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ALABAMA STATE BOARD OF PHARMACY

BUSINESS MEETING

Wednesday, August 26, 2015

9:19 a.m.

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

REPORTER: Dena W. Campbell, CCR

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APPEARANCES

BOARD MEMBERS:

- Dan McConaghy, President
- Buddy Bunch, Treasurer
- David Darby, Member
- Donna Yeatman, Member

ALSO PRESENT:

- Susan Alverson, Executive Secretary
- Eddie Braden, Chief Inspector
- Zac Brown
- Cara Lios
- Jim Easter
- Dan Yarbrow
- Rick Stevens
- Brad Wright
- Jamie Chambers
- Andrew Dafforn
- Randy Brock
- Thomas Roddy
- Chris Burgess

1	Nancy Bishop
2	Sandy Woodard
3	Stacy Farry
4	Celine Hurst
5	Kelly Newman
6	Ronda Lacey
7	Bruce Harris
8	Julie Hunter
9	Lena McDowell
10	Louise Jones
11	Roger Bates
12	Bart Bamberg
13	Sharon Hester
14	Jay McEniry
15	Eddie Vanderver
16	Glenn Wells
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1 MR. McCONAGHY: I would like to call
2 the August 25th, 2015 Alabama State Board
3 Pharmacy meeting to order. We have a quorum
4 present with all five members. I would just
5 like to ask for a motion to adopt the agenda.

6 MR. DARBY: Move to adopt the agenda.

7 MS. YEATMAN: Second.

8 MR. McCONAGHY: All in favor?

9 MR. BUNCH: Aye.

10 MR. MARTIN: Aye.

11 MR. ALEXANDER: Aye.

12 MR. McCONAGHY: Number one thing I
13 have on my agenda is presentations.

14 MR. DARBY: Have everybody introduce
15 themselves first.

16 MR. McCONAGHY: Everybody stand up and
17 introduce yourself, tell us who you're are.
18 We'll get you down.

19 MR. BROWN: Zac Brown from the Board
20 of Pharmacy.

21 MS. LIOS: Cara Lios, ALSHP.

22 MR. EASTER: Jim Easter, Baptist
23 Health System.

1 MR. YARBRO: Dan Yarbrow, attorney.

2 MR. STEPHENS: Rick Stevens, Senior
3 Care Pharmacy.

4 MR. WRIGHT: Brad Wright, ALSHP.

5 MS. CHAMBERS: Jamie Chambers, Auburn
6 University.

7 MR. DAFFORN: Andrew Dafforn, Auburn
8 University.

9 MR. BROCK: Randy Brock, Riverview
10 Regional Medical Center.

11 MR. RODDY: Thomas Roddy, Riverview
12 Regional Medical Center.

13 MR. BURGESS: Chris Burgess, Heritage
14 Pharmacy.

15 MS. BISHOP: Nancy Bishop, Department
16 of Public Health.

17 MS. WOODARD: Sandy Woodard, Walmart.

18 MS. FARRY: Stacy Farry, Samford
19 University.

20 MS. HURST: Celine Hurst, Alabama
21 Medicaid.

22

23 MS. NEWMAN: Kelly Newman, Alabama

1 Medicaid.

2 MS. LACEY: Ronda Lacey, McWhorter
3 School of Pharmacy.

4 MR. HARRIS: Bruce Harris, APCI.

5 MS. HUNTER: Julie Hunter, Omnicare.

6 MS. McDOWELL: Lena McDowell, I'm on
7 rotation at Omnicare.

8 MS. JONES: Louise Jones, Alabama
9 Pharmacy Association.

10 MR. BATES: Roger Bates, Alabama
11 Pharmacy Association.

12 MR. BAMBERG: Bart Bamberg, Publix
13 Supermarkets.

14 MS. HESTER: Sharon Hester,
15 Transdermal Therapeutics.

16 MR. McENIRY: Jay McEniry, Save RX
17 Access.

18 MR. VANDERVER: Eddie Vanderver.

19 MR. WELLS: Glenn Wells, Alabama Board
20 of Pharmacy.

21 MR. DELK: Mark Delk, Alabama Board of
22 Pharmacy.

23 MR. McCONAGHY: Now, let's do

1 presentations, and we'll have one over there
2 from Gadsden Regional Medical Center.

