

**ALABAMA STATE BOARD OF PHARMACY  
BUSINESS MEETING MINUTES  
August 16, 2023**

President Rob Colburn called the August 16, 2023, meeting of the Alabama State Board of Pharmacy to order at 9:03 a.m. to conduct necessary business and determined a quorum was present.

The following Board members were present:

Rob Colburn	President
Christy K. Garmon	Vice President
Gary Mount	Treasurer
Thomas H. Cobb	Member
Stacy Giles	Member

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

Donna Yeatman, Executive Secretary	Peyton Zarzour, Drug Investigator
Jennifer Neumann, Board Attorney	Cristal Anderson, Director of Compliance
Dr. Mike Garver, Wellness Program	Wendy Passmore, Operations Manager
Susan Alverson, Director of Regulatory Affairs	Anne Marie Nolen, Collab. Practice Manager
Scott Daniel, Chief Drug Investigator	Rhonda Coker, Licensing Supervisor
Glenn Wells, Drug Investigator	Rebecca Tindle, Pharmacist Licensing Manager
Henry Burks, Drug Investigator	Terry Lawrence, IT/Licensing Manager
Mark Delk, Drug Investigator	

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

Jim Driskell	Jeff Thompson	Danielle Mango
Carter Harrison	Mark Mikhael	Jill Denney
Gracie Bradford	Marlene Bishay	Sue Ellen Kelley
Meredith Townsend	Mike James	Scott Tomerlin
Tammi Foshee	Brittany Scott	Rebecca Oliver
Seth Gross	Mike Garver	Maimuna Bruce
Jon Linna	Stephen McCormick	Julie Jordan
Anthony Merriweather	Allison Souders	Judy Kutchman
Burnestine Taylor	Jana Formby	Danielle Winkles
Agnes Oberkor	Reggie Dilliard	Mike Sabatini
Tim Rowland	Gary Davis	Tiffany Mitchem
Mary Ann Davis	Sue Duran	Nadia Arnold
Tomie Ann Boackle	Tina Tarsitano	William Roberts
Paula Hudson	Courtney Henderson	Nick Carter
Kayanah McBeath	Kara Latham	Stephanie
Bart Bamberg	Berkley Sykes	Shannon Hurst
Heather Hughes	Janis Randall	Shaquita Pruitt
Aaron Wolff	Bobby Giles	Rachel Webb
Jennifer Madrid	Brad Livingston	Danielle Cole

Marshall Robbins  
Jacey Cox  
Michelle V.  
Britney Fells  
Hannah Stacy  
Michael McDaniel  
Kimberly Graham  
Eddie Vanderver  
Mary Alice McElheney  
Jeff Mesaros  
Meslissa Pharo  
Eeron Edwards  
Obianuju Okponyia  
Baylee Wesson  
Joseph Drake  
Brooklyn Morgan  
Felicia Shaw

Josh Whitley  
Matt Colbin  
Harley  
Laura Matthews  
Danielle DiCiolla  
Heather Stevens  
Tyler Dalton  
Bruce Harris  
Todd Brooks  
Leisa Johnson  
Samantha Chessie  
Heather Vega  
Jack Wanschek  
Jeenu Philip  
Jeff Church  
Jim Easter  
Joe A. Dalton

Robert Kelly Stricklin  
Dan McConaghy  
Mathew Welch  
Nick Stringer  
Sydney Willmann  
Terry Lawrence  
Vick Walker  
Call-in user 8  
Call-in user 4  
Call-in user 6  
Call-in user 10  
Call-in user 12  
Call-in user 18  
Call-in user 14  
Call-in user 16

**1. MOTION TO ADOPT AGENDA**

President Colburn called for a motion to adopt the agenda. A motion was made by Dr. Garmon and seconded by Dr. Mount to adopt the agenda. A vote was taken and the motion to adopt the agenda passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Mount, and Dr. Cobb. No nays or abstentions recorded.

**2. WELLNESS COMMITTEE REPORT**

Dr. Mike Garver, director of the Board's Wellness program gave his report as follows:

All participants in the program are without complaint and their screens have been negative.

***Current work-Pharmacists:***

- Two pharmacists in residential treatment.
- One pharmacist is being held out after treatment waiting for deficits to clear.
- One pharmacist has completed treatment and is being held out on his attorney's advice to rectify legal issues prior to a hearing.

