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ALABAMA STATE BOARD OF PHARMACY

BUSINESS MEETING

Wednesday, April 15, 2015

9:05 a.m.

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

REPORTER: Sheri G. Connelly, RPR

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ATTENDEES

BOARD MEMBERS:

Dan McConaghy, President

Tim Martin, Vice President

Buddy Bunch, Treasurer

David Darby, Member

Donna Yeatman, Member

ALSO PRESENT:

Jim Ward, Attorney

Susan Alverson, Executive Secretary

Eddie Braden, Chief Inspector

Cristal Anderson, Director of Compliance

Dr. Mike Garver, Director, Wellness Program

Terry Lawrence

Mark Delk

Todd Brooks

Blake Anderson

Cara Leos

Gary Mount

Steve Bethea

Tammie Koelz

- 1 Matthew Muscato
- 2 Greg Gamble
- 3 Jack Adams
- 4 Bruce Harris
- 5 Katy Laky
- 6 Alicia Usher
- 7 Lynn Connor
- 8 Mike Boivin
- 9 Scott Kruse
- 10 Wes Averett
- 11 Dan Yarbrough
- 12 Julie Hunter
- 13 Bill Maguire
- 14 Kelli Newman
- 15 Clemice Hurst
- 16 Ronda Lacey
- 17 Louise Jones
- 18 Tracy Davis
- 19 Sharon Hester
- 20 Eddie Vanderver
- 21 Billy Lawley
- 22 Rick Stephens
- 23 C. J. Cobb

1 MR. MCCONAGHY: I'll call the April  
2 15, 2015, Alabama Pharmacy Board Meeting to  
3 order and seeing as we have a quorum present  
4 with all members here. Can I get a motion to  
5 adopt the agenda?

6 MR. DARBY: I move we adopt the  
7 agenda.

8 MS. YEATMAN: Second.

9 MR. MCCONAGHY: All in favor?

10 MR. DARBY: Aye.

11 MR. BUNCH: Aye.

12 DR. MARTIN: Aye.

13 MS. YEATMAN: Aye.

14 MR. MCCONAGHY: We will start with  
15 asking everybody to identify themselves. We can  
16 start with Leos on the front row there and go  
17 around. Y'all know the routine.

