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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: 9:00 A.M.

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

October 22, 2019



State Board of Pharmacy  
October 22, 2019

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ALSO PRESENT: (Continued)

Kerry E. Maloney, Esquire, Post & Schell  
Jim Reed, Area Healthcare Supervisor, Walgreens  
Ursula Chizhik, Vice President of Quality & Regulatory  
Affairs at FLAVORx  
Sara Simon, Investigative Data Reporter, Spotlight PA  
Andrew C. Harvan, Esquire, Pennsylvania Medical  
Society

1 \*\*\*

2 State Board of Pharmacy

3 October 22, 2019

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Pharmacy was held on Tuesday, October 22,  
7 2019. Terry M. Talbott, R.Ph., Chairperson, called  
8 the meeting to order at 9 a.m. K. Kalonji Johnson,  
9 Acting Commissioner, Bureau of Professional and  
10 Occupational Affairs, was not present at the  
11 commencement of the meeting.

12 The Pledge of Allegiance was recited.

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 \*\*\*

22 [Chairperson Talbott requested that all electronic  
23 devices be turned off or silenced.]

24 \*\*\*

25 Approval of Agenda

1 CHAIRPERSON TALBOTT:

2 I will entertain a motion to approve the  
3 agenda for today. Are there any  
4 additions?

5 Motion to approve the agenda.

6 DR. COTCHEN:

7 So moved.

8 CHAIRPERSON TALBOTT:

9 Second?

10 MR. FRANKIL:

11 Second.

12 CHAIRPERSON TALBOTT:

13 All in favor? Any opposed?

14 [The motion carried unanimously.]

15 \*\*\*

16 Approval of minutes of the August 27, 2019 meeting

17 CHAIRPERSON TALBOTT:

18 Motion to approve the minutes from August  
19 27?

20 DR. COTCHEN:

21 So moved.

22 CHAIRPERSON TALBOTT:

23 Second?

24 MR. FRANKIL:

25 Second.

1 CHAIRPERSON TALBOTT:

2 Any discussion? All in favor? Any  
3 opposed?

4 [The motion carried unanimously.]

5 \*\*\*

6 [Patrick M. Greene, Esquire, Office of Attorney  
7 General, exited the meeting at 9:04 a.m. for recusal  
8 purposes.]

9 \*\*\*

10 Report of Prosecutorial Division

11 [Caroline A. Bailey, Esquire, Board Prosecutor,  
12 presented the Consent Agreement for File No. 19-54-  
13 003453.]

14 \*\*\*

15 [Patrick M. Greene, Esquire, Office of Attorney  
16 General, reentered the meeting at 9:06 a.m.]

17 \*\*\*

18 [Terry M. Talbott, R.Ph., Chairperson, exited the  
19 meeting at 9:06 a.m. for recusal purposes.]

20 \*\*\*

21 [Caroline A. Bailey, Esquire, Board Prosecutor,  
22 presented the Consent Agreements for File Nos. 19-54-  
23 003233 & 19-54-009972 and File No. 19-54-009499.]

24 \*\*\*

25 [Terry M. Talbott, R.Ph., Chairperson, reentered the

1 meeting 9:09 a.m.]

2

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3 [Angela B. Lucci, Esquire, Board Prosecutor, presented  
4 the Consent Agreement for File No. 18-54-012188.]

5

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6 [Ray Michalowski, Esquire, Prosecution Liaison,  
7 presented the VRP Consent Agreements for File No. 19-  
8 54-009933, File No. 19-54-009625, File No. 19-54-  
9 010375, and File No. 19-54-010959.

10 Mr. Michalowski referred to Act 96 of 2018  
11 regarding the Controlled Substance, Drug, Device, and  
12 Cosmetic Act and the new e-prescribing law soon going  
13 into effect. He mentioned receiving calls from staff  
14 at the Drug Enforcement Administration (DEA) wondering  
15 why the act does not require pharmacists to check on  
16 the exceptions or exemptions. He explained to the DEA  
17 that most pharmacists probably will, and it is just  
18 the way the act was written.

