

**ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
September 16, 2020**

President Ralph Sorrell called the September 16, 2020, meeting of the Alabama State Board of Pharmacy to order at 9:05 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:

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

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

Alex Jenkins	Jessica Higginbotham
Julie Lasseigne	Sarah Merkle
Aaron Wolff	Louise Jones
Clemice Hurst	April Jones
Jeff Church	Tracy Davis
Tomie Ann Boackle	Jim Easter
Tommy Cobb	Marley Hudson
Kelli Newman	Eddie Vanderver
Gary Mount	Brianna Smith
Danielle Cole	Jeenu Philip
Bradley Livingston	Timothy Frost
Wes Maddox	Jessica Adams
Mark Todd	Brad Peters
Angela Thomason	Lindsey Connors
Brad Good	Travis Cunningham
Nick Harrison	

1. 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 with aye votes from Dr. Denson, Mr. Phung, Mr. Colburn, and Dr. Garmon.

2. 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 and in compliance with any other requirements. She explained methods for those in attendance to make comments or ask questions.

3. PRESENTATIONS:

- Travis Cunningham with Costco's central fulfillment operation gave an oral and video presentation requesting a nonresident and central fill pharmacy permits. After a discussion, it was determined Costco's business model does not comply with Alabama pharmacy statutes and rules. No action taken.
- Brad Peters, Lindsey Connors, and Brad Good with Remedi SeniorCare gave a presentation requesting a pharmacy services permit for its Ohio location, as well as remote order entry services among its Alabama, Ohio, and Florida locations. After a lengthy discussion, a motion was made by Mr. Colburn and seconded by Dr. Denson to approve the pharmacy services permit for the Ohio location. A vote was taken and the motion passed with aye votes from Dr. Denson, Mr. Phung, Mr. Colburn, and Dr. Garmon.

Another motion was made by Dr. Denson and seconded by Mr. Colburn to approve the remote order entry request between the Ohio and Alabama locations. A vote was taken and the motion for remote order entry between the Ohio and Alabama locations passed unanimously.

No action was taken involving the Florida location.

4. TREASURER'S REPORT:

Treasurer Chris Phung presented the treasurer's report as of fiscal year end August 30, 2020. Total revenues were 96.62 percent of the annual budget, which is ahead of budget. Total expenses were 84.99 percent of annual budget, which is 15.01 percent below budget. Licensing fee revenues were 88.34 percent of the annual budget projection.

A motion was made by Dr. Denson and seconded by Dr. Garmon to approve the August 30, 2020, treasurer's report. A vote was taken and the motion to approve the treasurer's report passed with aye votes from 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 128 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 who is undergoing a neuropsychological evaluation. There is one pharmacist with a lapsed license who plans to return to practice.

The total number of pharmacy professionals identified and worked with in 2020 is 23. 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. Garmon and seconded by Mr. Phung to approve the Board business meeting minutes from the August 19, 2020, business meeting. A vote was taken and the motion to approve the business meeting minutes passed with aye votes from Dr. Denson, Mr. Phung, Mr. Colburn, and Dr. Garmon.

A motion was made by Mr. Colburn and seconded by Dr. Garmon to approve the interview minutes from the August 19, 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 August is listed in his report in the Dropbox. All high-risk compounding pharmacies have been inspected in the 2019-2020 fiscal year. Mr. Braden enlisted the assistance of other agencies to sponsor the Board's APOSTC certification and online training. He also listed other activities in which investigators have been involved.

8. SECRETARY'S REPORT

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

- Ms. Yeatman expressed her and the Board's sympathies to the family and friends of Clay Wilson in his recent passing.
- There are no current legislative updates.
- Work is continuing with the Department of Finance-Procurement Division on the bathroom remodel project. The bathrooms are not currently ADA compliant so they are having to be redesigned so the stalls will meet ADA specifications.
- Online forms for a change of supervising pharmacist and/or a temporary change of supervising pharmacist can be accessed on the website, www.albop.com. There is also a link to request a duplicate license on the website.
- The State of Alabama is currently under a dual state of emergency from the COVID pandemic and Hurricane Sally.
- Several members of the Board and the Board staff attended the APA 2020 Annual Meeting in Montgomery on August 29, 2020. The Board appreciated the opportunity to speak at the meeting.
- Congratulations to Board President Ralph Sorrell for being inducted into the Alabama Pharmacy Hall of Fame.
- Ms. Yeatman expressed her thanks to Scott Daniel, Susan Alverson, and Vance Alexander for their work reviewing MPJE questions for NABP.
- The Alabama Department of Public Examiners has completed the legal regulatory audit. All Board members, Ms. Yeatman, Jim Ward, and Jim Driskell, the Board's accountant, will

attend an exit audit conference call to review the findings on September 17, 2020. The Sunset audit has began and the Board's staff is compiling requested documents for that submission.