18 MS. LEOS: Hi there, good morning,  
19 Cara Leos with ALSHP.

20 MR. MOUNT: Gary Mount, director of  
21 pharmacy, Baptist South Montgomery.

22 MR. ANDERSON: Blake Anderson, CPA,  
23 Turpin and Associates.

1 MR. BETHEA: Steve Bethea, University  
2 of South Alabama, Mobile.

3 MR. LAWRENCE: Terry Lawrence, Alabama  
4 State Board of Pharmacy.

5 MS. KOELZ: Tammie Koelz, Walgreens.

6 MR. MUSCATO: Matthew Muscato,  
7 Walgreens.

8 MR. GAMBLE: Greg Gamble, Walgreens.

9 MR. ADAMS: Jack Adams, Huntsville  
10 Hospital.

11 MR. HARRIS: Bruce Harris, APCI.

12 MS. LAKY: Katy Laky, McWhorter School  
13 of Pharmacy.

14 MS. USHER: Alicia Usher, McWhorter  
15 School of Pharmacy.

16 MS. CONNOR: Lynn Connor, Senior Care  
17 Pharmacy.

18 MR. BOIVIN: Mike Boivin, Cubex.

19 MR. KRUSE: Scott Kruse, Cubex.

20 MR. AVERETT: Wes Averett, Turenne  
21 PharMedCo.

22 MR. YARBROUGH: Dan Yarbrough, Turenne  
23 PharMedCo.

1 MS. HUNTER: Julie Hunter, Omnicare.

2 MR. MAGUIRE: Bill Maguire, Omnicell.

3 MS. NEWMAN: Kelli Newman, Alabama

4 Medicaid.

5 MS. HURST: Clemice Hurst, Alabama

6 Medicaid.

7 MS. LACEY: Ronda Lacey, McWhorter

8 School of Pharmacy.

9 MS. JONES: Louise Jones, Alabama

10 Pharmacy Association.

11 MS. DAVIS: Tracy Davis, APA.

12 MS. HESTER: Sharon Hester,

13 Transdermal Therapeutics.

14 MR. VANDERVER: Eddie Vanderver, CAPS,

15 Incorporated.

16 MR. BROOKS: Todd Brooks, Alabama

17 State Board of Pharmacy.

18 MR. LAWLEY: Billy Lawley, Wal-Mart,

19 Inc.

20 MR. DELK: Mark Delk, State Board of

21 Pharmacy.

22 DR. GARVER: I'm Mike Garver, the

23 Wellness director. Thank you.

1                   MR. MCCONAGHY: Okay. We'll start  
2 with you -- since you were last, we'll start  
3 there.

4                   DR. GARVER: Thank you. Thank you. I  
5 appreciate that. Good morning all of you.  
6 Thank you for seeing me early. I've got an  
7 appointment with a pharmacist at a treatment  
8 center this morning to convince them that they  
9 need to self-report, what the consequences may  
10 be if they don't, and we'll see how that goes  
11 but here's the report. I'd like to read it into  
12 the record.

13                   There are presently 143 people in our  
14 screening program. These are people with signed  
15 contracts and orders. This number includes any  
16 individuals with a diagnostic monitoring  
17 contract, which does not include any of the  
18 professionals listed below under current work.

19                   Under the current work there are three  
20 pharmacists in inpatient treatment. There is  
21 one pharmacist who's in an evaluation. This is  
22 a two-phase evaluation. I listed him last  
23 month. He was there for that phase. He had to

1 get out for a while. He's going back this week.  
2 In fact, he's going back tomorrow for the second  
3 phase of that evaluation.

4           There's one tech presently in  
5 treatment that's inpatient treatment. There's  
6 one student who is in outpatient treatment.  
7 That student will be out this next week and  
8 there's one student who is in an evaluation this  
9 week and the total number of pharmacy health  
10 professionals that we've identified in 2015 is  
11 11. That's on track for a pretty big year for  
12 the Pharmacy Board if it keeps that up.  
13 Seventy-five percent of those will be pharmacy  
14 techs.

15           I talked to Ms. Alverson this morning.  
16 We're going to get some actual statistical data  
17 for the Board to be able to see. I'll try to do  
18 that through June, half a year, and then at the  
19 end of the year when I come in January for the  
20 end of the year, I'll have it for the whole year  
21 so that you can see exactly from -- not just  
22 from month to month but for the whole year how  
23 many pharmacy health professionals were



1 identified, how many were pharmacists, how many  
2 were techs, how many went to treatment, and how  
3 many did not. So we'll have the total number of  
4 contacts actually made by the committee for you,  
5 so.

6 And lastly, there are 85 individuals  
7 right now in facility-driven aftercare. That's  
8 aftercare that they are mandated to do by the  
9 treatment center where they had treatment, so  
10 that's it for me. Any questions?

11 DR. MARTIN: I have one.

12 DR. GARVER: Yes, sir.

13 DR. MARTIN: Do you have one?

14 MR. MCCONAGHY: No.

15 DR. MARTIN: So it sounds like the  
16 numbers are up, moving up. Can you point to  
17 anything at this point that -- that we might  
18 have done, that somebody might have done to help  
19 move that number up? I'm guessing we're just  
20 capturing more of the population that's out  
21 there and why do you think that's the case.

22 DR. GARVER: Well, I think with the  
23 advent of all of the measures that are taken by

1 the big pharmacy companies, that captures a lot  
2 more people now. People are failing drug  
3 screens. People have more cameras. There are  
4 more detection things that are going on in the  
5 pharmacy, so we're picking up a lot more of  
6 those people, and there are a lot more techs. I  
7 mean, I can't give you a reason but everybody  
8 wants to be a pharmacy tech and maybe it's easy.

9 I'm not familiar with the process that  
10 they have to go through to be a pharmacy tech  
11 but a lot of those are contacts only. I mean, I  
12 actually -- they're referred to me by an  
13 investigator. I contact them, you know. I'm  
14 going back to work at the grocery store. That's  
15 it for me.

16 DR. MARTIN: Right.

17 DR. GARVER: And we don't have  
18 anything else to do with them.

19 DR. MARTIN: Right.

20 DR. GARVER: So there are a lot of  
21 people that are identified and a smaller section  
22 of those that actually finish treatment and  
23 return to pharmacy.

1 DR. MARTIN: So we'll know a lot more  
2 when you bring your report.

3 DR. GARVER: Yeah, I'll bring that for  
4 you. I told Susan at the end of the year but it  
5 will be easier to do for half a year in June and  
6 we'll do it for the end of the year as well for  
7 the total.

