

**ALABAMA STATE BOARD OF PHARMACY  
BUSINESS MEETING MINUTES  
October 11, 2017**

President Buddy Bunch called the October 11, 2017, meeting of the Alabama State Board of Pharmacy to order at 9:10 a.m. to conduct necessary business and determined a quorum was present. The following Board members were present:

Buddy R. Bunch	President
David S. Darby	Vice President
Donna C. Yeatman	Treasurer
Ralph E. Sorrell	Member
Brenda R. Denson	Member

Other Alabama Board of Pharmacy staff members present were:

James S. Ward, Attorney	Peyton Zarzour, Drug Investigator
Susan P. Alverson, Ph.D., Executive Secretary	Mark Hebert, Drug Investigator
Edward R. Braden, Chief Drug Investigator	Casey Shaw, Drug Investigator
Cristal O. Anderson, Director of Compliance	Rhonda Coker
Glenn A. Wells, Drug Investigator	Terry Lawrence
Mark Delk, Drug Investigator	Wendy Passmore
Scott Daniel, Drug Investigator	Kim Pickett
Todd Brooks, Drug Investigator	

Members of the public present were:

Lee Evans	Leanna Barker
Chris Large	Hussein Cheikhali
Kelton Clinner	Ashley Hudmon
Shelby Newton	Julie Lasseigne
Logan McCall	Jim Henry
Lucy Mukuha	Chad Madill
Morgan Frawley	Derek Sapone
Jon Linna	Ronda Lacey
Tammi Foshee	Kelli Newman
Emily Janchus	Clemice Hurst
Tracy Davis	Bassam Esmail
Louise Jones	Bruce Harris
Chris Riviere	Kevin Ryan
Aaron Beckner	Malissa Dancey
Cherry Jackson	Becky Sorrell

**1. MOTION TO ADOPT AGENDA**

President Bunch called for a motion to adopt the agenda. A motion was presented by Mr. Sorrell and seconded by Ms. Yeatman. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Dr. Denson, and Ms. Yeatman.

**2. PRESENTATIONS**

Jon Linna and Emily Janchus of Senior Care Pharmacy gave a presentation requesting remote order entry between its Northport and Birmingham facilities. A motion was made to approve the remote order entry by Mr. Darby and seconded by Ms. Yeatman. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Dr. Denson, and Ms. Yeatman.

Chad Madill of Publix Supermarkets gave a presentation requesting to add four new stores to its remote order processing groups. A motion was made to approve the request by Mr. Darby and seconded by Ms. Yeatman. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Dr. Denson, and Ms. Yeatman.

Derek Sapone of Janus RX gave a presentation requesting a pharmacy services permit to perform remote order entry for Mountain View Hospital in Gadsden, Alabama. The request was tabled to a later board meeting for Mr. Sapone to provide more information regarding the business structure of Janus RX and its affiliated companies.

**3. TREASURER'S REPORT**

Treasurer, Donna C. Yeatman, presented the treasurer's report. The Board ended its fiscal year at 99.52 percent of its budgeted income and at 97.6 percent of its expenses. A motion was made to approve the treasurer's report by Dr. Denson and seconded by Mr. Sorrell. A vote was taken and the motion passed with aye votes from Mr. Darby, Dr. Denson, and Mr. Bunch.

**4. WELLNESS COMMITTEE REPORT**

Mr. Bunch gave the Wellness Committee report in Dr. Garver's absence. There are currently 154 people in the screening program. This number does not include individuals who decline to work with the Wellness Program. There are four pharmacists and two technicians in treatment, and three pharmacists and two technicians who are being held for six months before being presented to the Board. The total number of pharmacy professionals identified and worked with in 2017 is 35: 20 pharmacists, 13 technicians, and two students. The total number of pharmacy health professionals identified during this time period in 2016 was 41. All individuals who are in treatment or in evaluation or undecided are presently out of the workplace and without a license.

Dr. Garver has met personally with all licensees returning to work to sign contracts and explain how monitoring works. All returning licensees have been placed in a caduceus, either pharmacy or health professional. He thanked the Board for letting him serve recovering professionals and the staff for making the process seamless.

## **5. APPROVAL OF MINUTES**

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the abbreviated business meeting minutes from the September 13, 2017, business meeting. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Dr. Denson, and Mr. Bunch.

A motion was made by Mr. Darby and seconded by Ms. Yeatman to approve the interview minutes from the September 13, 2017, interviews. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Dr. Denson, and Ms. Yeatman.

## **6. INSPECTOR'S REPORT**

Chief Inspector Edward R. Braden was called upon to give his report of activities of the investigations and inspections. His report in the Dropbox listed the statistics and activities for the month of September.

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

Dr. Susan Alverson gave the Secretary's report, which consisted of the following:

- Dr. Alverson attended the NABP meeting in Chicago and the FARB (Federation of Associations of Regulatory Boards) in the last couple of weeks. Wendy Passmore also attended FARB. Also, six individuals from the Board went to the 50 state meeting with the FDA in Washington, DC.
- Dr. Alverson stated there seems to be a push nationally to eliminate boards, stating it is a money-raising agency and is in business to restrict entry into the profession represented. There is also suspicion that decisions of boards are made not for the public welfare but for the welfare of the people on the Board.
- At NABP, a roll call was taken and many boards are now part of umbrella agencies that have no relationship with the practice of pharmacy. The same inspectors who inspect pharmacies may be inspecting cosmetology or other professions the next week and have no knowledge about the practice of pharmacy. An umbrella administration could give state government access to all of the board's funds. No positive comments were made about umbrella agencies.

