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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: 9:01 A.M.

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

October 3, 2017



State Board of Pharmacy

October 3, 2017

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ALSO PRESENT: (Continued)

- Leigh Shirley, Giant
- Robert Grobinsici, Cardinal Health
- John Sisto, ESI
- Vince Lacroce, Pennsylvania Society of Health-System Pharmacists (PSHP)
- Claudia Cho, Penn State Hershey Medical Center
- Ellie Tomaszewski, University of Pittsburgh
- Samirkumar Patel, Temple University School of Pharmacy
- Andrew Harvan, Pennsylvania Medical Society (PaMED)
- Greg Smith, Central Admixture Pharmacy
- Rhonda Thomas, Pennsylvania Society of Health-System Pharmacists (PSHP)
- Rachel Constant, Wilkes University Pharmacy Student
- Rebecca Mitchell

1 \*\*\*

2 State Board of Pharmacy

3 October 3, 2017

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Pharmacy was held on Tuesday, October 3,  
7 2017.

8 Janet Getzey Hart, R.Ph., Chairperson, called the  
9 meeting to order at 9:01 a.m. The Pledge of  
10 Allegiance was recited. A quorum was noted to be  
11 present.

12 \*\*\*

13 Introductions

14 {Chairperson Hart requested the introduction of Board  
15 Members, Board staff, and audience members in  
16 attendance.]

17 \*\*\*

18 Evacuation Announcement

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

22 \*\*\*

23 Approval of Agenda

24 CHAIRPERSON HART:

25 Do I have a motion to approve the

1 agenda?

2 DR. COTCHEN:

3 So moved.

4 MS. TALBOTT:

5 Second.

6 CHAIRPERSON HART:

7 Any discussion? All in favor? Opposed?

8 [The motion carried unanimously].

9

\*\*\*

10 Approval of Minutes of the May 31, 2017 meeting and  
11 July 11, 2017 meeting

12 CHAIRPERSON HART:

13 We have approval of two Minutes. The  
14 first one would be May 31, 2017. I had  
15 one minor name spelling change, which I  
16 gave to Melanie. But other than that,  
17 from my perspective, I read them as  
18 fine, but I don't know if you all had a  
19 chance to look at them or not.

20 DR. COTCHEN:

21 I move that we approve the May and July  
22 Minutes as written with the changes that  
23 you submitted.

24 MS. TALBOTT:

25 Second.

1 CHAIRPERSON HART:

2 Any discussion? All in favor? Opposed?

3 [The motion carried unanimously].

4 \*\*\*

5 Report of Prosecutorial Division

6 [Keith Bashore, Esquire, Board Prosecutor, presented a

7 Consent Agreement for File No. 17-54-01094.]

8 \*\*\*

9 [Ray Michalowski, Esquire, Board Prosecution Liaison,  
10 discussed legal referrals from the Board following  
11 this year's pharmacy renewal cycle. Some pharmacies  
12 are reporting information that is already known to the  
13 Board.

14 Mr. Michalowski discussed the PALS system and the  
15 reporting of a criminal conviction or disciplinary  
16 action.

17 He also noted complaints from pharmacies and  
18 doctors are being reviewed in relation to the  
19 Prescription Drug Monitoring Program.

20 Chairperson Hart mentioned the delay for the  
21 implementation of the United States Pharmacopeia (USP)  
22 800 until 2019, which relates to the way pharmacies  
23 compound and dispense prescriptions. Mr. Michalowski  
24 noted that the pharmacy inspectors are evaluating  
25 pharmacies for proper equipment and he is waiting for

1 the Food and Drug Administration to schedule the  
2 yearly meeting with BPOA staff.]

3 \*\*\*

4 Report of Board Counsel

5 [Kerry Maloney, Esquire, Board Counsel, noted matters  
6 for the Board's deliberation during Executive Session,  
7 including one hearing.

8 He noted the revisions to the Compounding  
9 Regulations will be presented during the Board's next  
10 meeting.

11 Mr. Maloney noted his attendance at a meeting  
12 with the Government Pharmaceutical Practice Group that  
13 involved Chief Counsel of the major agencies  
14 associated with pharmacy, health, and aging. He noted  
15 a presentation by Tom Snedden from the Programs of  
16 All-Inclusive Care for the Elderly (PACE). Mr. Snedden  
17 was invited to present at a future Board meeting.

18 Mr. Maloney noted the travel ban in effect is  
19 expected to clear once the budget is approved. Mr.  
20 Maloney submitted a travel request to attend the  
21 American Society for Pharmacy Law Conference.

