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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
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

January 19, 2021

State Board of Pharmacy
January 19, 2021

ALSO PRESENT: (Continued)

Diedra Kaan, Pharmacy Resident
Gail Scott, MPH, Health Policy Network, LLC
Grace Fisher, Regional Pharmacy Manager, Giant Food
Stores, LLC
Jayanth Panyam Ph.D., Dean and Professor of
Pharmaceutics, Temple University School of Pharmacy
Jen Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
Jenna L. McCarthy, Malady & Wooten on behalf of CVS
Jerry J. Livingston, Democratic Executive Director,
Senate Consumer Protection & Professional Licensure
Committee
Kimberly Mehta, Pharm.D., MPH, Director of Medication
Safety and Regulatory, Allegheny Health Network
Larry Jones, Executive Director, Pennsylvania
Society of Health-System Pharmacists
Lauren Paul, Pharm.D., CVS Health
Lisa Scannapieco, Director of Pharmacy Education and
Clinical Integration, Pentec Health
Shannon Snell, Research Analyst, Democratic House
Professional Licensure Committee
Steven L. Sheaffer, Pharm.D., FASHP, Pennsylvania
Society of Health-System Pharmacists
Victoria Elliott, RPh, MBA, CAE, CEO, Pennsylvania
Pharmacists Association
John Sisto, Express Scripts
Jacquelyn Sassaman, Pentec Health
Steven Zahn, Pharmacy Inspector, Bureau of Enforcement
and Investigation, Department of State
Tim Black, Pharmacy Inspector, Bureau of Enforcement
and Investigation, Department of State
Derek Richmond
Margaret Durkin

1 ***

2 State Board of Pharmacy

3 January 19, 2021

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m., the Board entered into Executive Session
7 with Juan A. Ruiz, Esquire, Board Counsel, to receive
8 legal advice and engage in quasi-judicial
9 deliberations. The Board returned to open session at
10 10:30 a.m.]

11 ***

12 [Theodore Stauffer, Executive Secretary, Bureau of
13 Professional and Occupational Affairs, noted the
14 meeting was being recorded, and those who remained on
15 the line were giving their consent to being recorded.]

16 ***

17 The regularly scheduled meeting of the State
18 Board of Pharmacy was held on Tuesday, January 19,
19 2021. Janet Getzey Hart, R.Ph., Chairperson, called
20 the meeting to order at 10:30 a.m.

21 ***

22 Introduction of the Board Members/Audience

23 [Chairperson Hart requested Board members and Board
24 staff introduce themselves.]

25 ***

1 Approval of Agenda

2 CHAIRPERSON HART:

3 Is there a motion to approve the agenda
4 as distributed?

5 MS. TALBOTT:

6 So moved.

7 CHAIRPERSON HART:

8 Do I have a second?

9 MR. FRANKIL:

10 Second.

11 CHAIRPERSON HART:

12 All in favor, aye?

13 [The motion carried unanimously.]

14 ***

15 Report of Prosecutorial Division

16 [Glenn P. Masser, Esquire, Board Prosecutor, presented
17 the Consent Agreements for Case No. 20-54-004558, Case
18 No. 20-54-003926, and Case No. 20-54-012692.]

19 ***

20 [Ray Michalowski, Esquire, Senior Board Prosecution
21 Liaison, presented the VRP Consent Agreements for VRP
22 Case No. 20-54-006205, VRP Case No. 20-54-008856, and
23 VRP Case No. 20-54-011049.]

24 ***

25 Introduction of Audience Members

1 [Theodore Stauffer, Executive Secretary, Bureau of
2 Professional and Occupational Affairs, provided an
3 introduction of audience members.]

4 ***

5 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
6 Chief Counsel, Prosecution Division Presentation
7 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
8 Counsel, Prosecution Division, provided highlights of
9 the prosecution division's work during the past year.
10 She commended staff for all of their hard work to make
11 teleworking successful.

12 Ms. DeLaurentis stated Board prosecutors made
13 every effort to monitor the restrictions, waivers,
14 policies, and new procedures specific to the practice
15 in each profession regarding challenges imposed on
16 licensees by the COVID-19 pandemic.