3 MR. BROCK: Actually, Riverview
4 Riverview Regional.

5 MR. McCONAGHY: Okay. We'll take
6 Riverview then.

7 MR. BROCK: So where do I --

8 MR. EASTER: Come on up to the
9 defendants table.

10 MR. McCONAGHY: Sit with Eddie, and
11 he'll get the handcuffs ready.

12 MR. BROCK: In 2010, Riverview
13 acquired Gadsden Endoscopy, which is a
14 freestanding ambulatory clinic located about
15 four miles from the hospital.

16 At that time, I contacted you guys,
17 the State Board, to be sure we were staying
18 within the guidelines as far as ordering drugs
19 was concerned, and at that time, I met with
20 your inspector, Mr. Gruggs at the end of it.
21 It was determined by the Board due to its
22 physical location, and it was not considered a
23 department of the hospital at that time, that

1 Riverview could not supply their medications.

2 Due to the board's decision since that
3 time, one of the staff physicians has been
4 using his DEA number to order drugs for the
5 facility. This process has been done by the
6 clinic director, which is a registered nurse
7 using the same physician's DEA number.

8 On March 1st, 2015, the hospital was
9 acquired by Prime Health Care, and the endo
10 center officially became a department of the
11 hospital. And from an ownership and
12 operational perspective, it is now n different
13 than any floor of the hospital.

14 So based on this information and the
15 fact that it's already been determined that
16 pharmacists handling and ordering and receiving
17 the drugs for this facility is safer than
18 nurses, we're asking the Board's permission for
19 the hospital to be able to handle the ordering
20 and receiving drug for Gadsden Endoscopy.

21 Of course, we'll be absolutely sure to
22 follow stated by the Board, but I would like to
23 set up a separate account for McKesson using

1 our DEA license if that's possible and that a
2 pharmacist at the hospital, would probably be
3 myself, to order medications and a separate
4 pharmacist different than the ordering
5 pharmacist physically go to the facility the
6 next day and receive it. This would be done
7 for checks and balances and obvious reasons.

8 We have come before the Board to ask
9 how we need do this and do it correctly and
10 stay within the guidelines.

11 MR. MARTIN: Is the physical address
12 where you're going to be located and the
13 physical address of Gadsden Endoscopy the same?

14 MR. BROCK: No, sir.

15 MR. MARTIN: Then, they have to a DEA
16 certificate for that location, if it's
17 physically different than yours.

18 MR. BROCK: Okay. I figured that.

19 DR. ALVERSON: I had spoken with Randy
20 a few times. I had mentioned that we had done
21 something similar with new emergency rooms and
22 suggested he might want to bring this before
23 the Board and see if this fell within that same

1 type of scenario.

2 MR. MARTIN: It sounds very similar
3 because you want -- I'm assuming you won't have
4 a pharmacy, per se, in the Gadsden Endoscopy
5 area, but you'll have a pharmacist working in
6 that area.

7 MR. BROCK: Yes.

8 MR. MARTIN: So that pharmacist would
9 not -- like Susan is saying, we would not
10 require a pharmacy permit like we don't require
11 one for the FED, freestanding merchant forms,
12 so we wouldn't require one for Gadsden
13 Endoscopy. But they have to be shipped to this
14 location.

15 MR. BROCK: Yes. I didn't want -- I
16 didn't want to transport them at all. I wanted
17 them -- I wanted that shipped there and order
18 them -- if I had to go there physically to
19 order them or do whatever I needed to. But if
20 I had an account set up through the computer I
21 have at the hospital I could order and have
22 them delivered there, then I could get a
23 different pharmacist to go over the next day to

1 check them.

2 MR. MARTIN: You have one other
3 option, and I don't think I would recommend it.
4 But it's one you might consider you could do
5 222 transfers to the Gadsden Endoscopy, but
6 those transfers cannot exceed five percent of
7 your total annual use of controlled substances
8 at the main site.

