

ALABAMA STATE BOARD OF PHARMACY
BUSINESS MEETING MINUTES
August 21, 2024

President Christy Garmon called the August 21, 2024, meeting of the Alabama State Board of Pharmacy to order at 9:00 a.m. to conduct necessary business and determined a quorum was present at its office, 111 Village Street, Birmingham, Alabama 35242.

The following Board members were present:

Christy K. Garmon	President
Gary Mount	Vice President
Thomas H. Cobb	Treasurer
Stacy Giles	Member
Johnny Brooklere	Member

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

Jennifer Neumann, Board Attorney	Wendy Passmore, Operations Manager
Donna Yeatman, Executive Secretary	Anne Marie Nolen, Collab. Practice Manager
Scott Daniel, Chief Drug Investigator	Rhonda Coker, Licensing Supervisor
Richard Lambruschi, Drug Investigator	Rebecca Tindle, Pharmacist Licensing Manager
Susan Alverson, Director of Legislative Affairs	Terry Lawrence, IT Manager
Cristal Anderson, Director of Compliance	

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

Tara Hetzel	Keri Boles	Misty Gaddis
Jim Driskell	Amy Holland	Shelley Tustison
MaryKate Schwaemmle	Emily Kerbo	Kayla Pogue
Brandon Hicks	Courtney Ballew	Jaron Motykiewicz
Bart Bamberg	Mary McKnight	Wayne Cornutt
Aaron Wolff	Paul Menasco	Karen Nishi
Megan Davis	Nicole Daniels	April Agualo
Andrea Smith	Sarah Sally Neill	Katelin Lisenby
Julissa Gonzales	Roberta Compton	Nicole Gallaher
Darden Heritage	Nick Stringer	Heather Hughes
Trent McLemore	Danielle Cole	Nick Carter
Sheri Boston	Rebekah Neal	Laura Matthews
Jeff Thompson	Ronda Lacey	Lauren Paul
Christian Conley Julie Hunter	Julie Lasseigne	Sarah Barker
Jacey Cox	Kim Blair	Anna Hornsby
Mike Sabatini	Rebecca	Aleecia Hudson
Tiffany Mitchem	Bruce Harris	Alison Hosp
Sabrina Crutchfield	Mike Parris	Allison Souders
Rachel Sims	Dawn Roden	Ashley Hall
Mary Alice McElheney	Louise Jones	Stacey Griffis

Danielle DiCiolla
Reggie Dillard
Julia Compton
Brittany Stewart
Kristian Stroom
Stephanie Cocherell
Nikki Brown Short
Dan Gillis
Josh Settle
Heather Vance
Lauren Woller
Stephen McCormick
Lee Anna Irle
Jamirya Calhoun
Kenneth Horton
Susan DelMonico

Kara Latham
Eddie Vanderver
Allyson Gilliam
Debbie Nowlin
Jackie Bragg
Jeff Church
Jessica Adams
James Easter
Jessica Pittner
Kimberly Graham
Lakeyra M. Palmer
Kimberly Braxton Lloyd
redhd1369@yahoo.com
Robyn Ledbetter
Robert Giacalone
Renee M. Policano

Brittney Sharpe
Stacey Renee Wilson
Vicki Walker
Victoria Holmes
Zachary Lough
Scott Young
Rina Soni
Robin Bellomy
Brad Livingston
Jerry Moore
Call-in User 1
Call-in User 2
Call-in User 3
Call-in User 4
Call-in User 5

1. MOTION TO ADOPT AGENDA

President Garmon called for a motion to adopt the agenda. A motion was made by Dr. Mount and seconded by Dr. Cobb to adopt the agenda. A vote was taken and the motion to adopt the agenda passed unanimously. No nays or abstentions recorded.

2. PRESENTATIONS

(a) Rina Soni with Alto Pharmacy gave a presentation requesting a pharmacy services permit and approval for off-site order entry. After the presentation, a motion was made by Mr. Brooklere and seconded by Dr. Cobb to approve the request for a pharmacy services permit. A vote was taken and the motion to approve the pharmacy services permit passed with aye votes from Dr. Garmon, Dr. Mount, Dr. Cobb, and Ms. Giles. No nays or abstentions recorded.

A motion was then made by Dr. Mount and seconded by Mr. Brooklere to approve the request for off-site order entry. A vote was taken and the motion to approve off-site order entry passed with aye votes from Dr. Garmon, Dr. Mount, Dr. Cobb, and Ms. Giles. No nays or abstentions recorded.