***Current work-Technicians:***

- One technician in inpatient treatment.
- One technician completed inpatient treatment being held out for three months for deficits to clear.

**3. PRESENTATIONS**

(a.) Jon Linna with Senior Care Pharmacy gave a presentation requesting central fill within its three locations in Daphne, Birmingham, and Northport. Supervising pharmacists for each location (Dr. Meredith Townsend-Birmingham; Dr. Tammi Foshee-Northport; Dr. Seth Gross-Daphne) were also present. He is requesting central fill for each of its locations to support all other locations for events such as severe weather, Internet or system downtime, or staff illness. After a discussion, a motion was made by Dr. Cobb and seconded by Dr. Garmon to approve the request

for central fill. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

(b.) Mark Mikhael and Marlene Bishay of CarePathRx were present to request remote order entry between CarePathRx and UAB Hospital. Mr. Mikhael presented requesting ROE at the May 2023 Board meeting, so he did not repeat the same presentation. Also present were Mike James, associate chief pharmacy officer for UAB Hospital, and Brittany Scott, supervising pharmacist of UAB Specialty Pharmacy. Dr. Tommy Cobb abstained from participating in the discussion and voting.

A motion was made by Dr. Mount and seconded by Dr. Garmon to grant the request for remote order entry with UAB Hospital. A vote was taken and the motion passed with aye votes from Mr. Colburn, Dr. Garmon, Dr. Mount, and Ms. Giles. Dr. Cobb abstained. No nays recorded.

#### **4. TREASURER'S REPORT**

Dr. Mount gave the treasurer's report. For the fiscal year ending September 2023, month ending July 31, 2023, total revenues are 99.82 percent of the annual budget. Expenses for the ten months of the fiscal year were on target with annual budgeted amounts. Licensing fee revenues were 97.74 percent of the budgeted projections. Overall expenses total 81.31 percent of the budgeted projections. A motion was made by Dr. Cobb and seconded by Dr. Garmon to accept the treasurer's report. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

#### **5. APPROVAL OF MINUTES**

A motion was made by Dr. Mount and seconded by Dr. Garmon to approve the Board business meeting minutes from the July 26, 2023, business meeting. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Cobb and seconded by Dr. Garmon to approve the Board interview minutes from the July 26, 2023, interviews. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

#### **6. INVESTIGATOR'S REPORT**

Chief Investigator Scott Daniel gave the investigator's report. During July 2023, a total of 106 inspections were completed. There were 25 complaints received during July and 14 complaints were completed. The investigators are receiving a significant amount of customer service complaint issues. There were also additional activities investigators were involved in during July.

#### **7. SECRETARY'S REPORT**

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

- Other than the presentation today, there have been no new requests for remote off-site entry.
- The Board will send notification to the employer listed in an individual's profile of any sanctions that have been imposed upon that individual. This will inform pharmacy owners and supervising pharmacists of the status of an individual's license/registration.
- The Executive Secretary's monthly report, the approved minutes from the prior month, and the current month's meeting agenda are emailed monthly to all licensed pharmacists.

