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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: 8:58 A.M.

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

August 27, 2019

State Board of Pharmacy
August 27, 2019

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Juan A. Ruiz, Esquire, Board Counsel
Ray Michalowski, Esquire, Senior Prosecution Liaison
Tara J. Wikhian, Esquire, Board Prosecutor
Angela B. Lucci, Esquire, Board Prosecutor
Caroline A. Bailey, Esquire, Board Prosecutor
Glenn P. Masser, Esquire, Board Prosecutor
Keith E. Bashore, Esquire, Board Prosecutor
Andrew LaFratte, MPA, Department of State
Melanie Zimmerman, R.Ph., Executive Secretary

ALSO PRESENT:

Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group,
Counsel for the Respondent
Barbara Knightly, Executive Vice President of
Pharmacy, Pentec Health & International Academy of
Compounding Pharmacists
Lisa Scannapieco, Director of Pharmacy Education and
Clinical Integration, Pentec Health
David Klinger, System Director, Operations
& Compliance, Geisinger Health System
James Reed, Area Healthcare Supervisor, Walgreens
Daniel Leehan, Advanced Pharmacy Practice Experience
Student, Doylestown Hospital
Frank Trollo, Central Admixture Pharmacy Services
John Loxterman, Enclara Pharmacia
Steve Sheaffer, Pennsylvania Society of Health-System
Pharmacists
Brian Adelsberger, ACME Sav-on Pharmacy

State Board of Pharmacy
August 27, 2019

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ALSO PRESENT: (Continued)

- Courtney Ellingsworth, ACME Sav-on Pharmacy
- John Sisto, Express Scripts, Incorporated
- Lauren Paul, CVS Health
- Matthew Eberts, Pennsylvania Society of Health-System Pharmacists
- Timothy Kaylor, Giant/Martin's Pharmacy
- Andrew C. Harvan, Esquire, Pennsylvania Medical Society
- Angela Zaydon, Pennsylvania Pharmacists Association

1 ***

2 State Board of Pharmacy

3 August 27, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Pharmacy was held on Tuesday, August 27,
7 2019. Terry Talbott, R.Ph., Chairperson, called the
8 meeting to order at 8:58 a.m.

9 The Pledge of Allegiance was recited.

10 ***

11 [Chairperson Talbott requested that all electronic
12 devices be turned off or silenced.]

13 ***

14 Evacuation Announcement

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

18 ***

19 [Chairperson Talbott requested the introduction of
20 Board members, Board staff, and audience members.

21 She welcomed Juan A. Ruiz, Esquire, Board
22 Counsel, who provided a brief summary of his
23 professional background.]

24 ***

25 Approval of Agenda

1 CHAIRPERSON TALBOTT:

2 Any additions to the agenda? Hearing
3 none. I will accept a motion to accept
4 the agenda.

5 DR. COTCHEN:

6 So moved.

7 MS. HART:

8 Second.

9 CHAIRPERSON TALBOTT:

10 Any discussion? All in favor?

11 [The motion carried unanimously.]

12 ***

13 Approval of minutes of the July 24, 2019 meeting

14 CHAIRPERSON TALBOTT:

15 The minutes from July 24, any
16 corrections?

17 DR. COTCHEN:

18 I move that we approve the minutes as
19 written.

20 MS. HART:

21 Second.

22 CHAIRPERSON TALBOTT:

23 Any discussion? All in favor?

24 [The motion carried unanimously.]

25 ***

1 Report of Prosecutorial Division

2 [Tara J. Wikhian, Esquire, Board Prosecutor, presented
3 the Consent Agreement for Case No. 18-54-010785.

4 Charles J. Hartwell, Esquire, Counsel for the
5 Respondent, was also present for the discussion.]

6 ***

7 [Caroline A. Bailey, Esquire, Board Prosecutor,
8 presented the Consent Agreement for Case No. 16-54-
9 11906.]

10 ***

11 [Terry Talbott, R.Ph., Chairperson, exited the meeting
12 at 9:09 a.m. for recusal purposes.]

13 ***

14 [Caroline A. Bailey, Esquire, Board Prosecutor,
15 presented the Consent Agreements for Case No. 19-54-
16 006038.]

17 ***

18 [Terry Talbott, R.Ph., Chairperson, reentered the
19 meeting 9:11 a.m.]