(b) Trent McLemore with Star Pharmacy and Reeves Drug Store made a presentation requesting a nonresident pharmacy permit and approval for central fill. After the presentation, a motion was made by Mr. Brooklere and seconded by Dr. Mount to approve the request for a nonresident pharmacy permit. A vote was taken and the motion to approve the nonresident pharmacy permit passed with aye votes from Dr. Garmon, Dr. Mount, Dr. Cobb, and Ms. Giles. No nays or abstentions recorded.

A motion was then made by Mr. Brooklere and seconded by Dr. Mount to approve the request for central fill. A vote was taken and the motion to approve central fill passed with aye votes from Dr. Garmon, Dr. Mount, Dr. Cobb, and Ms. Giles. No nays or abstentions recorded.

3. TREASURER'S REPORT

Dr. Cobb gave the treasurer's report. As of July 31, 2024, total revenues for the fiscal year were 104.98 percent of annual budget. Expenses were 83 percent of annual budget. Licensing fee revenues were 87 percent of the budgeted projection and overall expenses were in line with budgeted projections. Dr. Cobb thanked Mr. Driskell and The Driskell CPA Firm for doing an excellent job assisting the Board.

A motion was made by Ms. Giles and seconded by Dr. Mount to accept the treasurer's report. A vote was taken and the motion to accept the treasurer's report passed with aye votes from Dr. Garmon, Dr. Mount, Ms. Giles, and Mr. Brooklere. No nays or abstentions recorded.

4. WELLNESS COMMITTEE REPORT

Chief Investigator Scott Daniel gave the Wellness Committee report as follows:

Current work-Pharmacists:

- One pharmacist is in residential treatment (voluntary surrender).
- One pharmacist is being held out for two more months after treatment waiting for deficits to clear (voluntary surrender).
- One pharmacist has voluntarily surrendered his/her license and is waiting to decide on an evaluation or permanent surrender (voluntary surrender).
- One pharmacist completed treatment and is being held out on his/her attorney's advice to clear legal issues before hearing (voluntary surrender).

Current work-Technicians:

- One technician has completed treatment and has been waiting for deficits to clear. Will undergo return-to-work clearance testing within next several weeks.

5. APPROVAL OF MINUTES

A motion was made by Mr. Brooklere and seconded by Dr. Cobb to approve the July 17, 2024, Board business meeting minutes. A vote was taken and the motion to approve the Board business meeting minutes passed with aye votes from Dr. Garmon, Dr. Mount, and Dr. Cobb. No nays or abstentions recorded.

A motion was made by Dr. Cobb and seconded by Dr. Mount to approve the July 17, 2024, Board interview minutes. A vote was taken and the motion to approve the Board interview minutes passed unanimously. No nays or abstentions recorded.

6. INVESTIGATOR'S REPORT

Chief Investigator Scott Daniel gave the investigator's report. During July 2024, a total of 146 inspections were completed. There were 20 complaints received and 26 complaints resolved. Since January 1, 2024, the Board has received 151 complaints. Investigators were also involved in additional activities listed in Mr. Daniel's report. No burglaries or robberies were reported in July.

7. SECRETARY'S REPORT

Dr. Anne Marie Nolen gave the following report of Executive Secretary Donna Yeatman:

