

**ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
November 18, 2020**

President Ralph Sorrell called the November 18, 2020, meeting of the Alabama State Board of Pharmacy to order at 9:12 a.m. to conduct necessary business and determined a quorum was present.

The following Board members were present:

Ralph E. Sorrell	President
Brenda R. Denson	Vice President
Chris Phung	Treasurer
Rob Colburn	Member
Christy K. Garmon	Member
Jim Ward	Board Attorney

Other Alabama Board of Pharmacy staff members present WebEx teleconference or in person were:

Gary Mount, Incoming Board Member	Rhonda Coker, Technician Licensing Mgr.
Donna C. Yeatman, Executive Secretary	Terry Lawrence, IT/Licensing Manager
Susan Alverson, Ph.D., Dir. of Legislative Affairs	Twalia King, Licensing Manager
Cristal Anderson, Dir. of Compliance	Kim Pickett, Facilities Licensing Manager
Edward R. Braden, Chief Drug Investigator	Tonya Linville, Licensing Specialist
Scott Daniel, Asst. Chief Drug Investigator	Starla Gamble, Licensing Specialist
Wendy Passmore, Operations Manager	

Members of the public present via WebEx teleconference or in person for presentations were:

Jeff Church	Meghan Ridner
Bingham Cowgli	Lucas Stocks
Kelli Newman	Laura Matthews
Rhonda Lacey	Lauren Paul
Alex Jenkins	Meghan Ridner
Bart Bamberg	Mark Todd
Danielle Cole	Roland Naseman
Jessica Higginbotham	Sarah Merkle
Jim Hoover	Bruce Harris
Julie Lasseigne	Tommy Cobb
Karen Fountain	Tomia Ann Boackle
Clemice Hurst	Somere Adejei
Eddie Vanderver	Wes Maddox
Kara Latham	Jim Easter
Jeenu Phillip	

1. STATEMENT BY MS. YEATMAN

A statement was made by Ms. Yeatman that the meeting was being held in accordance with Governor Ivey's proclamation for open meetings to address matters necessary to perform essential minimum functions of the Board. In-person attendees are at least six feet from another person, therefore not requiring those attendees to wear a mask in compliance with Governor Ivey's mask mandate. She then explained methods for those in attendance via WebEx to make comments or ask questions.

2. MOTION TO ADOPT AGENDA

President Sorrell called for a motion to adopt the agenda. A motion to adopt the agenda was made by Dr. Denson and seconded by Mr. Colburn. A vote was taken and the motion to adopt the agenda passed unanimously.

3. PRESENTATIONS:

- Tina Goodman of Weno Exchange, LLC, gave a presentation requesting permission to function as an e-prescribing intermediary in Alabama. After a lengthy discussion, a motion was made by Mr. Colburn and seconded by Dr. Denson to approve the request. A voice vote was taken and the motion was approved by Dr. Denson, Mr. Phung, and Mr. Colburn. Dr. Garmon voted to deny the motion. Mr. Sorrell abstained from the vote. The motion carried and Weno Exchange, LLC, will be allowed to function as an e-prescribing intermediary in Alabama.
- Courtney Manasco and Kelli Wyant of Amber Pharmacy gave a presentation requesting remote order entry. After a discussion, a motion was made by Dr. Garmon and seconded by Dr. Denson to approve Amber Pharmacy's request for remote order entry between the Nebraska headquarters and the Alabama location of Amber Pharmacy in Birmingham. A vote was taken and the motion passed unanimously.
- A brief recess was taken.
- Briana Moe with AHF Pharmacy, which is part of AIDS Healthcare Foundation, gave a presentation requesting a nonresident permit with central fill. After a discussion, it was determined that rather than a central fill permit, AHF Pharmacy needed a mail order permit, which does not require Board action. Ms. Moe was referred to the licensing department to complete their request.

4. TREASURER'S REPORT:

Treasurer Chris Phung presented the treasurer's report as of October 31, 2020. Total revenues for the year were 20.61 percent of the annual budget. Total expenses were 7.08 percent of annual budget. Licensing fee revenues were 21.23 percent of the annual budget projection and most expense accounts were on track for one month into the new fiscal year. Those that were above budget were planned and are on track for annual projections.

A motion was made by Mr. Colburn and seconded by Dr. Garmon to approve the October 31, 2020, treasurer's report. A vote was taken and the motion to approve the treasurer's report passed with aye votes from Mr. Sorrell, Dr. Denson, Mr. Colburn, and Dr. Garmon.