20 ***

21 [Angela B. Lucci, Esquire, Board Prosecutor, presented
22 the Consent Agreement for Case No. 16-54-13260.]

23 ***

24 [Glenn P. Masser, Esquire, Board Prosecutor, presented
25 the Consent Agreement for File No. 17-54-10531 & 18-

1 54-00774.]

2

3 [Patrick M. Greene, Esquire, Office of Attorney
4 General, exited the meeting at 9:16 a.m. for recusal
5 purposes.]

6

7 [Keith E. Bashore, Esquire, Board Prosecutor,
8 presented the Consent Agreement for File No. 16-54-
9 06009 & 19-54-006126.]

10

11 [Patrick M. Greene, Esquire, Office of Attorney
12 General, reentered the meeting at 9:17 a.m.]

13

14 [Ray Michalowski, Esquire, Prosecution Liaison,
15 presented the VRP Consent Agreements for File Nos. 19-
16 54-005246 & 19-54-004817.]

17

18 [Chairperson Talbot mentioned that inspectors are
19 asking the pharmacies to have a paper compounding log,
20 whereas the regulations state the log could be paper
21 or electronic. Mr. Ruiz will inform the Bureau of
22 Enforcement and Investigation (BEI) and the inspectors
23 of the option.

24

25 Mr. Michalowski noted the need to amend
inspection forms in relation to the new compounding

1 regulations. He noted the importance of deciding the
2 type of questions to be included.

3 Mr. Michalowski also mentioned hospital pharmacy
4 surveys, noting that the forms are becoming very rare
5 because smaller hospitals became part of a health
6 system that have the Joint Commission on Accreditation
7 of Healthcare Organizations (JCAHO) or another
8 accreditation, whose inspection reports are accepted
9 by the Department of Health.

10 Mr. Michalowski will contact a representative
11 from the Department of Health to discuss the need to
12 update the Department of Health's inspection forms.

13 Mr. Frankil questioned whether the Board could
14 have a copy of a revised inspection form, once
15 finalized, to disseminate to pharmacists.

16 Mr. Michalowski explained that inspectors always
17 leave a copy following an inspection. He stated the
18 computer system forms a set of instructions for each
19 question for the inspectors to follow; and the final
20 form is a checklist of items with yes, no, or not
21 applicable.

22 Mr. Ruiz mentioned that BEI would be able to
23 print the form for the Board.

24 Mr. Frankil suggested providing the form in the
25 upcoming newsletter for pharmacists to review.

1 Chairperson Talbott also suggested putting the
2 form on the website for all and notifying the
3 Pennsylvania Pharmacists Association (PPA),
4 Pennsylvania Society of Health-System Pharmacists, and
5 stakeholders.]

6

7 Report of Board Counsel

8 [Juan A. Ruiz, Esquire, Board Counsel, noted a final
9 Adjudication and Order for discussion during Executive
10 Session. He reminded the Board to review the Recusal
11 Guidelines. He mentioned prior discussion regarding
12 Act 41, where the Board's application committee will
13 review applications for granting provisional
14 licensure.

15 Mr. Ruiz will inquire as to the current status of
16 Board regulations and General Revisions.

17 Ms. Zimmerman questioned whether the Board wanted
18 to consider developing nonresident pharmacy
19 regulations. Chairperson Talbott suggested placing
20 that item on the agenda for a future work session.]

21

22 Report of Board Chairperson

23 [Terry M. Talbott, R.Ph., Chairperson, will soon be
24 attending the National Association of Boards of
25 Pharmacy's (NABP's) Advisory Committee on Examinations

1 Meeting in Chicago.

2 Chairperson Talbott and Ms. Hart will be
3 attending the NABP/AACP District 1 & 2 Meeting
4 September 19-21 in Burlington, Vermont, and will
5 provide a report at the next meeting.

6 Ms. Hart noted that Chairperson Talbott delegated
7 her to be the representative on the Medical Marijuana
8 Advisory Board. She provided an update from a recent
9 meeting, noting that there are 200,000 registrants of
10 which 180,000 are patients and 20,000 caregivers. She
11 stated since February 2018, there have been 4.4
12 million products dispensed in the Commonwealth for a
13 total revenue of \$350 million.

14 Ms. Hart stated there was a research summit with
15 eight schools coming together, including medical and
16 pharmacy schools, to start research of the product.
17 She stated three schools were approved for research
18 and the others have to come back with some additional
19 information.

