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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: 9:05 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

June 16, 2020

State Board of Pharmacy
June 16, 2020

BOARD MEMBERS:

Terry M. Talbott, R.Ph., Chairperson
K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
Robert B. Frankil, R.Ph., Vice Chairman
Patrick M. Greene, Esquire, Office of Attorney
General
Thomas P. Carey, Ed.D. - Absent

BUREAU PERSONNEL:

Juan A. Ruiz, Esquire, Board Counsel
Ray Michalowski, Esquire, Board Prosecution Liaison
Caroline A. Bailey, Esquire, Board Prosecutor
Angela B. Lucci, Esquire, Board Prosecutor
Alice Glasser, Esquire, Board Prosecutor
Elliott Zucker, Intern, Department of State
Carole Clarke Smith, Esquire, Senior Counsel in Charge
Melanie Zimmerman, R.Ph., Executive Secretary
Theodore Stauffer, Executive
Secretary, Bureau of Professional and Occupational
Affairs
Marc Farrell, Deputy Policy Director, Department of
State
Carolyn DeLaurentis, Esq., Deputy Chief Counsel
Nicole VanOrder, Esq., Senior Counsel in Charge

ALSO PRESENT:

Christine Roussel, Pharm.D., BCOP, Pennsylvania
Society of Health-System Pharmacists, Doylestown
Hospital
Kerry E. Maloney, Esquire, Post & Shell
Larry Jones, Executive Director, Pennsylvania
Society of Health-System Pharmacists
Jenna L. McCarthy, Malady & Wooten
James Reed, Area Healthcare Supervisor, Walgreens
Andrew Felter, Manager of Pharmacy Compliance and
Regulatory Relations, Wegmans Food Markets
Barbara Knightly, Executive Vice President of
Regulatory Affairs and Quality Operations, Pentec
Health & International Academy of Compounding
Pharmacists
Carl Harting, CVS Health

State Board of Pharmacy
June 16, 2020

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ALSO PRESENT: (Continued)

- Christine Renfer, CVS Health
- David Klinger, System Director, Operations & Compliance, Geisinger Health System
- Heather Coy, AllianceRx Walgreens Prime
- Jennifer Welch, ACME/Sav-on Pharmacy
- Joel Jose, Student, Doylestown Hospital
- John Loxterman, Enclara Pharmacia
- Judy Kutchman, AllianceRx Walgreens Prime
- Lauren Miller, Doylestown Hospital
- Lisa Scannapieco, Director of Pharmacy Education and Clinical Integration, Pentec Health
- Patricia A. Epple, CEO, Pennsylvania Pharmacists Association
- Rachel Schwartz, Central Admixture Pharmacy Services
- Rhonda Thomas, Pennsylvania Society of Health-System Pharmacists, Lehigh Valley Hospital
- Timothy Kaylor, Giant/Martin's Pharmacy
- Steven Zahn, Pharmacy Inspector, Bureau of Enforcement and Investigation
- Janet Getzey Hart, Rite Aid

1 ***

2 State Board of Pharmacy

3 June 16, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Pharmacy was held on Tuesday, June 16, 2020.
7 Terry M. Talbott, R.Ph., Chairperson, called the
8 meeting to order at 9:05 a.m.

9 ***

10 [Chairperson Talbott requested Board members announce
11 themselves.]

12 ***

13 [Chairperson Talbott announced Janet Getzey Hart was
14 reconfirmed as a Board Member but paperwork has not
15 been completed.]

16 ***

17 [Melanie Zimmerman, R.Ph., Executive Secretary,
18 further explained that the Board office has not
19 received official notice that Janet Getzey Hart has
20 been reappointed, and Ms. Hart will need to be sworn
21 in again before she can engage in Board Member
22 duties.]

23 ***

24 [Chairperson Talbott also announced Christine Roussel
25 has been confirmed as a new Board Member but not yet

1 fully appointed at this time.]

2 ***

3 [Chairperson Talbott sought an introduction of Board
4 staff and audience members.]

5 ***

6 Approval of Agenda

7 CHAIRPERSON TALBOTT:

8 Do I have a motion to accept the agenda
9 as presented?

10 MR. FRANKIL:

11 So moved.

12 CHAIRPERSON TALBOTT:

13 Second?

14 MR. GREENE:

15 Second.

16 CHAIRPERSON TALBOTT:

17 Any discussion? All in favor? Any
18 opposed?

19 [The motion carried unanimously.]