19 Mr. Michalowski informed the Board that the  
20 Department of Health has a 14-page FAQ on their main  
21 website. The Department of Health is the enforcement  
22 authority. He mentioned guidelines on that website  
23 which refer back to the statute until the new  
24 regulations are promulgated. He noted electronic  
25 prescribing systems are tied into electronic medical

1 records (EMRs) and electronic health record (EHR)  
2 systems. He discussed the ability of prescribers to  
3 obtain an exemption for one year.

4 Chairperson Talbott explained that pharmacists do  
5 not know who is exempt from Act 96 of 2018 and  
6 prescriptions will be assumed to be valid when  
7 written. She stated physicians have proof through the  
8 Department of Health of an exemption.

9 Chairperson Talbott suggested placing a link on  
10 the Board's website to the Department of Health's  
11 FAQs.

12 Patricia A. Epple, CEO, Pennsylvania Pharmacists  
13 Association, commented that the Prescription Drug  
14 Monitoring Program (PDMP) was going to send out a  
15 letter clarifying the pharmacists' obligations.

16 Chairperson Talbott addressed other states that  
17 have gone to mandated electronic prescribing. She  
18 stated it has not become an audit issue, because the  
19 burden is on the doctor, not the pharmacist. She  
20 noted that across the country roughly 68 percent of  
21 physicians are already electronically prescribing and  
22 Medicare is requiring controlled substances to be  
23 electronically prescribed by January 1, 2021.

24 Chairperson Talbott emphasized the importance of  
25 making pharmacists aware to fill prescriptions that



1 are not electronic as long as they believe the  
2 prescription is otherwise valid.

3 Mr. Frankil mentioned the importance of the  
4 Department of Health notifying other practitioners  
5 about Act 96 of 2018 and not just notifying the  
6 medical societies. He recommended doctors and  
7 prescribers noting exemptions from e-prescribing on  
8 the prescription, which would avoid phone calls from  
9 pharmacists.

10 Mr. Michalowski stated Mr. Ruiz can share the  
11 information with counsels on other boards to confirm  
12 their awareness, even though it tends to be more of an  
13 association-related issue to provide information to  
14 members.

15 Chairperson Talbott noted the importance of  
16 educating inspectors and suggested providing  
17 inspectors with the actual link to the Department of  
18 Health's FAQs.

19 Mr. Michalowski will speak with the Bureau of  
20 Enforcement and Investigation (BEI) about this issue  
21 but does not think the inspectors will be a problem  
22 because it is not really an auditable issue for  
23 pharmacies. He also questioned PDMP to see whether it  
24 will become a reportable item, noting that they also  
25 did not think it was going to become a reportable

1 item; they are just trying to complete the  
2 regulations.

3 Mr. Frankil discussed insurance company audits  
4 and pharmacy benefit manager (PBM) business, where he  
5 sees PBM's auditing this matter.

6 Mr. Michalowski will share the information with  
7 inspectors and investigators. He anticipates more  
8 consumer complaints early on from pharmacists who may  
9 refuse to fill written prescriptions and then  
10 complaints from audit areas two years down the road  
11 when 80-90 percent of medications are prescribed  
12 electronically. He also does not anticipate hospitals  
13 or institutional pharmacies having a problem with this  
14 because they will have quick access to their own  
15 doctors without getting something from 300 miles away.

16 Chairperson Talbott addressed a newsletter  
17 article to be published in January 2020. Mr. Frankil  
18 will write an article on filling controlled substance  
19 prescriptions and showing compassion. It will include  
20 the fact that it is not the pharmacist's  
21 responsibility to check on whether a prescriber has an  
22 exemption to the electronic prescribing requirements.

23

24 Chairperson Talbott questioned whether anything  
25 was new concerning medical marijuana. Mr. Michalowski

1 noted an increase in the number patients,  
2 prescriptions, and products since anxiety was added as  
3 one of the eligible conditions.

4 Christine Roussel, Pharm.D., BCOP, Pennsylvania  
5 Society of Health-System Pharmacists, informed the  
6 Board that a group of pharmacists are going to the  
7 Medical Marijuana Advisory Board Meeting next month to  
8 support recommendations for safe labeling of cannabis.

9 She noted that current labeling is not patient-  
10 friendly and there are safety issues that could be  
11 addressed with improved labeling.]

12 \*\*\*

13 Report of Board Counsel

14 [Juan A. Ruiz, Esquire, Board Counsel, noted four  
15 proposed Adjudications and Orders for discussion  
16 during Executive Session. He also noted a  
17 reinstatement hearing scheduled for 10:00 a.m.]