- The election process for the upcoming open position on the Board of Pharmacy will begin September 1, 2023. Ballots will be sent electronically to all Alabama licensed pharmacists at the email address on file with the Board office. Ms. Yeatman asked everyone to ensure their email address is correct to ensure proper delivery of ballots. All pharmacists will be emailed a voting link from a third party to cast their vote.
- Ms. Yeatman thanked Anne Marie Nolen for attending a recent buprenorphine summit with her. The summit was coordinated by the Board of Medical Examiners and the Opioid Response Network. It was very informative and good information and insight was shared.
- Dr. Tindle and Ms. Yeatman will speak to new students today at McWhorter School of Pharmacy's new student orientation.
- Ms. Yeatman, Dr. Nolen, and Dr. Tindle will meet with Leigh Ann Ross, Pharm.D., on August 24, 2023. Dr. Ross is the new dean of Harrison School of Pharmacy at Auburn University.
- Board staff members will be meeting with representatives from chain, independent, and institutional pharmacies in the future. The meeting with chain representatives is scheduled for September 6, 2023, at the Board office. These meetings are to improve communication with the groups, to work on issues the Board encounters, and address any concerns, comments, or recommendations each group may have in their respective field. Ms. Yeatman thanked Louise Jones of APA and ALSHP for their assistance in scheduling these meetings.
- Effective January 1, 2020, newly registered technicians were required to complete a Board-approved training program within six months of registration. Any technicians who have not submitted their completion of training will not be allowed to renew their technician registration. Ms. Passmore is identifying and emailing technicians who have not completed the training within six months. Ms. Passmore is also notifying any employers, if identified, on the technician's profile.
- The Board has received questions relative to Rule 680-X-2-.12, Supervising Pharmacist. It is the responsibility of the pharmacist assuming or vacating the role of supervising pharmacist to complete the online form on the Board's website within ten days of the change in supervising pharmacist position. In the event a pharmacy will be without a supervising pharmacist, the pharmacy must file an action plan to identify and replace a supervising pharmacist within ten days. The action plan cannot exceed 90 days.
- The remote work emergency rule does not change the requirements for off-site order entry. Off-site order entry addresses requirements for one pharmacy to remotely access another pharmacy for approved functions. The new remote work by pharmacists rule allows a pharmacist to perform the practice of pharmacy while not physically located within the pharmacy facility.
- Board staff member Kim Pickett will be transitioning to working with her husband in their home remediation business. She may periodically work with the Board on an as-needed basis. Ashley Huntley will assume a technician licensing specialist position. The Board will be hiring for an administrative assistant/procurement position. The job information for the new position is posted on the Board's Facebook page. Any interested parties should email their resume to Wendy Passmore at [wpassmore@albop.com](mailto:wpassmore@albop.com). Submissions must be received by August 23, 2023. Interviews will be conducted the following week.

## **8. ATTORNEY REPORT**

Ms. Neumann only has matters to discuss during executive session.

## **9. OLD BUSINESS**

- Dr. Garmon gave an overview of the USP 800 workgroup session. The workgroup listed the following options with regard to USP 800: (1) Full compliance with USP 800; (2) Enforce USP 800 for any pharmacy compounding in NIOSH table one. Any pharmacy compounding in NIOSH tables two and three could apply to be exempt from certain requirements; and (3) Delay implementation of USP 800. A representative from the Alabama Attorney General's office responded to Ms. Neumann's request that the best practice is for the Board to promote full enforcement and compliance with USP 800.

After a lengthy discussion, a motion was made by Dr. Cobb and seconded by Dr. Mount to request a formal opinion of the Alabama Attorney General's office if the Board is mandated to follow USP 800 due to it being referenced in FDA regulations and being a federal law and if USP is legally enforceable in Alabama. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

- The Board received a question if a pharmacist can work remotely if they do not have an Alabama license. A lengthy discussion was held. No action was taken.
- For Rules 680-X-2-.49, Remote Work by Pharmacists, and 680-X-2-.18, Institutional Pharmacies, the public hearing will be September 20, 2023, at 9 a.m. Comments must be received by the Board no later than September 4, 2023.

For Rules 680-X-2-.23, Drug Manufacturers; Wholesale Distributors; Private Label Distributors, Repackagers, Third-Party Logistics, 503B Outsourcer; 680-X-2-.25, Drug Manufacturer; Wholesale Distributors; Private Label Distributors, Repackagers, Third-Party Logistics, 503B Outsourcer; 680-X-2-.44, Collaborative Pharmacy Practice; and 680-X-2-.26, Emergency Prescription Refills, the public hearing will be October 25, 2023, at 9 a.m. Comments must be received by the Board no later than October 5, 2023.

- Dr. Nolen gave an update on Collaborative Practice. The next Joint Committee meeting is September 19, 2023, at 5:30 p.m. at the Board of Pharmacy office. The language of the current amendment addressing test to treat will be discussed at the September meeting.

A motion was made by Dr. Cobb and seconded by Dr. Garmon to approve the minutes of the Collaborative Pharmacy Practice Joint Committee meeting of June 20, 2023. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

## **10. NEW BUSINESS**

- Ms. Neumann received an email from Nick Meza on behalf of Script2U. Mr. Meza requested to not be required to appear before the Board for their request. The Board agreed Mr. Meza could present documentation at the next Board meeting to approve the request without another presentation or appearance by corporate representatives.
- The Board of Medical Examiners is reviewing their protocols for mid-level practitioners and is requesting the Board of Pharmacy to partner with them

in looking through those rules to identify ways to incorporate pharmacists in identifying prescribing habits of certain physicians.

