

ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
June 29, 2022

President Chris Phung called the June 29, 2022, meeting of the Alabama State Board of Pharmacy to order at 9:04 a.m. to conduct necessary business and determined a quorum was present.

The following Board members were present:

Chris Phung	President
Rob Colburn	Vice President
Christy K. Garmon	Treasurer
Gary Mount	Member
Thomas H. Cobb	Member
Jim Ward	Attorney
Jennifer Neumann	Attorney

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

Donna Yeatman, Executive Secretary	Sean Malloy, Drug Investigator
Susan Alverson, Dir. of Legislative Affairs	Wendy Passmore, Operations Manager
Edward R. Braden, Chief Drug Investigator	Rhonda Coker, Licensing Supervisor
Scott Daniel, Assistant Chief Drug Investigator	Kim Pickett, Facilities Licensing Manager
Glenn Wells, Drug Investigator	Anne Marie Nolen, Collab. Practice Manager
Todd Brooks, Drug Investigator	Rebecca Tindle, Pharmacist Licensing Manager
Casey Shaw, Drug Investigator	Terry Lawrence, IT/Licensing Manager

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

Jeenu Philip	Roger Morris	Judy Kutchman
Nick Meza	Roland Naseman	Maimuna Bruce
Tolu Akinwale	J. Higginbotham	Emily Haugh
Lauren Paul	Zikora Okoye	Brenda Denson
Stephen Henken	Jonathan Baelu	Cory Kim
Stephen McCormick	Gabriel Colon	Dan McConaghy
Mallory McClung	Jon Linna	Samantha Chessie
Kristin Hendricks	L. Watkins	Rachel Kiefer
Julie Lasseigne	Brad Livingston	Danielle Cole
Melissa Pharo	Anna Vanderbleek	Eddie Vanderver
Shannon Hurst	Mary McKnight	Robyn Ledbetter
Bobby Hoang	Carter English	Nancy Bishop
Shauna Peterson	Bobby Giles	Tina Stringer
Bart Bamberg	Thanh Khuu	Madison (last name unknown)
Jim Easter		

1. MOTION TO ADOPT AGENDA

President Phung called for a motion to adopt the agenda. A motion to adopt the agenda was made by Mr. Colburn and seconded by Dr. Garmon and Dr. Mount. A vote was taken and the motion to adopt the agenda passed with aye votes from Mr. Colburn, Dr. Garmon, and Dr. Mount.

2. PRESENTATIONS

Jeenu Philip and Shauna Peterson with Walgreens and Nick Meza of Quarles and Brady gave a second presentation requesting a nonresident permit and approval of central fill processing for its central fill facility in Memphis, Tennessee. After a lengthy discussion, a motion was made by Dr. Mount and seconded by Dr. Garmon to approve the request for a nonresident permit and central fill processing. A vote was taken and the motion to approve a nonresident permit and central fill processing passed unanimously.

3. TREASURER'S REPORT

Treasurer Christy Garmon presented the treasurer's report as of May 31, 2022. Total revenues for the fiscal year were 79.85 percent of the annual budget. Total expenses for the first six months of the fiscal year were 66.70 percent of the annual budget. Licensing fee revenues are 76.65 percent of the budget projection, which is slightly ahead of budget for the year. Expenses are tracking the budgeted projections. Budget exceptions may occur due to inflationary pressures on expenses.

4. WELLNESS COMMITTEE REPORT

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

There are currently 118 people in the screening program with signed contracts or orders.

Current work-Pharmacists:

- One pharmacist in residential treatment, voluntary surrender.
- Two pharmacists in a halfway house, voluntary surrender.
- One pharmacist refused treatment recommendations, is set for a hearing, voluntary surrender.

Current work-Students:

- One student in outpatient treatment, voluntary surrender.
- Two students completed evaluation, ready for hearing in July, voluntary surrender.
- One student waiting for a return-to-work review, voluntary surrender.

The total number of pharmacy professionals identified and worked with in 2021 is 79.

5. APPROVAL OF MINUTES

A motion was made by Mr. Colburn and seconded by Dr. Garmon to approve the Board business meeting minutes from the May 18, 2022, business meeting. A vote was taken and the motion to approve the May 18, 2022, Board business meeting minutes passed unanimously.

A motion was made by Mr. Colburn and seconded by Dr. Garmon to approve the Board interview minutes from the May 18, 2022, interviews. A vote was taken and the motion to approve the May 18, 2022, interview minutes passed unanimously.

6. INVESTIGATOR'S REPORT

Chief Investigator Eddie Braden was called upon to give his report. The investigation and inspection statistics for the month are listed in his report in Dropbox, along with additional activities that the investigators conducted. One investigator traveled to Pennsylvania with Dr. Anderson to perform an out-of-state inspection from May 11, 2022, through May 13, 2022. Chief Braden has additional matters to discuss during executive session.

7. SECRETARY'S REPORT

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

- An entity made a request for a pharmacy services permit, but it may also need approval for off-site order entry. Ms. Yeatman is in discussions with this entity to better understand their business model.
- Board members and staff attended the APA Annual Convention in Gulf Shores in June. Ms. Yeatman appreciated the opportunity to present a Board update and interact with all attendees. Thanks to all Board members, staff, and attorneys who attended this event.
- Board members and staff also attended the ALSHP conference in Pensacola in June. Again, thanks to all Board members, staff, and the attorney that attended this event and a special thank you to Dr. Cobb for providing the Board update at that event.
- The Board has been made aware of an issue with PBMs requiring the collaborating physician's name and office information be on every prescription written by a nurse practitioner or physician assistant. This is a BME and Board of Nursing rule. Ms. Yeatman has reached out to both boards requesting their assistance because PBMs are refusing to pay for prescriptions without the collaborating physician's information on the prescription.
- To receive a copy of the Executive Secretary monthly report and updates from the Board of Medical Examiners, go to the Board website and enter information under the subscribe tab.