17 Ms. DeLaurentis noted the Pennsylvania Licensing
18 System (PALS) to be a lifeline. She stated the Bureau
19 of Enforcement and Investigation (BEI) worked closely
20 with prosecution to continue investigations and figure
21 out the best methods during statewide shutdowns and
22 stay-at-home orders. She also noted the Professional
23 Compliance Office continued opening cases and
24 processing files, and legal assistants have been
25 working a hybrid schedule to ensure mailings and

1 filings are completed.

2 Ms. DeLaurentis commented that the Board, Board
3 staff, and counsel all have adapted to virtual Board
4 meetings and prosecution will continue to work with
5 everyone to ensure efficient and effective
6 presentation and resolution of cases. She mentioned
7 2020 was a year filled with challenges, but the
8 prosecution division led by the incredible senior
9 staff rose to the challenge and will continue to do
10 so.

11 Ms. DeLaurentis informed the Board that 752 cases
12 were opened in 2020 and 593 in 2019 with 611 files
13 closed in 2020 for the State Board of Pharmacy. She
14 noted 487 open files as of January 1, 2021. Ms.
15 DeLaurentis addressed enforcement actions with 93
16 total cases that resulted in discipline in 2020 for
17 the State Board of Pharmacy. She reported 200 warning
18 letters, 20 fines, 46 Act 48 citations, 24
19 suspensions, 1 automatic suspension, 10 reprimands, 4
20 revocations, 2 voluntary surrenders, and 4 probation
21 cases in 2020.

22 Ms. DeLaurentis discussed 2020 overall
23 prosecution as a whole. She noted 44 immediate
24 temporary suspensions in 2020. She mentioned 24 of
25 the 1,223 opened COVID-19 cases are for the State

1 Board of Pharmacy in 2020. She reported the total
2 number of open cases as of January 1 is 12,250 and the
3 total number of files opened overall in 2020 is
4 13,394, which is down from 2019 at 16,295. She noted
5 13,274 files were closed in 2020.

6 Chairperson Hart requested information concerning
7 the number one complaint.

8 Mr. Michalowski reported that a large number of
9 complaints come from the boards themselves that are
10 typically referrals from the Board office at the time
11 of renewal, reciprocals, criminal matters, lapsed
12 licenses, and continuing education.

13 Mr. Michalowski stated the Board of Pharmacy
14 receives a lot of inspection reports concerning failed
15 inspections and mentioned consumer reports complaining
16 of bad service.

17 Ms. Talbott thanked Ms. DeLaurentis and her team
18 for assisting the Board of Pharmacy in protecting the
19 citizens of the commonwealth during the challenging
20 year.]

21 ***

22 Report of Board Counsel

23 [Juan A. Ruiz, Esquire, Board Counsel, noted one
24 adjudication and order was discussed during executive
25 session.

1 Mr. Ruiz referred to information for the Board's
2 review regarding House Bill 145, which was introduced
3 January 1 requiring labeling for opiates.

4 Mr. Ruiz referred to proposed rulemaking 16A-5429
5 regarding the administration of injectable
6 medications, biologicals, and immunizations. He noted
7 the Board proposed the regulation concerning the
8 addition of an intern piece to the regulation scheme
9 already in place.

10 Mr. Ruiz addressed comments received from the
11 Pennsylvania Medical Society, where they noted being
12 in favor of the regulation but questioned how primary
13 care providers would become known, along with several
14 notification questions.

15 Ms. Talbott stated the responsibility of
16 notification falls with the pharmacist because they
17 can operate independently, so the responsibility of
18 notification goes back on to the supervising
19 pharmacists and is already addressed in the
20 regulations. She noted the part of the pharmacy
21 intern to fulfill notification requirements would go
22 back on the supervising pharmacist because they are
23 directing the intern.

24 Mr. Ruiz addressed a comment from the National
25 Association of Chain Drug Stores, where they talked

1 about the urgency of having this regulation in place
2 due to the pandemic and the importance of having
3 interns.

