

**ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
April 19, 2017**

President Buddy Bunch called the April 19, 2017, meeting of the Alabama State Board of Pharmacy to order at 9:20 a.m. to conduct necessary business and determined a quorum was present. The following Board members were present:

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

Other Alabama Board of Pharmacy staff members present were:

Susan P. Alverson, Ph.D., Executive Secretary
Cristal O. Anderson, Director of Compliance
Edward R. Braden, Chief Inspector
Scott Daniel, Drug Inspector
Todd Brooks, Drug Inspector
Mark Hebert, Drug Inspector
Terry Lawrence, Board of Pharmacy
Rhonda Coker, Board of Pharmacy
Wendy Passmore, Board of Pharmacy
Kim Pickett, Board of Pharmacy

Members of the public present were:

Jim Easter	Clemice Hurst
Charlie Cook	Scott Chapman
Scott Jacobson	Tracy Davis
Shannon Hurst	Louise Jones
Rebecca Dean	Becky Sorrell
Debbie Hartley	Malia Manning
Bruce Harris	Eddie Vanderver
Chris Riviere	Bart Bamberg
Cammie Burgess	Dan McConaghy
Melanie Baucom	Darla Dixon
Julie Hunter	Kevin Mohler
Kelli Newman	

1. MOTION TO ADOPT AGENDA

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

2. PRESENTATIONS

Ms. Melanie Baucom, CRNP, with Bessemer Neighborhood Health Center made a presentation requesting a dispensing waiver. No action taken.

Ms. Rebecca Dean and Ms. Melissa Hartley with Azalea City Medical Services gave a presentation seeking to reduce the number of hours the pharmacy is open per week. No action taken.

Mr. Kevin Mohler and Ms. Darla Dixon with HemaCare Plus gave a presentation seeking to reduce the number of hours the pharmacy is open per week. A motion was made by Ms. Yeatman and seconded by Ms. Denson and Mr. Sorrell to deny the request to reduce the hours the pharmacy is open per week. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, and Ms. Denson. The motion to deny passed.

Mr. Scott Jacobson with Rite Aid made a presentation to approve the use of workload balancing for Rite Aid Corporation. A motion was made to approve the use of workload balancing by Mr. Darby and seconded by Ms. Yeatman. A vote was taken and the motion passed with ayes from Mr. Darby, Ms. Denson, Ms. Yeatman, and Mr. Bunch.

3. TREASURER'S REPORT

Treasurer, Donna C. Yeatman, presented the treasurer's report. The Board is at approximately 72 percent of anticipated revenue for its two-year cycle and 50 percent of its annual expenses. The budget is on track. A motion was made to approve the treasurer's report by Mr. Darby and seconded by Ms. Denson. A vote was taken and the motion passed with ayes from Mr. Sorrell, Mr. Darby, and Ms. Denson.

4. WELLNESS COMMITTEE REPORT

Dr. Susan Alverson gave the Wellness Committee report on behalf of Dr. Mike Garver. There are 154 people in the screening program. There are three pharmacists in treatment and three technicians in treatment, two pharmacists in a halfway house, three pharmacists who are being held for six months before being presented to the Board, one tech having evaluation, and one student finishing treatment. The total number of pharmacy professionals identified and worked with in 2017 is 11: six pharmacists, four technicians, and one student. The total number of pharmacy health professionals identified during this time period in 2016 was 16. All individuals who are in treatment or in evaluation or undecided are presently out of the work force and without a license.

Dr. Garver is glad the numbers for this month are down some as he is still working through the last quarter of last year's influx of professionals in treatment, which mirrored the Dental Board and Physical Therapy Board for the big month of March to April.

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

5. **APPROVAL OF MINUTES**

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the abbreviated business meeting minutes from the March 15, 2017, business meeting. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the interview minutes from the March 15, 2017, interviews. A vote was taken and the motion passed with aye votes from Mr. Darby, Ms. Yeatman, and Mr. Bunch.

6. **INSPECTOR'S REPORT**

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

7. **SECRETARY'S REPORT**

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

- Monday, April 24, 2017, is Confederate Memorial Day. The Board of Pharmacy will be closed that day because it is a state holiday.
- NABP annual meeting is in Orlando, Florida, May 20 through 23. Any Board members who plan to attend need to let Rhonda Coker know so that she can get travel approved. One Board member needs to be designated to represent the Board's votes at the meeting. Dr. Alverson will not be able to attend due to the anticipated arrival of a new grandchild during that time frame.
- The Board's legislation was approved unanimously by the Senate health committee. It should be going to the floor of the Senate soon, maybe next week. The Board did a presentation with some Board members that were there.

- APA asked for a special legislative council to meet to change the decision made by the Health Department to make Xanax a C-II and we were successful in that vote, so Xanax will not be moved to a C-II category.
- Mr. Bunch stated that Dr. Alverson did an excellent job in that presentation and thanked others involved in that presentation and getting the message out regarding the Xanax schedule change. Ms. Denson presented Dr. Alverson with a bouquet of flowers for her hard work on this matter.

Dr. Alverson stated the Board sent an email blast to all pharmacists in the state and asked them to contact their legislators. She stated everyone did a great job in contacting them, so that when they went to visit senators and representatives on this issue, they were all aware of the matter due to everyone's calls and emails.