8 DR. MARTIN: Great, okay.

9 DR. GARVER: Anybody else? All right.  
10 Good to see you -- most of you.

11 MR. BUNCH: Thank you, Doctor.

12 MR. MCCONAGHY: Treasurer's report,  
13 Buddy Bunch.

14 MR. BUNCH: Good morning. Good  
15 morning. Treasurer report today, it's about  
16 like it was last month. We're about 94-and-a-  
17 half percent -- percent of budget on our profit.

18 I drug in Blake Anderson this month.  
19 Blake just introduced himself. He's a CPA and  
20 he works kind of in-house with the Board and  
21 does our accounting and does a great job. I  
22 wanted to get Blake in today to maybe answer  
23 any -- any questions anyone had but glad to have

1 Blake with us.

2 Blake, any comments from you, sir?  
3 Anything that we need to do any differently?

4 MR. ANDERSON: I think everything is  
5 on track. Like you said, we're -- 95 percent of  
6 the income that we're going to get for this  
7 fiscal year is here and our expenses halfway  
8 through the year are all tracking right at 50  
9 percent with the exception of the computer  
10 expense that we put down a deposit on the new  
11 system.

12 MR. BUNCH: Very good. Very good.  
13 Any -- any questions on the treasurer's report  
14 since we've got the expert here today?

15 DR. MARTIN: I might have one. It  
16 seems like I'm the only one asking questions  
17 today.

18 Susan, are you going to talk about  
19 anything related to sunset? If not, I've got a  
20 question for Blake.

21 DR. ALVERSON: I was going to mention  
22 what the auditor has told me so far. I'm not  
23 sure what she's told Blake.

1 DR. MARTIN: Well, let me ask him  
2 half -- I'll ask him half of the question and I  
3 won't steal your thunder.

4 DR. ALVERSON: No, go ahead.

5 DR. MARTIN: From an accounting  
6 standpoint, you've had the opportunity meet with  
7 the auditor who's been here and can you tell us  
8 what it's looking like?

9 MR. ANDERSON: We have -- I think  
10 she's pleased with the -- we have been able to  
11 provide her with all the documentation that  
12 she's asked for. It's a lot of documentation  
13 but from the accounting side of it, our records  
14 are -- she said our records are in great shape.  
15 She mentioned that the next time if she gets to  
16 come that it should be rather easy so.

17 DR. MARTIN: Great, thank you for the  
18 good job.

19 MR. ANDERSON: She seems pleased with  
20 what we're -- with the records that we're able  
21 to give her and the information.

22 DR. MARTIN: Thank you.

23 MR. DARBY: Blake, what's a duplicate

1 license?

2 MR. ANDERSON: That is -- I guess  
3 that's when people are wanting a copy of theirs.  
4 It's a \$10 charge.

5 DR. ALVERSON: They lose it, get  
6 married and want to change their name.

7 MR. DARBY: Okay. Get divorced and  
8 want to change their name.

9 DR. ALVERSON: I'm trying to be  
10 positive here.

11 MR. WARD: That's the only advantage  
12 to being a man. You can get married as many  
13 times you want --

14 MR. DARBY: Nobody knows.

15 MR. WARD: -- and keep the same  
16 name.

17 MR. DARBY: It costs more though.

18 MR. WARD: I know.

19 MR. BUNCH: Any other questions on the  
20 treasurer's report? Get out of that domestic  
21 conversation this morning.

22 (No response.)

23 MR. BUNCH: No other questions.

1 Mr. President, that concludes that treasurer  
2 report.

3 MR. DARBY: I make a motion we'd  
4 accept the treasurer's report.

5 MS. YEATMAN: Second.

6 MR. MCCONAGHY: All in favor?

7 DR. MARTIN: Aye.

8 MR. DARBY: Aye.

9 MR. BUNCH: Aye.

10 MS. YEATMAN: Aye.

11 MR. MCCONAGHY: Okay. We will go on  
12 to the Board minutes we need to approve -- see  
13 if there are any corrections or additions. If  
14 not, I'll need a motion.

