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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 C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

December 10, 2019

State Board of Pharmacy
December 10, 2019

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Juan A. Ruiz, Esquire, Board Counsel
Nicole VanOrder, Esquire, Senior Counsel in Charge
Glenn P. Masser, Esquire, Board Prosecutor
Alice Glasser, Esquire, Board Prosecutor
Melanie Zimmerman, R.Ph., Executive Secretary
Ray Michalowski, Esq., Liaison for Prosecution
Marc Farrell, Deputy Policy Director, Department of
State

ALSO PRESENT:

Kimberly Adams, Chief, Fiscal Management, Bureau of
Finance and Operations
Shannon Boop, Fiscal Management Specialist 1
Barbara Knightly, Executive Vice President of
Pharmacy, Pentec Health & International Academy
of Compounding Pharmacists
Angela Zaydon, Pennsylvania Pharmacists Association
Vincent A. Lacroce, Pharm.D., Pennsylvania Society
Of Health-Systems Pharmacists
Lisa Scannapieco, Director of Pharmacy Education and
Clinical Integration, Pentec Health
Jenna L. McCarthy, Malady & Wooten
Julie Ference, AHN Neighborhood Hospitals Emerus
Deirdre Morbitzer, AHN Neighborhood Hospitals Emerus
David Stillwell, AHN Neighborhood Hospitals Emerus
Kelley Wasicek, AHN Pharmacy Department
Tamarah Walker, AHN Neighborhood Hospitals Emerus
Cindy Dorendo, AHN Neighborhood Hospitals Emerus
Dave Klinger, Geisinger Health
Frank Trollo, Central Admixture Pharmacy Services

State Board of Pharmacy
December 10, 2019
(Continued)

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Tejal J. Patel, MBA, PharmMD, RPH, Geisinger,
National Association of Boards of Pharmacy (NABP)
Charles Hartwell, Esquire, Dethlefs Pykosh Law Group
Jennifer Welch, ACME Markets
Robert Grobinski, Cardinal Health
Betsy Taylor, Highmark Health
Jim Reed, Area Healthcare Supervisor, Walgreens
John Sisto, Express Scripts
Jeenu Phillip, Walgreens
Andrew C. Harvan, Esquire, Pennsylvania Medical
Society
John Kriak
Rachel Kriak
Joanne Megon

1 ***

2 State Board of Pharmacy

3 December 10, 2019

4 ***

5 Thomas P. Carey, Ed.D., was sworn in as a new
6 Board Member prior to the commencement of the meeting.

7 The regularly scheduled meeting of the State
8 Board of Pharmacy was held on Tuesday, December 10,
9 2019. Terry M. Talbott, R.Ph., Chairperson, called
10 the meeting to order at 9:00 a.m. K. Kalonji Johnson,
11 Acting Commissioner, Bureau of Professional and
12 Occupational Affairs, was not present at the
13 commencement of the meeting.

14 The Pledge of Allegiance was recited.

15 ***

16 Evacuation Announcement

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

20 ***

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

23 ***

24 [Chairperson Talbott requested the introduction of
25 Board members, Board staff, and audience members.

1 Motion to approve.

2 CHAIRPERSON TALBOTT:

3 Thank you. Second?

4 MR. GREENE:

5 Second.

6 CHAIRPERSON TALBOTT:

7 Any discussion? All in favor? Any
8 opposed?

9 [The motion carried unanimously.]

10 ***

11 Report of Prosecutorial Division

12 [Glenn P. Masser, Esquire, Board Prosecutor, presented
13 the Consent Agreement for File No. 17-54-06187.

14 Patrick M. Greene, Esquire, recused from the
15 presentation and discussion on the matter.]

16 ***

17 Appointment - Annual Board Budget Presentation

18 [Kimberly Adams, Chief, Fiscal Manager, Bureau of
19 Finance and Operations, introduced herself and Shannon
20 Boop, Fiscal Management Specialist 1, to the Board.

21 Ms. Adams referred the Board to the FY 2019-20
22 Pharmacy Complete Budget in their agenda packet. Ms.
23 Adams reviewed information regarding the Board's
24 licensee population. Ms. Adams noted 39,654 renewable
25 licensees for FY19-20.

