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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
MEETING CONDUCTED VIA TELECONFERENCE**

TIME: 9:02 A.M.

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

May 5, 2020

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State Board of Pharmacy
May 5, 2020

Jenna L. McCarthy, Malady & Wooten
Brian Swift, Thomas Jefferson University Hospital
David Klinger, Geisinger
Lisa Scannapieco, Director of Pharmacy Education and
Clinical Integration, Pentec Health
Barbara Knightly, Executive Vice President of
Pharmacy, Pentec Health
Steve L. Sheaffer, Pharm.D., FASHP, Pennsylvania
Society of Health-System Pharmacists
Tejal J. Patel, MBA, PharmMD, RPH, Geisinger, National
Association of Boards of Pharmacy (NABP)
Tim Taylor, Giant Food Stores
Jeffrey Sinko, CVS Health
Patricia A. Epple, CEO, Pennsylvania Pharmacists
Association
Ken Bonner
Dave Wrzesniewski
Dennis Giorno
Steven Zann, Bureau of Enforcement and Investigation
Catherine Lutz, Bureau of Enforcement and
Investigation

1 ***

2 State Board of Pharmacy

3 May 5, 2020

4 ***

5 The regularly scheduled meeting of the State Board
6 of Pharmacy was held via teleconference on Tuesday,
7 May 5, 2020. Terry M. Talbott, R.Ph., Chairperson,
8 called the meeting to order at 9:02 a.m.

9 ***

10 [Chairperson Talbott requested the introduction of
11 Board members, Board staff, and audience members.]

12 ***

13 Approval of Minutes of the March 17, 2020 meeting

14 CHAIRPERSON TALBOTT:

15 Are there any corrections to the Minutes
16 of the March 17 meeting included in the
17 packet? If there aren't, I will
18 entertain a motion to approve.

19 MS. HART:

20 I'll make a motion.

21 MR. FRANKIL:

22 Second.

23 CHAIRPERSON TALBOTT:

24 Motion by Hart, second by Frankil. Any
25 further discussion? All those in favor

1 say aye.

2 [The motion carried unanimously.]

3 ***

4 Report of Prosecutorial Division

5 [Ray Michalowski, Esquire, Board Prosecutor Liaison,
6 noted he would be presenting all of the Consent
7 Agreements. He noted Chairperson Talbott would not be
8 participating in agenda items 2 and 4.]

9 ***

10 [Ray Michalowski, Esquire, Board Prosecutor Liaison,
11 on behalf of Caroline A. Bailey, Esquire, Board
12 Prosecutor, presented a Consent Agreement for File
13 Nos. 19-54-011096 and 20-54-000233.]

14 ***

15 [Ray Michalowski, Esquire, Board Prosecutor Liaison,
16 on behalf of Angela B. Lucci, Esquire, Board
17 Prosecutor, presented a Consent Agreement for File No.
18 18-54-010063.]

19 ***

20 [Ray Michalowski, Esquire, Board Prosecutor Liaison,
21 on behalf of Glenn P. Masser, Esquire, Board
22 Prosecutor, presented Consent Agreements for File No.
23 19-54-006042 and File No. 19-54-018069, and a Consent
24 Agreement for File Nos. 19-54-012751, 19-54-014926 and
25 19-54-014925.]

1 ***

2 [Ray Michalowski, Esquire, Board Prosecutor Liaison,
3 on behalf of Alice R. Glasser, Esquire, Board
4 Prosecutor, presented a Consent Agreement for File No.
5 20-54-000232.]

6 ***

7 [Ray Michalowski, Esquire, Board Prosecutor Liaison,
8 noted VRP Consent Agreements for File No. 20-54-001795
9 and File No. 20-54-002247.]

10 ***

11 [Mr. Michalowski discussed complaints relating to
12 COVID-19-related violations. He stated none of the
13 complaints resulted in any discipline being taken and
14 commended pharmacies for taking corrective measures in
15 a timely manner. The pharmacy inspectors are
16 conducting inspections based on COVID-19-related
17 complaints and there is normally a 48-72 hour
18 turnaround time for these types of complaints.]

19 ***

20 Report of Board Counsel

21 [Juan A. Ruiz, Esquire, Board Counsel, noted one Final
22 Adjudication and Order and one Proposed Adjudication
23 and Order for discussion during Executive Session.

24 He informed the Board that the FDA had issued a
25 temporary guidance for 503(a) compounding pharmacies, if

1 approved by state board of pharmacies, to provide stock
2 to hospitals in need of medication for COVID-19
3 patients without the 503(a) compounding pharmacy having a
4 patient-specific prescription. He stated the application
5 posted on the Board's website would require both the
6 hospital and pharmacy to verify statements indicating
7 that the hospital had tried and could not obtain
8 medications through wholesalers, manufacturers and
9 outsourcers and that the pharmacy was capable of safely
10 compounding the needed medication. Once submitted to the
11 Board of Pharmacy, these applications would then be
12 reviewed by the Pharmacy Application Review Committee
13 and an approval would be issued.]