22 Chairperson Hart discussed providing Board  
23 approval for Mr. Maloney to attend the NABP Board  
24 Counsel meeting being held November 29 and 30, 2017,  
25 in Chicago, pending the outcome of the budget approval

1 and the travel ban.]

2 DR. COTCHEN:

3 I move that we send Kerry to the NABP  
4 meeting for general counsel later this  
5 year.

6 CHAIRPERSON HART:

7 I believe I have a motion. Was there a  
8 second?

9 MR. ZILNER:

10 Second.

11 CHAIRPERSON HART:

12 Any discussion? All in favor? Opposed?

13 [The motion carried unanimously.]

14 \*\*\*

15 Discussion

16 [Chairperson Hart discussed the travel ban placing the  
17 Board at a disadvantage; Board Members are limited in  
18 their ability to participate in different events and  
19 are unable to accept funding from NABP.

20 Mr. Frankil agreed with the Chairperson's  
21 comments. He further noted that the Board was  
22 prevented from networking with others around the  
23 country (due to staying off site from the meeting  
24 location) and thus serving the Commonwealth better.

25 Mr. Maloney stated the Board should consider that



1 funding may come out of Board funds as long as the  
2 reason related to Board membership and would enhance  
3 the ability of Board Members to perform their jobs as  
4 Board Members. Limitations of state travel policies  
5 were noted.

6 Chairperson Hart referred Board members to the  
7 recusal guidelines for further review.]

8 \*\*\*

9 Report of Board Chairperson

10 [Chairperson Hart noted her attendance at a recent  
11 NABP Task Force on Long-Term Care meeting. She noted  
12 several comments and changes to the NABP Practice Act  
13 that will be addressed at an upcoming task force  
14 conference call.

15 Chairperson Hart and Ms. Talbott attended the  
16 NABP/AACP Districts 1 & 2 meeting in Groton,  
17 Connecticut. She mentioned that five resolutions  
18 introduced by District 1 were not supported by  
19 District 2, which remained neutral. Chairperson Hart  
20 briefly discussed the resolutions.

21 Terry Talbott commented on a presentation  
22 regarding social status impacting one's health and a  
23 presentation from the Advisory Committee on  
24 Examinations regarding the new North American  
25 Pharmacists Licensure Examination (NAPLEX).]

1 \*\*\*

2 Report of Probable Cause Screening Committee  
3 [Patrick M. Greene, Esquire, Office of Attorney  
4 General, provided an explanation of the Probable Cause  
5 Screening Committee's role and its process for  
6 reviewing petitions to the students in the audience.  
7 Mr. Greene then explained his recusal from the matters  
8 that come before the Board.]

9 \*\*\*

10 Report of Commissioner - No Report

11 \*\*\*

12 Report of Executive Secretary  
13 [Melanie Zimmerman, R.Ph., Executive Secretary, stated  
14 articles must be received by the end of November for  
15 publication in the newsletter in January.

16 Ms. Talbott stated information regarding the  
17 opioid education requirement for pharmacists should be  
18 in the newsletter as well as an article by Mr. Tom  
19 Snedden. Board Counsel Maloney will contact Mr.  
20 Snedden regarding the provision of an article.

21 Mr. Frankil offered to write an article on the  
22 opioid CE issue and will include in that article  
23 information regarding patient safety and child abuse  
24 continuing education.]

25 \*\*\*

1 Applications

2 [Chairperson Hart noted applications for discussion  
3 during Executive Session.]

4 \*\*\*

5 New Business

6 Opioid Continuing Education for Pharmacists

7 [Chairperson Hart noted confusion regarding opioid  
8 continuing education for pharmacists.]

9 Ms. Zimmerman explained the Board will accept any  
10 ACPE-approved provider who offers pharmacist  
11 continuing education programs covering the required  
12 opioid topics given that the Board already accepts  
13 Accreditation Council for Pharmacy Education-approved  
14 (ACPE-approved) pharmacist continuing education.

15 She noted that for pharmacist license renewal,  
16 two hours of CE needs to be in pain management or the  
17 identification of addiction or in the practices of  
18 prescribing or dispensing of opioids.

19 A total of four hours of opioid continuing  
20 education is required for initial licensure consisting  
21 of two hours in pain management or the identification  
22 of addiction and 2 hours in the practices of  
23 prescribing or dispensing of opioids.]

24 \*\*\*

25 ACPE Site Visit to Jefferson School of Pharmacy

1 [The Board discussed representation to the ACPE Site  
2 Visit at Jefferson School of Pharmacy November 7-9,  
3 2017.