9 MR. BROCK: Would that still be the
10 case since it's a department of hospital? And
11 I'm not like giving it to a different facility
12 or a different --

13 MR. WARD: It's got to be the physical
14 location. The DEA requires a separate
15 registration for each location, which makes it
16 cumbersome.

17 MR. MARTIN: I mean, either way,
18 whether there's -- correct me, Jim, if I'm
19 wrong here.

20 Yes, the site has got to have --
21 second site has got to have the DEA number, but
22 as far as procurement goes, the procurement
23 could come straight to the second facility

1 under that facility DEA number.

2 MR. WARD: Has to.

3 MR. MARTIN: Or it could be the
4 physician's DEA number.

5 MR. WARD: It's got to go -- it's got
6 to go the place that that has the DEA number.

7 MR. MARTIN: Couldn't he still do a
8 222 transfer from the main hospital to the
9 other site with their DEA number as long as it
10 didn't exceed five percent of annual use of the
11 hospital with regard.

12 MR. WARD: Uh-huh.

13 MR. MARTIN: Do it that way. That's
14 total use of all drugs.

15 MR. BROCK: That's total of all drugs?

16 MR. MARTIN: All controlled
17 substances.

18 MR. BROCK: I don't think it would
19 ever exceed that. There's not that much there
20 I just want to be sure when I ordered -- and,
21 actually, I have transferred, like, about eight
22 con /PEU jacket of morphine using 222.

23 MR. WARD: That's what I would do. I

1 would let the DEA know that's what you're
2 doing.

3 MR. BROCK: I contacted them, a Wade
4 Green, I believe. I told him I was going to
5 call him back today and get his input. But if
6 we're ordering the things -- I just need to be
7 sure that I'm doing right with the DEA and that
8 we're okay with the State Board.

9 MR. MARTIN: They'll tell you the
10 right thing to do. Mr. Green will help you
11 through that.

12 MR. BROCK: I wanted to be sure we
13 were in guidelines with you and what's going on
14 here, and we'll settle that with them.

15 MR. MARTIN: If that doesn't seem
16 right, call us back.

17 MR. BROCK: Good deal. Thank you.

18 (Whereupon, an off record discussion
19 was had.)

20 MR. McCONAGHY: All right. Next up on
21 the agenda is the treasurer report, Mr. Bunch.

22 MR. BUNCH: Yes. Good morning. The
23 treasury report doesn't change too much from

1 the last month or the month before. We're in
2 good financial health. We have 107.43 percent
3 above budget. So that's all good, unless you
4 have anything there that you see any questions
5 about, we'll entertain our motion to accept the
6 treasury report, if you-all have copies of it.

7 MR. MARTIN: Move to except the report
8 of the treasurer as submitted.

9 MR. DARBY: Second.

10 MR. McCONAGHY: All in favor.

11 MS. YEATMAN: Aye.

12 MR. BUNCH: Aye.

13 MR. MARTIN: Aye.

14 MR. ALEXANDER: Aye.

15 Next is the budget for next year, been
16 working on that again. You-all have copies of
17 it, and there are some added expenditures for
18 next year, purchase some vehicles, I think, and
19 some things that Susan will speak to her in her
20 section here in a second. But, again, you've
21 all -- I think you-all had a chance to look it
22 over and study it, and any questions or
23 anything that you see that you need to clarify.

1 If we don't have any question, again, Susan
2 will speak to it some a little bit later. But
3 I guess we need a motion to approve the budget
4 for the year 2016.

5 MS. YEATMAN: Move we accept the
6 budget as submitted for calendar year.

7 DR. ALVERSON: We don't need to
8 approve next year's until next month.

9 MR. BUNCH: Well, we'll do that next
10 month.

11 MS. YEATMAN: I actually said it
12 right.

13 MR. MARTIN: So we've got a month to
14 look at it?

15 DR. ALVERSON: Right.

16 MR. BUNCH: Good deal. That concludes
17 the treasury report.

18 MR. McCONAGHY: The Board of Pharmacy
19 Wellness Committee Report, anybody going to
20 give that?

21 DR. ALVERSON: I am. Dr. Garver is
22 not here today, so I'll be doing that report.
23 We have 145 people in the screening program.