- Anthony Merriweather of the Alabama Department of Public Health requested an amendment to current Rule 420-4-1-.12, Dispensing of Legend Drugs, by Alabama Department of Public Health Registered Nurses. This amendment would allow prescribing medications for patients' sex partners. This would allow prescribing azithromycin for chlamydia, Flagyl for trichomoniasis, and cefixime for gonorrhea. Dr. Garmon suggested adding "Legend drugs appropriate for treatment of an STI, excluding those known to be contraindicated in pregnancy," to number five of the rule and in number six, changing "may" to "shall" so that legend drugs cannot be prescribed to any sex partners under 12 years of age. A motion to approve Rule 420-4-1-.12, as amended, was made by Dr. Cobb and seconded by Dr. Garmon. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.
- Dr. Nolen, along with student intern Carter Harrison, and other Board staff reviewed DEA's final rule, Transfer of Electronic Prescriptions for Scheduled II-V Controlled Substances Between Pharmacies for Initial Filling. Mr. Harrison prepared a flow chart of transferring controlled substance prescriptions. DEA was contacted to confirm the Board's understanding of this rule before putting it on the website. DEA responded they are still looking into this rule and to stay tuned for final information.
- Ms. Giles began a discussion regarding PBM regulations. A regulation was passed in 2021 granting authority to the Department of Insurance to oversee licensing of PBMs. The contracts of PBMs are precluding some pharmacies from serving patients because the contracts provide payment for drugs below the pharmacy's cost. Ms. Neumann stated 34-23-184 would create some authority that this Board would have to review the matter. Ms. Giles stated that maybe the regulation of PBMs could be changed to the Board of Pharmacy.
- Ms. Yeatman presented the contract of Dr. Michael Garver, director of the Board's Wellness Program, for renewal. A motion was made by Ms. Giles and seconded by Dr. Cobb to renew Dr. Garver's contract as director of the Board's Wellness Program. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.
- Pharmacists may dispense naloxone pursuant to the standing order from the Alabama Department of Public Health. ADPH will update and publish the standing order as of August 30, 2023, so that pharmacists may dispense "opioid reversal agents." This is to cover any other brand name agents that may be approved.
- A draft of the Fiscal Year 2014 budget was presented to the Board. Dr. Garmon stated that collaborative practice agreement fees will now be placed with administrative fees. Mr. Jim Driskell with The Driskell CPA Firm stated that Ms. Yeatman provides him the most detailed budget of any budgets that his firm reviews. He also stated that the Board can have confidence that Ms. Yeatman fully understands the financial situation of the Board.

A motion to approve the Fiscal Year 2014 budget with changes was made by Dr. Garmon and seconded by Dr. Cobb. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

**11. EXECUTIVE SESSION**

A motion was made by Dr. Cobb and seconded by Dr. Mount to retire to executive session. An individual voice vote was taken and the motion passed unanimously.

**12. RECESS**

A recess was held for executive session from 11:08 a.m. to 12:02 p.m.

**13. MOTIONS ON CASES**

A motion was made by Dr. Garmon and seconded by Dr. Mount in case numbers 23-L-0259 and 23-L-0267 to take the recommended action of no further action. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Garmon and seconded by Dr. Mount in case number 23-L-0287 to take no action. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Garmon and seconded by Dr. Mount in case numbers 20-0182, 23-0040, 23-0046, 23-0052, 23-0062, and 23-0100 to take the recommended action of no further action. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Garmon and seconded by Dr. Mount in case numbers 22-0246 and 22-0262 to take the recommended action of refer to other agency. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Garmon and seconded by Dr. Mount in case number 23-0109 to take the recommended action of letter of concern. A vote was taken and the motion passed with aye votes from Dr. Garmon, Dr. Mount, Dr. Cobb, and Ms. Giles. No nays or abstentions recorded.

A motion was made by Dr. Garmon and seconded by Dr. Mount in case number 23-0031 to take the recommended action of letter of concern and action plan. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Garmon and seconded by Dr. Mount in case numbers 22-0264, 23-0012, and 23-0029, to take the recommended action of letter of education. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Garmon and seconded by Dr. Mount in case numbers 22-0250, 23-0050, and 23-0070 to take the recommended action of insufficient evidence. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Garmon and seconded by Dr. Mount in case number 23-0090 to take the recommended action of no violation. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

**14. ADJOURN**

The meeting was adjourned at 12:05 p.m.

  
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Rob Colburn, President

  
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Donna C. Yeatman, Executive Secretary

SEPT 20, 2023  
Date