1 Ms. Adams referred to sources of revenue, noting
2 the actual total for FY17-18 and FY18-19. She noted
3 the majority of revenue was from renewals and
4 applications. She stated the last fee increase was in
5 2005. The current biennial total was noted.

6 Ms. Adams discussed the cost categories for
7 expenses, which can be incurred from direct charges,
8 timesheet charges, and license-based charges. She
9 referred to administrative and legal expenses. She
10 noted the expenses for FY17-18, FY18-19, as well as
11 the budget for FY19-20 and the expenses as of
12 11/27/2019.

13 Ms. Adams reviewed the revenue and expenses
14 together. She reviewed the balances for FY17-18,
15 FY18-19, and FY19-20, and the anticipated balance at
16 the end of this fiscal year, noting a very healthy
17 projected balance through FY22-23.

18 Ms. Adams addressed the Board's budget and Board
19 member expense categories. She reviewed FY17-18 and
20 FY18-19 expenses with the FY19-20 budget. She noted
21 FY19-20 expenses as of 11/27/19, noting the Board was
22 within budget. She noted the budgeted amount for
23 FY20-21. She mentioned that any money left over at
24 the end of the fiscal year would go into a restricted
25 account.

1 Mr. Frankil suggested the Board discuss having
2 meetings on the road.]

3

4 Report of Prosecutorial Division - (Continued)
5 [Ray Michalowski, Esquire, Prosecution Liaison,
6 presented the VRP Consent Agreements for File No. 19-
7 54-011118, File No. 19-54-011513, File No. 19-54-
8 014494, and File No. 19-54-014512.

9 Chairperson Talbott inquired as to any updates
10 regarding the inspectors. Mr. Michalowski discussed
11 the pharmacy inspectors adapting to the PALS system.

12 Mr. Michalowski discussed promulgating
13 regulations that would reference the Prescription Drug
14 Monitoring Program (PDMP) reporting requirements.
15 Mr. Michalowski noted the need to develop Act 48
16 citations related to the PDMP.

17 He reported on minimal consumer complaints
18 related to the establishment of electronic prescribing
19 requirements.

20 Mr. Michalowski discussed non-resident pharmacy
21 issues with reporting to the PDMP but indicated that
22 some of these pharmacies are found to be out of
23 business.

24 Mr. Frankil reported on pharmacy inspectors
25 discussing compounding issues and promoting compliance

1 Mr. Ruiz discussed receipt of newsletter articles
2 which he will review for acceptability.

3 Mr. Ruiz next referred to the two regulatory
4 packages being drafted by the Board. Comments were
5 received on the Pharmacy Intern package and he will be
6 editing the regulations. He had no update on the
7 status of the General Revisions package.

8 Mr. Ruiz stated the Board would discuss drafting
9 the Act 41 regulations after today's Board Meeting.
10 Chairperson Talbott suggested including PDMP language
11 in the General Revisions package.]

12 ***

13 Report of Board Chairperson

14 [Terry M. Talbott, R.Ph., Chairperson, proceeded with
15 the election of officers.]

16 CHAIRPERSON TALBOTT:

17 So we will entertain a motion for Board
18 Chair.

19 MR. FRANKIL:

20 I would like to make a motion to nominate
21 Terry Talbott as Chair.

22 MS. HART:

23 Second.

24 CHAIRPERSON TALBOTT:

25 Are there any other nominations?

1 Motion to close the nominations?

2 MR. FRANKIL:

3 So moved.

4 CHAIRPERSON TALBOTT:

5 All in favor? Any opposed?

6 [The motion carried unanimously.]

7 ***

8 CHAIRPERSON TALBOTT:

9 Motion for Vice Chair.

10 MS. HART:

11 I would like to make a motion for Rob
12 Frankil for Vice Chair.

13 MR. GREENE:

14 Second.

15 CHAIRPERSON TALBOTT:

16 Are there any other nominations?

17 Motion to close the nominations?

18 MS. HART:

19 Motion to close.

20 CHAIRPERSON TALBOTT:

21 Can we vote on the nomination of Mr.
22 Frankil as Vice Chair?

23 All in favor? Any opposed?

24 [The motion carried unanimously.]

