

ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
June 28, 2017

President Buddy Bunch called the June 28, 2017, meeting of the Alabama State Board of Pharmacy to order at 9:22 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
Glenn Wells, Drug Inspector
Todd Brooks, Drug Inspector
Peyton Zarzour, Drug Inspector
Terry Lawrence, Board of Pharmacy
Rhonda Coker, Board of Pharmacy
Wendy Passmore, Board of Pharmacy

Members of the public present were:

Jim Easter	Kalyn Davis
Charlie Cook	Chris Riviere
Whitney White	Julie Hunter
Nancy Bishop	Carter English
Ronda Lacey	Erik Lanford
Kimberly Braxton Lloyd	Malia Manning
Richard Stewart	Eddie Vanderver
Tracy Davis	Bart Bamberg
Greg Peden	Lee Foreman
Paige Patterson	Jon Linna
Louise Jones	

1. MOTION TO ADOPT AGENDA

President Bunch called for a motion to adopt the agenda. A motion was presented by Mr. Sorrell and seconded by Mr. Darby and Ms. Yeatman. A vote was taken and the motion passed unanimously.

2. PRESENTATIONS

Mr. Richard Stewart of Mobilcare Medical made a presentation requesting reduced operating hours from 20 hours a week to 10 hours a week. A motion was made to approve the reduction of hours by Ms. Yeatman and seconded by Ms. Denson. A vote was taken and Ms. Yeatman and Mr. Bunch voted aye. Later in the meeting, it was brought to Mr. Bunch's attention that a nay vote was not taken. The vote was retaken by Mr. Bunch. Mr. Sorrell and Mr. Darby voted nay. Ms. Denson, Ms. Yeatman, and Mr. Bunch voted yes. The motion passed with the second vote.

Nancy Bishop of the Alabama Department of Public Health and Carter English of the Alabama Department of Mental Health gave a presentation about bulk distribution of Naloxone and Narcan by the Department of Public Health. The Department of Public Health has written a pamphlet about the two drugs and are seeking the Board's approval to distribute the pamphlet. A motion was made by Mr. Darby and seconded by Ms. Yeatman and Mr. Sorrell to approve the protocol for the Alabama Department of Health in distributing Naloxone and Narcan.

Kimberly Baxter Lloyd, assistant dean of health services at Auburn University's Harrison School of Pharmacy, gave a presentation regarding placing Naloxone in buildings on the campus of Auburn University next to AED devices. Auburn University would also facilitate training to all police, fire, security personnel along with many students in key roles on campus. No action taken.

3. TREASURER'S REPORT

Treasurer, Donna C. Yeatman, presented the treasurer's report. The Board is at approximately 83 percent of anticipated revenue for its two-year cycle and approximately two percent below budget on expenses at this time. 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. Darby, Ms. Denson, and Mr. Bunch.

4. WELLNESS COMMITTEE REPORT

Mr. Bunch read Dr. Garver's Wellness Committee report. There are 153 people in the screening program. There are four pharmacists in treatment and three technicians in treatment, three pharmacists who are being held for six months before being presented to the Board, and one student waiting to be heard by the Board. The total number of pharmacy professionals identified and worked with in 2017 is 19: Ten pharmacists, seven technicians, and two students. The total number of pharmacy health professionals identified during this time period in 2016 was 19. All individuals who are in treatment or in evaluation or undecided are presently out of the work force and without a license.

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 May 10, 2017, business meeting. A vote was taken and the motion passed unanimously.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the interview minutes from the May 10, 2017, interviews. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

6. INSPECTOR'S REPORT

Chief Inspector Edward R. Braden was called upon to give his report of activities of the investigations and inspections. His report in the Dropbox listed the statistics for the month of May. He noted the top issue continues to be diversion. Mr. Braden also had additional items for executive session.

Mr. Braden explained the Compact 2020, a program in Shelby County, that is targeted to law enforcement contacting parents of teenagers that have drug issues and with the parents' permission are searching the homes and phones of the teens utilizing personnel and drug-detecting canines in an effort to further crack down on opioid use and abuse.

Mr. Braden also stated at the end of the Secretary's report that the AED device has been installed in the building and personnel from the Hoover fire department trained the Board personnel on its use.

7. SECRETARY'S REPORT

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

- The State auditor is in the building to conduct the audit. The auditor has requested to meet with some of the Board members in July.
- Susan will be on vacation the week of July 3 through July 7.
- Governor Ivey has declared July 3 a State holiday.
- The Board of Pharmacy's inventory audit by the State was held a few weeks ago and the Board was 100 percent compliant on the audit. Thanks to Terry Lawrence for his work on this. He will receive a commendation from the Governor's office for having an exceptional audit.