18 \*\*\*

19 Report of Board Chairperson

20 [Terry M. Talbott, R.Ph., Chairperson, addressed her  
21 attendance at the NABP/AACP District 1 & 2 Meeting in  
22 Burlington, Vermont. She mentioned that Nicole  
23 Chopski, Executive Director of the Idaho Board of  
24 Pharmacy, discussed innovative transitions to patient  
25 care where pharmacists can basically delegate anything

1 to anybody who has the ability to perform the work  
2 safely; this has been working well in Idaho and moving  
3 slowly into other states.

4 Chairperson Talbott noted discussion regarding  
5 compounding and flavoring and the delay of the  
6 revised United States Pharmacopeia (USP) 795 and 797.

7 She mentioned a discussion concerning whether or not  
8 flavoring was compounding. She stated a  
9 representative from USP who was present at the meeting  
10 indicated that flavoring has always been listed in one  
11 of the chapters, but with the revision to the USP  
12 chapters, flavoring as a compounding activity is more  
13 evident.

14 Chairperson Talbott noted the next NABP Annual  
15 Meeting is in Baltimore in May 2020.

16 Chairperson Talbott noted Ms. Hart is currently  
17 attending the National Association of State Controlled  
18 Substances Authorities Conference.]

19

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20 Report of Probable Cause Screening Committee  
21 [Patrick M. Greene, Esquire, Office of Attorney  
22 General, signed orders on a Petition for Immediate  
23 Suspension and Physical and Mental Examination.]

24

\*\*\*

25 Report of Executive Secretary

1 [Melanie Zimmerman, R.Ph., Executive Secretary,  
2 mentioned the need for sufficient articles in order  
3 for the Bureau to publish the newsletter in January  
4 2020. She noted Mr. Frankil's article on the filling  
5 of controlled substance prescriptions and showing  
6 compassion to patients and Mr. Michalowski's article  
7 on the Department of Health's new e-prescribing  
8 requirements. The newsletter article deadline is  
9 November 15, 2019.

10 Chairperson Talbott suggested an article  
11 concerning postponement of USP 795 and 797.

12 Mr. Ruiz suggested also writing an article  
13 regarding the Boards' stance on enforcing 800 or  
14 delaying it as other states have.

15 No decision was made on who might write the  
16 articles.

17 Ms. Zimmerman noted applications for discussion  
18 during executive session.]

19 \*\*\*

20 New Business

21 [Melanie Zimmerman, R.Ph., Executive Secretary, noted  
22 the request from Main Line Health who is seeking Board  
23 approval of a continuing medical education (CME)  
24 program entitled "Physician Wellness: Putting an End  
25 to Burnout."]

1 \*\*\*

2 CHAIRPERSON TALBOTT:

3 Anybody want to make a motion to approve  
4 it?

5 MR. FRANKIL:

6 I will make the motion to approve this  
7 CME.

8 CHAIRPERSON TALBOTT:

9 Do we want to approve it?

10 MR. RUIZ:

11 It seems it is a program they offer for  
12 doctors for CME credit. Pharmacists  
13 there were wondering if they could  
14 utilize this as well because the issue is  
15 burnout and wondered if they could get  
16 pharmacy CE credit for it. Since it is  
17 not Accreditation Council for Pharmacy  
18 Education (ACPE) approved, it has to come  
19 to the Board for approval.

20 MS. ZIMMERMAN:

21 The one thing is if you are going to  
22 recognize their accrediting agency as  
23 being equivalent to ACPE. Maybe the  
24 Board needs to start thinking about  
25 developing a formal process associated

1 with CEs for this type of thing. Other  
2 Boards, what they do is there is an  
3 application, there is an associated fee  
4 because they are a fee-for-service agency  
5 and then each continuing education has  
6 its own license record, an expiration  
7 date, and that kind of thing. If this is  
8 something the Board would like to  
9 consider as being equivalent to ACPE  
10 standards and approve the program, we  
11 need to start thinking about a more  
12 formal process.

13 MR. RUIZ:

14 At this time, I think you can just do it  
15 on a case-by-case basis. I think Melanie  
16 is right. If you start getting more of  
17 these, you are going to have to start  
18 looking at it from a different  
19 perspective.