20 Ms. Hart noted that there are currently 25
21 conditions approved for medical marijuana with the
22 most recent one being anxiety.

23 Chairperson Talbott mentioned prior approval for
24 Mr. Maloney to attend the American Society for
25 Pharmacy Law (ASPL) Conference in November and the

1 NABP Interactive Compliance Officer and Legal Counsel
2 Forum Meeting in December and questioned whether Mr.
3 Ruiz would be able to attend since Mr. Maloney was no
4 longer with the Board.

5 Mr. Ruiz offered to attend the ASPL Conference
6 but noted a scheduling conflict with the NABP meeting
7 date.]

8 ***

9 DR. COTCHEN:

10 I move that we approve Juan attending the
11 ASPL Meeting and membership if he does
12 not have it.

13 MS. HART:

14 Second.

15 CHAIRPERSON TALBOTT:

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

18 [The motion carried unanimously.]

19 ***

20 Report of Probable Cause Screening Committee - No
21 Report

22 ***

23 Report of Deputy Commissioner

24 [Katelin Lambert, Deputy Commissioner, Bureau of
25 Professional and Occupational Affairs, on behalf of

1 Acting Commissioner, K. Kalonji Johnson, commented
2 that the Pennsylvania Licensing System (PALS) will be
3 ready to accept Act 41 applications on August 29th,
4 2019. She noted updates and changes to the online
5 application survey questions so that applicants will
6 be directed to the correct application. The
7 applicants will then be evaluated for Act 41
8 eligibility and directed to the Act 41 committee for
9 the committee's recommendation.

10 Ms. Lambert addressed Board vacancies, noting a
11 biweekly meeting to work on filling those vacancies
12 and she will provide an update at the next meeting.

13 Dr. Cotchen noted prior discussion with Acting
14 Commissioner Johnson regarding pre-exposure
15 prophylaxis (PrEP) and post-exposure prophylaxis (PEP)
16 for human immunodeficiency virus (HIV) and a referral
17 of the matter to the Department of Health. She
18 questioned whether there was an update on this matter.
19 Ms. Lambert will check for any updates.]

20 ***

21 Report of Executive Secretary - No Report

22 ***

23 For the Board's Information

24 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
25 information regarding recommendations for medical

1 cannabis labeling that were submitted to the Medical
2 Marijuana Advisory Board by interested parties.]

3

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:34 a.m., the Board entered into Executive Session
6 with Juan A. Ruiz, Esquire, Board Counsel, to receive
7 legal advice and engage in quasi-judicial
8 deliberations. The Board returned to open session at
9 10:08 a.m.]

10

11 MOTIONS

12 CHAIRPERSON TALBOTT:

13 The Board of Pharmacy met in executive
14 session to discuss and review consent
15 orders and other legal documents.

16 Are there any motions regarding these
17 discussions?

18 DR. COTCHEN:

19 I move that we approve the Consent
20 Agreement for File No. 16-54-11906.

21 MS. HART:

22 Second.

23 CHAIRPERSON TALBOTT:

24 We have a motion and a second. Any
25 discussion? Call the vote.

1
2 Frankil, aye; Greene, aye; Lambert, aye;
3 Talbott, aye; Cotchen, aye; and Hart,
4 aye.

5 [The motion carried unanimously. The Respondent's
6 name is Shlonda Fay Williams, R.Ph.]

7 ***

8 DR. COTCHEN:

9 I move that we approve the Consent
10 Agreement for File No. 19-54-006038.

11 MS. HART:

12 Second.

13 CHAIRPERSON TALBOTT:

14 Any discussion? Call the vote.

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

19 [The motion carried. Ms. Talbott recused herself from
20 deliberations and voting on the motion. The
21 Respondent's name is CVS Pharmacy 4058.]

22 ***

23 DR. COTCHEN:

24 I move that we approve the Consent
25 Agreement for Case No. 16-54-13260.

1 MS. HART:

2 Second.

3 CHAIRPERSON TALBOTT:

4 Any discussion? Call the vote.

5

6 Frankil, aye; Greene, aye; Lambert, aye;

7 Talbott, aye; Cotchen, aye; and Hart,

8 aye.

9 [The motion carried unanimously. The Respondent's
10 name is Chukwuma U. Anyanwu, R.Ph.]