4 Mr. Ruiz noted the Pennsylvania Society of
5 Physician Assistants are in favor of the regulation.

6 Mr. Ruiz addressed comments from the Pennsylvania
7 Osteopathic Medical Association expressing concerns
8 regarding providers not receiving notifications when a
9 patient received a shot. He reported that to be an
10 enforcement issue.

11 Mr. Ruiz addressed the Independent Regulatory
12 Review Commission's (IRRC) question concerning
13 application renewal and reactivation procedures. He
14 mentioned that interns are different from regular
15 pharmacists because the pharmacy intern authorization
16 to administer injectables is not renewable and is only
17 good for 6 years. He noted IRCC questioned how the
18 Board ensures individuals are current with their
19 cardiopulmonary resuscitation (CPR) certification.

20 Mr. Frankil explained the process by having a
21 license on the wall and a copy of the CPR certificate
22 and end date. He noted it falls on the responsibility
23 of the pharmacist in charge.

24 Ms. Talbott stated the intern certificate cannot
25 be renewed after 6 years. She noted most of the

1 schools are waiting for the regulations to be
2 processed and final and are going to start training
3 students so the education falls within that 3-year
4 time period of when they could apply for their
5 pharmacist license.

6 Mr. Ruiz mentioned answering this through the
7 preamble but suggested just stating, "While you have
8 to have a current registration, the CPR certification
9 also has to be current."

10 Mr. Ruiz noted the second comment from IRRC
11 concerning conditions for administration.

12 Ms. Talbott noted that could be fixed because it
13 was not called the right name.

14 Mr. Ruiz suggested clarifying notification
15 requirements in the preamble regarding IRRC's comment.

16 Mr. Ruiz addressed IRRC's comment questioning
17 whether or not the insurance that the pharmacist has
18 covers the negligent supervision by a pharmacist that
19 is supervising a pharmacist intern who has
20 authorization to inject.

21 Mr. Ruiz commented that pharmacy interns are not
22 required to maintain professional liability insurance
23 but questioned whether there is any insurance coverage
24 if the pharmacist's supervision is proper but the
25 pharmacy intern is negligent in administering the

1 injection.

2 Mr. Frankil stated a pharmacy also has liability
3 insurance, and there should be language in the policy
4 covering all employees. He commented that the
5 responsibility falls back on the supervising
6 pharmacist, which should also be covered under the
7 pharmacy in the language that covers all professional
8 responsibilities.

9 Mr. Ruiz suggested clarifying that there is
10 adequate protection given the supervising pharmacist
11 has insurance for injectables plus the pharmacy itself
12 has liability insurance in the preamble as opposed to
13 changing the regulation.

14 Mr. Ruiz will add a few words to the preamble
15 regarding CPR certification and provide a draft for
16 the Board's review and approval for final rulemaking.

17 Mr. Ruiz informed the Board of a work session
18 after the next meeting to discuss the pharmacy
19 technician bill.]

20 ***

21 Report of Board Chairperson - No Report

22 ***

23 Report of Probable Cause Screening Committee - No
24 Report

25 ***

1 Report of Commissioner - No Report

2 ***

3 Report of Executive Secretary - No Report

4 ***

5 MOTIONS

6 [Commissioner Johnson stepped away from the meeting
7 during the motions]

8

9 CHAIRPERSON HART:

10 The Board of Pharmacy met in executive
11 session to discuss and review consent
12 orders and other legal documents. Are
13 there any motions regarding these
14 discussions?

15 MR. GREENE:

16 I have a motion at agenda Item No. 1. I
17 make a motion that we approve the Consent
18 Agreement at Case No. 20-54-004558.

19 MR. FRANKIL:

20 Second.

21 CHAIRPERSON HART:

22 Any call for discussion? Call for a
23 vote.

24

25 Hart, aye; Frankil, aye; Roussel, aye;

1 Second.

2 CHAIRPERSON HART:

3 Any discussion? Call for a vote.

4

5 Hart, aye; Frankil, aye; Roussel, aye;

6 Talbott, aye; Slagle, aye; Greene,

7 recuse.