15 MR. DARBY: I make a motion we approve  
16 the March 25, 2015, Board business meeting  
17 minutes.

18 MS. YEATMAN: Second.

19 MR. MCCONAGHY: All in favor?

20 DR. MARTIN: Aye.

21 MR. BUNCH: Aye.

22 MS. YEATMAN: Aye.

23 MR. MCCONAGHY: Aye.

1                   MR. DARBY: I also make a motion we  
2 approve the March 25, 2015, Board interview  
3 minutes.

4                   MS. YEATMAN: Second.

5                   MR. MCCONAGHY: All in favor?

6                   MR. DARBY: Aye.

7                   DR. MARTIN: Aye.

8                   MS. YEATMAN: Aye.

9                   MR. BUNCH: Aye.

10                  MR. MCCONAGHY: All right. Moving  
11 right along, Eddie, the inspector's report.

12                  MR. BRADEN: Yes, sir, in your Dropbox  
13 you have the statistics for March, which is  
14 pretty much on track for what we've been doing  
15 in the past and also some activities and  
16 meetings that we were involved in. The  
17 inspectors, as we have talked about before, the  
18 investigations that they've been involved with  
19 and the training that they are continuing to  
20 receive is -- is helping us to find things that  
21 in the past we -- we were not. So that's been  
22 very productive and we have some other items for  
23 executive session to discuss.



1                   MR. MCCONAGHY: I know y'all have been  
2 working with some of the other agencies. Have  
3 you got any comments on how that's going?

4                   MR. BRADEN: We have been involved in  
5 some matters with other agencies and we've  
6 gotten a lot of production out of that. We've  
7 gotten a lot of assistance from them in regard  
8 to that and we've -- and we've provided some  
9 assistance to them, so it's been a mutual  
10 cooperative effort and we feel very positive  
11 about that.

12                  MR. MCCONAGHY: Well, you've been in  
13 here a pretty good while. How would you compare  
14 that with how it has been in the past?

15                  MR. BRADEN: I think it's going very  
16 well now, you know, the cooperation in the past  
17 sometimes wasn't at the level that we are at now  
18 and I think that's a good thing. I think that  
19 helps -- it helps us -- it helps us understand  
20 what's going on in their environment and it  
21 gives us a direction to help us deal with what  
22 we have to deal with on a day-to-day basis.

23                  MR. MCCONAGHY: Thank you. Any other

1 questions?

2 (No response.)

3 MR. MCCONAGHY: Susan, do you have a  
4 secretary's report?

5 DR. ALVERSON: I do. I'd like to tell  
6 you first of all, I spoke to Gokul last night,  
7 who is the person with Cyberbest, and he won't  
8 be here to do a presentation today but they are  
9 continuing right now to put the registration  
10 programs together to register techs, businesses,  
11 pharmacists, so on and so forth, both initial  
12 licensing and renewal licenses.

13 I have spoken to Joe Ward -- Joe Ward,  
14 who is our attorney who handles the business  
15 side of things.

16 MR. WARD: Joe Wilson.

17 DR. ALVERSON: Pardon?

18 MR. WARD: Joe Wilson.

19 DR. ALVERSON: Joe Wilson, I'm sorry.

20 MR. WARD: I won't tell him you called  
21 him Joe Ward.

22 DR. ALVERSON: It wasn't your brother.  
23 I hate to say I've got Ward on my mind. That

1 would be --

2 MR. WARD: Blessed.

3 DR. ALVERSON: No comment.

4 But this is the month we can sign a  
5 new contract and do have to sign a new contract  
6 with GLS, so I have asked him to at a minimum  
7 sign a contract that would put us at the lowest  
8 possible payment rate. He and I have also  
9 discussed that since we have gotten nothing, I  
10 mean literally nothing including phone calls  
11 from them for the last two months, no work on  
12 projects and in fact, the tasks we've asked them  
13 to do, which was to put together a spreadsheet  
14 of our pharmacists' names, address, and phone  
15 numbers, we've asked that two months ago and  
16 still don't have that.

17 So we've also asked Mr. Wilson to see  
18 what he can do about negotiating an even lower  
19 rate on that because we're paying a premium rate  
20 for nothing and that may be something we have to  
21 take up at a later point.

22 MR. DARBY: What happens if we don't  
23 sign a contract?

1 DR. ALVERSON: If we don't sign -- we  
2 need the system in place through the end of  
3 August and maybe the first two weeks of  
4 September because we can't put the other  
5 system -- the new system is not ready to go and  
6 it would literally mean shutting down the whole  
7 licensing side our operation.