8. ATTORNEY'S REPORT

All matters will be discussed in executive session.

9. OLD BUSINESS

- A lengthy discussion was held regarding amending the technician ratio requirements. Board members agreed to change the ratio to allow pharmacists to use up to four pharmacy technicians at a time per pharmacist, provided at least two of the technicians are nationally certified. Ms. Yeatman has provided the Board with a draft of a rule, which will be slightly amended for clarity, and will be presented to begin the rulemaking process at the July 2022 Board meeting.
- A public hearing was held on the proposed amendment to Rule 680-X-2-.16, Practical Training Programs Standards. One comment was received asking if a background check would be performed only on the initial application or at each renewal. A change was made to the rule to clarify the background check would only be performed on the initial application.

A motion was made by Dr. Garmon and seconded by Mr. Colburn to approve proposed amendment to Rule 680-X-2-.16, Practical Training Programs Standards, with the change as discussed. A vote was taken and the motion to approve proposed amendment to Rule 680-X-2-.16 passed unanimously.

- Ms. Yeatman read the proposed new rule allowing technician entry into a pharmacy to retrieve verified prescriptions waiting for patient pickup during times that the Governor of Alabama has proclaimed a state of emergency. A motion was made by Mr. Colburn and seconded by Dr. Cobb to begin the rulemaking process to allow technician entry during a state of emergency. A vote was taken and the motion passed unanimously.
- Update on proposed amendment to Rule 680-X-2-.23, Drug Manufacturers; Wholesale Distributors; Private Label Distributors, Repackagers, Third Party Logistics, 503B Outsourcer. The purpose of this amendment is to clarify requirements for reverse distributor and retail medical oxygen supplier. The public hearing will be held July 20, 2022. Comments should be submitted to the Board of Pharmacy no later than July 5, 2022.

10. NEW BUSINESS

- Dr. Cobb led a discussion regarding dispensing metered-dose inhalers to patients being discharged from the emergency department after hours. Due to very few 24-hour pharmacies in Alabama, patients may have difficulty filling prescriptions for inhalers upon discharge from the emergency department. A metered-dose inhaler is single patient specific, so once a patient is discharged, the medication is discarded. If the emergency department could dispense the remaining drug to the patient, the patient could continue their medication therapy until a prescription can be filled at a pharmacy. Ms. Yeatman will draft a rule to present at the July 2022 Board meeting.
- The Collaborative Practice Agreement requires the Joint Committee on Pharmacy Collaborative Practice meet quarterly. BME has proposed a resolution to waive the meeting requirement for the second quarter of 2022 because there are currently no matters pending for consideration. A motion was made by Dr. Cobb and seconded by Mr. Colburn and Dr. Garmon to allow Ms. Yeatman to sign the resolution. A vote was taken and the motion to approve signing the resolution passed with aye votes from Dr. Garmon, Dr. Cobb, and Dr. Mount.
- A discussion was held regarding the current shortage of medication, including but not limited to contrast media. The Board believes the decision to extend beyond use dating should be under the authority of the Executive Secretary and Board of Pharmacy staff that are knowledgeable of USP 797. A motion was made by Mr. Colburn and seconded by Dr. Mount to allow Executive Secretary Yeatman to have authority to address extending the beyond use dates for items which institutional pharmacies have a supply shortage. A vote was taken and the motion to allow Executive Secretary Yeatman to have authority to address extending the beyond use dates for items which institutional pharmacies have a supply shortage passed unanimously.
- A discussion was held regarding providing virtual interviews for reciprocity applicants instead of in-person interviews. The interviews will be held on the same Wednesday as the regular

monthly Board meeting at 8:00 a.m. Guidelines will be submitted to applicants regarding proper attire and demeanor during the interview.

11. 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 unanimously.

12. RECESS

A recess was held for executive session from 11:50 a.m. to 1:07 p.m.

13. MOTIONS ON CASES

A motion was made by Dr. Garmon and seconded by Dr. Mount to take no further action in case numbers 19-L-0190, 22-L-0039, and 22-L-0095. A vote was taken and the motion to take no further action passed unanimously.

A motion was made by Dr. Garmon and seconded by Dr. Mount to accept a permanent surrender in case number 21-0235. A vote was taken and the motion to accept a permanent surrender passed unanimously.

A motion was made by Dr. Garmon and seconded by Dr. Mount of no violation in case numbers 21-0015, 22-0030, 22-0049, 22-0051, 22-0052, 22-0057, 22-0066, 22-0067, and 22-0083. A vote was taken and the motion to take no further action passed unanimously.

A motion was made by Dr. Garmon and seconded by Dr. Mount to take no action in case number 21-0216. A vote was taken and the motion to take no further action passed unanimously.


A motion was made by Dr. Garmon and seconded by Dr. Mount to refer patient to another agency in case number 22-0046. A vote was taken and the motion to refer patient to another agency passed with aye votes from Mr. Colburn, Dr. Garmon, and Dr. Mount.

A motion was made by Dr. Garmon and seconded by Dr. Mount to issue a warning letter and action plan in case number 22-0065. A vote was taken and the motion to issue a warning letter and action plan passed unanimously.

A motion was made to take no further action in case numbers 19-0169, 22-0016, and 22-0041. A vote was taken and the motion to take no further action passed unanimously.

14. ADJOURN

The meeting was adjourned at 1:09 p.m.



Chris Phung, President



Donna C. Yeatman, Executive Secretary



Date