The umbrella agencies may have a generalist lawyer for the agency that makes it difficult to bring cases because the lawyer does not understand the practice of pharmacy. There is also a movement to put a consumer on boards. Some people feel this will maybe protect the board to some degree.

- At the FARB meeting, there was a speaker from the Federal Trade Commission. She supervised FTC inspections which are going on in various states. She said there have only been two cases now since the North Carolina case. She advised to look at your state's legislation and if the legislation backs what you're doing, you're okay. She also

emphasized going over all legislation to be sure it is in line with a board's responsibilities. There was also some concern about how people are appointed to boards and is it a fair process that would hold up in court, which was also an issue in the North Carolina case.

A second speaker at FARB spoke on documentation of cases and his perspective was during a licensee's first appearance before the board, there is a tendency to not get a history or documentation thinking the person will not return to the board. When people then return on repeat offenses, cases are developed. It is better to develop the full history and have that in the record early on. They also suggested if no penalty or probation is warranted, a letter of warning should be issued so the licensee is advised of any wrongdoing. If there is no letter of warning on the first offense, the licensee could then come before the board to say they were not given a warning or explained the applicable statutes. All cases should be closed without prejudice and cite the statutory regulation or rule with any action.

- NABP is developing a new cell phone application for pharmacists and eventually for technicians also. Its intent is to track CEs, so when you open the app, you can select from one of four options. The app will allow you to record ACPE hours, enter nonACPE hours, alert you when your renewal time is near, and to access records.

This app will also be used for reciprocating licenses and all records will be in this application, so NABP will be able to send a report of all data necessary for reciprocating to a state board. ALBOP will have to be sure its recordkeeping system will be compatible with the application.

- NABP spoke about the difficulty states can expect with registering and licensing wholesalers. Fortunately, Alabama has already dealt with those issues when it began licensing wholesalers last year.
- Several state lawsuits have been filed against Insys, the maker of Subsys. Six of the top officials of Insys were recently arrested by federal agents for their involvement in a scheme to pay prescribers to write prescriptions. Dr. Alverson would like to set up a meeting with the state attorney general to discuss whether Alabama should take action against Subsys because of the huge amount that came into Alabama.
- At the FDA 50 state meeting, there was a lot more interaction than previous meetings. The table setup afforded everyone to spend time talking to others which led to a lot of interchange and questioning. The group had work group sessions to discuss matters and Dr. Alverson felt like more questions were answered than usual. She also stated there was an improvement over previous meetings. Mr. Darby interjected that he felt there was more of a spirit of cooperation from the FDA than in the past.

The Board received some nice compliments on the work that's being done in Alabama from the FDA. There was a group discussion concerning regulations in states.

Dr. Alverson was a representative of only two states that was asked to participate in that panel.

- Canadian representatives announced that it has signed an international agreement in which they will serve as a pass-through country which will accept all imports from other countries. They will not open or inspect any container, but will store the drug shipments until they can be forwarded to the intended country. Dr. Alverson is very concerned about this.
- The FTC speaker said one of the things that the FTC is looking at was portability of licenses because some of the groups pushing to remove licensing are questioning the need for renewal of licenses. NABP has discussed creating pods of states that would go together and have a cooperative renewal process and they didn't go into much detail on that but kind of as a defense for this, it's not that anybody would lose renewal fees but you wouldn't have to renew in all 50 states, maybe you could just renew in several quadrants.

#### **8. ATTORNEY'S REPORT**

Mr. Ward stated he only had items to discuss in executive session.

#### **9. OLD BUSINESS**

- Regarding long-term care repackaging, Dr. Denson advised the statement is being formatted into a rule.

#### **10. NEW BUSINESS**

- Dr. Garver's contract must be renewed. The amount he will receive for coordinating the Wellness Program has been approved in the 2018 budget. A motion was made to approve the written contract by Mr. Darby and seconded by Ms. Yeatman. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Dr. Denson, and Ms. Yeatman.

#### **11. EXECUTIVE SESSION**

A motion was made by Mr. Darby and seconded by Ms. Yeatman to go into executive session for the purpose of discussing the qualifications and competency of those regulated by the Board. Mr. Ward stated that as an attorney licensed to practice law in the State of Alabama, one of the reasons for the executive session is to discuss the resolution of pending cases before the Board. An individual voice vote was taken and the motion passed unanimously. The recess for executive session began at 10:32 a.m.

#### **12. RETURN FROM EXECUTIVE SESSION**

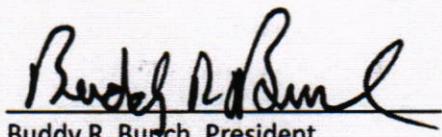
At 11:49 a.m., the Board resumed its public meeting status.

**13. MOTIONS ON CASES**

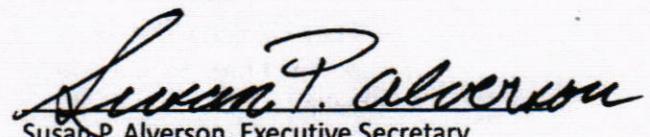
A motion was made by Mr. Darby and seconded by Ms. Yeatman on Case No. 17-0058 to accept a permanent surrender. A vote was taken and the motion passed with aye votes from Mr. Sorrell, Mr. Darby, Dr. Denson, and Ms. Yeatman.

**14. MOTION TO ADJOURN**

A motion was made by Mr. Darby and seconded by Ms. Yeatman to adjourn the meeting at 1:13 p.m. A vote was taken and the motion passed with aye votes from Mr. Darby, Dr. Denson, and Mr. Bunch.



Buddy R. Bunch, President



Susan P. Alverson, Executive Secretary