4 Mr. Frankil volunteered to attend the meeting.  
5 Chairperson Hart offered to attend should Mr. Frankil  
6 be unavailable.]

7 DR. COTCHEN:

8 I move that we send Rob to the ACPE Site  
9 Visit to Jefferson School of Pharmacy  
10 in November of this year, and that  
11 Janet would be the alternate if Rob was  
12 unable to participate.

13 MS. TALBOTT:

14 I will second that motion.

15 CHAIRPERSON HART:

16 Any additional discussion? All in  
17 favor? Opposed?

18 [The motion carried unanimously.]

19 \*\*\*

20 Old Business

21 2017 Intergovernmental Working Meeting on Pharmacy  
22 Compounding

23 [Chairperson Hart referred to the agenda for  
24 attachments regarding the 2017 Intergovernmental  
25 Working Meeting on Pharmacy Compounding attended by

1 Dr. Cotchen.

2 Dr. Cotchen discussed the proposed guidance  
3 provided by the Food and Drug Administration and  
4 recommended this information be reviewed by those who  
5 perform pharmacy compounding.

6 She reviewed additional matters, such as  
7 insanitary conditions and outsourcing, advisories  
8 versus enforcement actions, balancing federal and  
9 state oversight, state referral letters and state  
10 transfer letters, animal drug compounding and special  
11 issues, including matters regarding hospitals, complex  
12 compounding, and radiopharmaceuticals.]

13 \*\*\*

14 For the Board's Information

15 [Chairperson Hart referred Board Members to  
16 information included in the agenda relating to the  
17 Tri-Regulator Collaborative, United States  
18 Pharmacopeia (USP) Questions and Answers, and State  
19 and Federal Occupational Licensing Reform.]

20 \*\*\*

21 Public Session

22 [Terry Talbott, R.Ph., Vice Chairperson, clarified a  
23 question regarding whether or not vaccines could be  
24 administered by a student. Ms. Talbott stated  
25 registered Pennsylvania pharmacy interns would be

1 able to perform immunizations once the Board  
2 Regulations are finalized and the interns apply for  
3 and are issued the required authorization, but  
4 currently interns can only assist individuals with  
5 completing their paperwork.]

6 \*\*\*

7 [The Board recessed from 9:44 a.m. until 10:00 a.m.]

8 \*\*\*

9 [A Formal Hearing was held from 10:00 a.m. until 10:34  
10 a.m. In the Matter of the Application for the  
11 Nonresident Pharmacy Registration of US Compounding,  
12 Inc.; File No. 17-54-09671, Docket No. 1623-54-17.]

13 \*\*\*

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
15 10:34 a.m., the Board entered into Executive Session  
16 with Kerry Maloney, Esquire, Board Counsel, and Neil  
17 P. McConnell, Esquire, Board Counsel, to receive legal  
18 advice and for the purpose of conducting quasi-  
19 judicial deliberations. The Board returned to open  
20 session at 11:28 a.m.]

21 \*\*\*

22 MOTIONS

23 CHAIRPERSON HART:

24 The Board of Pharmacy met in Executive  
25 Session to discuss and review consent

1 orders and other legal documents. Are  
2 there any motions regarding this  
3 discussion?

4 DR. COTCHEN:

5 Madam Chairwoman, I move that we  
6 approve the Consent Agreement for File  
7 No. 17-54-08627.

8 MS. TALBOTT:

9 Second.

10 CHAIRPERSON HART:

11 Any discussion? Call for a vote.

12

13 Frankil, aye; Greene, aye; Zilner, aye;  
14 Hart, aye; Cotchen, aye; Talbott, aye.

15 [The motion carried unanimously.]

16

\*\*\*

17 DR. COTCHEN:

18 I move that we approve the Consent  
19 Agreement for File No. 17-54-01094,  
20 Enclara Pharmacia, Incorporated.

21 MS. TALBOTT:

22 Second.

23 CHAIRPERSON HART:

24 Call for discussion? Call for a vote.

25





1 Session.

2 DR. COTCHEN:

3 So moved.

4 MS. TALBOTT:

5 Second.

6 CHAIRPERSON HART:

7 Call for discussion? Call for a vote.

8

9 Frankil, aye; Greene, aye; Zilner, aye;

10 Hart, recused; Cotchen, aye; Talbott,

11 aye.

12 [The motion carried. Janet Hart recused from  
13 deliberations and voting on the motion. Executive  
14 Secretary Zimmerman left the Board Room while the  
15 Board deliberated on this matter.]

