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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF PHARMACY**

TIME: 8:59 A.M.

PENNSYLVANIA DEPARTMENT OF STATE  
Board Room C  
One Penn Center  
2601 North Third Street  
Harrisburg, Pennsylvania 17110

January 8, 2019

State Board of Pharmacy

January 8, 2019

BOARD MEMBERS:

- Theresa M. Talbott, R.Ph., Chairperson
- Robert B. Frankil, R.Ph., Vice Chairman
- Janet Getzey Hart, R.Ph., Secretary
- Katelin Lambert, Deputy Commissioner, Bureau of Professional and Occupational Affairs
- Gayle A. Cotchen, Pharm.D./MBA, R.Ph.
- Patrick M. Greene, Esquire, Office of Attorney General

BUREAU PERSONNEL:

- Kerry E. Maloney, Esquire, Board Counsel
- Heather J. McCarthy, Esquire, Board Prosecution Liaison
- J. Karl Geschwindt, Esquire, Board Prosecutor
- Tara J. Smith, Esquire, Board Prosecutor
- Alissa Harrison, Esquire, Board Prosecutor
- Melanie Zimmerman, R.Ph., Executive Secretary
- Nicole VanOrder, Esq., Senior Counsel in Charge

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State Board of Pharmacy

January 8, 2019

ALSO PRESENT:

- Carl Harting, CVS Health
- Bethany Abrahams, ACME Sav-On Pharmacy
- Jenna L. McCarthy, Malady & Wooten
- Lisa Scannapieco, Director of Pharmacy Education and Clinical Integration, Pentec Health
- Barbara Knightly, Executive Vice President of Pharmacy, Pentec Health
- Andrew C. Harvan, Esquire, Pennsylvania Medical Society
- Steve L. Sheaffer, Pharm.D., FASHP, Pennsylvania Society of Health-System Pharmacists
- Christine Roussel, Pharm.D., BCOP, Pennsylvania Society of Health-System Pharmacists, Doylestown Hospital
- Gregory Smith, Director of Pharmacy, Central Admixture Pharmacy Services
- Rachel Schwartz, Central Admixture Pharmacy Services
- Frank Trollo, Central Admixture Pharmacy Services
- Heather Coy, AllianceRx Walgreens Prime
- Judy Kutchman, AllianceRx Walgreens Prime

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2 State Board of Pharmacy

3 January 8, 2019

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Pharmacy was held on Tuesday, January 8,  
7 2019. Terry Talbott, R.Ph., Chairperson, called the  
8 meeting to order at 8:59 a.m. Katelin Lambert, Deputy  
9 Commissioner of Professional and Occupational Affairs,  
10 was not present at the commencement of the meeting.

11 The Pledge of Allegiance was recited.

12 \*\*\*

13 [Chairperson Talbott requested that all cell phones be  
14 turned off.]

15 \*\*\*

16 Evacuation Announcement

17 [Melanie Zimmerman, R.Ph., Executive Secretary,  
18 reviewed the emergency evacuation procedures for One  
19 Penn Center.]

20 \*\*\*

21 Introduction of Board Members, Board Staff, and  
22 Audience

23 [Chairperson Talbott requested the introduction of  
24 Board members, Board staff, and audience members in  
25 attendance.]

1 \*\*\*

2 Amendments to the Agenda

3 MR. MALONEY:

4 It is something the Board has been over  
5 in public session countless times, but it  
6 is tidying up the compounding regulation  
7 and not even the annex but the preamble,  
8 which is a response to all of the  
9 comments. We do have the regulatory  
10 session, which is finishing up the  
11 general revisions after the Board  
12 meeting.

13 CHAIRPERSON TALBOTT:

14 Any other additions to the agenda? I  
15 will entertain a motion to approve the  
16 agenda.

17 DR. COTCHEN:

18 So moved.

19 CHAIRPERSON TALBOTT:

20 Thank you. Second?

21 MS. HART:

22 Second.

23 CHAIRPERSON TALBOTT:

24 Any discussion? All in favor? Any  
25 opposed?

1 [The motion carried unanimously.]

