State Board of Pharmacy August 31, 2021

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BOARD MEMBERS:

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Janet Getzey Hart, R.Ph., Chairperson K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs Christine Roussel, Pharm.D., BCOP, BCSCP, Secretary Patrick M. Greene, Esquire, Office of Attorney General John R. Slagle, R.Ph.

BUREAU PERSONNEL:

Terry M. Talbott, R.Ph.

Juan A. Ruiz, Esquire, Board Counsel Carole Clarke Smith, Esquire, Senior Board Counsel Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division Ray Michalowski, Esquire, Senior Board Prosecution Liaison

Glenn P. Masser, Esquire, Board Prosecutor Caroline A. Bailey, Esquire, Board Prosecutor Alice Glasser, Esquire, Board Prosecutor Melanie Zimmerman, R.Ph., Executive Secretary Marc Farrell, Deputy Director, Office of Policy, Department of State

ALSO PRESENT:

Andrew C. Harvan, Esquire, Pennsylvania Medical Society

Christopher Miller, Pharm.D., Giant Eagle David Klinger, System Director, Operations & Compliance, Geisinger Health System Edward Foote, Pharm.D., FCCP, BCPS, Dean, Philadelphia

College of Pharmacy at the University of Heather Coy, AllianceRx Walgreens Prime Jamie Axelrod, Pharm.D., Health System-Based

Pharmacy at Walgreens Specialty Specialty Pharmacy, LLC

Jen Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee

State Board of Pharmacy August 31, 2021

ALSO PRESENT: (Continued)

Jenna McCarthy, Malady & Wooten Jennifer Welch, ACME/Sav-on Pharmacy

Judy Kutchman, R.Ph., AllianceRx Walgreens Prime

Kerry E. Maloney, Esquire, Post & Shell

Kimberly Mehta, Pharm.D., MPH, Director of Medication Safety and Regulatory, Allegheny Health Network

Larry Jones, Executive Director, Pennsylvania

Society of Health-System Pharmacists

15 | Laura Humphrey 16 | Laura Romeo, Pl

Laura Romeo, Pharmacist-in-Charge at ConnectiveRx, Careform Pharmacy

Nicole Sidle, Republican Executive Director, House Professional Licensure Committee

Steven L. Sheaffer, Pharm.D., Pennsylvania Society of Health-System Pharmacists

Victoria Elliott, R.Ph., MBA, CAE, CEO, Pennsylvania Pharmacists Association

Steven Zahn, Pharmacy Inspector, Bureau of

Enforcement and Investigation, Department of State Brianna Brusamonti

Leigh Shirley

Dennis Giorno

Sargent's Court Reporting Service, Inc. (814) 536-8908

1 * * * 3 State Board of Pharmacy August 31, 2021 4 * * * 5 6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at 7 9:00 a.m., the Board entered into Executive Session with Juan A. Ruiz, Esquire, Board Counsel, to receive 8 9 legal advice and engage in quasi-judicial 10 deliberations. The Board returned to open session at 11 10:30 a.m.l * * * 12 13 The regularly scheduled meeting of the State 14 Board of Pharmacy was held on Tuesday, August 31, 15 2021. Janet Getzey Hart, R.Ph., Chairperson, called 16 the meeting to order at 10:31 a.m. * * * 17 18 Introduction of the Board Members 19 [Chairperson Hart requested an introduction of Board 20 members.1 21 * * * 22 Approval of Agenda 23 CHAIRPERSON HART: 24 The first thing I would like is a motion to approve the agenda and a second, 2.5 26 please?

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   MS. TALBOTT:
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                 I'll make a motion to approve the agenda,
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                 Madam Chair.
   MR. SLAGLE:
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                 Second.
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   CHAIRPERSON HART:
                 Any discussion? All in favor, aye?
8
                 Opposed?
   [The motion carried unanimously.]
                              * * *
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11
   Meeting Instructions
12
   [Melanie Zimmerman, R.Ph., Executive Secretary,
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   provided instructions to be followed during the
14
   virtual meeting.]
                              * * *
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   [Juan A. Ruiz, Esquire, Board Counsel, noted that the
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   meeting was being recorded, and those who continued to
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   participate were giving their consent to being
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   recorded.
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        Mr. Ruiz also noted the Board met in Executive
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   Session prior to the start of the meeting to discuss
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   items on the agenda.]
23
2.4
   Introduction of Attendees
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   [Melanie Zimmerman, R.Ph., Executive Secretary,
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1 provided an introduction of audience members.]