14 ***

15 Report of Probable Cause Screening Committee - No
16 Report

17 ***

18 Report of Acting Commissioner

19 [Pursuant to a request by Chairperson Tallbott, K. Kalonji
20 Johnson, Acting Commissioner, Bureau of Professional
21 and Occupational Affairs, discussed the status of
22 waivers and moving forward as the state starts to
23 reopen.

24 Acting Commissioner Johnson noted emails would be
25 sent to all licensees and stakeholders with regard to

1 a Department of Health survey concerning COVID testing
2 and testing capacity. He indicated the survey would
3 soon be emailed and responses were due by Friday.

4 Acting Commissioner Johnson noted an application
5 process was created, which would allow the
6 Commonwealth to inspect and license satellite pharmacies
7 at temporary alternative care sites. He indicated that
8 traditional applications, as well as temporary pharmacist
9 licenses for out-of-state pharmacists and emergency
10 reactivations, were also being processed.

11 Chairperson Talbott commended Acting Commissioner
12 Johnson, Ms. Zimmerman, and Mr. Ruiz for their efforts
13 to "keep things running smoothly" and thanked all
14 licensees for "making sure patients are cared for
15 while protecting the health and safety of themselves
16 and employees."

17 Chairperson Talbott reviewed a letter sent by
18 the PA pharmacy school deans to Dr. Levine concerning
19 COVID-19 testing and waivers needed for pharmacists to
20 be effective testers. She noted the st-
21 pharmacy@pa.gov website for members to send contact
22 information if they would like to receive the
23 invitation to participate in the Department of
24 Health's survey on COVID-19 testing. Board Member
25 Frankil noted that states must waive some requirements

1 in order to allow pharmacists to engage in testing.

2 Chairperson Talbott broached the subject of
3 COVID-19 vaccine development and pharmacist
4 involvement. She stated sometimes there is a "lag
5 time" between the CDC's and the FDA's approval and
6 noted the importance of timeliness if a vaccine should
7 be approved.

8 The Acting Commissioner will forward an
9 appropriate waiver request to the Policy Office, which
10 would then be sent to the Governor's Policy Office
11 concerning language that may need to go into force
12 down the road for the administration of the vaccine.
13 There was further discussion on the status of the
14 regulations addressing pharmacy interns' ability to
15 administer injectables. Board Counsel Ruiz noted the
16 regulations are currently with the Regulatory Counsel.
17 Board Chairperson Talbott noted the importance of
18 having waivers in place prior to the upcoming flu
19 season.

20 Chairperson Talbott noted the Pharmacy Board had
21 been without an independent member since October of
22 2018 and without an institutional member since October
23 of 2019. Acting Commissioner Johnson noted the
24 vacancy concerns were being addressed.]

25

1 Report of Board Chairperson

2 [Terry M. Talbott, R.Ph., Chairperson, commented on
3 NABP hosting weekly calls during the COVID crisis for
4 discussions of such matters including
5 hydroxychloroquine and testing. She indicated Al
6 Carter was introduced as the new NABP director
7 designee. Ms. Talbott noted the national meeting in
8 Baltimore would be a Zoom virtual meeting, and Ms.
9 Hart commented the meeting would also be live
10 streamed.]

11 ***

12 Report of Executive Secretary

13 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
14 approximately 38 emergency temporary pharmacist
15 licenses had been issued to date.

16 Executive Secretary Zimmerman broached the subject
17 of publishing a July newsletter. Due to the current
18 COVID-19 pandemic, Board members agreed that there was
19 no capacity at the present to publish a newsletter for
20 July.]

21 ***

22 New Business

23 [Ms. Zimmerman noted NABP had proposed that NABP
24 handle ADA accommodation requests for the licensing
25 exams; the matter would be discussed further during

1 Executive Session.

2 Ms. Zimmerman indicated a letter from University
3 of Pittsburgh students was received requesting that
4 the Board address pharmacist working conditions. Mr.
5 Frankil commented that the Board should start
6 discussions in Executive Session and then respond
7 publicly to the letter.]

8 ***

9 Audience Member Comments

10 [Patricia A. Eppler, CEO, Pennsylvania Pharmacists
11 Association, emphasized changes to the testing and
12 waiver requirements were needed and referenced the
13 need for the Department of Health to take action.
14 Jill McCormick, CVS Health, commented that the
15 Department of Health had no plan to waive the work
16 requirement in the Pennsylvania Lab Act, which she
17 noted was a barrier and desired to see a broader
18 waiver.