2 \*\*\*

3 Approval of Minutes of the November 27, 2018 meeting

4 CHAIRPERSON TALBOTT:

5 Item No. 1, the approval of the meeting  
6 minutes. Any corrections, additions,  
7 deletions?

8 [The Board discussed corrections to the minutes.]

9 DR. COTCHEN:

10 I would like to make a motion that the  
11 minutes be approved.

12 CHAIRPERSON TALBOTT:

13 We have a motion with that minor  
14 correction. Second?

15 MS. HART:

16 Second.

17 CHAIRPERSON TALBOTT:

18 Any other discussion? Call the vote.  
19 All in favor? Any opposed?

20 [The motion carried unanimously.]

21 \*\*\*

22 Report of Prosecutorial Division

23 [J. Karl Geschwindt, Esquire, Board Prosecutor,  
24 presented the Consent Agreements for File No. 17-54-  
25 07138 and File No. 18-54-02782.]

1 Terry Talbott, R.Ph., Chairperson, recused  
2 herself from discussion on File No. 18-54-02782.]

3 \*\*\*

4 [Heather J. McCarthy, Esquire, Board Prosecution  
5 Liaison, presented the Consent Agreement for File No.  
6 18-54-000358.

7 Patrick M. Greene, Esquire, Office of Attorney  
8 General, recused himself from discussion on this  
9 matter.]

10 \*\*\*

11 [Tara J. Smith, Esquire, Board Prosecutor, presented  
12 the Consent Agreements for File No. 18-54-02316 and  
13 File No. 18-54-011625.

14 Patrick M. Greene, Esquire, Office of Attorney  
15 General, and Janet Getzey Hart, R.Ph., Secretary,  
16 recused themselves from discussion on these matters.]

17 \*\*\*

18 [Chairperson Talbott requested that Ms. McCarthy  
19 provide a Case Status Report at the March meeting.]

20 \*\*\*

21 Report of Board Counsel

22 [Kerry E. Maloney, Esquire, Board Counsel, updated the  
23 Board on the status of the injectable regulation,  
24 which was being reviewed by the Department of State.

25 Mr. Maloney discussed additions to the General

1 Revisions, including a request from the Independent  
2 Regulatory Review Commission (IRRC) related to  
3 naloxone.

4 Mr. Malone stated the opioid regulation was also  
5 still being reviewed.

6 Mr. Maloney discussed the Child Abuse regulation.  
7 He explained a testing of the regulation initially for  
8 the Pennsylvania State Board of Dentistry, which will  
9 be applied to all other Boards if accepted.

10 Mr. Maloney noted the Compounding regulations  
11 should be finalized by April.

12 Mr. Maloney noted additional items on the agenda,  
13 along with one scheduled hearing.]

14 \*\*\*

15 Report of Board Chairperson

16 [Terry Talbott, R.Ph., Chairperson, discussed Mark  
17 Zilner's reappointment.

18 Mr. Maloney will contact the Commissioner's  
19 office for a status update on the reappointment.  
20 He added that no names were on the list for public  
21 members.

22 Dr. Cotchen noted her concerns regarding quorum  
23 issues with the recusal of a Board member.]

24 \*\*\*

25 Report of Probable Cause Screening Committee



1 [Patrick M. Greene, Esquire, Office of Attorney  
2 General, noted the Probable Cause Screening Committee  
3 signed orders for mental and physical examinations  
4 since the last Board meeting.]

5

\*\*\*

6 Report of Commissioner - No Report

7

\*\*\*

8 Report of Board Counsel (Continued)

9 [Kerry E. Maloney, Esquire, Board Counsel, discussed  
10 the appellate case of Michael Kenney that is still  
11 awaiting the court's decision. Mr. Maloney stated the  
12 Disciplinary Monitoring Unit term expired, and a  
13 petition for reinstatement had been submitted.