* * *

3 Report of Prosecutorial Division

4 [Glenn P. Masser, Esquire, Board Prosecutor, presented

5 the Consent Agreement for Case No. 21-54-000643.]

6 ***

7 | [Caroline A. Bailey, Esquire, Board Prosecutor,

8 presented the Consent Agreements for Case No. 19-54-

9 001546 and Case No. 20-54-012038.]

10 ***

11 | Report of Board Counsel

12 | [Juan A. Ruiz, Esquire, Board Counsel, questioned

13 whether any of the Board members wished to re-enter

14 into Executive Session to discuss any of the consent

15 | agreements.

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Mr. Ruiz noted two proposed adjudications and

17 orders and a motion to enter default and deem facts

18 admitted were discussed during Executive Session.

19 Mr. Ruiz also noted that the regulation work

20 session immediately following the regular meeting is

21 canceled due to the pharmacy technician regulation

22 being ready for an exposure draft.]

23 MS. TALBOTT:

2.4

Madam Chair, I would make the motion that

25 we redirect Board counsel to send out the

1 proposed tech regulations as an exposure 2 draft to stakeholders and anybody else 3 who he deems necessary to see it. DR. ROUSSEL: 4 5 I second that motion. 6 CHAIRPERSON HART: Any comment? All in favor? Opposed? Recused? 8 [The motion carried unanimously.] 10 11 Report of Board Counsel 12 [Janet Getzey Hart, R.Ph., Chairperson, noted Recusal Guidelines for the Board's review.] 13 14 15 Report of Board Chairperson 16 [Janet Getzey Hart, R.Ph., Chairperson, requested Ms. 17 Talbott discuss her attendance at the National 18 Association of Boards of Pharmacy (NABP) meetings. 19 Ms. Talbott noted attending two meetings held by 20 NABP. She stated the purpose of the review committee 21 group was to identify and streamline the processes and 22 policies around some of the NABP examination 2.3 These include the North American committees. 2.4 Pharmacist Licensure Examination (NAPLEX) Committee, 25 Multistate Pharmacy Jurisprudence Exam (MPJE) Review

1 Committee, and Foreign Pharmacy Graduate Examination 2 Committee.

Ms. Talbott mentioned that there was no consistency across the three committees regarding term limits and responsibilities, so the Committee will be making comments and suggestions to the executive council.

Ms. Talbott addressed the Advisory Committee on Exams that she chaired this year. She noted a presentation that showed some delay in the time that students and candidates are signing up to test. She commented that prior to 2020, NABP saw a larger cohort testing in the June and July period and that it seems like candidates are testing later this year.

Ms. Talbott stated there was a larger cohort of people scheduled to test in August, September, and beyond but was not sure if it was related to COVID. She noted it was not that they could not schedule, but the candidate was choosing to test later. She addressed the cohort that already tested, where there seems to be a little drop off in the percentage passing on the first try but also noting not everyone has tested yet.

Ms. Talbott addressed the transcript requirement, noting that the time frame from the person applying to

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test to when they actually got their Authorization to
1
   Test (ATT) and were able to schedule was no different
2
   this year than it was two years ago before the
3
 4
   transcript requirement.]
                              * * *
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   Report of Probable Cause Committee - No Report
                              * * *
   Report of Commissioner
   [K. Kalonji Johnson, Commissioner, Bureau of
10
   Professional and Occupational Affairs, informed
11
   everyone that the next scheduled Board meeting will be
12
   at the Penn Center location due to the expiration on
13
   the waiver of the physical presence requirement.
        Commissioner Johnson mentioned that the
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   department will be taking every precaution to ensure
16
   public health and safety for the Board meeting.
        Commissioner Johnson requested everyone submit
17
18
   travel requests of up to two Board members as soon as
19
   possible for processing. He encouraged everyone to
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consider the virtual option, if available, for any regional or national conferences.