8 I think the investigation and  
9 inspection side, since they have done so little  
10 for that side, could limp along with a paper and  
11 pencil system but licensing couldn't. We would  
12 lose all -- we couldn't look at any information,  
13 unfortunately. That is one of the advantages  
14 with the new system, when we get the new system,  
15 we not only have our data in a way that it's  
16 usable but we have the software so it's ours.  
17 If we would say we never want to see you again,  
18 we have a working system.

19 I'd like to comment or pick up on  
20 Blake's comments about the auditor. The auditor  
21 estimates, as I understand, she'll be here for a  
22 total of seven to eight weeks. Most of those  
23 are -- are done already and I've gotten very

1 positive feedback from her. The only thing I  
2 have heard from her is she would like stronger  
3 policies in place about running the office, job  
4 descriptions updated, those kinds of things, and  
5 I -- I explained to her that I would like that  
6 also and I had to make the choice between  
7 designing those kind of things or working on  
8 compounding pharmacies and I felt the  
9 compounding pharmacies were the more urgent and  
10 that was the decision I had to make and that's  
11 how I made it and she seemed to understand that  
12 very well.

13 I mentioned this to Buddy yesterday.  
14 We've always been told that this agency is not  
15 allowed to have a credit card. It turns out  
16 that is not accurate. We can have a credit card  
17 and I'm -- I'm not suggesting -- I do -- I would  
18 like for us to get a credit card but I would  
19 like the Board to decide under what situations  
20 we can use it because for the last year, any  
21 credit purchases that we make are going on the  
22 Alverson charge card and eventually I get around  
23 to turning the receipts in. I'm not out the

1 money but it would be nice when we have  
2 emergencies if we had our own system.

3 DR. MARTIN: I'd be comfortable with  
4 you making the decision of what it's to be used  
5 for and what it's not. I think perhaps to give  
6 you some protection, we might set a limit on how  
7 much you could authorize.

8 DR. ALVERSON: Could I write up some  
9 guidelines and bring it to you next month?

10 MR. DARBY: I think so.

11 DR. ALVERSON: Would that be okay?

12 MR. BUNCH: Yeah.

13 MR. DARBY: I would look at doing a  
14 debit card -- you know, opening a separate  
15 account and doing a debit card out of it where  
16 only the transactions will be charged, you know,  
17 to that account.

18 DR. ALVERSON: All right.

19 MR. DARBY: Just for -- to make  
20 Blake's life easier.

21 MR. ANDERSON: We talked about it  
22 earlier. It would almost be like a petty cash  
23 but it would be a separate checking account just

1 for that debit card. That way it's limited to a  
2 certain amount, a certain balance.

3 DR. ALVERSON: Which is fine.

4 MR. DARBY: Yeah.

5 DR. ALVERSON: And it's not for access  
6 for everybody. I just want one, limited access  
7 for emergencies.

8 The other thing that she told me is I  
9 have not signed -- put my signature on bank  
10 accounts yet and that's a requirement. So I've  
11 already spoken to Blake. We're -- we're on  
12 it.

13 MR. DARBY: Do you need authorization  
14 from the Board to put your name on the account?

15 MR. ANDERSON: We'll probably have to  
16 get it -- I think Dan will have to -- I think  
17 probably me and Dan will have to call Servis  
18 First or either Buddy. I know Buddy has been  
19 added to Servis First but we'll contact them and  
20 get that taken care of.

21 DR. ALVERSON: I was going to make a  
22 joke about having access to the money but I'm  
23 sure no one would find that funny.

1                   We have -- Eddie and I have been  
2 working for a couple of months to get a meeting  
3 set up with our counterparts in Georgia and  
4 Mississippi and we finally pulled it off and so  
5 our counterparts from Mississippi and Georgia  
6 are coming here on the 29th of this month for a  
7 two-day meeting to discuss common problems. I  
8 sent them a list of things I would be interested  
9 in speaking about. They had exactly the same  
10 list so I'm -- the problems that we face don't  
11 stop at the border as we've learned. So if  
12 there's anything that you suggest we discuss  
13 with them, I'm most certainly open to that.

14                   We are going down to the loveliest  
15 place on the Plains next week to speak to the  
16 pharmacy class. Scott is going with me.

17                   MR. DARBY: God lives there.

18                   DR. ALVERSON: Scott and I did a CE  
19 program at Samford in December and we received a  
20 letter saying what a phenomenal job and what  
21 great reviews Scott got and it's been impossible  
22 to control him ever since, so.