14 Mr. Maloney also discussed the appellate case of  
15 Lena Lasher in Federal Court. He stated, after the  
16 discovery period ends, the matter will be scheduled  
17 for preliminary motions and a trial date. He  
18 commented that her appeals to the State have been  
19 exhausted. The case was thrown out of Commonwealth  
20 Court, and an appeal was denied by the Supreme Court.]

21

\*\*\*

22 Report of Executive Secretary

23 [Melanie Zimmerman, R.Ph., Executive Secretary, noted  
24 several newsletter articles are being reviewed and  
25 must be approved prior to publication.]

1 \*\*\*

2 New Business

3 [Terry Talbott, R.Ph., Chairperson, referred to a  
4 letter from Mr. Ronald Williams concerning unsanitary  
5 practices of pharmacies related to technicians  
6 handling medication with their hands.

7 Ms. Zimmerman commented that the letter was not  
8 specific enough to investigate, but she responded to  
9 Mr. Williams by referring to the Pharmacy Act, which  
10 prohibits adulteration of medication. Ms. Hart stated  
11 that Ms. Zimmerman's response was sufficient.]

12 \*\*\*

13 New Business - Proposed 2020 Board Meeting Dates

14 CHAIRPERSON TALBOTT:

15 Motion to accept the dates of January 28,  
16 March 17, May 5, June 16, July 21,  
17 September 1, October 13, and December 1?

18 DR. COTCHEN:

19 So moved.

20 MS. HART:

21 Second.

22 CHAIRPERSON TALBOTT:

23 Any other discussion? All in favor? Any  
24 opposed?

25 [The motion carried unanimously.]

1

\*\*\*

2 New Business - Selection of PA MPJE Test Question

3 Writer

4 DR. COTCHEN:

5 I move that we send Rich Smiga to the  
6 workshop and that he serve as our MPJE  
7 test question writer.

8 MS. HART:

9 Second.

10 CHAIRPERSON TALBOTT:

11 Any discussion? All in favor? Any  
12 opposed?

13 [The motion carried unanimously.]

14

\*\*\*

15 Old Business

16 [Terry Talbott, R.Ph., Chairperson, noted NABP's  
17 comments on the Food and Drug Administration's  
18 Memorandum of Understanding. There was no discussion  
19 on this matter.]

20

\*\*\*

21 [Robert B. Frankil, R.Ph., Vice Chairman, discussed  
22 his attendance at the NABP Interactive Member Forum.  
23 Mr. Frankil commented that NABP was well funded. He  
24 informed the Board and audience of Janet and Terry's  
25 well-regarded reputations across the country.]

1 Mr. Frankil noted that many states have similar  
2 problems as Pennsylvania in getting legislation  
3 through and regulations approved.

4 Mr. Frankil discussed eliminating the role of the  
5 pharmacist in charge, where the responsibility for  
6 violations to a pharmacy should be placed on the  
7 owner, not the pharmacist in charge.

8 Mr. Frankil addressed opioid lawsuits, where  
9 burden falls on the state boards to collect the data.

10 Mr. Frankil commented that the Board should  
11 consider an expungement policy similar to that enacted  
12 by other states for old discipline.

13 Mr. Maloney explained the legislative process and  
14 that pharmacists would need to petition the Board.  
15 The matter would be reviewed by Board Counsel and  
16 prosecution. He stated, as long as the individual  
17 fits the criteria, the matter would be handled as if  
18 the action had never occurred.

19 It was noted that the Pennsylvania Pharmacists  
20 Association (PPA) has requested a Pennsylvania State  
21 Board of Pharmacy update presentation by Board  
22 Chairman Talbott. She will work with Kerry on  
23 updates/changes.]

24

\*\*\*

25 [Pursuant to Section 708(a)(5) of the Sunshine Act, at

1 9:40 a.m., the Board entered into Executive Session  
2 with Kerry E. Maloney, Esquire, Board Counsel, to  
3 receive legal advice and engage in quasi-judicial  
4 deliberations. The Board returned to open session at  
5 10:03 a.m.]