- The Alabama Board of Medical Examiners issued a declaratory ruling based on the ALBOP request regarding the requirements for physician compounding of GLP-1 medications. The ruling states that Alabama-licensed physicians “are required to comply with USP standards when compounding GLP-1 products.” Additionally, the ruling states “physicians must purchase prescription products and ingredients only from an entity permitted by ALBOP.” This will be posted on the ALBOP website.
- The Joint Committee on Collaborative Practice will meet September 16, 2024, at the Board of Medical Examiners office at 6:00 p.m. Information will be posted on the Secretary of State website.
- ALBOP hosted the NABP District III meeting at the Battle House Hotel in Mobile, Alabama, August 11 through August 14. It was an extremely informative meeting. Thank you to Anne Marie Nolen, Rebecca Tindle, and Wendy Passmore for all the planning and coordination that went into this meeting. Also, great appreciation goes to representatives from Auburn and McWhorter Schools of Pharmacy for their participation in presentations. Thank you to the Board members that attended and represented ALBOP.
- Ms. Yeatman continues to work with ADPH, JCDH, ADMH, APA, APCI, CVS, Walgreens, Publix, Walmart, and others to increase access to naloxone. The group has met several times and continues to evaluate the most cost effective and convenient method to provide naloxone. Currently, a pilot program has been identified.
- Ms. Yeatman participated in the 2024 Pharmacy Law Symposium conducted by Quarles and Brady on July 19. She represented Alabama in the Q&A session, along with representatives from Mississippi, Vermont, and Kentucky. Topics of discussion included IV hydration, pharmacy deserts, technician duties, pharmacy school application trends, and others.
- The Examiners of Public Accounts have completed the Board’s Legal Compliance audit and Sunset audit. Responses to identified issues have been submitted. The Sunset review is August 22, 2024, at 10:30 a.m., in Montgomery.
- Pharmacist licenses renew this year. Pharmacists are required to have 30 hours of continuing education, of which six hours must be live. Carryover of continuing education hours is no longer allowed. Please ensure all required hours are completed before December 31, 2024.
- In October 2024, ALBOP will switch to a new database. The new system and renewal process will look different. The system will be more user-friendly, easier to navigate, and more intuitive. However, the change will require licensees to create a new account to renew licenses, permits, and registrations. ALBOP will notify licensees when those new accounts can be made.
- ALBOP has been made aware of a significant scam that occurred with the Ohio Board of Pharmacy. A pharmacist received a call with the caller ID listed as the Ohio Board of Pharmacy. She was told her pharmacist license was linked to a narcotics investigation in Texas. Over three months, the pharmacist followed the directions of the caller who the pharmacist thought was the Ohio Board. The scammers convinced the pharmacist to move her savings and retirement, totaling \$500,000, into a “protected account.” The funds went directly to the scammers. Please

be diligent related to scammers and spoofed phone numbers. ALBOP will never ask for funds via phone for any reason without written documentation.

8. ATTORNEY'S REPORT

At the June 18, 2024, Board meeting, the Board directed the staff send letters to the 21 facilities that had not registered designated representatives with the Board to do so by August 2, 2024, or the Board would issue statements of charges for violation of Rule 680-X-2-.23(9). There are still 13 facilities that have not responded, so those statements of charges are being prepared. The remainder of Ms. Neumann's report would be appropriate for executive session.

9. OLD BUSINESS

- Public hearing: Rule 680-X-2-.18, Institutional Pharmacies. The amendments to this rule clarify that managing pharmacies placing remote ADUs would need approval from the Board, as well as notifying the Board when additional ADUs are placed. Three comments were received and some clarification changes were discussed. A motion was made by Dr. Mount and seconded by Ms. Giles to adopt Rule 680-X-2-.18 with changes. A vote was taken and the motion to adopt passed with aye votes from Dr. Garmon, Dr. Mount, and Ms. Giles. No nays or abstentions recorded. The rule will be effective November 14, 2024.
- Public hearing: Rule 680-X-2-.27, Private Consultation Areas for Pharmacies. This is a repeal and replace of the former .27 rule to clarify that only pharmacies and facilities open to the public are required to have a private consultation area. No comments were received. A motion was made by Dr. Mount and seconded by Dr. Cobb to adopt Rule 680-X-2-.27 as presented. A vote was taken and the motion to adopt passed unanimously. No nays or abstentions recorded. The rule will be effective November 14, 2024.
- Update: Rule 680-X-2-.14, The Role of Pharmacy Technicians. The draft rule was presented to the Board along with proposed statutory changes that will need to be made. After a discussion, a motion was made by Dr. Cobb and seconded by Ms. Giles to begin the rulemaking process on Rule 680-X-2-.14. A vote was taken and the motion to begin the rulemaking process passed unanimously. No nays or abstentions recorded. The public hearing will be November 20, 2024.
- Update: Rule 680-X-2-.44, Collaborative Practice. The Joint Committee recommended addressing the pharmacist-physician ratios for test to treat in collaborative practice agreements. The public hearing will be September 18, 2024, at 9:00 a.m. Please submit any comments to Anne Marie Nolen via email at anolen@albop.com.
- Update: Rules 680-X-2-.15, 680-X-2-.21, 680-X-2-.32, and 680-X-2-.45. These rules are related to prescription labeling requirements. The office staff is working on a draft of these rules and will have an update next month.
- Alabama Code 34-23-32(b) requires a manufacturer, bottler, packager, repackager of drugs permit holder to employ a full-time licensed pharmacist required to conduct on-premise pharmaceutical operations with the exception of a wholesale drug distributor who limits their operation to solely distribution of drugs. ALBOP does not request full-time licensed pharmacist information from these permit holders. The potential statute change would alleviate the

requirement for the permit holder to employ a full-time licensed pharmacist for on-premise pharmaceutical operations. A motion was made by Dr. Cobb and seconded by Mr. Brooklere to pursue this potential statute change. A vote was taken and the motion passed with aye votes from Dr. Garmon, Dr. Mount, Dr. Cobb, and Mr. Brooklere. No nays or abstentions recorded.