23                   MR. BUNCH: Dan, I can probably get a



1 special exception to let you go with them.

2 MR. YARBROUGH: Well, thank you.

3 MR. BUNCH: To go to Auburn.

4 MR. YARBROUGH: I'll pass on that.

5 It's not going to work, Buddy.

6 MR. BUNCH: I always have to jab him.

7 DR. ALVERSON: Is he not converted to  
8 the correct religion yet?

9 MR. BUNCH: He'll never convert. I  
10 quit trying to convert him. I just jab him  
11 now.

12 DR. ALVERSON: We have dealt with  
13 legislation as you know because everything we  
14 hear we've been passing on to you. There have  
15 been two bills. One is to give access to a  
16 group called ALEA. As the Board probably knows,  
17 the Alabama state government combined all police  
18 functions into one agency, which we call ALEA.  
19 Pharmacy and medicine were not put into that  
20 group and that -- there's a piece of legislation  
21 that would give that group not only access to  
22 PDMP, which they already have access to PDMP and  
23 rightly so, but they're proposing putting that

1 information in the section of the law that gives  
2 the power to pharmacy and medical investigators,  
3 which also says they would have access to going  
4 into pharmacies, going through prescriptions, a  
5 lot of things that we would prefer that that  
6 bill get attached to the section of the law that  
7 says these are the people who have access to  
8 PDMP, which is where we think it should be.

9 MR. WARD: Probably in the Controlled  
10 Substances Act where it is now.

11 DR. ALVERSON: Pardon?

12 MR. WARD: It should go into the same  
13 spot as it is now.

14 DR. ALVERSON: Yes. And the other  
15 bill is -- and I don't know today where the bill  
16 is -- was introduced I think at the wishes of  
17 the Governor that would give the finance office  
18 access to all state monies for all agencies,  
19 which would include access to our accounts and  
20 the Board of Medical Examiners and our stance is  
21 that those are not tax monies, those are monies  
22 that came from pharmacists and physicians.

23 (Cell phone interruption.)

1 MR. MCCONAGHY: It's where he's going  
2 for lunch.

3 DR. ALVERSON: How long it takes to  
4 get from here to Auburn or something.

5 MR. DARBY: Yeah, I know that one.

6 DR. ALVERSON: All right. So we are  
7 following those pieces of legislation very  
8 closely. People, Board members, various other  
9 people have contacted members in the  
10 legislature. If any of you are next door  
11 neighbors to people in the legislature, we would  
12 love to have your input. We have concerns for  
13 both of those pieces of legislation.

14 Just so you're prepared for it, next  
15 month students graduate, we will have an  
16 onslaught of people here looking for new  
17 licenses.

18 And the last thing that I want to  
19 mention is the FDA has begun work with the  
20 committee that is creating policies on drugs  
21 that may not be compounded and also a list of  
22 drugs which may be compounded. I formed a  
23 committee some time back to kind of look at

1     compounding and sterility issues and I'm going  
2     to ask that meeting to get together next month  
3     to kind of look at things we want to have a  
4     say-so in.  Anybody could contact FDA and put  
5     your two cents' worth in on that should you so  
6     wish -- wish to do so.

7                   MR. WARD:  If you have any -- if  
8     anybody that knows anybody who's pregnant, tell  
9     them that that child will be old enough  
10    eventually to suggest a drug to them because  
11    that's when they are going to be finished, okay.  
12    It will be 20 years.

13                   DR. ALVERSON:  Got to start  
14    somewhere.

15                   MR. MCCONAGHY:  Susan, do you think  
16    that list is going to be all-inclusive?  It's  
17    either you can or you can't or is there going to  
18    be something in between that sometimes may be  
19    compounded?

20                   DR. ALVERSON:  I imagine they'll have  
21    some that can be compounded under certain  
22    situations.  For instance, they list drugs.  
23    There are a large number of antibiotics,

1 primarily fluoroquinolones that they've said  
2 cannot be compounded, except for ophthalmic  
3 indications, so it's a perfect example of what  
4 you're saying.

5 We've been very involved with  
6 investigations this month and legislation.  
7 Thank you.

8 MR. MCCONAGHY: You're done?

9 DR. ALVERSON: I'm done.

10 MR. MCCONAGHY: No other questions for  
11 Susan?

12 (No response.)