6

\*\*\*

7 [A Formal Hearing was held from 10:04 a.m. until  
8 10:29 a.m. In the Matter of the Application for a  
9 Licensure of Min Qiang Chen, R.Ph., File No. 18-54-  
10 008920.]

11

\*\*\*

12 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
13 10:29 a.m., the Board entered into Executive Session  
14 with Kerry E. Maloney, Esquire, Board Counsel, to  
15 receive legal advice and engage in quasi-judicial  
16 deliberations. The Board returned to open session at  
17 10:47 a.m. Katelin Lambert, Deputy Commissioner of  
18 Professional and Occupational Affairs, entered the  
19 meeting during Executive Session.]

20

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21 MOTIONS

22 CHAIRPERSON TALBOTT:

23 The Board of Pharmacy met in Executive  
24 Session to discuss and review consent  
25 orders and other legal documents.

1                   Are there any motions regarding these  
2                   discussions?

3 DR. COTCHEN:

4                   Madam Chairperson, I move that we approve  
5                   the Consent Agreement for File No. 18-54-  
6                   011625.

7 CHAIRPERSON TALBOTT:

8                   Do I have a second?

9 MR. FRANKIL:

10                   Second.

11 CHAIRPERSON TALBOTT:

12                   Any discussion? All in favor? Call a  
13                   vote.

14

15                   Frankil, aye; Greene, recuse; Lambert,  
16                   aye; Talbott, aye; Cotchen, aye; Hart,  
17                   recuse.

18 [The motion carried. Patrick Greene and Janet Getzey  
19 Hart recused themselves from deliberation and voting  
20 on the motion. The pharmacist's name is Joseph  
21 Michael Martella, R.Ph.]

22

\*\*\*

23 DR. COTCHEN:

24                   I move that we approve the motion to  
25                   Enter Default and Deem Facts Admitted and

1 direct Board Counsel to draft an  
2 Adjudication and Order with terms  
3 consistent with those discussed during  
4 Executive Session for File No. 18-54-  
5 006743, Keith M. Carson, R.Ph.

6 CHAIRPERSON TALBOTT:

7 We have a motion. Do I have a second?

8 MR. FRANKIL:

9 Second.

10 CHAIRPERSON TALBOTT:

11 Any discussion? Call the vote.

12

13 Frankil, aye; Greene, recuse; Lambert,  
14 aye; Talbott, aye; Cotchen, aye; Hart,  
15 recuse.

16 [The motion carried. Patrick Greene and Janet Getzey  
17 Hart recused themselves from deliberation and voting  
18 on the motion.]

19

\*\*\*

20 [Katelin Lambert, Deputy Commissioner of Professional  
21 and Occupational Affairs, exited the meeting at  
22 10:50 a.m.]

23

\*\*\*

24 DR. COTCHEN:

25 I move that we approve the Consent

1 Agreement for File No. 17-54-07138.

2 CHAIRPERSON TALBOTT:

3 We have a motion. Do I have a second?

4 MS. HART:

5 Second.

6 CHAIRPERSON TALBOTT:

7 Any discussion? Call the vote.

8

9 Frankil, aye; Greene, aye; Talbott, aye;

10 Cotchen, aye; Hart, aye.

11 [The motion carried unanimously. The pharmacist's  
12 name is John George Vakirtzoglu, R.Ph.]

13 \*\*\*

14 DR. COTCHEN:

15 I move that we approve the Consent  
16 Agreement for File No. 18-54-02782.

17 CHAIRPERSON TALBOTT:

18 We have a motion. Do I have a second?

19 MS. HART:

20 Second.

21 CHAIRPERSON TALBOTT:

22 Any discussion? Call the vote.

23

24 Frankil, aye; Greene, aye; Talbott,  
25 recuse; Cotchen, aye; Hart, aye.



1 [The motion carried. Theresa Talbott recused herself  
2 from deliberations and voting on the motion. The  
3 pharmacist's name is Brad F. Wooten, R.Ph.]