25 ***

1 CHAIRPERSON TALBOTT:

2 Finally, we need a nomination for the
3 position of secretary.

4 MR. FRANKIL:

5 I would like to make a motion to make
6 Janet Getzey Hart Board Secretary.

7 MR. GREENE:

8 Second.

9 CHAIRPERSON TALBOTT:

10 Are there any other nominations?

11 Motion to close the nominations?

12 MR. FRANKIL:

13 Move to close.

14 CHAIRPERSON TALBOTT:

15 All in favor? Any opposed?

16 [The motion carried unanimously.]

17 ***

18 CHAIRPERSON TALBOTT:

19 Moving onto our Committee assignments.
20 ADA Committee was me as Board Chair and
21 Janet was alternate. Are we good with
22 that? So we'll leave that as it is.

23 Probable Cause was Pat as Chair and
24 Gayle as alternate. So Pat, do you want
25 to keep it?

1 MR. GREENE:

2 Sure. I'll keep it.

3 CHAIRPERSON TALBOTT:

4 Who wants to be alternate? Tom, do you
5 want to be alternate?

6 DR. CAREY:

7 Okay.

8 CHAIRPERSON TALBOTT:

9 Application Review, I think we should
10 have the three of us. Rob, do you want
11 to take Chair?

12 MR. GREENE:

13 Sure.

14 CHAIRPERSON TALBOTT:

15 Okay. Rob will be Chair. Janet. We
16 really need somebody else, because I
17 should be the alternate only; right?

18 MR. RUIZ:

19 Yes. Usually the Chair is the alternate.

20 CHAIRPERSON TALBOTT:

21 We can do the two, and I'll just be the
22 alternate. If Rob and Janet don't agree,
23 I can be the tie-breaker.

24 MR. RUIZ:

25 That's fine. And if you have to recuse,

1 desire to be on the Medical Marijuana
2 Board. Hearing none, Janet, you're
3 hereby designated.

4 ***
5 Report of Probable Cause Screening Committee
6 [Patrick M. Greene, Esquire, Office of Attorney
7 General, signed an order on a Petition for Appropriate
8 Relief.]

9 ***
10 Report of Executive Secretary
11 [Melanie Zimmerman, R.Ph., Executive Secretary, had no
12 additional information regarding the Board's
13 newsletter. She noted the applications would be
14 reviewed in Executive Session.]

15 ***
16 New Business
17 [Melanie Zimmerman, R.Ph., Executive Secretary, stated
18 the Board wanted to discuss holding its meetings twice
19 a year at pharmacy schools. Mr. Ruiz discussed the
20 traveling of other boards to cities like Pittsburgh
21 and Philadelphia. He did not anticipate a problem
22 with approval for this Board's traveling. Chairperson
23 Talbott suggested contacting schools willing to host
24 the Board's meetings. It was suggested to hold travel
25 meetings in March and October of 2020.

1 Ms. Zimmerman offered to reach out to schools
2 regarding interest in serving as a Board meeting site.
3 She also noted the Board would have to use paper
4 agendas at the meetings held outside of Harrisburg,
5 PA. Mr. Ruiz explained issues with utilizing Wi-Fi in
6 remote locations.]

7 ***

8 CHAIRPERSON TALBOTT:

9 Let's have a motion to take the show on
10 the road for two meetings, preferably
11 spring and fall. We will put the dates
12 in. And direct Melanie to ask Kalonji
13 for approval.

14 MS. HART:

15 I'll make that motion.

16 MR. FRANKIL:

17 Second.

18 CHAIRPERSON TALBOTT:

19 All in favor? Any opposed?

20 [The motion carried unanimously.]

21 ***

22 [K. Kalonji Johnson, Acting Commissioner, entered the
23 meeting at 9:49 a.m.]

24 ***

25 [Chairperson Talbott informed Acting Commissioner

1 Johnson of the Board's decision to take its meetings
2 on the road twice a year.]

3 ***

4 Report of Commissioner

5 [K. Kalonji Johnson, Acting Commissioner, welcomed Dr.
6 Carey to the Board. He wished everyone Happy
7 Holidays.