20 ***

21 Approval of minutes of the May 5, 2020 meeting

22 CHAIRPERSON TALBOTT:

23 Next, we will move on to approval of the
24 minutes from the May 5 meeting. Do I
25 have a motion to accept?

1 MR. FRANKIL:

2 I make that motion.

3 CHAIRPERSON TALBOTT:

4 Second?

5 MR. GREENE:

6 Second.

7 CHAIRPERSON TALBOTT:

8 Any corrections to the minutes or any
9 amendments? Any discussion?

10 I have a motion and a second. All in
11 favor of approving the minutes as
12 written? Any opposed?

13 [The motion carried unanimously.]

14 ***

15 Report of Prosecutorial Division

16 [Caroline A. Bailey, Esquire, Board Prosecutor,

17 presented the Consent Agreement for Case No. 19-54-

18 002138.

19 Mr. Michalowski noted more charges are being
20 filed now that everybody is in phase green or yellow,
21 along with consent agreements being worked out behind
22 the scenes. He mentioned pharmacy inspectors are back
23 to doing full inspections and working on integrating
24 compounding into the Board checklist for pharmacy
25 inspections.

1 Mr. Michalowski mentioned that in the past, they
2 simply used the one question of whether or not the
3 pharmacy were properly equipped, compounding or
4 general, incorporating the two USP standards. He
5 commented that now that there is regulatory authority
6 to make those more significant on the inspection
7 question, it will lead to updating the inspection
8 form.

9 Mr. Michalowski addressed hospital pharmacies,
10 noting that most are being certified by the Joint
11 Commission on Accreditation of Healthcare
12 Organizations (JCAHO) or other certifying agencies
13 that the Department of Health accepts in lieu of
14 conducting their own inspections. Because the
15 Department of Health now does so few inspections of
16 hospital pharmacies, BEI will start conducting those
17 hospital pharmacy inspections where an accrediting
18 agency is not certifying the hospital pharmacy.

19 Ms. Hart addressed the amount of damages from
20 civil unrest to pharmacies that has been happening
21 throughout the Commonwealth.

22 Mr. Frankil stated over 50 independent pharmacies
23 in the Philadelphia area were damaged on some level.
24 He mentioned a relief fund that was created, which
25 will be filtered through the Pennsylvania Pharmacists

1 Association (PPA) with the help of the Philadelphia
2 Association of Retail Druggists (PARD) and Value Drug,
3 to offer financial help.

4 Ms. Zimmerman reviewed the procedure and policy
5 with regard to pharmacies reporting damage. The Board
6 office seeks information on damage and how long it
7 would take for completion of repairs. She stated
8 individuals would need to provide a Drug Enforcement
9 Administration (DEA) Form 106, a Theft/Loss Reporting
10 Form to the Board per standard procedure.

11 Ms. Zimmerman stated, once the pharmacy has made
12 all of the repairs, an inspector will confirm that the
13 pharmacy is in good working order and repair. She
14 also mentioned that applications will be expedited for
15 those who need to remodel or move to a new location in
16 order to provide services more quickly.

17 Ms. Hart also noted Form 41 for destruction
18 because there may not be a Form 106.]

19

20 Report of Board Counsel

21 [Juan A. Ruiz, Esquire, Board Counsel, noted four
22 final adjudications and orders for discussion during
23 executive session.

24 Mr. Ruiz referred to the Distributions of
25 Compounded Drug Products Memorandum of Understanding

1 (MOU) with the Food and Drug Administration (FDA) for
2 the Board's review.

3 Mr. Ruiz stated the FDA alleviated some of his
4 concerns and believes this could be moved forward. He
5 also noted discussions on the National Association of
6 Boards of Pharmacy (NABP) conference calls, noting
7 about 45 states were expected to sign it.

8 Mr. Ruiz referred to the Licensure by Endorsement
9 under Act 41 exposure draft, noting it will be sent to
10 stakeholders for comment before moving forward. He
11 mentioned the Board's prior concerns with individuals
12 having to take the North American Pharmacists
13 Licensure Examination (NAPLEX) and the Multistate
14 Pharmacy Jurisprudence Exam (MPJE), noting the removal
15 of the reference to these exams after discussion with
16 regulatory counsel. The requirements still will go to
17 substantial equivalency for licensure.

18 Mr. Ruiz stated anything else that was discussed
19 is in there and requested the Board's approval to send
20 this out as an exposure draft.]