16 \*\*\*

17 MR. MALONEY:

18 In File No. 17-54-05554, Michael G.  
19 Kenney, Pharm.D., I look for a motion to  
20 grant the request to reopen the record  
21 for a limited time and purpose.

22 DR. COTCHEN:

23 So moved.

24 MS. TALBOTT:

25 Second.

1 CHAIRPERSON HART:

2 Open for discussion? Call for a vote.

3

4 Frankil, aye; Greene, aye; Zilner, aye;

5 Hart, aye; Cotchen, aye; Talbott, aye.

6 [The motion carried unanimously.]

7

\*\*\*

8 DR. COTCHEN:

9 I move that we deny the Application for

10 Nontraditional Internship Preceptor

11 Approval submitted by Joseph Weidman.

12 MS. TALBOTT:

13 Second.

14 CHAIRPERSON HART:

15 Discussion? Call for a vote.

16

17 Frankil, aye; Greene, aye; Zilner, aye;

18 Hart, aye; Cotchen, aye; Talbott, aye.

19 [The motion carried unanimously.]

20

\*\*\*

21 DR. COTCHEN:

22 I move that we approve the Application

23 for Reduced Intern Hours as a Graduate

24 of a Foreign Pharmacy School submitted

25 by Tapan Patel, reducing the intern

1 hours to 1000.

2 MS. TALBOTT:

3 Second.

4 CHAIRPERSON HART:

5 Discussion? Call for a vote.

6

7 Frankil, aye; Greene, aye; Zilner, aye;

8 Hart, aye; Cotchen, aye; Talbott, aye.

9 [The motion carried unanimously.]

10 \*\*\*

11 DR. COTCHEN:

12 I move that we approve the application  
13 submitted by Alesha Heil for Reciprocal  
14 Licensure Application.

15 MS. TALBOTT:

16 Second.

17 CHAIRPERSON HART:

18 Discussion? Call for a vote.

19

20 Frankil, aye; Greene, aye; Zilner, aye;

21 Hart, aye; Cotchen, aye; Talbott, aye.

22 [The motion carried unanimously.]

23 \*\*\*

24 DR. COTCHEN:

25 I move that we provisionally deny the

1 Reciprocal Licensure Application  
2 submitted by Cory Pazcoquin.

3 MS. TALBOTT:

4 Second.

5 CHAIRPERSON HART:

6 Call for discussion? Call for a vote.

7

8 Frankil, aye; Greene, aye; Zilner, aye;

9 Hart, aye; Cotchen, aye; Talbott, aye.

10 [The motion carried unanimously.]

11 \*\*\*

12 Adjournment

13 DR. COTCHEN:

14 I motion that we adjourn.

15 MS. TALBOTT:

16 Second.

17 CHAIRPERSON HART:

18 So be it.

19 [The motion carried unanimously.]

20 \*\*\*

21 [There being no further business, the State Board of  
22 Pharmacy meeting adjourned at 11:33 a.m.]

23 \*\*\*

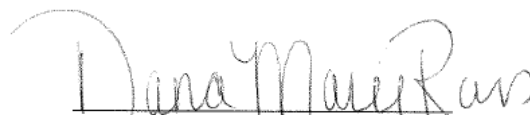
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CERTIFICATE

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.



Dana Marie Ross,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PHARMACY  
REFERENCE INDEX

October 3, 2017

	TIME	AGENDA
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8		
9	9:01	Official Call to Order
10		
11	9:01	Pledge of Allegiance
12		
13	9:03	Introduction of Board Members, Board
14		Staff, and Audience Members
15		
16	9:03	Evacuation Announcement
17		
18	9:04	Approval of Agenda/Minutes
19		
20	9:05	Report of Prosecutorial Division
21		
22	9:09	Report of Board Counsel
23		
24	9:15	Discussion
25		
26	9:19	Report of Board Chairperson
27		
28	9:23	Report of Probable Cause Screening
29		Committee
30		
31	9:25	Report of Executive Secretary
32		
33	9:27	New Business
34		
35	9:33	Old Business
36		
37	9:41	For the Board's Information
38		
39	9:42	Public Session
40		
41	9:44	Recess
42	10:00	Return to Open Session
43		
44	10:00	Formal Hearing - <u>US Compounding,</u>
45	10:34	<u>Incorporated</u>
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STATE BOARD OF PHARMACY  
REFERENCE INDEX (CONTINUED)

October 3, 2017

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TIME	AGENDA
10:34	Executive Session
11:28	Return to Open Session
11:29	Motions
11:33	Adjournment