19 Christine Roussel, Pharm.D., BCOP, Pennsylvania
20 Society of Health-System Pharmacists/Doylestown
21 Hospital, thanked the Board for being so quick in
22 getting the application together for the 503(a)
23 compounding facilities to provide compounded drug
24 products to hospitals experiencing drug shortages.

25 Larry Jones, Executive Director, Pennsylvania

1 Society of Health-System Pharmacists thanked the Board
2 for being proactive and thanked Ms. Zimmerman and Mr.
3 Ruiz for the quick turnaround of the application for
4 503(a) compounding pharmacies and noted the importance
5 to have pharmacy interns engaged in the administration
6 of vaccinations.

7 John Sisto, Express Scripts, commented on the
8 need to make sure there was more than enough time to
9 "unwind" some of the waivers granted by Governor Wolf.

10 Chairperson Talbott noted the waivers were in place
11 until such time that the emergency declaration had
12 been lifted.

13 Mr. Ruiz noted there should be plenty of time to
14 notify everyone once the emergency status was lifted.
15 Acting Commissioner Johnson explained that the
16 Governor had gone on record with phases of reopening,
17 that people needed to recognize the rolling process,
18 and that this was not going to be a "static lift and
19 then everything would go back to the way it was."

20 Tejal J. Patel, MBA, PharmMD, RPH, Geisinger,
21 National Association of Boards of Pharmacy (NABP)
22 commented that there was no pharmacist/technician
23 ratio in Delaware. Delaware focuses on the quality of
24 the technician, which she indicated should be
25 considered. She stated, due to COVID-19, there would

1 be a huge demand this year for immunization throughout
2 the country and throughout the world. She noted that
3 PA's 2-year limit on the educational training program
4 prevented some individuals from obtaining the
5 authorization to administer injectables.]

6 ***

7 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
8 10:40 a.m. the Board entered into Executive Session
9 with Juan A. Ruiz, Esquire, Board Counsel, for the
10 purpose of conducting quasi-judicial deliberations.
11 The Board returned to open session at 11:21 a.m.]

12 ***

13 MOTIONS:

14 CHAIRPERSON TALBOTT:

15 The Board of Pharmacy met in Executive
16 Session to discuss and review Consent
17 Orders and other legal documents.

18 Are there motions regarding these
19 discussions?

20 MR. GREENE:

21 I make the motion that we approve the
22 Consent Agreement at File No. 19-54-
23 011096 and 20-54-000233.

24 CHAIRPERSON TALBOTT:

25 Second?

1 MR. FRANKIL:

2 Frankil, second.

3 CHAIRPERSON TALBOTT:

4 Any further discussion? Call the vote.

5

6 Frankil, aye; Greene, aye; Johnson, aye;

7 Hart, aye; Carey, aye.

8 [The motion carried. Chairperson Talbott recused from
9 deliberations and voting on the motion. The
10 Respondent's name is CVS Pharmacy 1592 and Stanley
11 Cross.]

12

13 MR. GREENE:

14 I make the motion that we approve the
15 Consent Agreement at File No. 18-54-
16 010063.

17 CHAIRPERSON TALBOTT:

18 Do we have a second?

19 MR. FRANKIL:

20 Frankil second.

21 CHAIRPERSON TALBOTT:

22 Any further discussion? Call the vote.

23

24 Frankil, aye; Greene, aye; Johnson, aye;

25 Talbott, aye; Hart, aye; Carey, aye.

1 [The motion carried unanimously. The Respondent's
2 name is Jeffrey T. Swanberry, R.Ph.]

3 ***

4 MR. GREENE:

5 I make the motion that we approve the
6 Consent Agreement at File No. 19-54-
7 006042.

8 MR. FRANKIL:

9 Frankil second.

10 CHAIRPERSON TALBOTT:

11 Any discussion? Call the vote.

12

13 Frankil, aye; Greene, aye; Johnson, aye;
14 Hart, aye; Carey, aye.

15 [The motion carried. Chairperson Talbott recused from
16 deliberations and voting on the motion. The
17 Respondent's name is CVS Pharmacy 5711.]

18 ***

19 MR. FRANKIL:

20 I make the motion that we approve the
21 Consent Agreement at File No. 19-54-
22 018069.

23 MS. HART:

24 Hart second.

25 CHAIRPERSON TALBOTT:

1 Any further discussion? Call the vote.

2

3 Frankil, aye; Johnson, aye; Talbott, aye;
4 Hart, aye; Carey, aye.

5 [The motion carried. Mr. Greene recused from
6 deliberations and voting on the motion. The
7 Respondent's name is Robert Strayer Livingston, R.Ph.]

8 ***

9 MR. GREENE:

10 I make the motion that we approve the
11 Consent Agreement at File Nos. 19-54-
12 012751, 19-54-014926 and 19-54-014925.