20 Right now, what is in front of you is  
21 a single request from Main Line Health.

22 CHAIRPERSON TALBOTT:

23 My concern is we have been hesitant to do  
24 things like this in the past because it  
25 opens the floodgates and we do have to

1           have another formal process, which means  
2           Melanie will send it all to us and we  
3           will have to have another committee to  
4           look at it all, which is not a big deal.  
5           I know there is an awful lot out there.  
6           My gut was no. We have ACPE and I know  
7           we have the waiver, but they can still  
8           go. They just do not get the CE.

9 DR. COTCHEN:

10           The ones we have seen in the past that we  
11           have approved have submitted significant  
12           documentation to show the equivalence to  
13           ACPE accreditation. Just to have this  
14           request come in and approve it, I do not  
15           know that it is equivalent. I am sure it  
16           is a good program. I do not mean to diss  
17           the program. We have programs at the  
18           institution. I do not know that the  
19           Board would be able to handle individual  
20           ones with the amount of documentation we  
21           would need to see to see that it has ACPE  
22           equivalence.

23 CHAIRPERSON TALBOTT:

24           Does anyone want to make a motion that we  
25           approve this program?



1                   Hearing none. We will move on.

2 [The motion failed.]

3   \*\*\*

4 New Business (Continued)

5 [Melanie Zimmerman, R.Ph., Executive Secretary,  
6 questioned whether the Board had any nominations for  
7 the National Association of Boards of Pharmacy's  
8 annual awards. The Board had none.

9           Ms. Zimmerman noted receiving questions in the  
10 Board office about USP and the new compounding  
11 standards related to flavoring as well as questions on  
12 waivers of the new USP 800 chapter.

13           Chairperson Talbott questioned what would happen,  
14 if the Board decided to exempt flavoring, to the  
15 regulations that were just passed. Mr. Ruiz stated  
16 that it would need a waiver to be implemented right  
17 away until the regulation can be amended again to  
18 allow for the flavoring to be done.

19           Chairperson Talbott referred to correspondence  
20 from Neal Watson at NABP, where approximately five to  
21 seven states are still looking to implement USP 800,  
22 but everybody else is looking to delay enforcement to  
23 everything because the revisions to USP 797 reference  
24 USP 800.

25           Mr. Michalowski noted enforcing and inspecting at

1 the level of USP 795 and 797 as they have existed in  
2 their original version, which would work best for  
3 inspectors. He stated something outside of USP 800  
4 could be mentioned to the individuals who they are  
5 dealing with, but it would not be enforceable.

6 Mr. Ruiz reviewed the Board's discussion with  
7 delaying enforcement of 800 but still keeping it in  
8 compliance with the current USP 795 and 797. He  
9 suggested a waiver of that section with flavoring and  
10 starting a regulation package to add that exemption.

11 Chairperson Talbott emphasized the need for very  
12 specific language that allows for flavoring of  
13 conventionally manufactured medication and that the  
14 flavors had been tested and do not alter the  
15 concentration of the medication. She stated most  
16 pharmacists buy flavoring from companies where the  
17 formula has been tested.

18 Chairperson Talbott provided language obtained  
19 from other states that allow for unencumbered  
20 flavoring of conventionally manufactured medications  
21 in pharmacies provided that the flavors used are  
22 inert, tested and do not alter medication  
23 concentration beyond USP's accepted level of variance,  
24 and the pharmacist must be able to provide proof of  
25 that upon request.

1           Larry Jones, Executive Director, Pennsylvania  
2 Society of Health-System Pharmacists, mentioned the  
3 definition within USP called standard deviation that  
4 is allowable in any compounding situation, which does  
5 not change the intended active ingredient and is well  
6 within that standard. He noted, until further clarity  
7 is provided at the USP level, that is the standard for  
8 now.]

9

\*\*\*

10 CHAIRPERSON TALBOTT:

11                   The first piece is we are going to  
12                   enforce 795 and 797 as currently written.

13 MR. RUIZ:

14                   Correct. Is there a motion?

15 MR. FRANKIL:

16                   I will make that motion.

17 CHAIRPERSON TALBOTT:

18                   Do we have a second?

19 MR. GREENE:

20                   Second.

21 CHAIRPERSON TALBOTT:

22                   Anymore discussion? All in favor? Any  
23                   opposed?

24 [The motion carried unanimously.]

