BRINKMAN: I'm sorry. I'm Steve 8 I'm a lawyer at Sirote & Permutt. I Brinkman. 9 represent Colonial Management Group. 10 MR. CONRADI: Thank you. 11 MR. WARD: Susan, when you get a 12 chance, will you just put down in writing what you said to him so we've got it so it's clear, 13 14 please, ma'am? 15 MS. ALVERSON: Yes. 16 MR. CONRADI: Do y'all have any other old business? New business? We've got the 17 18 meeting dates for next year. I think y'all have 19 a copy of those. 20 MR. DARBY: I make a motion we 21 approve the meeting dates according to the 22 printout we have. 23

MR. BUNCH: Second.

1 MR. MARTIN: May I have some 2 discussion? 3 MR. CONRADI: Any discussion? 4 MR. MARTIN: Understanding that occasionally these could have to move for one 5 6 reason or another. 7 MR. CONRADI: Oh, yeah, they can be 8 changed. 9 MR. MARTIN: And these are published, 10 what, thirty days or more? Is that the 11 requirement? 12 MR. CONRADI: Susan? 13 MR. MARTIN: These are --14 MS. ALVERSON: Oh, yes. And that's 15 in Mitzi's hands, and she is very responsible. 16 MS. ELLENBURG: You have to post them 17 to the Secretary of State's website thirty days prior, and you have to give them thirty days 18 19 prior notice if you intend to change it. 20 MR. MARTIN: Okay. 21 MR. CONRADI: We just post them one 22 month at a time? 23 MS. ELLENBURG: I usually post them

- 1 for the year. If you would rather I --
- MR. CONRADI: And if we need to
- 3 change it, you just --
- 4 MR. MARTIN: Either way. As long as
- 5 people know, you know, they have to come back
- 6 and check to see if the date is changed, you
- 7 know, that's fine.
- MR. MCCONAGHY: That's what I think
- 9 Tim and I want to know, is there a procedure if
- something comes up in October that needs to be
- changed, that would need to be -- we would need
- 12 to go through to make that change.
- MS. ELLENBURG: It has to be sent to
- the Secretary of State thirty days prior to the
- date of the change.
- MR. MCCONAGHY: Would that go through
- 17 you?
- MS. ELLENBURG: Yes.
- MR. MARTIN: Just like they got
- posted to begin with, just change it thirty days
- 21 prior to?
- MS. ELLENBURG: Yes.
- MR. MARTIN: Do you want to vote?

1 MR. CONRADI: Any more questions? 2 Discussion? All in favor? 3 MR. MCCONAGHY: Aye. 4 MR. DARBY: Aye. 5 MR. CONRADI: Aye. 6 MR. BUNCH: Aye. 7 MR. MARTIN: Aye. 8 MR. CONRADI: Do we have any other items we need to discuss other than executive 9 session? I assume you have some items for 10 11 executive session. I know Mr. Ward does. 12 MR. MARTIN: We do. 13 MR. CONRADI: Hang on just a minute. 14 Let me get my cheat sheet here. I thought that might be Garver coming in. 15 16 MR. MARTIN: Do we have his report? 17 MR. CONRADI: Do you have his report, 18 Garver's report? 19 MS. ALVERSON: I don't. I could ask 20 Terry to print it from the Dropbox. 21 MR. CONRADI: Is it in the Dropbox? 22 MR. MARTIN: If it's in the Dropbox, 23 one of us can read it in.

1 MS. ELLENBURG: I've got it right 2 here (indicating). 3 MR. CONRADI: Do you want to read it 4 in, Susan? 5 MS. ALVERSON: There are a hundred and forty-one people in our screening program 6 7 with signed contracts or orders. This includes 8 individuals who have a diagnostic monitoring 9 contract, but does not include any of the 10 professionals that I'm going to mention now. We 11 have one pharmacist in inpatient. There's a 12 pharmacist who is going to be entering treatment 13 in two weeks. That's that time frame I talked 14 about. Sometimes it takes a while to get in. 15 There are nineteen pharmacists who 16 are being held out for some reason or in the 17 process of being investigated, evaluated, or made ready for presentation. 18 19 There is one tech in treatment, seven 20 techs who are being held out for some reason, or 21 in the process of being investigated, evaluated, 22 or made ready for presentation.