- Pharmacist licenses are due to be renewed December 31, 2020. Online renewals are currently open for processing. Failure to renew by December 31 could result in disciplinary action. The format for pharmacist licenses has been changed to a more sturdy pocket license beginning this renewal cycle.
- Pharmacy permits are due to be renewed December 31, 2020. Online renewals are currently open for processing. Failure to renew by December 31 could result in disciplinary action. Permits will specifically delineate the function of the permit, i.e., sterile compounder, 503B, outsourcer, etc, which will be clearly posted on the permit. This will also assist investigators during their inspections.
- The Board has been designated as an Energy Star performer for the State of Alabama. The facility is operating more efficiently than 75 percent of comparable buildings and using 18-percent less energy than two years ago and spending about 9.6 percent less in power bills. The reduction in power usage is a result of the new light fixtures and thermostats installed.
- Case update: The Board heard or settled over 24 cases on Tuesday, September 15. Twenty-nine cases are scheduled to be heard in October; 30 for November; six for December, and 12 for January. There are 88 cases in process with counsel, which is up from 84 last month. There are 82 cases that are being actively worked by investigators, which is up from 81 cases last month. Four cases and five complaints are 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 only has items for Executive session.

10. OLD BUSINESS

- The issue of medical marijuana will be tabled until more information is available from the Alabama legislature.
- The Board is continuing to work on remote order entry and gathering data and opinions to hopefully come to an opinion before the year is out.
- The Board would like to for pharmacists to have the ability to do TB skin testing. That effort is being pursued through the Department of Public Health.

11. NEW BUSINESS

- Ms. Yeatman began drafting a new policy for nonpharmacist keyholders; however, to maintain consistency with the statute, the policy will remain as is at this point.

- The Board had a discussion regarding drive-through immunizations. Drive-through immunization clinics are allowed by the Board as long as proper protocols are in place such as maintaining a proper cold chain (refrigeration, coolers, temperature monitoring) to be sure the product is viable; emergency kits with epinephrine pens, a period of observation following the immunization to make sure the patient isn't having any adverse side effects, so parking in a designated spot for a bit before the patient leaves the immunization site.
- Ms. Yeatman received a question on preceptor site approval. Any licensed pharmacy where a pharmacist practices has been considered an approved preceptor site. Policy 20-001 allows any location that has a permit to practice pharmacy to be a preceptor site. A motion was made by Dr. Garmon and seconded by Dr. Denson to approve Policy 20-0001. A vote was taken and the motion passed unanimously.
- The proposed Board meeting dates for 2021 and the first two months of 2022 are as follows: January 20, February 17, March 17, April 21, May 19, June 15, July 21, August 17, September 15, October 13, November 17, and December 15, 2020, and January 19 and February 16, 2022. All these dates are the third week of each month with the exception of October 13, 2021. A motion was made to approve the proposed dates by Dr. Denson and seconded by Mr. Phung. A vote was taken and the motion passed with aye votes from Dr. Denson, Mr. Colburn, and Dr. Garmon.
- A motion was made by Mr. Phung and seconded by Dr. Denson to approve the Board budget for the 2020-2021 fiscal year. A vote was taken and the motion passed with aye votes from Dr. Denson, Mr. Phung, Mr. Colburn, and Dr. Garmon.
- A discussion was held regarding pharmacists giving COVID vaccinations when available. Mr. Phung spoke with someone from the Alabama Department of Public Health who is working with Department of Health and Human Services. Ms. Yeatman will be working on a rule to delineate the pharmacist's requirements for administering vaccinations.
- A supervising pharmacist in a community pharmacy has requested to be able to serve as supervising pharmacist for a small rural hospital with 12 or fewer patients. Mr. Sorrell suggested that Ms. Yeatman be allowed to make these type decisions unless she needs to defer to the Board for further guidance. All Board members agreed to allow Ms. Yeatman to make these type decisions.
- Ms. Yeatman received an email from an institutional pharmacist asking if they could send a patient home with their monthly medications from the institution. She discussed the matter with Mr. Ward and would like the Board's opinion as well. The consensus opinion is that the law requires the institution to have a separate license for a separate pharmacy with its own inventory to provide take-home medications for patients.

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 that the purpose for executive session is to discuss the resolution of pending cases.

The recess for executive session was held from 11:54 a.m. to 12:20 p.m.

13. MOTIONS ON CASES

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of issuing a letter of concern in the following case numbers: 19-L-0061, 19-0153, 19-0154, 20-0007, 20-0070, 20-0090, 20-0097, 20-0099, 20-0101, 20-0102, 20-0106. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action to refer to the insurance board in case number 20-0089. A vote was taken and the motion passed unanimously.

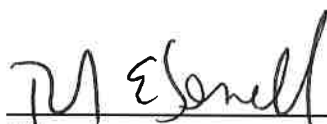
A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of no violation in case numbers 20-0092, 20-0095, and 20-0100. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of no action in the following case numbers: 18-0106, 20-0059, 20-0096, 20-0105, and 20-0111. A vote was taken and the motion passed unanimously.

A motion was made by Dr. Denson and seconded by Mr. Phung to take the recommended action of no further action in the following case numbers: 19-0144, 19-0217, 20-0073, 20-0074, 20-0075, 20-0076, and 20-0080. A vote was taken and the motion passed unanimously.

14. ADJOURN

A motion to adjourn was made by Dr. Denson and seconded by Mr. Colburn. A vote was taken and the motion passed with aye votes from Dr. Denson, Mr. Phung, Mr. Colburn, and Dr. Garmon. The meeting was adjourned at 12:23 p.m.



Ralph Sorrell, President



Donna C. Yeatman, Executive Secretary



Date