- The FDA has come out with new standards for repackaging of drugs. A motion was made by Ms. Denson and seconded by Ms. Yeatman to form a focus group to discuss repackaging for long-time care facilities to be presented in the June 2017 meeting. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.
- Dr. Alverson stated she had provided the Board members with information about insurance that is being paid for the staff. She is working to have all of that organized.
- Lynn Martin and Rhonda Coker have computerized the database of nuclear pharmacists.
- Parenteral and nuclear certificates renew when the license renews. That is not the case with preceptors and consultant pharmacists. Dr. Alverson would like to move everything to renew at the same time. In order to do so, the preceptor renewal time would have to move to a four-year cycle, which would necessitate a rule change.
- Pharmacy licenses are nontransferable but a license can be transferred to a new owner. Dr. Alverson would like to begin a discussion about that because when a license is transferred, all the goodwill, the Medicaid number, everything transfers to the new owner and sometimes the new owner is not the person who needs that. There would have to be exceptions for chains and a variety of things to be discussed regarding this issue.
- When listing discipline findings against an individual or business in the national database, there are two pages of categories from which to classify the findings. Rhonda Coker has been choosing that category but Dr. Alverson is asking that the Board will decide in what category the finding would fall during its deliberations.
- There is a second meeting of the Governor's Task Force on April 28, 2017, in Prattville and some individuals will be attending that.

- Mr. Bunch, Mr. Ward, and Dr. Alverson met with the Alabama Attorney General on Monday, April 10. Mr. Bunch stated the meeting went very well. He said they were very hospitable and gracious to the Board. They listened to some of the Board's concerns on different topics and he believes they gained an understanding of the Board's role.

Dr. Alverson stated they talked about the Xanax issue. She also raised the issue of the ability of health professions in Alabama to work cooperatively with medical groups. She stated they also discussed PBMs and about the unit dose packaging for nursing homes. Dr. Alverson stated she does not believe the Board needs state regulations to change the repackaging law and that it can be resolved by the Board.

8. ATTORNEY'S REPORT

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

9. OLD BUSINESS

- Mr. Bunch initiated a brief discussion regarding filling a prescription that is written for a 30-day supply with refills to a 90-day supply without having to contact the physician. That matter was discussed and resolved at the March 15, 2017, Board meeting. Kelli Newman from Alabama Medicaid stated she had received the confirmation she needed from the Board to effectuate that change with Medicaid.
- A discussion was held at the March 15, 2017, meeting regarding DEA's position on transferring of electronic prescriptions. Ms. Yeatman is still awaiting confirmation from the DEA. Dr. Alverson stated pursuant to CFR 1306.25, electronic prescriptions may be transferred.
- Mr. Bunch announced that Logan Gray did a good job on the Xanax issue. He stated Mr. Gray worked real hard on that and on the Board's bill, which has just passed the House health committee and is ready to go to the whole House for final passage.

10. NEW BUSINESS

- A motion was made by Mr. Darby and seconded by Mr. Sorrell to change the October Board meeting and hearings to October 10, 2017, and October 11, 2017, due to the Maltagon conference. A vote was taken and the motion passed unanimously.
- Mr. Darby stated that Alabama pharmacies who compound have to comply with all the chapters of USP but for future clarification purposes, would like to begin the rulemaking process so that any pharmacy possessing an Alabama permit that engages in the practice of compounding must comply with all applicable chapters of the United States Pharmacopeia. A motion was made by Mr. Darby and seconded by Ms. Yeatman for any pharmacy that holds an Alabama permit that engages in the practice of compounding any drug must comply with all applicable chapters of the United States Pharmacopeia. A

vote was taken and the motion passed unanimously. Wendy Passmore will begin the process to add that rule.

- Mr. Bunch commended Rhonda and all of the staff at the Board for how smooth things are now running and how they are preparing the Board members for meetings. He wants everyone to know that they appreciate it and that their work is noticed.

11. **EXECUTIVE SESSION**

A motion was made by Mr. Darby and seconded by Mr. Sorrell to go into executive session for the purpose of discussing the qualifications and competency of those regulated by the Board. Mr. Ward stated that as an attorney licensed to practice law in the State of Alabama, one of the reasons for the executive session is to discuss the resolution of pending cases before the Board. An individual voice vote was taken and the motion passed unanimously. The executive session began at 11:16 a.m.

12. **RETURN FROM EXECUTIVE SESSION**

At 12:34 p.m., the Board resumed its public meeting status.

13. **MOTIONS ON CASES**

A motion was made by Mr. Darby and seconded by Ms. Yeatman to accept the recommended action of no action in Case Nos. 16-0143, 17-0003, and 17-0012. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, and Ms. Yeatman.

A motion was made by Mr. Darby and seconded by Ms. Denson to accept the recommended action of no violation in Case No. 17-0014. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to accept the recommended action of a letter of concern in Case Nos. 16-0083, 16-0167, 17-0021, and 17-0025. A vote was taken and the motion passed with aye votes from Mr. Darby, Ms. Denson, and Ms. Yeatman.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to accept the recommended action of a letter of concern and action plan in Case No. 17-0007. A vote was taken and the motion passed with aye votes from Mr. Darby, Ms. Denson, and Ms. Yeatman.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to accept the recommended action of a letter of warning in Case Nos. 16-0062, 17-0010, and 17-0011. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to accept the recommended action to come before the Board in Case No. 17-0022. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

14. **MOTION TO ADJOURN**

A motion was made by Mr. Darby and seconded by Ms. Yeatman to adjourn the meeting at 12:38 p.m. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Ms. Denson, and Ms. Yeatman.

Buddy R. Bunch, President

Susan P. Alverson, Executive Secretary