There is one student who has

23

- 1 completed outpatient treatment who has refused
- 2 recommendation and who needs disposition.
- 3 There's one student who has relapsed who has
- 4 withdrawn from school and may not be able to
- <sup>5</sup> return to school, and that needs disposition.
- 6 There's one student having an evaluation this
- <sup>7</sup> week.
- 8 All of the individuals who are in
- <sup>9</sup> treatment or in evaluation or undecided are
- 10 presently out of the workplace and without a
- 11 license. There are eighty-two individuals in
- 12 facility-driven aftercare. We have met
- personally with all licensees returning to work
- to sign contracts and explain how monitoring
- works. All returning licensees have been placed
- in the Caduceus either pharmacy or health
- 17 professional. Submitted by Dr. Garver.
- MR. WARD: The student you mentioned
- who doesn't want to go through the program, I've
- 20 prepared a necessary statement on that one. Do
- you know which one I'm talking about? So that
- will be set.
- MR. CONRADI: All right. Thank you,

1 Susan. 2 MS. ALVERSON: You're welcome. 3 MR. CONRADI: Any other business? 4 Mark, I quess as a MR. MCCONAGHY: 5 point of information, the long-term care 6 automated dispensing that we've talked about, 7 I'll take the blame or credit, whichever one, 8 whichever way you take it, that it didn't get 9 presented this month. It's being put into the 10 rule format, and I think part of what -- about 11 my only hold up on it was looking to see what 12 other rules and laws are already in effect that it might affect, and that's the one thing we 13 14 hadn't really looked at. So I'm trying to go 15 back and look at that before it actually got 16 submitted. So I would ideally say it will be 17 submitted at the next meeting. 18 Thank you, Dan. MR. CONRADI: 19 questions? I would like to make a motion that 20 we retire into executive session for the 21 purposes of discussing professional competence, 22 general reputation, character, licensees and 23 registrants of the Board. We're going into