21 ***

22 MR. FRANKIL:

23 I make a motion to approve that exposure
24 draft.

25 CHAIRPERSON TALBOTT:

1 Do I have a second?

2 MR. GREENE:

3 Second.

4 CHAIRPERSON TALBOTT:

5 Any other discussions?

6 MR. FRANKIL:

7 Noted the committee to address any Act 41
8 requests is himself and Terry Talbott.

9

10 CHAIRPERSON TALBOTT:

11 All in favor of sending Juan's draft
12 after he fixes typos in his exposure
13 draft, please say aye. Any opposed?

14 [The motion carried unanimously.]

15 ***

16 Report of Board Chairperson

17 [Terry M. Talbott, R.Ph., Chairperson, welcomed Ms.
18 Getzey Hart back and officially welcomed Christine
19 Roussel, who has been instrumental in helping with
20 regulations. She also announced John Slagle, owner of
21 The Medicine Shoppe Pharmacy in Clarion, has been
22 nominated but not yet confirmed. She also mentioned
23 the importance of having Mr. Frankil reappointed.

24 Chairperson Talbott provided a brief report of
25 her virtual attendance at the National Association of

1 Boards of Pharmacy Meeting on May 14. She informed
2 the Board that all of the reports normally given
3 orally are available on the NABP website under
4 publications.

5 Chairperson Talbott noted some states use the FDA
6 Form 483 as a basis for discipline, where if the FDA
7 finds something wrong, the Board automatically
8 disciplines the pharmacy. She commented that boards
9 should not use that as the sole disciplinary fact
10 finding and should validate that information prior to
11 the resolution of a complaint.

12 Chairperson Talbott addressed the resolution that
13 created a task force on medication reuse, noting
14 Pennsylvania has this for cancer drugs but not a lot
15 of pharmacies take part in it.

16 Chairperson Talbott discussed a resolution
17 directing NABP to see if they could incorporate
18 various criminal background checks required by
19 different boards in the NABP profile, where NABP would
20 be given authorization to run the background check.
21 NABP is going to look into that in an effort to
22 streamline the process and will provide a report from
23 that investigation.

24 Chairperson Talbott mentioned a resolution to
25 encourage patient-specific biologics to be shipped to

1 the practitioner for administration so that chain of
2 custody is protected and the storage is adequate.

3 Chairperson Talbott announced Tim Fensky from
4 Massachusetts is now president of NABP and Caroline
5 Juran, who is the executive director of the Virginia
6 Board of Pharmacy, is president-elect. She also
7 announced Lemrey "Al" Carter as the new executive
8 director/secretary with the retirement of Carmen
9 Catizone.

10 Chairperson Talbott requested approval for
11 someone to attend the National Association of Boards
12 of Pharmacy District Meeting September 9-11, 2020, in
13 Annapolis, MD.

14 Commissioner Johnson provided information
15 regarding the travel policy, where the administration
16 is still strongly encouraging the use of virtual
17 platforms but identifying a delegate if that policy
18 changes.

19 Chairperson Talbott noted that she will be
20 attending the meeting through her job and questioned
21 whether a delegate would be able to represent the
22 state if the state does not pay.

23 Commissioner Johnson will discuss the issue with
24 Mr. Ruiz.]

25

1 MR. FRANKIL:

2 I make a motion to have Janet Hart be our
3 delegate and Terry Talbott be the
4 alternate.

5 MR. JOHNSON:

6 Second.

7 CHAIRPERSON TALBOTT:

8 Any other discussions?

9 [Ms. Zimmerman noted receiving a survey concerning
10 meetings and answered that the Board would prefer
11 virtual meetings because out-of-state travel is
12 prohibited at the moment based on the Commonwealth's
13 policy regarding travel.]

14 CHAIRPERSON TALBOTT:

15 We still have a motion on the table.
16 Regardless, we are going to need the
17 delegate, whether it is virtual or not
18 virtual.

19 Janet will be the delegate. I will
20 be the alternate. We will go if we can.
21 If we cannot, we would not.

22 All in favor? Any opposed?

23 [The motion carried unanimously.]

24 ***

25 Report of Probable Cause Screening Committee - No

1 Report

2

3 Report of Commissioner

4 [K. Kalonji Johnson, Commissioner, Bureau of
5 Professional and Occupational Affairs, welcomed the
6 new Board members and returning Board members. He
7 thanked the Legislature for moving on these
8 nominations. He informed the Board that the
9 Department of State is working to ensure all vacant
10 positions are filled.

