

ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
January 25, 2017

President Buddy Bunch called the January 25, 2017, meeting of the Alabama State Board of Pharmacy to order at 9:17 a.m. to conduct necessary business and determined a quorum was present. The following Board members were present:

Buddy Bunch	President
David S. Darby	Vice President
Donna C. Yeatman	Treasurer
Ralph E. Sorrell	Member
Brenda R. Denson	Member
Susan P. Alverson, Ph.D.	Executive Secretary

Other Alabama Board of Pharmacy employees present were:

Cristal O. Anderson, Director of Compliance
Edward R. Braden, Chief Inspector
Todd Brooks, Drug Inspector
Henry Burks, Drug Inspector
Scott Daniel, Drug Inspector
Mark Delk, Drug Inspector;
Mark Hebert, Drug Inspector
Richard Lambruschi, Drug Inspector
Glenn Wells, Drug Inspector
Peyton Zarzour, Drug Inspector
Terry Lawrence, Board of Pharmacy
Rhonda Coker, Board of Pharmacy
Wendy Culverhouse, Board of Pharmacy
Twalia King, Board of Pharmacy

Members of the public present were:

Dr. Mike Garver, Wellness Program	Christian Ploy
Wade Hinkle	Allison Markham
Charlie Cook	Emily Davis
Whitney White	Robin Bellomy
Anthony Wiseman	Scott Chapman
Louise Jones	Ronda Lacey
Tracy Davis	Bart Bamberg
Cammie Burgess	Eddie Vanderver
Malissa Dancey	Carter English

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. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

2. WELLNESS COMMITTEE REPORT

Dr. Mike Garver gave the Wellness Committee report. There are 158 people in the screening program. There are four pharmacists in inpatient treatment, five technicians in treatment, and one student in treatment who is suspended. One pharmacy tech with a behavioral complaint has chosen to surrender his license.

The total number of pharmacy professionals identified and worked with in 2016 is 47. Of those, there were 21 pharmacists with 18 retained, 21 pharmacy technicians with 10 retained, and five students with four retained. Ten more pharmacy health professionals were identified in 2016 than in 2015. There are 74 individuals in facility-driven aftercare.

3. PRESENTATIONS

Anthony Wiseman of Caremark Arizona Mail Pharmacy gave a presentation seeking to obtain a pharmacy services permit. A motion was made by Mr. Darby and seconded by Mr. Sorrell to approve the pharmacy services permit. A vote was taken and the motion passed with aye votes from Mr. Darby, Ms. Denson, and Mr. Bunch.

Mr. Wade Hinkle of Rx30 Marketplace and Inventory IQ made a presentation regarding his proposed business. No action taken.

4. TREASURER'S REPORT

Treasurer, Donna C. Yeatman, presented the treasurer's report. Three months in to the fiscal year, the Board has collected 73 percent of its anticipated revenue for its two-year cycle and is at 25 percent of its annual expenses. There will be additional expenses next month due to vehicle expenses for drug inspectors.

5. BUSINESS MEETING MINUTES

Mr. Darby made a motion and it was seconded by Ms. Yeatman to approve the business meeting minutes from the December 14, 2016, meeting. An individual voice vote was taken and the motion passed unanimously.

6. INSPECTOR'S REPORT

Chief Inspector Edward R. Braden was called upon to give his report of activities of the inspectors and investigations. The staff conducted 1,447 inspections during 2016. No action taken.

7. SECRETARY'S REPORT

Dr. Susan Alverson's Executive Secretary report consisted of the following:

- Licensing renewals are complete.