- executive session at let's say 9:50. We'll come
- out at 10:45. When we come out, there will be
- 3 no other -- what's wrong Mitzi?
- 4 MS. ELLENBURG: I told Cara, this has
- 5 got to be a new record.
- 6 MR. CONRADI: Yeah. Wait until next
- 7 month.
- MS. ELLENBURG: I'm not complaining,
- <sup>9</sup> you understand.
- MR. CONRADI: At which time we'll
- vote on cases that we heard in executive session
- 12 and adjourn. If no other business, we'll be
- done. If you want to hang around until then and
- hear us vote, you can.
- MR. MARTIN: Second.
- MR. CONRADI: We need an individual
- vote on going into executive session. How do
- 18 you vote? Mr. McConaghy?
- MR. MCCONAGHY: Aye.
- MR. CONRADI: Mr. Darby?
- MR. DARBY: Aye.
- MR. CONRADI: Dr. Martin?
- MR. MARTIN: Aye.

```
1
                MR. BUNCH: Aye.
2
                MR. CONRADI: Aye. All in favor. We
    will go into executive session at 9:50. Thank
3
4
    y'all for coming.
5
6
                 (Whereupon, a recess was taken for
7
    executive session from 9:50 a.m. to 11:07 a.m.)
8
9
                MR. CONRADI: We're back out of
10
    executive session. We've got complaints we
11
    discussed in executive session, Complaint Number
12
    14-0148, 14-0150, 14-0152. The recommendation
13
    was permanent surrender.
14
                MR. MARTIN: I move we accept the
15
    recommendation as submitted.
16
                MR. CONRADI: All in favor?
17
                MR. DARBY: I second that.
18
                MR. CONRADI: All in favor?
19
                MR. MCCONAGHY: Aye.
20
                MR. DARBY: Aye.
21
                MR. CONRADI: Aye.
22
                MR. BUNCH:
                            Aye.
23
                MR. MARTIN: Aye.
```

```
1
                MR. CONRADI: Case 14-0139, the
    recommendation was letter of warning.
3
                MR. MARTIN: I move we accept the
    recommendation as submitted.
4
5
                MR. DARBY: Second.
                MR. CONRADI: All in favor?
6
7
                MR. MCCONAGHY: Aye.
8
                MR. DARBY: Aye.
9
                MR. CONRADI: Aye.
10
                MR. BUNCH: Aye.
11
                MR. MARTIN: Aye.
12
                MR. CONRADI: Case Number 14-0154,
    Case Number 14-0158, the recommendation was no
13
14
    violation.
15
                MR. MARTIN: I move we accept the
    recommendation as submitted.
16
17
                MR. DARBY: Second.
                MR. CONRADI: All in favor?
18
19
                MR. MCCONAGHY: Aye.
20
                MR. DARBY: Aye.
21
                MR. CONRADI: Aye.
22
                MR. BUNCH: Aye.
23
                MR. MARTIN: Aye.
```

```
1
                MR. CONRADI: Case number 14-0151,
    the recommendation was to refer it to Alabama
3
    Board of Nursing.
4
                MR. DARBY: I make a motion we accept
5
    the recommendation.
6
                MR. BUNCH: Second.
7
                MR. CONRADI: All in favor?
8
                MR. MCCONAGHY: Aye.
9
                MR. DARBY: Aye.
10
                MR. BUNCH: Aye.
11
                MR. CONRADI: Aye.
12
                MR. MARTIN: Aye.
13
                MR. CONRADI: Dr. Martin abstains.
    Case Number 14-0046, recommendation from the
14
15
    Board was letter of warning.
16
                MR. DARBY: I move we accept the
17
    recommendation.
18
                MR. MARTIN: Second.
                MR. CONRADI: All in favor?
19
20
                MR. MCCONAGHY: Aye.
21
                MR. DARBY: Aye.
22
                MR. CONRADI: Aye.
23
                MR. BUNCH: Aye.
```

```
1
                MR. MARTIN: Aye.
2
                MR. CONRADI: I don't think we're
    going to vote down our own recommendation.
3
4
                 MR. DARBY: We're pretty
    schizophrenic.
5
6
                 MR. CONRADI: We had a request from a
7
    pharmacist, Bill Haney, to allow him to be a
    supervising pharmacist, and we approved that.
8
9
    All in favor? I guess we need a motion.
10
                             I make a motion we allow
                MR. DARBY:
11
    Bill Haney to be a supervising pharmacist.
12
                MR. MARTIN: Second.
13
                MR. CONRADI: All in favor?
14
                MR. MCCONAGHY: Aye.
15
                MR. DARBY: Aye.
16
                MR. BUNCH: Aye.
17
                MR. MARTIN: Aye.
18
                MR. CONRADI: I abstain from that
19
    one, and that's the end of our business.
20
21
                    END OF PROCEEDINGS
22
23
```

```
1
                   CERTIFICATE
2
3
    STATE OF ALABAMA )
4
    JEFFERSON COUNTY )
5
6
                   I HEREBY CERTIFY that the above
7
    and foregoing hearing was taken down by me in
    stenotype, and the questions and answers thereto
8
    were transcribed by means of computer-aided
9
    transcription, and that the foregoing represents
10
11
    a true and correct transcript of the
12
    proceedings.
13
                   I FURTHER CERTIFY that I am
14
    neither of counsel, nor of any relation to the
    parties to the action, nor am I anywise
15
16
    interested in the result of said cause.
17
18
19
                /s/Tanya D. Cornelius
20
                TANYA D. CORNELIUS
21
               CCR No. 378
22
               Notary Expires 9/16/14
23
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