8 Acting Commissioner Johnson discussed the
9 expansion of the voicemail functionality to the phone
10 system in order to improve customer service. He
11 reviewed the website licensure navigator system which
12 was designed to improve awareness of the licensure
13 process and provide education on the three phases of
14 the application process. Acting Commissioner Johnson
15 encouraged the Board members to provide feedback on
16 the process. The Board of Pharmacy is scheduled to
17 have pharmacist application information added to the
18 navigator later in December or in January.

19 Chairperson Talbott and Ms. Hart commended the
20 staff on the prompt processing of applications as
21 reported from applicants.

22 Acting Commissioner Johnson applauded the Board's
23 staff for their excellent work over the past year.

24 Chairperson Talbott questioned the reappointment
25 of Ms. Hart and the filling of the vacancies on the

1 Board. Acting Commissioner Johnson stated the
2 appointments are under review by the Senate and on
3 hold until the Senate is back in session.]

4 ***

5 [The Board recessed from 9:57 a.m. until 10:02 a.m.
6 Acting Commissioner Johnson exited the meeting during
7 this time.]

8 ***

9 [A Formal Hearing was held from 10:05 a.m. until 10:50
10 a.m. In The Matter of the Petition for Reinstatement
11 of the Pharmacist License of John Kriak, Case No. 19-
12 54-013954.]

13 ***

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 10:53 a.m., the Board entered into Executive Session
16 with Juan A. Ruiz, Esquire, Board Counsel, to receive
17 legal advice and engage in quasi-judicial
18 deliberations. The Board returned to open session at
19 11:50 a.m.]

20 ***

21 MOTIONS

22 CHAIRPERSON TALBOTT:

23 The Board of Pharmacy met in Executive
24 Session to discuss and review consent
25 orders and other legal documents.

1 Are there any motions regarding these
2 discussions?

3 MR. FRANKIL:

4 Yes, Madam Chair. I move to adopt the
5 Consent Agreement for File No. 17-54-
6 06187.

7 CHAIRPERSON TALBOTT:

8 Do we have a second?

9 MS. HART:

10 Second.

11 CHAIRPERSON TALBOTT:

12 Any discussion? Call the vote.

13

14 Frankil, aye; Greene, recuse; Talbott,
15 aye; Hart, aye; Carey, aye.

16 [The motion carried unanimously. Mr. Greene recused
17 from deliberations and voting on the motion. The
18 pharmacist's name is Joel Anthony Gonzalo, R.Ph.]

19

20 MR. GREENE:

21 I move that we approve the following VRP
22 Consent Agreements: File No. 19-54-
23 011118, File No. 19-54-011513, File No.
24 19-54-014494, and File No. 19-54-014512.

25 CHAIRPERSON TALBOTT:

1 Do we have a second?

2 MR. FRANKIL:

3 Second.

4 CHAIRPERSON TALBOTT:

5 Any discussion? Call the vote.

6

7 Frankil, aye; Greene, aye; Talbott, aye;

8 Hart, aye; Carey, aye.

9 [The motion carried unanimously.]

10

11 MR. GREENE:

12 In the matter of Commonwealth of

13 Pennsylvania, BPOA v. Trevor B.

14 Strenchock, R.Ph., File No. 17-54-07192,

15 I move that we direct Board Counsel to

16 draft an Adjudication and Order

17 consistent with the discussions in

18 Executive Session.

19 MR. FRANKIL:

20 Second.

21 CHAIRPERSON TALBOTT:

22 Any discussion? Call the vote.

23

24 Frankil, aye; Greene, aye; Talbott, aye;

25 Hart, aye; Carey, aye.

1 [The motion carried unanimously.]

2 ***

3 MR. GREENE:

4 In the matter of Petition for
5 Reinstatement of the Pharmacist License
6 of John Kriak, File No. 19-54-013954, I
7 move that we direct Board Counsel to
8 draft an Adjudication and Order
9 consistent with the terms discussed
10 during Executive Session.