- The Board attended the summer meetings of ALSHP and APA and representatives spoke at both meetings. Members are becoming more relaxed with the Board staff as they spend more time at such events. APA has identified three names to fill the vacancy created by Buddy Bunch for the independent pharmacy position on the Board. The names will be presented to Governor Ivey by July 31. They are: Dan McConaghy, Derrell Massey, and Chris Phung.
- Dr. Alverson provided a copy of USP 800 for each Board member. USP 800 will go into effect in July 2018 and if the Board's rule has gone into effect, USP 800 will automatically go into effect because the rule says the Board follows USP. Dr. Alverson would like the Board to consider when inspections are performed for the first year following implementation of USP 800 that the Board serve in an advisory capacity and not to bring discipline. That is what has been done in the past when new rules have been implemented.
- Dr. Alverson suggested if any legislation needs to be written for next year's session that it be started at this time. She suggested looking at the issue of the method in which licenses are transferred. When a pharmacy is sold, the permit transfers to the new entity under the same name. Dr. Alverson proposed the Board implement a process so that someone may sell their pharmacy easily but give the Board the opportunity to screen the individuals purchasing or to which the pharmacy is being transferred.

8. ATTORNEY'S REPORT

During the Secretary's report, Mr. Ward explained that a lawsuit was filed against the Board of Pharmacy by Dee Parks and Parks Pharmacy. Ms. Parks and her pharmacies were disciplined, which was then reported to the National Practitioner Data Bank. Ms. Parks' attorney convinced a Montgomery County Circuit Court judge to order the Pharmacy Board to remove the disciplinary listing. The Board was to either comply with the federal law to report the discipline or be disciplined in contempt of the Montgomery Circuit Court. The Board appealed that decision and filed a mandamus, or a request, for the matter to be reviewed. The Alabama Court of Civil Appeals reviewed the case and ordered the Montgomery Circuit Court judge to vacate his order, which means the discipline is now listed in the National Practitioner Data Bank. This was the first case of this sort, so it sets a precedent for other similar cases.

Mr. Ward stated he only had items to discuss in executive session.

9. OLD BUSINESS

- Ms. Denson provided an update on the issue of repackaging in long-term care facilities. Ms. Denson has been in contact with Mr. Holden and has spoken with Julie Hunter, who is willing to assist in this matter. Ms. Denson sent emails to several pharmacists asking for their participation on the task force. Dr. Alverson will be drafting a rule regarding this matter.

- The time period for receiving comments on amending Rule 680-X-2-.19 regarding compounding begins July 1 and runs for 35 days. The change is also posted on the Alabama Board of Pharmacy website. The final vote will be held during the August Board business meeting.
- Dr. Alverson stated the Comprehensive Addiction and Rehabilitation Act was changed in Title 21 of FDA regulations Chapter 13, the DEA chapter, part C, section 829, so that is DEA law regarding the partial filling of prescriptions. Mr. Braden added that he had spoken with the DEA and until any changes are published in the Code of Federal Regulations, they do not adhere to the regulations.

10. NEW BUSINESS

- Dr. Alverson has provided the Board with the travel policy. A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the travel policy. A vote was taken and the motion passed unanimously.
- Louise Jones of APA stated that she appreciated the Board being at the APA Annual Meeting and is thankful for how the Board is interacting with the pharmacists and members in a more relaxed setting. She also stated that in accordance with the Practice Act, APA has narrowed down the slate of nominees for the independent pharmacy position which will be vacated by Buddy Bunch in December 2017. The current nominees which will be submitted to Governor Ivey by July 31, 2017, are as follows: Derrell Massey, Dan McConaghy, and Chris Phung.
- Mr. Darby stated that he had spoken with someone from PTCB about technician training and they will send someone this fall to provide an educational session to tell the Board what other states are doing and give the Board an overview.

11. EXECUTIVE SESSION

A motion was made by Mr. Darby and seconded by Ms. Yeatman 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 11:07 a.m.

12. RETURN FROM EXECUTIVE SESSION

At 1:21 p.m., the Board resumed its public meeting status.

13. MOTIONS ON CASES

A motion was made by Mr. Darby and seconded by Mr. Sorrell to accept the recommended action of no violation in Case Nos. 17-0037, 16-0164, 17-0047, and 16-0057. 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 to take the recommended action of a letter of concern due to the PDMP log-in screen being prepopulated with respondent's information in Case Number 17-0048. 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. Denson to accept the recommended action of a permanent surrender in Case No. 16-0128. 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. Denson and Mr. Sorrell to adjourn the meeting at 1:23 p.m. A vote was taken and the motion passed with aye votes from Mr. Darby, Ms. Denson, and Ms. Yeatman.

Buddy R. Bunch, President

Susan P. Alverson, Executive Secretary