4 \*\*\*

5 DR. COTCHEN:

6 I move that we approve the Consent  
7 Agreement for File No. 18-54-000358.

8 CHAIRPERSON TALBOTT:

9 Do I have a second?

10 MS. HART:

11 Second.

12 CHAIRPERSON TALBOTT:

13 Any discussion? Call the vote.

14

15 Frankil, aye; Greene, recuse; Talbott,  
16 aye; Cotchen, aye; Hart, aye.

17 [The motion carried. Patrick Greene recused himself  
18 from deliberations and voting on the motion. The  
19 pharmacist's name is Richard Wisz, R.Ph.]

20 \*\*\*

21 DR. COTCHEN:

22 I move that we approve the Consent  
23 Agreement for File No. 18-54-02316.

24 CHAIRPERSON TALBOTT:

25 Do I have a second?

1 MS. HART:

2 Second.

3 CHAIRPERSON TALBOTT:

4 Any discussion? Call the vote.

5

6 Frankil, aye; Greene, recuse; Talbott,  
7 aye; Cotchen, aye; Hart, aye.

8 [The motion carried. Patrick Greene recused himself  
9 from deliberations and voting on the motion. The  
10 pharmacist's name is Richard A. Rose, R.Ph.]

11 \*\*\*

12 DR. COTCHEN:

13 I move that we approve proposed  
14 Adjudication and Order for File No. 18-  
15 54-02786.

16 CHAIRPERSON TALBOTT:

17 Do I have a second?

18 MS. HART:

19 Second.

20 CHAIRPERSON TALBOTT:

21 Any discussion? Call the vote.

22

23 Frankil, aye; Greene, aye; Talbott, aye;  
24 Cotchen, aye; Hart, aye.

25 [The motion carried unanimously. The pharmacist's

1 name is Jay William Kennelty, R.Ph.]

2 \*\*\*

3 DR. COTCHEN:

4 I move that we approve the final order  
5 for Blake Kelley Armstrong, R.Ph., File  
6 No. 18-54-004429.

7 MS. HART:

8 Second.

9 CHAIRPERSON TALBOTT:

10 Any discussion? Call the vote.

11

12 Frankil, aye; Greene, recuse; Talbott,  
13 aye; Cotchen, aye; Hart, aye.

14 [The motion carried. Patrick Greene recused himself  
15 from deliberations and voting on the motion.]

16 \*\*\*

17 DR. COTCHEN:

18 I move that we grant the ability of Min  
19 Qiang Chen, R.Ph., to pursue licensure in  
20 Pennsylvania.

21 CHAIRPERSON TALBOTT:

22 Do I have a second?

23 MS. HART:

24 Second.

25 CHAIRPERSON TALBOTT:

1 Any discussion? Call the vote.

2

3 Frankil, aye; Greene, aye; Talbott, aye;  
4 Cotchen, aye; Hart, aye.

5 [The motion carried unanimously.]

6

\*\*\*

7 DR. COTCHEN:

8 I move that we approve the Motion to  
9 Enter Default and Deem Facts Admitted and  
10 direct Board Counsel to draft an  
11 Adjudication and Order with terms  
12 consistent with those discussed during  
13 Executive Session for Mitesh M. Patel,  
14 R.Ph., File No. 13-54-08175.

15 CHAIRPERSON TALBOTT:

16 Do I have a second?

17 MS. HART:

18 Second.

19 CHAIRPERSON TALBOTT:

20 Any discussion? Call the vote.

21

22 Frankil, aye; Greene, recuse; Talbott,  
23 aye; Cotchen, aye; Hart, aye.

24 [The motion carried. Patrick Greene recused himself  
25 from deliberations and voting on the motion.]

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DR. COTCHEN:

I move that we grant the Application of  
Ravindra Malavia pending receipt of pay  
stubs documenting his work of 500 hours  
as a pharmacist.