25

\*\*\*

1 CHAIRPERSON TALBOTT:

2                   The second piece is we are going to delay  
3                   enforcement of USP 800 until such time as  
4                   the revisions to 795 and 797 are  
5                   completed by USP and adopted by USP.

6 MR. RUIZ:

7                   Correct.

8 MR. FRANKIL:

9                   So moved.

10 CHAIRPERSON TALBOTT:

11                   Second?

12 MR. GREENE:

13                   Second.

14 CHAIRPERSON TALBOTT:

15                   Any other discussion? All in favor? Any  
16                   opposed?

17 [The motion carried unanimously.]

18   \*\*\*

19 CHAIRPERSON TALBOTT:

20                   The third is we are going to establish a  
21                   waiver, which will say that pharmacists  
22                   may flavor conventionally manufactured  
23                   medications provided the flavors used are  
24                   inert, tested and do not alter a  
25                   medication's concentration beyond USP's

1                   accepted level of variance pending  
2                   revisions of current regulations.

3 MR. FRANKIL:

4                   So moved.

5 MR. MICHALOWSKI:

6                   You are saying they are allowed to do it.  
7                   You are not saying it is not compounding  
8                   and that is kind of the point.

9 MR. RUIZ:

10                  Correct.

11 CHAIRPERSON TALBOTT:

12                  Correct.

13 MR. MICHALOWSKI:

14                  So it's flavoring, more specific, that  
15                  it's a waiver from the definition of  
16                  compounding.

17 CHAIRPERSON TALBOTT:

18                  We are going to amend it to say what Juan  
19                  and Ray said.

20 MR. RUIZ:

21                  For the purposes of the regulations as  
22                  written, the Board does not consider  
23                  flavoring at this point compounding if it  
24                  meets the definitions that we have just  
25                  stated.

1 CHAIRPERSON TALBOTT:

2                   Second?

3 MR. GREENE:

4                   Second.

5 CHAIRPERSON TALBOTT:

6                   Any other discussion? All in favor? Any  
7                   opposed?

8 [The motion carried. Dr. Cotchen abstained from  
9 voting on the motion.]

10   \*\*\*

11 [Terry Talbott, R.Ph., Chairperson, requested Mr. Ruiz  
12 post on the Board's web site and send to Ms. Pat Epple  
13 and the Pennsylvania Society of Health-System  
14 Pharmacists (PSHP) information on the Board's  
15 decisions regarding USP; PPA and PSHP may provide  
16 this information to their members.]

17   \*\*\*

18 New Business (Continued)

19 [Melanie Zimmerman, R.Ph., Executive Secretary, noted  
20 information provided by NABP regarding how USP  
21 postponement will impact their program, particularly  
22 their Verified Pharmacy Program (VPP) inspections.

23           Ms. Zimmerman also noted for the Board's review  
24 the Controlled Substance, Drug, Device, and Cosmetic  
25 Act and new electronic prescribing requirements. This

1 same issue was discussed earlier in the meeting.]

2 \*\*\*

3 Old Business - Intern Hours Waiver

4 [Melanie Zimmerman, R.Ph., Executive Secretary,

5 addressed the intern hours waiver that ends on January

6 1, 2020. She stated that the applicable Board

7 regulations are not going to be amended by that date

8 and asked if the Board would extend that waiver.]

9 \*\*\*

10 CHAIRPERSON TALBOTT:

11 Motion to extend the waiver to 2022.

12 DR. COTCHEN:

13 I move that we extend the waiver until

14 January 1, 2022.

15 MR. FRANKIL:

16 Second.

17 CHAIRPERSON TALBOTT:

18 Any discussion? All in favor? Any

19 opposed?

20 [The motion carried unanimously.]

21 \*\*\*

22 Old Business - Meeting Date

23 [Melanie Zimmerman, R.Ph., Executive Secretary, noted

24 the request to change the January 28, 2020 meeting

25 date.

1 Mr. Ruiz informed the Board he no longer has a  
2 conflict with that date. The meeting date will remain  
3 as scheduled.]

4

\*\*\*

5 [Terry M. Talbott, R.Ph., Chairperson, announced  
6 Dr. Cotchen's retirement and thanked her for her  
7 services on behalf of pharmacists and citizens of the  
8 Commonwealth.]