5. WELLNESS COMMITTEE REPORT

Eddie Braden, Chief Drug Investigator, gave the report of Dr. Garver as follows:

There are currently 120 people in the screening program with signed contracts or orders. There are presently two pharmacists and one technician in residential treatment. There is one pharmacist with a lapsed license in treatment with plans to return. There are three pharmacy students with appointments for evaluations.

The total number of pharmacy professionals identified and worked with in 2020 is 30. All licensees have responded well to the virtual observation collections and more collection sites are returning to their normal routines. Dr. Garver thanked the staff for their assistance.

6. APPROVAL OF MINUTES

A motion was made by Dr. Denson and seconded by Mr. Colburn to approve the Board business meeting minutes from the October 14, 2020, business meeting. A vote was taken and the motion to approve the business meeting minutes passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Colburn to approve the interview minutes from the October 14, 2020, candidate interviews. A vote was taken and the motion to approve the interview minutes passed unanimously.

7. INVESTIGATOR'S REPORT

Chief Investigator Eddie Braden was called upon to give his report. The investigation and inspection statistics for the month of October is listed in his report. The October takeback day was successful with receiving 37 pounds of medication from the public.

There is a new hemp testing facility in Mobile County that is seeking DEA registration. Board Investigator Mark Hebert attended an inspection of the facility with the DEA. This facility will test hemp content, THC, in products.

He also listed other activities in which investigators have been involved and will have matters to discuss in executive session.

8. SECRETARY'S REPORT

Donna Yeatman gave the Executive Secretary's report, which consisted of the following:

- The Board sent comments to the Alabama Board of Medical Examiners regarding the changes they made to the collaborative practice agreement. Ms. Yeatman spoke with the BME attorney and they hope to sit down with the Board of Pharmacy to sit down and go over both group's concerns. Some of our concerns also corresponded with some other stakeholders in the pharmacy profession, so we are hoping that meeting will ensure that the rules are written in such a way that it will allow pharmacists to collaborate with physicians in a manner that benefits the public as well as not impede what's already occurring in hospital and institutional settings.
- The State of Alabama continues to operate under a state of emergency, so therefore all the guidelines around scheduled medications are still in place. Please refer to the Board website

for more information and guidance. All COVID-19 related information has been combined into one link on the Alabama Board of Pharmacy website. On the Board's home page, there is a red icon that says COVID-19 information. It contains a lot of information if anyone needs to have a reminder of where the Board stands right now from a regulatory standpoint.

- The Department of Public Examiners has completed their Sunset audit. The Board appeared before the Sunset committee on October 22, 2020. After the appearance, the committee voted to set the next review by the Sunset committee in four years. Ms. Yeatman wanted to thank the help and support of all Board members for their attendance and participation in the committee meeting. She also wanted to specifically thank all staff members. There was an abundant amount of information requested and required for not only the legislative audit but also the Sunset audit and they did an incredible job gathering that information.
- Dr. Susan Alverson and Dr. Cristal Anderson participated in the FDA intergovernmental meeting in October. Ms. Yeatman thanked them for their attendance and sharing pertinent information gleaned from the meeting.
- Board members and staff will attend the Maltagon meeting virtually on November 19, 2020.
- A hearing was held on November 10, 2020, to address proposed rules by the Board of Midwifery. The rules were to allow midwives to administer medications necessary in time-sensitive situations. The Board of Pharmacy, along with the Board of Medical Examiners, APA, Alabama Hospital Association, and other professionals opposed this rule as too broad and identifying there is a lack of formal training and education for this action. The Board of Midwifery chose to withdraw that rule at the hearing. The Board looks forward to working with the midwives to address their concerns and objectives in a manner that safeguards the public health.
- The FDA has issued an updated memo of understanding addressing certain distributions of compounded human drug products. The Board is reviewing the new document and awaiting guidance from the Attorney General's office as to whether the Board has the authority to sign the memorandum, should the Board wish to do so.
- Pharmacy permits and pharmacist licenses are required to be renewed prior to December 31, 2020. Online renewals are currently open for processing. Ms. Yeatman suggested renewing now to allow proper time for processing and receipt of licenses and permits before December 31.
- Jefferson County Department of Health is still asking for partners in distributing naloxone. Any pharmacists and/or pharmacies interested in partnering with JCDH should email naloxonetraining@jcdh.com.
- Work is continuing on the bathroom remodel project. The plans and all related information have been submitted to the State. The State had questions so the architect is addressing those concerns and will have to resubmit the plans and all related information.