1 Currently, there's one pharmacist in inpatient,
2 one pharmacist who is going through evaluation,
3 and one tech in treatment. The total number of
4 pharmacy professionals identified in 2015 is
5 23. This doesn't include any holdovers from
6 the previous years. All these individuals who
7 are in treatment or in evaluation or undecided
8 are presently out of the workplace and without
9 a license.

10 There are over a dozen others who are
11 working their way through a halfway house
12 program, and our form of timeout for recovery.

13 There are 79 individuals in facility
14 driven after care. Dr. Garver mentions that he
15 has personally met with all licensees returning
16 to work to sign contracts and explain how
17 monitoring works and all returning licensees
18 have been placed in a Caduceus, either pharmacy
19 or health professional.

20 He thanks you for letting him serve in
21 his position in working with pharmacists and
22 technicians.

23 MR. McCONAGHY: The next agenda we

1 have is board minutes, and due to some
2 difficulty, we don't have them in the draft
3 box. I want to make a motion to postpone that
4 ruling until next month.

5 MR. DARBY: Motion to postpone
6 approval of business meeting minutes until the
7 September meeting.

8 MS. YEATMAN: Second.

9 MR. McCONAGHY: All in favor.

10 MR. BUNCH: Aye.

11 MR. MARTIN: Aye.

12 MR. McCONAGHY: Eddie, inspector's
13 report?

14 MR. BRADEN: Yes, sir. Mr. President,
15 we have in the Dropbox the statistics for July.
16 As you can see, there were several USP 795 and
17 97 inspections conducted. You see the number
18 of complaints that were received and the number
19 that we completed, and we still are doing that
20 background on the year to date on the
21 investigations that we are conducting. There's
22 also some required training that's listed there
23 and some additional training that inspectors

1 attended last month.

2 MR. McCONAGHY: Any questions for
3 Eddie?

4 Okay. We're moving right along here.
5 Secretary report, Susan?

6 DR. ALVERSON: I've given you all a
7 printed sheet of topics I would like to discuss
8 today. The first was the budget. The budget
9 year begins anew October 1st. So we have
10 worked on a draft budget, if you would have
11 time to mull over, ask questions, but we will
12 have to vote on the budget at the next meeting,
13 which is September 13, 14th, I believe. So we
14 don't have -- we have about two and a half or
15 three weeks before the next meeting.

16 I would like to discuss licensing for
17 503B facilities. I've given you some examples
18 -- two examples of letters which the FDA has
19 sent to 503B facilities, and facilities are
20 applying to send drugs into Alabama, which is a
21 challenge for us.

22 California has doubled their staff of
23 inspectors, and so they actually send people to

1 every state to inspect the facility. Texas has
2 contracted or is requiring also that there be a
3 personal inspection for every facility.

4 That's beyond our budget means, and we
5 don't have the staff to go to each of them.
6 From what we heard at District 3, there are now
7 55 503B facilities. There were 62 or 63, but
8 it's now down to 55.

9 MR. MARTIN: Nationwide?

10 DR. ALVERSON: Nationwide, correct.

11 MR. MARTIN: That is surprisingly low.

12 DR. ALVERSON: It is. I think I
13 understand why it is so low, but what we would
14 like to suggest to the Board is --

15 Let me back up and give you another
16 fact. When a facility registers to be a 503B
17 manufacturing company, from the time their
18 application is accepted and they pay their
19 money, they may begin production. So the FDA
20 may not be there for a month. They may not be
21 there for six months. So nobody has any idea
22 how well the 503B facility is performing, and
23 it makes difficult for us to say, yes, you're

1 welcome to ship in to Alabama.

2 So we would like the Board to consider
3 the possibility that when we receive such an
4 application we be able to say until you've had
5 an inspection and until you've had an
6 inspection that doesn't say your sterility is
7 questionable that we be able to put that type
8 of facility, that application, on hold until
9 there has been an inspection that doesn't list
10 sterility as a problem for that facility.