9

\*\*\*

10 [The Board recessed from 10:11 a.m. until 10:26 a.m.]

11

\*\*\*

12 [Mr. Ruiz noted the time and place for the hearing  
13 scheduled in the matter of the Petition for  
14 Reinstatement of Frank DePietro, R.Ph., Case No. 19-  
15 54-011691.

16 Mr. Ruiz stated the order scheduling the hearing  
17 had gone out to Mr. DePietro's address of record on  
18 October 1, 2019. Mr. Ruiz checked with the front desk  
19 and noted that Mr. DePietro had not signed in or  
20 checked in and Mr. Ruiz has received no communication  
21 from Mr. DePietro.

22 Mr. Ruiz concluded the hearing since Mr. DePietro  
23 has the burden of proof in this matter and is not  
24 present.]

25

\*\*\*



1 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
2 10:28 a.m., the Board entered into Executive Session  
3 with Juan A. Ruiz, Esquire, Board Counsel, to receive  
4 legal advice and engage in quasi-judicial  
5 deliberations. The Board returned to open session at  
6 11:10 a.m.]

7 \*\*\*

8 [K. Kalonji Johnson, Acting Commissioner, Bureau of  
9 Professional and Occupational, entered the meeting  
10 during Executive Session.]

11 \*\*\*

12 MOTIONS

13 CHAIRPERSON TALBOTT:

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

17 Are there any motions regarding these  
18 discussions?

19 DR. COTCHEN:

20 I move that we approve the Consent  
21 Agreement for File No. 19-54-003453.

22 CHAIRPERSON TALBOTT:

23 We have a motion. Do we have a second?

24 MR. FRANKIL:

25 Second.

1 CHAIRPERSON TALBOTT:

2 Any discussion? Call the vote.

3

4 Frankil, aye; Cotchen, aye; Talbott, aye;

5 Johnson, aye; Greene, recuse.

6 [The motion carried. Mr. Greene recused himself from  
7 deliberations and voting on the motion. The  
8 pharmacist's name is Timothy William Forester, R.Ph.]

9

\*\*\*

10 DR. COTCHEN:

11 I move that we approve the Consent  
12 Agreement for File Nos. 19-54-003233 &  
13 19-54-009972.

14 CHAIRPERSON TALBOTT:

15 We have a motion. Do we have a second?

16 ACTING COMMISSIONER JOHNSON:

17 Second.

18 CHAIRPERSON TALBOTT:

19 Any discussion? Call the vote.

20

21 Frankil, aye; Cotchen, aye; Talbott,

22 recuse; Johnson, aye; Greene, aye.

23 [The motion carried. Ms. Talbott recused herself from  
24 deliberations and voting on the motion. The  
25 pharmacist's name is Alyssa Leone Lewis, R.Ph.]

1 \*\*\*

2 DR. COTCHEN:

3 I move that we approve the Consent  
4 Agreement for File No. 19-54-009499.

5 CHAIRPERSON TALBOTT:

6 We have a motion. Is there a second?

7 ACTING COMMISSIONER JOHNSON:

8 Second.

9 CHAIRPERSON TALBOTT:

10 Any discussion? Call the vote.

11

12 Frankil, aye; Cotchen, aye; Talbott,  
13 recuse; Johnson, aye; Greene, aye.

14 [The motion carried. Ms. Talbott recused herself from  
15 deliberations and voting on the motion. The  
16 pharmacist's name is Ki Young Kim, R.Ph.]

17

\*\*\*

18 DR. COTCHEN:

19 I move that we approve the Consent  
20 Agreement for Case No. 18-54-012188.

21 CHAIRPERSON TALBOTT:

22 We have a motion. Is there a second?

23 MR. FRANKIL:

24 Second.

25 CHAIRPERSON TALBOTT:

1 Any discussion? Call the vote.

2

3 Frankil, aye; Cotchen, aye; Talbott, aye;  
4 Johnson, aye; Greene, aye.

5 [The motion carried unanimously. The pharmacist's  
6 name is Tram M. Cao, R.Ph.]