13 MR. MCCONAGHY: Mr. Ward, do you have  
14 a report today?

15 MR. WARD: No, sir, not until the  
16 executive session.

17 MR. MCCONAGHY: Thank you. That  
18 brings us down to old business.

19 MR. DARBY: We had electronic  
20 dispensing and long-term care under old business  
21 and we've been working on this rule and I think  
22 we still need to work on it maybe another  
23 month.

1                   MR. MCCONAGHY: Well, just for  
2 informational matters then, we do have a  
3 document and it's been -- it's been kind of  
4 compared to the other sections of our act and  
5 what the health department and feds and all look  
6 at and in just some of our individual  
7 discussions that we've had, there seems to be a  
8 large variance in agreement as to what the final  
9 product should look like in certain areas. So I  
10 agree with you that we need to revisit that next  
11 month. Any other Board members have any comment  
12 on that?

13                   DR. MARTIN: Good decision.

14                   DR. ALVERSON: So I just want to be  
15 sure I've got this right so I don't send that to  
16 the legislature to become finalized.

17                   MR. MCCONAGHY: Right.

18                   DR. ALVERSON: We're saying we're not  
19 doing that.

20                   MR. DARBY: Hold off.

21                   DR. ALVERSON: Hold off, okay.

22                   MR. MCCONAGHY: I think there's a good  
23 many additions and deletions yet to be finalized

1 in there and just some wordsmithing too.

2 DR. ALVERSON: All right.

3 MR. DARBY: Nothing really major but.

4 MR. MCCONAGHY: Any other old

5 business?

6 (No response.)

7 MR. MCCONAGHY: Any new business?

8 I know it's not exactly new business  
9 but I do know, and Tim and I discussed some last  
10 night, that the collaborative practice bill,  
11 which is HB -- what's the number on it, HB --

12 MS. JONES: 494.

13 MR. MCCONAGHY: -- 494 was put in and  
14 I think that is something that is really good  
15 for the public health. This is my personal  
16 opinion, not speaking strictly for the Board but  
17 I'll let other folks make comments if they'd  
18 like but it's going to take a lot of help to get  
19 through there. So if you folks are in favor of  
20 it like I am, please read it and contact your  
21 folks and let's try to see if we can't get it  
22 pushed on through.

23 Your physician has always got a little

1 bit of issue with things when they -- when  
2 something is not exactly the way it used to be  
3 so we're going to need some help with that and  
4 the -- any other comments on -- Board members?  
5 Louise, have you got a comment?

6 MS. JONES: Would the Board consider  
7 an official vote of supporting that bill so that  
8 in our lobbying efforts from the Association's  
9 perspective we could share with legislators that  
10 the Alabama Board of Pharmacy endorses it  
11 instead of just an individual member support  
12 voice? If you would consider that, that would  
13 help us in lobbying and it does impact in a very  
14 positive manner public health, which goes  
15 straight along with your mission.

16 MR. DARBY: I would make a motion that  
17 the Alabama State Board of Pharmacy endorse the  
18 passage of HB 494.

19 MS. YEATMAN: Second.

20 MR. BUNCH: Second.

21 MR. MCCONAGHY: Any discussion?

22 DR. MARTIN: I'd like to read it in  
23 its most current form. I just haven't -- did it



1 just come out in its latest form yesterday?

2 MS. JONES: It was dropped on the  
3 House floor yesterday. It's in the same form as  
4 the CDTM work group has approved it.

5 MR. WARD: Well, you can say you  
6 agree -- you support that there be a bill for  
7 collaborative practice.

8 DR. MARTIN: I'd agree with that.

9 MR. WARD: I mean, I think Louise is  
10 right. I think it's important there's a record  
11 of that.

12 MR. MCCONAGHY: Yeah, we probably  
13 should add that, like you say in current form.

14 MR. WARD: Right.

15 MR. MCCONAGHY: It could change -- it  
16 could transform in ways that we don't --

17 MR. DARBY: Yeah, I'll amend the  
18 motion to in the current form of HB 494.

19 MR. MCCONAGHY: And have I got a  
20 second on that?

21 MS. YEATMAN: Second.

22 MR. BUNCH: Second.

23 MR. MCCONAGHY: Any more discussion?

1 (No response.)