11 ***

12 DR. COTCHEN:

13 I move that we approve the Consent

14 Agreement for File Nos. 17-54-10531 & 18-

15 54-00774.

16 MS. HART:

17 Second.

18 CHAIRPERSON TALBOTT:

19 Any discussion? Call the vote.

20

21 Frankil, aye; Greene, aye; Lambert, aye;

22 Talbott, aye; Cotchen, aye; and Hart,

23 aye.

24 [The motion carried unanimously. The Respondent's
25 name is Dennis James Fowler, R.Ph.]

1 ***

2 DR. COTCHEN:

3 I move that we approve the Consent
4 Agreement for File Nos. 16-54-06009 & 19-
5 54-006126.

6 MS. HART:

7 Second.

8 CHAIRPERSON TALBOTT:

9 Any discussion? Call the vote.

10

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

14 [The motion carried. Mr. Greene recused himself from
15 deliberations and voting on the motion. The
16 Respondent's name is Steven Paul Teti, R.Ph.]

17

18 DR. COTCHEN:

19 I move that we approve the VRP Consent
20 Agreements for File Nos. 19-54-005246 &
21 19-54-004817.

22 MS. HART:

23 Second.

24 CHAIRPERSON TALBOTT:

25 Any discussion? Call the vote.

1

2

Frankil, aye; Greene, aye; Lambert, aye;

3

Talbott, aye; Cotchen, aye; and Hart,

4

aye.

5

[The motion carried unanimously.]

6

7

DR. COTCHEN:

8

I move that we approve the Consent

9

Agreement for Case No. 18-54-010785.

10

MS. HART:

11

Second.

12

CHAIRPERSON TALBOTT:

13

Any discussion? Call the vote.

14

15

Frankil, aye; Greene, aye; Lambert, aye;

16

Talbott, aye; Cotchen, aye; and Hart,

17

aye.

18

[The motion carried unanimously. The Respondent's

19

name is Tim Harrison Darragh, R.Ph.]

20

21

DR. COTCHEN:

22

I move that we approve the Final

23

Adjudication and Order in the case of

24

Lori Lynn Rings, R.Ph., File No. 18-54-

25

007549.

1 MS. HART:

2 Second.

3 CHAIRPERSON TALBOTT:

4 Any discussion? Call the vote.

5

6 Frankil, aye; Greene, aye; Lambert, aye;

7 Talbott, aye; Cotchen, aye; and Hart,

8 aye.

9 [The motion carried unanimously.]

10 ***

11 DR. COTCHEN:

12 I move that we provisionally deny the
13 application submitted by Hopkinton Drug,
14 the Nonresident Pharmacy Application.

15 MS. HART:

16 Second.

17 CHAIRPERSON TALBOTT:

18 Any discussion? Call the vote.

19

20 Frankil, aye; Greene, aye; Lambert, aye;

21 Talbott, aye; Cotchen, aye; and Hart,

22 aye.

23 [The motion carried unanimously.]

24 ***

25 Next Meeting Dates

1 [Juan A. Ruiz, Esquire, Board Counsel, noted a
2 scheduling conflict for himself concerning the January
3 28, 2020 Board meeting date; he offered to find other
4 staff to cover.

5 Ms. Zimmerman suggested discussing this matter
6 further at the October Board of Pharmacy Meeting after
7 everyone has an opportunity to check their calendars.]

8 ***

9 Adjournment

10 CHAIRPERSON TALBOTT:

11 I will entertain a motion for
12 adjournment.

13 DR. COTCHEN:

14 So moved.

15 MS. HART:

16 Second.

17 CHAIRPERSON TALBOTT:

18 All in favor?

19 [The motion carried unanimously.]

20 ***

21 [There being no further business, the State Board of
22 Pharmacy Meeting adjourned at 10:14 a.m.]

23 ***

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CERTIFICATE

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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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
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TIME	AGENDA
8:58	Official Call to Order
8:59	Pledge of Allegiance and Emergency Announcement
9:00	Introduction of Board Members, Board Staff, and Audience Members
9:04	Approval of Minutes
9:05	Report of Prosecutorial Division
9:23	Report of Board Counsel
9:26	Report of Board Chairperson
9:30	Report of Deputy Commissioner
9:33	For the Board's Information
9:34	Executive Session
10:08	Return to Open Session
10:08	Motions
10:13	Next Meeting Dates
10:14	Adjournment