13 MR. FRANKIL:

14 Frankil second.

15 CHAIRPERSON TALBOTT:

16 Any further discussion? Call the vote.

17

18 Frankil, aye; Greene, aye; Johnson, aye;
19 Talbott, aye; Hart, aye; Carey, aye.

20 [The motion carried unanimously. The Respondent's
21 name is Independent Apothecary, Inc., d/b/a Olde
22 Philly Pharmacy; My Philly Pharmacy, Inc., d/b/a Olde
23 Philly Pharmacy-Fishtown; and James M. Cirillo, R.Ph.

24 ***

25 MR. GREENE:

1 I make the motion to approve the Consent
2 Agreement at File No. 20-54-000232.

3 MS. FRANKIL:

4 Frankil second.

5 CHAIRPERSON TALBOTT:

6 Any further discussion? Call the vote.

7

8 Frankil, aye; Greene, aye; Johnson, aye;

9 Talbott, aye; Hart, aye; Carey, aye.

10 [The motion carried unanimously. The Respondent's
11 name is Oluseyi Bamidele Ilori, R.Ph.

12 ***

13 MR. GREENE:

14 I move that we approve the following VRP
15 Consent Agreements: File No. 20-54-
16 001795 and File No. 20-54-002247.

17 MR. FRANKIL:

18 Frankil second.

19 CHAIRPERSON TALBOTT:

20 Any further discussion? Call the vote.

21

22 Frankil, aye; Greene, aye; Johnson, aye;

23 Talbott, aye; Hart, aye; Carey, aye.

24 [The motion carried unanimously.]

25 ***

1 MR. FRANKIL:

2 I make a motion that we approve the Final
3 A & O in the matter of Commonwealth of
4 Pennsylvania, Bureau of Professional and
5 Occupational Affairs vs. James Conrad
6 Burke, R.Ph., Case Nos. 15-54-01250 and
7 15-54-00537.

8 CHAIRPERSON TALBOTT:

9 Tom, can you second that motion?

10 MR. CAREY:

11 Carey second.

12 CHAIRPERSON TALBOTT:

13 Any further discussion? Call the vote.

14

15 Frankil, aye; Johnson, aye; Talbott, aye;

16 Carey, aye.

17 [The motion carried. Mr. Greene and Ms. Hart recused
18 from deliberations and voting on the motion.]

19

20 MR. GREENE:

21 I make the motion that we adopt the
22 Hearing Examiner's Proposed Adjudication
23 and Order for File No. 19-54-012352, in
24 re: the Matter of the Application for
25 Non-Resident Pharmacy Registration for

1 Hopkinton Drug.

2 MR. FRANKIL:

3 Frankil, second.

4 CHAIRPERSON TALBOTT:

5 Any further discussion? Call the vote.

6

7 Frankil, aye; Greene, aye; Johnson, aye;

8 Talbott, aye; Hart, aye; Carey, aye.

9 [The motion carried unanimously.]

10 ***

11 CHAIRPERSON TALBOTT:

12 I'm looking for a motion to allow NABP to
13 handle all the accommodation requests for
14 our proposed licensees.

15 Can I have someone make that motion?

16 MR. FRANKIL:

17 Motion.

18 MS. HART:

19 Second.

20 CHAIRPERSON TALBOTT:

21 Any further discussion? All those in
22 favor? Opposed?

23 [The motion carried unanimously.]

24 ***

25 Old Business

1 [Chairperson Talbott stated the Board had a discussion
2 in Executive Session with regard to a letter from the
3 University of Pittsburgh student group and will take the
4 information under advisement. The Board will look at
5 addressing some of those issues noted in the letter as it
6 does general revisions to the Board Regulations. Ms.
7 Zimmerman will reach out to NABP to see if work had
8 been done by NABP or its committees that could help with
9 some of the Board's decision making.]

10 ***

11 Adjournment

12 CHAIRPERSON TALBOTT:

13 I will entertain a motion for
14 adjournment.

15 DR. CAREY:

16 So moved.

17 ***

18 [There being no further business, the State Board of
19 Pharmacy Meeting was adjourned at 11:31 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Pharmacy, 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.



Alicia Gascoigne,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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STATE BOARD OF PHARMACY
REFERENCE INDEX
May 5, 2020

TIME	AGENDA
9:02	Official Call to Order
9:02	Roll Call/Introductions
9:10	Adoption of Minutes
9:11	Report of Prosecutorial Division
9:46	Report of Board Counsel
9:51	Report of Acting Commissioner
10:13	Report of Board Chairperson
10:15	Report of Executive Secretary
10:18	New Business
10:19	Old Business
10:25	Audience Member Comments
10:40	Executive Session
11:21	Return from Executive Session
11:21	Motions
11:31	Adjournment