- FDA is receiving complaints due to the Board following following the FDA's original policy to license wholesalers, manufacturers, 3PLs, and repackagers. FDA will be researching some questions the Board had and will respond.
- Compounding pharmacies are compounding copies of Suboxone and Subutex, but adding an additional ingredient in and denying that it is a copy. The copy is being dispensed for pain with a prescription from addiction prescribers. Compounding pharmacies cannot make addiction-specific products because it would be a copy or a product that hasn't been approved for addiction. The Board may need to take action against such pharmacies and she would like guidance regarding that decision.
- Change ALBOP definition of manufacturer/wholesaler to match federal definition.
- Legislative Reference Service contacted her about wording of renewals which states, "Renewal is due by October 31. The license becomes void after December 31." No changes will be made.
- ACPE inspection of McWhorter School of Pharmacy is March 7-9 and a request was made for a Board member to attend. Ms. Yeatman agreed to attend.
- A meeting with the veterinarians' association has been scheduling regarding compounding drugs and patient-specific treatments for large animal populations.
- A meeting was held with the contract review committee in Montgomery along with inspectors Mr. Braden and Mr. Daniel regarding the contract of the Board's attorney, Jim Ward. While in Montgomery, they also met with David White, the Governor's health advisor, regarding legislation the Board has proposed this legislative session.
- Several pharmacies have written Governor Bentley because they are not happy with outcomes of hearings with the ALBOP. The Governor believes the Board is doing an excellent job and has asked the Board to write a quick brief to share of good news that an agency is doing its job.
- A meeting will be held to streamline the Board's data management system with members of Jim Ward's office, Vance Alexander, and others.
- The ethics video that Board members need to view is not complete yet and will advise when it is ready for viewing.
- Economic interest statements for 2016 of all Board members and employees of the Board must be completed by April 30, 2017.
- There are a lot of hearings scheduled for February 21, 2017.
- Dr. Alverson commended the Board's enforcement staff for presenting evidence and information in hearings on January 24, 2017.

8. ATTORNEY'S REPORT

Mr. Ward only has an attorney's report for executive session.

9. OLD BUSINESS

No old business was presented.

10. NEW BUSINESS

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the settlement agreement of Mitzi Ellenburg, subject to minimal changes by Mr. Ward not to affect the substance of the agreement. Mr. Darby expressed his appreciation for Ms. Ellenburg's service and longevity to the Board. A vote was taken and the motion passed unanimously.

11. EXECUTIVE SESSION

A motion was made by Ms. Yeatman and seconded by Mr. Darby to go into executive session for the purpose of discussing the qualifications and competency of those regulated by the Board. Mr. Ward also advised that as a lawyer licensed to practice law in the State of Alabama, one of the reasons and purposes for the executive session is to discuss the resolution of pending cases. An individual voice vote was taken and the motion passed unanimously. The executive session began at 10:36 a.m.

12. RETURN FROM EXECUTIVE SESSION

At 12:58 p.m., the Board resumed its public meeting status.

13. MOTIONS ON CASES

Mr. Darby made a motion and Ms. Yeatman seconded it to refer Case No. 16-0063 to the Medical Board. A vote was taken and the motion passed unanimously.

Mr. Darby made a motion and Ms. Yeatman seconded it to issue a corrective action plan for Case No. 16-0149. A vote was taken and the motion passed unanimously.

Mr. Darby made a motion and Ms. Yeatman seconded it for no violation for Case Nos. 16-0152 and 16-0135. A vote was taken and the motion passed unanimously.

Mr. Darby made a motion and Ms. Yeatman seconded it to issue a letter of concern and corrective action plan for Case No. 16-0106. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Ms. Yeatman, and Mr. Bunch.

Mr. Darby made a motion and Ms. Yeatman seconded it to issue a letter of warning to technician and a pharmacy corrective action plan for Case No. 16-0030. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Ms. Denson, and Ms. Yeatman.

Mr. Darby made a motion and Ms. Yeatman seconded it to accept permanent surrender for Case No. 16-0169. 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

Mr. Darby made a motion and Ms. Yeatman seconded it to adjourn the meeting at 1:02 p.m. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Ms. Denson, and Ms. Yeatman.

Buddy Bunch, President

Susan P. Alverson, Executive Secretary