11 MR. MARTIN: So they could maybe --
12 they couldn't make product and ship it into
13 Alabama?

14 DR. ALVERSON: Correct. Now, the
15 truth is whenever you're inspected by the FDA,
16 you're going to get a 483, you know, and it may
17 be because we don't like the way the label is
18 on. You should have sent 25 samples for
19 testing instead of 20. You know, those kind of
20 things are going to happen, but when there are
21 issues of we require you to withdraw a drug
22 that you've already shipped, you have to do a
23 recall, we have found that your facility is not

1 following sterile technique, it's making us
2 here very nervous about approving those
3 facilities.

4 We can always say no, and then they
5 have to appear and defend themselves. But,
6 again, the Board and this office have no basis
7 for which to make a decision if the last thing
8 we've seen is a poor FDA report.

9 MR. WARD: To complicate it even more,
10 the warning letters issued after inspection are
11 usually 12 to 18 months behind. So, for
12 example, a warning letter will come out this
13 month about an inspection that took place 18
14 months ago. So...

15 DR. ALVERSON: We were able to read
16 that inspection.

17 MR. WARD: Right.

18 MR. MARTIN: We're also assuming that
19 -- did I cut you off? We're also assuming that
20 the other states are going to allow them to
21 begin production because, if I understand it
22 right, they have to have started production
23 before the FDA will come in and inspect them.

1 DR. ALVERSON: Right. But you don't
2 have to be very far along with production. We
3 had one in Alabama just recently, and they had
4 only been producing product for a fairly short
5 period of time, a month at the most.

6 MR. WARD: That happens all the time.
7 There are states that allow them to get a
8 permit before the FDA has inspected.

9 MR. MARTIN: So we're allowing the
10 citizens of those states to be the people at
11 risk, but we don't want our citizens to be
12 risk.

13 MR. BROCK: That would be for out of
14 state of facilities, not our own.

15 MR. MARTIN: That's what I'm saying.
16 We're not allowing them to ship product into
17 our state. We're saying our citizens are not
18 going to be your test samples, but if those
19 states want to allow their citizens to be test
20 samples, that's fine.

21 DR. ALVERSON: Right. You know, we
22 can bring each case to you or send it to you
23 for approval. We just feel until there's a

1 decent inspection maybe we should not be
2 granting a license.

3 MR. MARTIN: So one option is they get
4 the 503B, and everything is fine. Second
5 option is --

6 MR. WARD: They already get the 503B.
7 They register, and they are now a 503B.

8 MR. MARTIN: Thank you. They get the
9 FDA inspection, okay, and we hold off on the
10 Alabama part. In fact, I don't even know if
11 we've got a credential to give them that says
12 503B from the Alabama standpoint, if we would
13 have to give them a credential, something like
14 that. Does the MOU require some kind of permit
15 or license?

16 DR. ALVERSON: They haven't finished
17 the MOU.

18 MR. MARTIN: So we don't know?

19 DR. ALVERSON: We don't know.

20 MR. MARTIN: So the other option is to
21 say, well, if you want -- I'm just making this
22 up. But if you want to go ahead and produce
23 products shipped into Alabama, we'll be glad

1 for you to pay the expense of us to come to
2 your state and your site and do the inspection.

3 MR. WARD: Huh-uh.

4 MR. MARTIN: You don't like that?

5 MR. WARD: We can barely do what we've
6 got to do here, let alone travel around the
7 United States.

8 MR. MARTIN: We couldn't do it with
9 the existing staff, that's for sure.

10 DR. ALVERSON: And I hate to hire a
11 bunch of people not knowing what's going to
12 happen to compounding.

13 MR. MARTIN: We're the regulatory
14 board, and we don't even know what's going to
15 happen.

16 MR. WARD: An application is not
17 complete until they produce a form 483.

18 DR. ALVERSON: And if the 483 is poor?

19 MR. WARD: Then, we have a hearing.

20 DR. ALVERSON: Thank you.

21 The third item was we periodically see
22 technicians who applied for a license, never
23 worked as a technician, thought they would get

1 a job, but they didn't, and then somewhere a
2 couple years down the road, they do get a job.
3 They want to reinstate their license, but they
4 owe us gobs of CEE.