11 Commissioner Johnson acknowledged the exemplary
12 work Ms. Zimmerman and Mr. Ruiz have been doing
13 throughout the year.

14 Chairperson Talbott also thanked Ms. Zimmerman
15 and Mr. Ruiz for everything they are doing for the
16 profession and the public.

17 Mr. Frankil also commended Ms. Zimmerman after
18 being contacted by a family whose child had trouble
19 getting licensed and specifically complimented
20 Ms. Zimmerman.]

21

22 Report of Executive Secretary

23 [Melanie Zimmerman, R.Ph., Executive Secretary,
24 informed the Board that staff continues to work from
25 home and process applications.]

1 ***

2 New Business

3 [Melanie Zimmerman, R.Ph., Executive Secretary,
4 informed the Board that NABP is adjusting their policy
5 requiring a transcript before releasing test scores,
6 where they will be releasing test scores but still
7 want transcripts by July 31.

8 Ms. Zimmerman noted the invitation from the
9 Pennsylvania Society of Health-System Pharmacists
10 (PSHP) for the Board chairperson to speak on emergency
11 preparedness.

12 Chairperson Talbott announced the Ambulatory Care
13 Summit that was scheduled for May will now be held in
14 the spring of 2021. She also announced the
15 Pennsylvania Society of Health-System Pharmacists is
16 having an Emergency Preparedness Management Virtual
17 Summit on September 11. She noted the request of a
18 30-minute discussion regarding emergency waivers, etc.
19 She requested Commissioner Johnson or Mr. Ruiz also
20 attend.]

21 ***

22 MR. FRANKIL:

23 I make a motion we look into sending
24 Terry to the PSHP Meeting.

25 MR. JOHNSON:

1 Second.

2 CHAIRPERSON TALBOTT:

3 Any other discussion? All in favor? Any
4 opposed?

5 [The motion carried unanimously.]

6 ***

7 Old Business

8 [Melanie Zimmerman, R.Ph., Executive Secretary,
9 referred to the letter from a group of University of
10 Pittsburgh students who asked the Board to address
11 working conditions for pharmacists. She posted
12 information received from NABP related to a study that
13 had been proposed.

14 Commissioner Johnson suggested reaching out to
15 someone within the university to see what their level
16 of knowledge is with regard to the request.

17 Chairperson Talbott noted the July 21, 2020 Board
18 meeting date and suggested changing the date to August
19 18. She also noted concerns with having to possibly
20 work on the PA MPJE test question review
21 independently.

22 Ms. Zimmerman noted questions are available from
23 August 10 through September 11 with the original plan
24 to meet on September 1 as a group.

25 Mr. Ruiz cautioned the committee to ensure

1 everything is kept as confidential as possible as a
2 group and will look into the issue. He noted
3 answering questions separately is not an issue.

4 Mr. Frankil suggested using a Zoom-type format,
5 where all questions are done at a specific time and
6 questions discussed if there are any issues.

7 Ms. Zimmerman confirmed that August 11, August
8 18, August 24, and August 27 dates are available.

9 Chairperson Talbott noted canceling the July and
10 September meetings and moving the meeting date to
11 August 18. She also noted the Board will further
12 discuss the issue concerning the test question review
13 during executive session.]

14 ***

15 MR. FRANKIL:

16 I make the motion to combine July and
17 September into one meeting on August 18.

18 MR. JOHNSON:

19 Second.

20 CHAIRPERSON TALBOTT:

21 Any other discussion? All in favor?

22 [The motion carried unanimously.]

23 ***

24 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
25 10:11 a.m., the Board entered into Executive Session

1 with Juan A. Ruiz, Esquire, Board Counsel, to receive
2 legal advice and engage in quasi-judicial
3 deliberations. Nicole VanOrder, Esq., handled the
4 presentation, questions and discussion related to the
5 Final Adjudication and Order for John A. Kriak, R.Ph.,
6 Case No. 19-54-013954 as Board Counsel Juan Ruiz
7 recused himself from this particular matter. The Board
8 returned to open session at 11:03 a.m. Commissioner
9 Johnson exited the meeting during this time with
10 Theodore Stauffer serving as his replacement for the
11 remainder of the meeting.]