11 MR. FRANKIL:

12 Second.

13 CHAIRPERSON TALBOTT:

14 Any discussion? Call the vote.

15

16 Frankil, aye; Greene, aye; Talbott, aye;
17 Hart, recuse; Carey, aye.

18 [The motion carried. Ms. Hart recused from
19 deliberations and voting on the motion based on
20 evidence presented during the hearing.]

21 ***

22 MR. GREENE:

23 In the matter of Just Here II Pharmacy,
24 File No. 19-54-006273, I move that we
25 direct Board Counsel to draft and issue

1 an order consistent with the discussions
2 in Executive Session.

3 MR. FRANKIL:

4 Second.

5 CHAIRPERSON TALBOTT:

6 Any discussion? Call the vote.

7

8 Frankil, aye; Greene, aye; Talbott, aye;
9 Hart, aye; Carey, aye.

10 [The motion carried unanimously.]

11 ***

12 MR. GREENE:

13 I move that we approve the Application of
14 AHN Hempfield Neighborhood Hospital.

15 MR. FRANKIL:

16 Second.

17 CHAIRPERSON TALBOTT:

18 Any discussion? Call the vote.

19

20 Frankil, aye; Greene, aye; Talbott, aye;
21 Hart, aye; Carey, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. GREENE:

25 I move that we provisionally deny the

1 Non-Resident Application of Pharmcare USA
2 of Edison Dept.

3 MR. FRANKIL:

4 Second.

5 CHAIRPERSON TALBOTT:

6 Any discussion? Call the vote.

7

8 Frankil, aye; Greene, aye; Talbott, aye;
9 Hart, aye; Carey, aye.

10 [The motion carried unanimously.]

11 ***

12 MR. GREENE:

13 I move that we approve the Application of
14 Nancy Mekhail for a reduction of 250
15 hours of the intern hours required.

16 MR. FRANKIL:

17 Second.

18 CHAIRPERSON TALBOTT:

19 Any discussion? Call the vote.

20

21 Frankil, aye; Greene, aye; Talbott, aye;
22 Hart, recuse; Carey, aye.

23 [The motion carried. Ms. Hart recused from
24 deliberations and voting on the motion. Ms. Mekhail
25 must complete at least 1,250 acceptable intern hours

1 for licensure as a pharmacist.]

2 ***

3 Adjournment

4 CHAIRPERSON TALBOTT:

5 Is there any other business to be brought
6 before the Board?

7 Hearing none, we are adjourned.

8 ***

9 [There being no further business, the State Board of
10 Pharmacy Meeting adjourned at 11:54 a.m.]

11 ***

12 [A regulation work session was held after the Board
13 Meeting.]

14 ***

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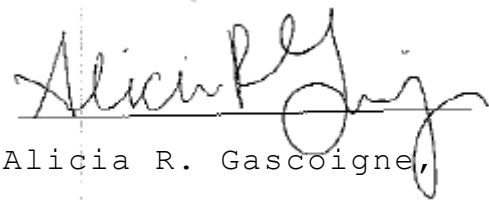
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CERTIFICATE

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.



Alicia R. Gascoigne,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX
December 10, 2019

	TIME	AGENDA
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6	TIME	AGENDA
7		
8	9:00	Official Call to Order
9		
10	9:00	Pledge of Allegiance and Emergency
11		Announcement
12		
13	9:01	Introduction of Board Members, Board
14		Staff, and Audience Members
15		
16	9:04	Approval of Agenda and Minutes
17		
18	9:05	Report of Prosecutorial Division
19		
20	9:06	Appointment - Annual Board Budget
21		Presentation and Fee Changes
22		
23	9:14	Report of Prosecutorial Division
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25	9:37	Report of Board Counsel
26		
27	9:40	Report of Board Chairperson
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29	9:44	Report of Committees
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31	9:45	Report of Executive Secretary
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33	9:46	New Business
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35	9:51	Report of Commissioner
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37	9:57	Recess
38		
39	10:02	Return to Open Session
40		
41	10:05	Appointment - Hearing - John Kriak
42		
43	10:53	Executive Session
44		
45	11:50	Return to Open Session
46		
47	11:50	Motions
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49	11:54	Adjournment
50		