Ms. Talbott suggested Mr. Ruiz attend the American Society for Pharmacy Law (ASPL) Conference November 4-7, 2021, in Summerlin, NV.]

25 MS. TALBOTT:

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I make the motion that we encourage Juan
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                 to be able to attend ASPL and go on
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                 record of encouraging him to go if he is
                 able to attend in person and comfortable
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5
                 with attending in person.
6
   DR. ROUSSEL:
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                 I'd like to second that motion.
8
   CHAIRPERSON HART:
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                 Call for a discussion? All in favor to
10
                 sending Juan, aye? Opposed?
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   [The motion carried unanimously.]
                              * * *
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   Report of Executive Secretary
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   [Melanie Zimmerman, R.Ph., Executive Secretary, noted
15
   pharmacy renewals end today. She reported 98.5
16
   percent of Pennsylvania pharmacies have renewed and 78
17
   percent of nonresident pharmacies have renewed.
18
        1
                              * * *
19
20
   MOTIONS
21
   CHAIRPERSON HART:
2.2
                 The Board of Pharmacy did meet in
2.3
                 Executive Session prior to our public
2.4
                 session to discuss and review consent
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                 orders and other legal documents.
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11 1 Are there any motions regarding these 2 discussions? 3 MR. GREENE: 4 At agenda item 1, I make a motion that we 5 approve the Consent Agreement at Case No. 21-54-000643. 6 7 MS. TALBOTT: Second. 9 CHAIRPERSON HART: 10 Is there any discussion? Call for a 11 vote. 12 13 Talbott, aye; Slagle, aye; Roussel, aye; 14 Greene, aye; Johnson, aye; Hart, aye. 15 [The motion carried unanimously. The Respondent's name is Chewy Pharmacy KY, LLC.] 16 * * * 17 MR. GREENE: 18 19 At agenda item 2, I make a motion that we 20 approve the Consent Agreement at Case No. 21 19-54-001546.R. ROUSSEL: 22 I'd like to second that motion. 2.3 CHAIRPERSON HART: 2.4 Call for a discussion. Call for a vote. 25

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                 Talbott, aye; Slagle, aye; Roussel, aye;
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2
                 Greene, aye; Johnson, aye; Hart, aye.
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    [The motion carried unanimously. The Respondent's
   name is Nolan Richard Palko, R.Ph.]
                               * * *
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6
   MR. GREENE:
                 At agenda item 3, I make a motion that we
                 approve the Consent Agreement at Case No.
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9
                 20-54-012038.
   DR. ROUSSEL:
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11
                 I'd like to second.
12
   CHAIRPERSON HART:
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                 Call for discussion. Call for a vote,
14
                 please.
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16
                 Talbott, aye; Slagle, aye; Roussel, aye;
17
                 Greene, aye; Johnson, aye; Hart, aye.
18
   [The motion carried unanimously. The Respondent's
   name is KRS Global Biotechnology.]
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                               * * *
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   MR. GREENE:
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                 At agenda item 4 (Peter Capitano, Case
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                 No. 21-54-001180), I make a motion that
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                 we direct Board Counsel to draft a
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                 Proposed Adjudication and Order
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                 consistent with discussions in Executive
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2
                 Session.
   DR. ROUSSEL:
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 4
                 Second.
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   CHAIRPERSON HART:
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                 Call for a discussion. Call for a vote.
                 Talbott, aye; Slagle, aye; Roussel, aye;
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9
                 Greene, aye; Johnson, aye; Hart, aye.
10
   [The motion carried unanimously.]
                               * * *
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   MR. GREENE:
                 At agenda item 5, in the matter of the
13
14
                 Application for a Nonresident Pharmacy of
15
                 Guardian Pharmacy of Virginia, LLC, I
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                 make the motion that we approve and adopt
17
                 the Proposed Adjudication and Order.
   DR. ROUSSEL:
18
19
                 Second.
20
   CHAIRPERSON HART:
21
                 Call for a discussion. Call for a vote.
22
2.3
                 Talbott, aye; Slagle, aye; Roussel, aye;
24
                 Greene, aye; Johnson, aye; Hart, aye.
25
   [The motion carried unanimously.]
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At agenda item 6 (Scott Tingler, Case No. 20-54-005568), I make the motion that we grant the Motion to Deem Facts Admitted and Enter Default and direct Board Counsel to draft an Adjudication and Order consistent with discussions in Executive Session.