10. NEW BUSINESS

- The Board members were presented the draft fiscal year 2025 budget for their review. Ms. Yeatman also noted that she and Mr. Driskell were available for any questions. The budget will be presented for approval at the September 18, 2024, Board meeting.
- The Board received a question regarding pharmacists administering long-acting injectables. A discussion was held and the Board believes pursuant to Alabama Code 34-23-1, pharmacists can administer medications per that statute. A motion was made by Dr. Cobb and seconded by Mr. Brooklere that the Board's stance is pharmacists can administer long-acting injections based on the statute definition. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.
- The Board received a question regarding clarification of a written prescription order under the emergency prescription refill rule. After a discussion, a motion was made by Dr. Mount and seconded by Dr. Cobb that a pharmacist is allowed to create either a written prescription order electronically or handwritten. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.
- Discussion has been held among institutional settings about methods to address storage requirements and holding inventory in a centralized location to share between facilities. Ms. Yeatman requested the Board assemble a workgroup to gather details on what a centralized pharmacy services model could look like if the Board chose to write a rule supporting institutional centralized pharmacy services. Dr. Mount and Dr. Cobb volunteered to serve on this workgroup. A motion to establish a workgroup was made by Dr. Cobb and seconded by Mr. Brooklere. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.
- Mr. Brooklere asked everyone to provide comments and if anyone sees an issue that needs to be addressed to the Board to identify it and bring it to a Board member.

11. EXECUTIVE SESSION

A motion was made by Dr. Mount and seconded by Dr. Cobb to go into executive session for the purpose of discussing qualifications and competence of those regulated by the Board as well as pending litigation against the Board. The executive session will begin at 10:15 and end at 10:30. When the Board returns to the public meeting, only matters discussed during executive session will be voted on and then the business meeting will adjourn. Ms. Tara Hetzel with the Alabama Attorney General's office certified the Board will be going into executive session for the reasons already stated by Dr. Garmon and that she is an attorney in good standing with the Alabama State Bar. An individual voice vote was taken and the motion passed unanimously. The executive session began at 10:15 a.m. and recessed at 11:12 a.m. The public meeting resumed at 11:16 a.m.

12. MOTIONS ON CASES

A motion was made by Dr. Cobb and seconded by Ms. Giles in case numbers 22-L-0273, 22-L-0275, 22-L-0304, 22-L-0318, AND 22-L-0351 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. Cobb and seconded by Ms. Giles in case number 24-L-0187 to take the recommended action of grant. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Cobb and seconded by Ms. Giles in case numbers 23-0262 and 24-0078 to take the recommended action of no further action. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

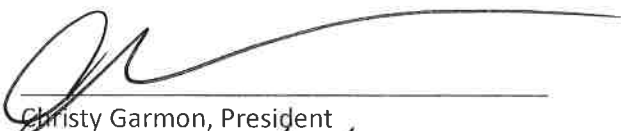
A motion was made by Dr. Cobb and seconded by Ms. Giles in case numbers 20-0168, 24-0057, and 24-0062, to take the recommended action of letter of concern. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Cobb and seconded by Ms. Giles in case numbers 24-0004, 24-0045, 24-0046, 24-0048, 24-0049, 24-0051, 24-0052, 24-0055, 24-0058, 24-0059, 24-0060, 24-0061, 24-0063, 24-0065, and 24-0066, to take the recommended action of no violation. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

A motion was made by Dr. Cobb and seconded by Ms. Giles in case number 21-0120 to take the recommended action to issue a cease and desist letter. A vote was taken and the motion passed unanimously. No nays or abstentions recorded.

13. ADJOURN


There being no further business to come before the Board, the meeting was adjourned at 11:19 a.m.



Christy Garmon, President



Donna C. Yeatman, Executive Secretary



Date