8 [The motion carried. The Respondent's name is Gerald

9 S. Effland, Jr., R.Ph. Mr. Greene recused himself

10 from deliberations and voting on the motion.]

11

12 MR. GREENE:

13 At agenda items 4, 5, and 6, I make the

14 motion that we approve the following VRP

15 Consent Agreements: Case No. 20-54-

16 006205, Case No. 20-54-008856, Case No.

17 20-54-011049.

18 CHAIRPERSON HART:

19 Do I have a second?

20 MR. FRANKIL:

21 Second.

22 CHAIRPERSON HART:

23 Any discussion? Call for a vote.

24

25 Hart, aye; Frankil, aye; Roussel, aye;

1 Talbott, aye; Slagle, aye; Greene, aye.

2 [The motion carried unanimously.]

3 ***

4 MR. FRANKIL:

5 I make a motion that we approve agenda
6 Item No. 8, the Final Adjudication and
7 Order for Andrew Freeman, Jr., R.Ph. at
8 Case No. 19-54-002334.

9 MS. TALBOTT:

10 Second.

11 CHAIRPERSON HART:

12 Any discussion? Call for a vote.

13

14 Hart, aye; Frankil, aye; Roussel, aye;
15 Talbott, aye; Slagle, aye; Greene,
16 recuse.

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

19 ***

20 New Business

21 [Janet Getzey Hart, R.Ph., Chairperson, noted proposed
22 2022 meeting dates.

23 Ms. Talbott suggested moving August 9 to August
24 16, 2021, and September 20 to September 27, 2021,
25 because the window for the law review questions is

1 around August 11 through September 9, 2021.

2 Ms. Zimmerman will submit those dates to the
3 Commissioner's Office and post them online.

4 Ms. Zimmerman noted the Multistate Pharmacy
5 Jurisprudence Exam (MPJE) Item Development Workshop
6 March 1-26, 2021. She also noted Rich Smiga is
7 willing to write test questions.]

8 ***

9 MR. FRANKIL:

10 I'll make the motion to have Rich Smiga
11 do the questions.

12 MS. TALBOTT:

13 Second.

14 CHAIRPERSON HART:

15 Call for discussion? All in favor, aye?

16 [The motion carried unanimously.]

17 ***

18 New Business - 117th Annual National Association of
19 Boards of Pharmacy (NABP) Meeting

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

21 mentioned the Board wanted to discuss the 117th NABP
22 Annual Meeting scheduled for May 13-14, 2021, after
23 they receive information regarding the registration
24 fee and confirmation on how many people could attend.

25 Ms. Zimmerman noted the NABP Interactive Member

1 Forum on January 27, 2021, and will inquire as to
2 whether Dr. Roussel is still able to register.]

3 ***

4 MS. TALBOTT:

5 I'll make the motion that we send
6 Christine Roussel to both the NABP
7 Interactive Forum and be the
8 representative to the Duquesne University
9 ACPE recertification process in April.

10 MR. FRANKIL:

11 I'll second that.

12 CHAIRPERSON HART:

13 Any discussion? All in favor, aye?

14 [The motion carried unanimously.]

15 ***

16 [Commissioner Johnson returned to the meeting during
17 this discussion.]

18 Terry M. Talbott, R.Ph., reported receiving an
19 email that Dr. Levine has been nominated to go to
20 Washington to serve as the Assistant Health Secretary.

21 Ms. Talbott expressed concern regarding the naloxone
22 standing order and suggested Commissioner Johnson or
23 Mr. Ruiz take that to the Department of Health to get
24 the statewide standing order updated prior to Dr.
25 Levine's departure to avoid a gap in care.

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Any discussion? All in favor, aye?

[The motion carried unanimously.]

[There being no further business, the State Board of
Pharmacy Meeting adjourned at 11:41 a.m.]

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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Introduction of Board Members
10:32	Approval of Agenda
10:33	Report of Prosecutorial Division
10:35	Introduction of Audience Members
10:45	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division Presentation
11:01	Report of Board Counsel
11:24	Motions
11:29	New Business
11:41	Adjournment