7

\*\*\*

8 DR. COTCHEN:

9 I move that we approve the Consent  
10 Agreements for File No. 19-54-009933,  
11 File No. 19-54-009625, File No. 19-54-  
12 010375, and File No. 19-54-010959.

13 CHAIRPERSON TALBOTT:

14 We have a motion. Do we have a second?

15 ACTING COMMISSIONER JOHNSON:

16 Second.

17 CHAIRPERSON TALBOTT:

18 Any discussion? Call the vote.

19

20 Frankil, aye; Cotchen, aye; Talbott, aye;  
21 Johnson, aye; Greene, aye.

22 [The motion carried unanimously.]

23

\*\*\*

24 DR. COTCHEN:

25 I move that we adopt the proposed

1                   Adjudication for College Pharmacy, File  
2                   No. 18-54-008243.

3 CHAIRPERSON TALBOTT:  
4                   Do we have a second?

5 ACTING COMMISSIONER JOHNSON:  
6                   Second.

7 CHAIRPERSON TALBOTT:  
8                   Any discussion? Call the vote.  
9  
10                  Frankil, aye; Cotchen, aye; Talbott, aye;  
11                  Johnson, aye; Greene, aye.

12 [The motion carried unanimously.]

13   \*\*\*

14 DR. COTCHEN:  
15                   I move that we adopt the proposed  
16                   Adjudication for Daniel Jacob Reinherz,  
17                   R.Ph., File No. 19-54-000620.

18 CHAIRPERSON TALBOTT:  
19                   Do we have a second?

20 ACTING COMMISSIONER JOHNSON:  
21                   Second.

22 CHAIRPERSON TALBOTT:  
23                   Any discussion? Call the vote.  
24  
25                  Frankil, aye; Cotchen, aye; Talbott, aye;

1 Johnson, aye; Greene, aye.

2 [The motion carried unanimously.]

3 \*\*\*

4 DR. COTCHEN:

5 I move that we approve the request for  
6 reduced intern hours to 1000 hours that  
7 was submitted by April Kaye Binoya.

8 CHAIRPERSON TALBOTT:

9 Do we have a second?

10 ACTING COMMISSIONER JOHNSON:

11 Second.

12 CHAIRPERSON TALBOTT:

13 Any discussion? Call the vote.

14

15 Frankil, aye; Cotchen, aye; Talbott, aye;

16 Johnson, aye; Greene, aye.

17 [The motion carried unanimously.]

18 \*\*\*

19 DR. COTCHEN:

20 I move that we approve the Application  
21 for Extension of Authorization to Test  
22 that was submitted by Bonita Ramotar as  
23 discussed during executive session.

24 CHAIRPERSON TALBOTT:

25 We have a motion. Do we have a second?

1 ACTING COMMISSIONER JOHNSON:

2 Second.

3 CHAIRPERSON TALBOTT:

4 Any discussion? Call the vote.

5

6 Frankil, aye; Cotchen, aye; Talbott, aye;

7 Johnson, aye; Greene, aye.

8 [The motion carried unanimously.]

9

\*\*\*

10 MR. RUIZ:

11 Is there a motion to adopt the proposed  
12 Adjudication and Order and address  
13 exceptions in the case of Gino S.  
14 Cordisco, R.Ph., at File Nos. 15-54-01804  
15 & 17-54-11497?

16 DR. COTCHEN:

17 So moved.

18 CHAIRPERSON TALBOTT:

19 Is there a second?

20 ACTING COMMISSIONER JOHNSON:

21 Second.

22 CHAIRPERSON TALBOTT:

23 Any further discussion? Call the vote.

24

25 Frankil, aye; Cotchen, aye; Talbott, aye;

1 Johnson, aye; Greene, recuse.

2 [The motion carried. Mr. Greene recused himself from  
3 deliberations and voting on the motion.]

4 \*\*\*

5 MR. RUIZ:

6 Is there a motion to adopt the proposed  
7 Adjudication and substitute for the  
8 Board's final order in the case of  
9 ZooPharm, Inc., at File No. 19-54-008168?

10 DR. COTCHEN:

11 So moved.

12 CHAIRPERSON TALBOTT:

13 Do we have a second?

14 ACTING COMMISSIONER JOHNSON:

15 Second.

16 CHAIRPERSON TALBOTT:

17 Any further discussion? Call the vote.

18

19 Frankil, aye; Cotchen, aye; Talbott, aye;

20 Johnson, aye; Greene, aye.

21 [The motion carried unanimously.]