5 So do we want to continue with that
6 policy if someone has never worked? You want
7 to think about it until another meeting?

8 MR. WARD: I don't understand. They
9 got a registration? They renewed or let it
10 lapse?

11 DR. ALVERSON: They let it lapse
12 because they didn't have a job.

13 MR. WARD: I think the rule says they
14 have to do CEE for the amount of years lapsed.

15 DR. ALVERSON: Right. So I'm just
16 saying since they never worked, do we want to
17 continue with that rule?

18 MR. DARBY: My view would be yes
19 because the requirement for technician is three
20 hours a year anyway. If they let it lapse for
21 ten years, it would be 30 hours CE. I don't
22 think that would be that hard to get.

23 DR. ALVERSON: All right.

1 MR. DARBY: That's just my view.

2 MR. WARD: After five years, you have
3 a hearing.

4 DR. ALVERSON: Right, okay.

5 We had four people and Dan who
6 attended the District 3 meeting this year.

7 MR. WARD: Dan is not a people?

8 MR. DARBY: What are you, Dan?

9 MR. McCONAGHY: She meant women.

10 DR. ALVERSON: We had four staff
11 people and one board member who represented us
12 at District 3 this year, and, as you know,
13 District 3 will be here in Alabama next year.

14 Two things about that: We've heard
15 from the District 3 office who said they had a
16 number of complaints, that the meeting was four
17 days long, and they wanted to be three days
18 long. So we're going to shave off the last day
19 next year. So it will be Sunday, Monday,
20 Tuesday -- not Sunday -- Monday, Tuesday,
21 Wednesday.

22 And we also heard from Samford because
23 they were partnering with us, and Samford will

1 -- all health programs at Samford are moving
2 into their new building in August. Next year
3 is Samford's 175th anniversary. We're just
4 going to be celebrating next year. So Samford
5 is saying they're going to have to play a much
6 reduced role.

7 I don't see us having any problem
8 putting it on. I think it's primarily our -- a
9 Board of Pharmacy meeting anyway. We can use
10 what support we will get from Samford, and I
11 can call Auburn for whatever we need to QS for
12 the academic side, if that's okay with the
13 Board.

14 MR. MARTIN: That's fine.

15 MR. DARBY: That's fine.

16 MR. MARTIN: Lee already knows about
17 it.

18 MR. DARBY: I would go ahead and call
19 Auburn to let them know that we're probably
20 going to be calling on them. Auburn also has
21 the Mobile campus, which might be --

22 DR. ALVERSON: Could be very helpful.

23 MR. MARTIN: They are going to be here

1 this afternoon.

2 DR. ALVERSON: Pardon?

3 MR. MARTIN: They are going to be here
4 this afternoon.

5 DR. ALVERSON: I could call to them,
6 or I could even speak to Brad.

7 I wanted to give you an update on the
8 changeover in computer systems. We stopped
9 entering data last week which gave us a week
10 and a half where we could not register anybody
11 as we were very concerned about getting data
12 from GLS, getting it to CyberBest, and making
13 sure everything went well, and it has. So
14 CyberBest has arranged all of our data. It's
15 into the new system.

16 The only thing that has not come yet,
17 there were a lot of backup files, too many to
18 send with that transfer of data. So we have
19 sent a hard drive to GLS. They are going to
20 transfer all our data and mail it back here.
21 It will go on a server here, and that's all
22 gone very well.

23 So we will be able to do technician

1 registration come September 1; although, the
2 postcard we sent out, we said September 14th
3 because we thought if there was a glitch, we
4 didn't want to be caught in that. So we -- as
5 I said, we will be ready on the 1st.

6 After that, we will put in the
7 technician application program. We sat down
8 with CyberBest and prioritized things. So that
9 will be the next program going on. And I told
10 them the program after that that we would like
11 would be background checks for technicians.
12 After we get the applications, that will be the
13 next one. And then we'll be adding pharmacists
14 and pharmacy businesses into the system, and
15 we'll be working on that probably through
16 January.