10 DR. ROUSSEL:

11 Second.

12 CHAIRPERSON HART:

Any discussion? Call for a vote.

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Talbott, aye; Slagle, aye; Roussel, aye;

Greene, aye; Johnson, aye; Hart, aye.

17 [The motion carried unanimously.]

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19 Public Session

[Juan A. Ruiz, Esquire, Board Counsel, addressed immunization regulations, noting the collaborative agreement was missing from the language in the injectables. He noted adding the collaborative agreement to the regulations and will be forwarding

25 that to regulatory counsel shortly.

- Mr. Ruiz commented that the general revisions regulation will be discussed at the next meeting.
- Mr. Ruiz addressed a message in chat, where Larry

 Jones, Executive Director, Pennsylvania Society of

 Health-System Pharmacists, forwarded an email to him

 concerning the pharmacy technician regulations. He

 forwarded those points to Board members for

 consideration.
- Judy Kutchman, R.Ph., AllianceRx Walgreens Prime,
 asked Mr. Ruiz where the tech rules draft could be
 found when it becomes available.
- Mr. Ruiz commented that draft will be sent to
 stakeholders and informed Ms. Kutchman that she can
 send an email indicating she would like to be placed
 on the stakeholder list.
 - Ms. Zimmerman stated the Board's email account was now restricted, and everyone would have to use the Pennsylvania Licensing System (PALS) Customer Service Center.
- 20 Mr. Ruiz offered Ms. Kutchman his personal email address.]
- 22 ***
- 23 Adjournment

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- 24 MS. TALBOTT:
- 25 Madam Chair, I make a motion to adjourn.

16 1 CHAIRPERSON HART: 2 Could I get a second? 3 MR. GREENE: Second. 4 5 CHAIRPERSON HART: 6 Any discussion? All in favor, aye, to 7 adjourn? 8 [The motion carried unanimously.] 9 10 [There being no further business, the State Board of 11 Pharmacy Meeting adjourned at 11 a.m.] * * * 12 13 CERTIFICATE 14 15 I hereby certify that the foregoing summary 16 minutes of the State Board of Pharmacy meeting, was 17 reduced to writing by me or under my supervision, and 18 that the minutes accurately summarize the substance of 19 the State Board of Pharmacy meeting. 20 21 22 Derek Richmond, 2.3 Minute Clerk 2.4 Sargent's Court Reporting 25 Service, Inc.

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	STATE BOARD OF PHARMACY REFERENCE INDEX	
	August 31, 2021	
TIME	AGENDA	
9:00	Executive Session	
10:30	Return to Open Session	
10:31	Official Call to Order	
10:31	Introduction of Board Members	
10:32	Approval of Agenda	
10:33	Introduction of Attendees	
10:35	Report of Prosecutorial Division	
10:39	Report of Board Counsel	
10:41	Report of Board Chair	
10:45	Report of Commissioner	
10:50	Report of Executive Secretary	
10:51	Motions	
10:54	Public Session	
11:00	Adjournment	
	9:00 10:30 10:31 10:31 10:32 10:33 10:35 10:35 10:41 10:45 10:50 10:51 10:54	REFERENCE INDEX August 31, 2021 TIME AGENDA 9:00 Executive Session 10:30 Return to Open Session 10:31 Official Call to Order 10:31 Introduction of Board Members 10:32 Approval of Agenda 10:33 Introduction of Attendees 10:35 Report of Prosecutorial Division 10:39 Report of Board Counsel 10:41 Report of Board Chair 10:45 Report of Commissioner 10:50 Report of Executive Secretary 10:51 Motions 10:54 Public Session