CHAIRPERSON TALBOTT:

Do I have a second?

MS. HART:

Second.

CHAIRPERSON TALBOTT:

Any discussion? Call the vote.

Frankil, aye; Greene, aye; Talbott, aye;  
Cotchen, aye; Hart, aye.

[The motion carried unanimously.]

\*\*\*

DR. COTCHEN:

I move that we approve the request of  
Yuriy Vitaliyovych Herus and grant his  
request for reduced intern hours.

CHAIRPERSON TALBOTT:

Do I have a second?

MR. GREENE:

Second.

1 CHAIRPERSON TALBOTT:

2 Any discussion? Call the vote.

3

4 Frankil, aye; Greene, aye; Talbott, aye;

5 Cotchen, aye; Hart, recuse.

6 [The motion carried. Mr. Herus is required to earn  
7 only 500 acceptable intern hours for licensure as a  
8 pharmacist. Janet Getzey Hart recused herself from  
9 deliberations and voting on the motion.]

10 \*\*\*

11 Adjournment

12 DR. COTCHEN:

13 I move that we adjourn.

14 CHAIRPERSON TALBOTT:

15 Second?

16 MR. FRANKIL:

17 Second.

18 CHAIRPERSON TALBOTT:

19 All in favor?

20 [The motion carried unanimously. The Board returned  
21 to session for an additional matter.]

22 \*\*\*

23 MR. MALONEY:

24 I am looking for a motion to approve the  
25 Preamble and Regulatory Analysis Form for

1 the pending compounding regulation and to  
2 allow Board Counsel to make the necessary  
3 administrative or stylistic changes.

4 DR. COTCHEN:

5 So moved.

6 CHAIRPERSON TALBOTT:

7 Do I have a second?

8 MS. HART:

9 Second.

10 CHAIRPERSON TALBOTT:

11 Any discussion? All in favor? Any  
12 opposed?

13 [The motion carried unanimously.]

14 \*\*\*

15 Adjournment

16 CHAIRPERSON TALBOTT:

17 Motion to agree to adjourn?

18 DR. COTCHEN:

19 So moved.

20 MS. HART:

21 Second.

22 CHAIRPERSON TALBOTT:

23 All in favor?

24 [The motion carried unanimously.]

25 \*\*\*

1 [There being no further business, the State Board of  
2 Pharmacy Meeting adjourned at 10:58 a.m.]

3 \*\*\*

4 Note: A Regulation Work Session was held after the  
5 meeting.

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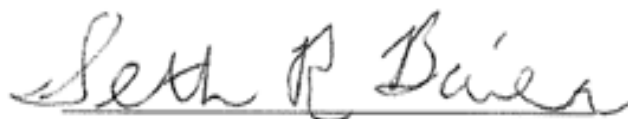
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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Pharmacy meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Pharmacy meeting.



Seth R. Baier,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PHARMACY  
REFERENCE INDEX

January 8, 2019

	TIME	AGENDA
1		
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7		
8		
9	8:59	Official Call to Order
10		
11	8:59	Pledge of Allegiance and Emergency
12		Evacuation Announcement
13		
14	9:00	Introduction of Board Members, Board
15		Staff, and Audience Members
16		
17	9:02	Approval of Minutes
18		
19	9:03	Report of Prosecutorial Division
20		
21	9:12	Report of Board Counsel
22		
23	9:15	Report of Board Chairperson
24		
25	9:19	Report of Committees
26		
27	9:21	New Business
28		
29	9:39	Old Business
30		
31	9:40	Executive Session
32		
33	10:03	Return to Open Session
34		
35	10:04	Formal Hearing - Min Qiang Chen, R.Ph.
36	10:29	
37		
38	10:29	Executive Session
39	10:47	Return to Open Session
40		
41	10:47	Motions
42		
43	10:55	Adjournment
44		
45	10:56	Return to Open Session
46		
47	10:57	Motion
48		
49	10:58	Adjournment
50		