17 Right now, it seems to all be going
18 well.

19 MR. BUNCH: It's real unusual to be
20 going well.

21 DR. ALVERSON: You haven't heard that
22 in a while from me.

23 MR. McCONAGHY: As long as it's not

1 going to interfere with Buddy's budget.

2 MR. BUNCH: Thank you.

3 DR. ALVERSON: So we could make some
4 adjustments and call it a computer glitch.

5 So you know, Vance and Mark Conradi
6 are going to NABB as item writers for the law
7 exam, and there's a session in October in
8 Chicago for directors of boards of pharmacy,
9 and I'm planning to attend that.

10 I'll be here for the October meeting,
11 but just so you know, I would like to attend
12 that to find out what everybody else is doing.

13 Are there any other questions?

14 No? All right. Thank you very much.

15 MR. McCONAGHY: Do we have an
16 attorney's report?

17 MR. WARD: Only in executive session.

18 MR. McCONAGHY: Old business? I don't
19 have any.

20 (Discussion among Board members out of
21 hearing of reporter.)

22 MR. MARTIN: I do have some new
23 business.

1 Mr. President, I would like to move
2 that we begin the process of rule writing for
3 automated dispensing systems at skilled nursing
4 facilities with that information being drafted
5 and submitted to the Legislative Reference
6 Service and published at that point.

7 MR. McCONAGHY: Was that a motion?

8 MR. MARTIN: Yes, it was.

9 MR. DARBY: Second the motion.

10 MR. McCONAGHY: All in favor?

11 MR. BUNCH: Aye.

12 MS. YEATMAN: Aye.

13 MR. ALEXANDER: Aye.

14 MR. McCONAGHY: Do we require any
15 explanation on that as far as timeline? Did
16 you get you get a good grip on that?

17 MR. MARTIN: I'll make attempt to
18 explain the timeline, and I'll defer to the
19 esteemed esquire to my left if I screw it up.

20 MR. WARD: Esteemed?

21 MR. BUNCH: Not steamed, esteemed.

22 MR. MARTIN: It turns out there's a
23 bit of coordination that has to happen to make

1 this right to keep on tagging on an extra month
2 at the end of the process. So, today, we're
3 making the motion to begin the process at that
4 point. The proposed change to the Rule
5 680-X-2-18 will be submitted to Legislative
6 Reference Service, and that's the form part of
7 the process. And they take, it and they put it
8 in a form that only the Legislative Reference
9 Service can do and make it where it can go the
10 rest of its journey. Then, that's published,
11 and for 35 days, the public is given the
12 opportunity to comment on that.

13 The fact that it's 35 days doesn't fit
14 well between our meetings. So we have to
15 coordinate the announcement from -- we have to
16 coordinate through the Legislative Reference
17 Service the announcement of the proposal in
18 such a way that it hits so that when we come
19 back in October, we should -- two things should
20 happen: One is we should have had 35-day
21 comment period where anybody can send anything
22 in writing in, and, number two, we'll have the
23 hearing in the October meeting. And at that

1 point, anyone in attendance can speak to an
2 issue that they would like to about the
3 proposal. And if none of those are substantial
4 changes to the proposal, then the proposal can
5 be adopted in October.

6 MR. McCONAGHY: Thank you.

7 Anybody got any questions on that?

8 MR. WARD: The rule is going to be
9 published on the website. Everybody will be
10 able to get a copy of it.

11 MR. MARTIN: Yeah, at the time when we
12 send the rule, the proposed rule, to LRS, it
13 will go on to the Board of Pharmacy website,
14 correct. Thank you.