12 ***

13 MOTIONS

14 CHAIRPERSON TALBOTT:

15 The Board of Pharmacy met in executive
16 session.

17 Are there any motions following that
18 executive session?

19 MR. FRANKIL:

20 I will make a motion to approve Consent
21 Agreement Case No. 19-54-002138.

22 CHAIRPERSON TALBOTT:

23 We have a motion.

24 MR. STAUFFER:

25 On behalf of Mr. Johnson, I'll second.

1 CHAIRPERSON TALBOTT:

2 Any discussion? Hearing none. Call the
3 vote.

4

5 Frankil, aye; Greene, recuse; Stauffer,
6 aye; Talbott, aye.

7 [The motion carried. Mr. Greene recused himself from
8 deliberations and voting on the motion. The
9 pharmacist's name is Gregory F. Claypool, R.Ph.]

10

11 MR. GREENE:

12 For agenda Item No. 3, I make a motion
13 that we adopt the final Adjudication and
14 Order in the matter of BPOA v. Donna
15 Horger, R.Ph., Case No. 17-54-10558.

16 MR. FRANKIL:

17 Second.

18 CHAIRPERSON TALBOTT:

19 Any discussion? Call the vote.

20

21 Frankil, aye; Greene, aye; Stauffer, aye;
22 Talbott, aye.

23 [The motion carried unanimously.]

24

25 MR. GREENE:

1 For agenda Item No. 4, I make a motion
2 that we approve the final Adjudication
3 and Order in the matter of BPOA v. John
4 A. Kriak, R.Ph., Case No. 19-54-013954.

5 MR. FRANKIL:

6 Second.

7 CHAIRPERSON TALBOTT:

8 We have a motion and a second. Any
9 discussion? Call the vote.

10

11 Frankil, aye; Greene, aye; Stauffer, aye;
12 Talbott, aye.

13 [The motion carried unanimously.]

14

15 MR. GREENE:

16 For agenda Item No. 5, I make a motion
17 that we approve the final Adjudication
18 and Order in the matter of BPOA v. Norman
19 Steinberg, R.Ph., Case No. 16-54-01184.

20 MR. FRANKIL:

21 Second.

22 CHAIRPERSON TALBOTT:

23 Any discussion? Call the vote.

24

25 Frankil, aye; Greene, aye; Stauffer, aye;

1 Talbott, aye.

2 [The motion carried unanimously.]

3 ***

4 MR. GREENE:

5 For agenda Item No. 6, I make a motion
6 that we adopt the final Adjudication and
7 Order in the matter of BPOA v. Trevor B.
8 Strenchock, R.Ph., Case No. 17-54-07192.

9 MR. FRANKIL:

10 Second.

11 CHAIRPERSON TALBOTT:

12 Any further discussion? Call the vote.

13

14 Frankil, aye; Greene, aye; Stauffer, aye;
15 Talbott, aye.

16 [The motion carried unanimously.]

17 ***

18 Adjournment

19 CHAIRPERSON TALBOTT:

20 I will entertain a motion for adjournment
21 until August 18.

22 MR. FRANKIL:

23 So moved.

24 CHAIRPERSON TALBOTT:

25 Second?

1 MR. GREENE:

2 Second.

3 CHAIRPERSON TALBOTT:

4 All in favor?

5 [The motion carried unanimously.]

6 ***

7 [There being no further business, the State Board of
8 Pharmacy Meeting adjourned at 11:07 a.m.]

9 ***

10

11

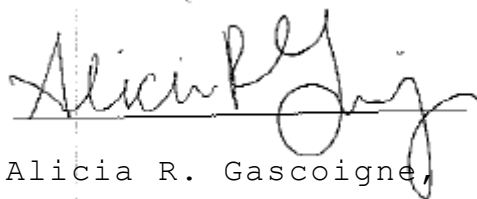
CERTIFICATE

12

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

18

19



20

21

Alicia R. Gascoigne,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

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26

STATE BOARD OF PHARMACY
REFERENCE INDEX

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TIME	AGENDA
9:05	Official Call to Order
9:05	Roll Call
9:06	Introduction of Board Staff and Audience Members
9:12	Approval of Agenda and Minutes
9:14	Report of Prosecutorial Division
9:25	Report of Board Counsel
9:32	Report of Board Chairperson
9:44	Report of Commissioner
9:46	Report of Executive Secretary
9:47	New Business
9:54	Old Business
10:11	Executive Session
11:03	Return to Open Session
11:03	Motions
11:07	Adjournment