- The technician renewal training deadline was extended to December 31st. It is the responsibility of the practicing supervising pharmacist to ensure that your technicians have completed that training either by December 31st or within six months of their initial registration, whichever date comes first.

Mr. Phung asked if a technician were to begin the technician training while working with you but then is no longer employed by your pharmacy, whose responsibility would that be. Ms. Yeatman stated it would be the responsibility of the current employing pharmacist to be sure that technician has completed his/her training.

- Case update: The Board heard or settled 19 cases this month. Six cases are scheduled for December hearings. Twenty-eight cases are scheduled for January hearings. Two cases are to be heard in February and there are 12 cases remaining to be scheduled. There are 104 cases in process with our counsel, which is an increase from 102 cases last month. There are 87 cases that are being actively worked by investigators, which is up from 70 cases last month. Four cases are pending resolution and there are two complaints pending resolution.
- Ms. Yeatman thanked all pharmacy professionals that continue to work hard every day to care for the citizens of Alabama facing difficult challenges regularly with COVID and other conditions.

9. ATTORNEY'S REPORT

Mr. Ward has no items for executive session.

10. OLD BUSINESS

- A discussion was held regarding the proposed remote order entry rule. Paragraph (6)(b) was edited to use the average daily census of patients rather than the number of beds in an institution. Also, paragraph (6)(c) was edited to state that any technician function should be verified by the on-site pharmacist.

A motion was made by Dr. Denson and seconded by Mr. Colburn to begin the rulemaking process for Pharmacy Off Site Order Entry, Rule 680-X-2-.39. A vote was taken and the motion passed unanimously.

- Mr. Phung spoke with the Alabama Department of Public Health several times regarding the pharmacist's role in TB skin testing. At this time, the Department will not issue a standing order for pharmacists to administer and read TB skin tests. ADPH is preferring blood draws for TB testing. With the collaborative practice agreement, pharmacists may be able to play a role in TB testing through the collaborative agreement.
- The public hearing for proposed amended rules 680-X-2-.08, 680-X-2-.09, and 680-X-2-.19 will be December 16, 2020. To date, there have been no comments received regarding the amendments to these rules.

11. NEW BUSINESS

- Updates to employee personnel handbook policy 17, medical insurance for retirees, and policy 10, employee leave benefits, were presented to the Board. A motion was made by

Mr. Phung and seconded by Mr. Colburn to approve the updated policies. A vote was taken and the motion to approve the updated policies was approved unanimously.

- Dr. Garmon stated that from a Board level, they are supportive of the HHS direction for allowing technicians to give immunizations. The Board will need to institute processes to track the completion of the technician training to be able to accept the certification and track it for licensing purposes.

12. EXECUTIVE SESSION

A motion was made by Mr. Colburn and seconded by Dr. Garmon to retire into executive session. An individual voice vote was taken and the motion passed with aye votes from Mr. Sorrell, Dr. Denson, Mr. Phung, Mr. Colburn, and Dr. Garmon. Mr. Ward made a statement that as an attorney licensed to practice in the state of Alabama, the purpose for executive session is to discuss the resolution of pending cases.

The recess for executive session was held from 11:56 a.m. to 12:20 p.m.

13. MOTIONS ON CASES

A motion was made by Dr. Denson and seconded by Mr. Phung to accept a permanent surrender in case number 20-0145. A vote was taken and the motion passed with aye votes from Mr. Phung, Mr. Colburn, and Dr. Garmon.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no further action in case number 20-0138. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no further action in case number 20-0141. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Phung, Mr. Colburn, and Dr. Garmon.

A motion was made by Dr. Denson and seconded by Mr. Phung to take no action in case number 20-0147. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Phung, Mr. Colburn, and Dr. Garmon.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of letter of concern in case numbers 20-0143 and 20-0164. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Phung, Mr. Colburn, and Dr. Garmon.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of letter of concern and action plan in case number 20-0148. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Phung, Mr. Colburn, and Dr. Garmon.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of no violation in case numbers 20-0130, 20-0142, and 20-0144. A vote was taken and the motion passed unanimously.

14. ADJOURN

A motion to adjourn was made by Dr. Garmon and seconded by Mr. Colburn. A vote was taken and the motion passed unanimously. The meeting adjourned at 12:22 p.m.



Ralph Sorrell, President



Donna C. Yeatman, Executive Secretary

12-16-20
Date