15 MR. McCONAGHY: Any other new
16 business?

17 Any comments for the good will of the
18 Board out in the audience today?

19 In that case, we need to go to
20 executive session. I would ask for a motion to
21 do so.

22 MR. DARBY: Move we move to executive
23 session.

1 MR. MARTIN: Second.

2 MR. McCONAGHY: Vote individually on
3 that, Buddy.

4 MR. WARD: We have to have a reason.

5 MR. McCONAGHY: At this time we'll go
6 into executive session for the purpose of
7 discussing the qualifications or competencies
8 of professionals, permit holders, registrants,
9 and other legal matters to include the
10 resolution of existing and pending cases.

11 We will start the executive session at
12 about 10:15, and from what I hear, it may be
13 quite a long one. And we may include lunch
14 during that. So I'm not sure to tell you what
15 time we may get out of executive session, but
16 at the time that we finish executive session,
17 we will resume the board meeting. But nothing
18 will be discussed, no new business will be
19 discussed other than to read in to the minutes
20 what was discussed at the executive session.
21 You're welcome to come back, but I don't think
22 you would want to wait around to come back.

23 MR. WARD: This has to be included in

1 the motion that and I'm attorney licensed to
2 practice law in the State of Alabama, one of
3 the reasons for going into executive session is
4 to discuss the resolution of pending cases.

5 MR. McCONAGHY: Now, Buddy, how do you
6 vote?

7 MR. BUNCH: I vote aye.

8 MS. YEATMAN: Aye.

9 MR. DARBY: Aye.

10 MR. MARTIN: Aye.

11 MR. McCONAGHY: So we will now go into
12 executive session. Thank you for coming.

13 (A recess was taken for executive
14 session 9:57 a.m. to 1:59 p.m.)

15 MR. DARBY: On Case No. 14-0069, Case
16 No. 15-0078, Case No. 15-0049, the recommended
17 action is no violation.

18 I move we accept the recommended
19 action.

20 MS. YEATMAN: Second.

21 MR. McCONAGHY: All in favor?

22 MR. MARTIN: Aye.

23 MR. BUNCH: Aye.

1 MR. DARBY: Case No. 15-0056, I make a
2 motion we accept the recommended action of the
3 letter of concern, dishonesty to the physician.

4 MR. MARTIN: Second.

5 MR. McCONAGHY: All in favor?

6 MR. MARTIN: Aye.

7 MS. YEATMAN: Aye.

8 MR. BUNCH: Aye.

9 MR. DARBY: Case No. 15-0075, 15-0058,
10 I make the motion we accept the recommended
11 action of corrective action.

12 MS. YEATMAN: Second.

13 MR. McCONAGHY: All in favor?

14 MR. MARTIN: Aye.

15 MR. BUNCH: Aye.

16 MR. DARBY: Case No. 15-0076, make a
17 motion that we accept the recommended action
18 and send back to investigator for further
19 research.

20 MS. YEATMAN: Second.

21 MR. McCONAGHY: All in favor?

22 MR. MARTIN: Aye.

23 MR. BUNCH: Aye.

1 MR. McCONAGHY: Tim, you got your
2 motion ready?

3 MR. MARTIN: I believe Donna has that.

4 MS. YEATMAN: In connection with late
5 renewals of pharmacy permits, we are moving
6 fines originally for delinquent renewal to the
7 following: One to six months late, \$500 per
8 month; seven to 12 months late, \$1,000 per
9 month; 13 to 18 months late, 1,500 per month.
10 That will continue to increase by \$500
11 incrementally in six-month increments.

12 MR. DARBY: I second that.

13 MR. McCONAGHY: All in favor?

14 MR. MARTIN: Aye.

15 MS. YEATMAN: Aye.

16 MR. BUNCH: Aye..

17 MR. McCONAGHY: Any other executive
18 session business?

19 MR. DARBY: That's all.

20 MR. McCONAGHY: Meeting is closed.

21 (Proceedings concluded at 2:01 p.m.)

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C E R T I F I C A T E

I hereby certify that the above and foregoing hearing was taken down by me on Computerized Stenotype, and the proceedings herein were transcribed by me, and that the foregoing represents a true and correct transcript of the hearing.

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

/s/ Dena Campbell

Dena Campbell, CCR
CCR #34, Expires 9/30/15
Commissioner for the
State of Alabama at Large
Commission Expires: 5/9/18

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