2 MR. MCCONAGHY: All in favor?

3 MS. YEATMAN: Aye.

4 MR. DARBY: Aye.

5 MR. BUNCH: Aye.

6 MR. MCCONAGHY: Opposed?

7 (No response.)

8 MR. MCCONAGHY: Abstaining?

9 (No response.)

10 MR. MCCONAGHY: Okay. Is there any  
11 other new business?

12 (No response.)

13 MR. MCCONAGHY: Okay. At this time, I  
14 would like to entertain a motion to go into  
15 executive session.

16 MR. BUNCH: I'll make a motion we go  
17 into executive session at -- what time is it --  
18 yeah, at a quarter until 10:00.

19 MS. YEATMAN: Second.

20 MR. WARD: You need to say the purpose  
21 of it.

22 MR. MCCONAGHY: Yeah, I was going to  
23 do that after we got the motion.

1 MR. MCCONAGHY: It's been motioned and  
2 seconded. All in favor of --

3 MR. DARBY: Yeah, individual vote and  
4 you've got to --

5 MR. WARD: Dan, that's got to be  
6 part -- that's got to be part of the motion.  
7 That's got to be part of the motion.

8 MR. MCCONAGHY: Oh, that's got to go  
9 in the motion?

10 MR. DARBY: Yeah.

11 MR. MCCONAGHY: Oh, okay. The  
12 discussion only will be at this time we are  
13 going to go into executive session for the  
14 purpose of discussing the qualifications or  
15 competencies of professionals, permit holders,  
16 registrants, and other legal matters to include  
17 the resolution of existing cases. At the time  
18 we come out of executive session, we will resume  
19 our business meeting but the only business that  
20 we will conduct will be to vote on the  
21 discussions that were held during the executive  
22 session, so if anyone wants to stick around and  
23 hear us vote, then you're welcome to but as far

1 as the business of the Board for this meeting,  
2 we're done with it.

3 MR. WARD: I've got to add as an  
4 attorney licensed to practice law in the State  
5 of Alabama, I certify that one of the reasons  
6 for going into executive session is to talk  
7 about the resolution of pending cases.

8 MR. DARBY: I second the motion.

9 MR. MCCONAGHY: All in favor, Buddy?

10 MR. BUNCH: I am.

11 MR. MCCONAGHY: Donna?

12 MS. YEATMAN: Aye.

13 MR. MCCONAGHY: Tim?

14 DR. MARTIN: Aye.

15 MR. MCCONAGHY: David?

16 MR. DARBY: Aye.

17 MR. MCCONAGHY: Aye. We are adjourned  
18 for executive session.

19

20 (Whereupon, a recess was taken for  
21 executive session from 9:40 a.m. to  
22 12:52 p.m.)

23

1 MR. MCCONAGHY: We have reconvened the  
2 public meeting and Tim is going to read the  
3 complaint numbers and we're going to vote on  
4 them.

5 DR. MARTIN: Related to case number  
6 14-0191, the recommendation is letter of  
7 concern.

8 MR. MCCONAGHY: Is anybody going to  
9 second it?

10 MS. YEATMAN: Second.

11 MR. MCCONAGHY: All in favor?

12 MS. YEATMAN: Aye.

13 MR. BUNCH: Aye.

14 DR. MARTIN: I can read mine in the  
15 form of a motion, I guess.

16 MR. MCCONAGHY: Well, just read them  
17 and we'll do it just like that.

18 MS. YEATMAN: You can lump the others  
19 together.

20 MR. BUNCH: Yeah.

21 DR. MARTIN: For 15-0006 and for  
22 15-0013, 15-0031, 15-0039, the recommendation is  
23 letter of concern and action plan.

1 MS. YEATMAN: Second.

2 MR. MCCONAGHY: All in favor?

3 MS. YEATMAN: Aye.

4 DR. MARTIN: Aye.

5 MR. MCCONAGHY: Aye.

6 DR. MARTIN: For 15-0026, 15-0028,  
7 15-0029, and 15-0030, the recommended action is  
8 no violation.

9 MS. YEATMAN: Second.

10 MR. MCCONAGHY: All in favor?

11 MS. YEATMAN: Aye.

12 DR. MARTIN: Aye.

13 MR. BUNCH: Aye.

14 MR. MCCONAGHY: This meeting is  
15 closed.

16

17 (Whereupon, the meeting was adjourned  
18 at 12:54 p.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 9/30/2015

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