22 \*\*\*

23 MR. RUIZ:

24 Is there a motion to deny the Petition  
25 for Reinstatement of Frank DePietro,



1                   R.Ph., at File No. 19-54-011691?

2 DR. COTCHEN:

3                   So moved.

4 CHAIRPERSON TALBOTT:

5                   Do we have a second?

6 ACTING COMMISSIONER JOHNSON:

7                   Second.

8 CHAIRPERSON TALBOTT:

9                   Any further discussion? Call the vote.

10

11                   Frankil, aye; Cotchen, aye; Talbott, aye;

12                   Johnson, aye; Greene, aye.

13 [The motion carried unanimously.]

14

\*\*\*

15 Report of Acting Commissioner

16 [K. Kalonji Johnson, Acting Commissioner, Bureau of  
17 Professional and Occupational Affairs, addressed the  
18 Board to confirm everyone's emails at pa.gov were  
19 working correctly. He noted more resources for  
20 information technology (IT) staff who have been  
21 reaching out to Board Members to get them back online.

22           Acting Commissioner Johnson informed the Board of  
23 changes at One Penn Center, where security will be  
24 provided by Capitol Police starting November 1, 2019.  
25 He also informed the Board that lobby doors will open

1 at 8:30 a.m. and be closed to the public at 4:00 p.m.,  
2 and nobody will be able to enter the building unless  
3 they have an entry badge. He stated that anyone  
4 entering the building on state Board business will  
5 need to have identification visible and show it to  
6 Capitol Police or will have to get a visitor's badge.

7 Acting Commissioner Johnson stated that all of  
8 the professional organizations will be provided with  
9 information regarding the changes. He mentioned that  
10 all renewal notices will also have notification about  
11 the new customer service hours.

12 Acting Commissioner Johnson discussed  
13 modernization of facilities by upgrading technology  
14 within the Board room and possibly connecting webcams  
15 to stream Board meetings, hearings, and interviews.  
16 He mentioned connecting regional offices and satellite  
17 offices for individuals who cannot be in Harrisburg.

18 Acting Commissioner Johnson addressed a Right-to-  
19 Know Request received by the Department of State from  
20 a journalist from the New York Times regarding  
21 pharmacists' workloads and working conditions, noting  
22 it to be a topic of discussion at some of the Board  
23 meetings. He stated the Board does not have authority  
24 to regulate working conditions, noting that to be the  
25 formal response.



1 MR. FRANKIL:

2 Second.

3 [The motion carried unanimously.]

4 \*\*\*

5 [There being no further business, the State Board of  
6 Pharmacy Meeting adjourned at 11:45 a.m.]

7 \*\*\*

8

9 CERTIFICATE

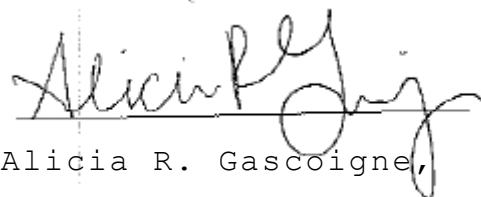
10

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

16

17

18



19

Alicia R. Gascoigne,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

23

24

25

26

STATE BOARD OF PHARMACY  
REFERENCE INDEX

October 22, 2019

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	9:00	Official Call to Order
10		
11	9:00	Pledge of Allegiance and Emergency
12		Announcement
13		
14	9:01	Introduction of Board Members, Board
15		Staff, and Audience Members
16		
17	9:04	Approval of Agenda and Minutes
18		
19	9:04	Report of Prosecutorial Division
20		
21	9:32	Report of Board Counsel
22		
23	9:32	Report of Board Chairperson
24		
25	9:36	Report of Committees
26		
27	9:37	Report of Executive Secretary
28		
29	9:40	New Business
30		
31	10:09	Old Business
32		
33	10:11	Recess
34		
35	10:26	Return to Open Session
36		
37	10:26	Hearing - No Show
38		
39	10:28	Executive Session
40		
41	11:10	Return to Open Session
42		
43	11:10	Motions
44		
45	11:14	Applications
46		
47	11:16	Report of Acting Commissioner
48		
49	11:45	Adjournment
50		