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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: 10:33 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

March 21, 2023

1                    State Board of Pharmacy  
2                    March 21, 2023

3  
4  
5 BOARD MEMBERS:

6  
7 Theresa M. Talbott, R.Ph., Chairperson  
8 Arion R. Claggett, Acting Commissioner, Bureau of  
9 Professional and Occupational Affairs  
10 Christine Roussel, Pharm.D., BCOP, BCSCP, Vice  
11 Chairperson  
12 Eric Esterbrook, R.Ph., Secretary  
13 John R. Slagle, R.Ph.  
14 Janet Getzey Hart, R.Ph.  
15 Patrick M. Greene, Esquire, Office of Attorney  
16 General

17  
18  
19 BUREAU PERSONNEL:

20  
21 Carole Clarke Smith, Esquire, Senior Board Counsel  
22 Ariel E. O'Malley, Esquire, Board Counsel  
23 Ray J. Michalowski, Esquire, Senior Board Prosecutor  
24 Glenn P. Masser, Esquire, Board Prosecutor  
25 Caroline A. Bailey, Esquire, Board Prosecutor  
26 Alice R. Glasser, Esquire, Board Prosecution Liaison  
27 Ashley P. Murphy, Esquire, Board Prosecutor  
28 Melanie Zimmerman, R.Ph., Board Administrator  
29 David Leshik, Intern, Department of State  
30 Jessica Zukoski, Law Clerk, Department of State  
31 Ryan Dumbroff, Intern, Office of General Counsel  
32 Marc Farrell, Regulatory Counsel  
33 Andrew LaFratte, MPA, Executive Policy Specialist, Department  
34 of State  
35  
36  
37

38 ALSO PRESENT:

39 Amanda Richards, Chief, Fiscal Management, Bureau of  
40 Finance and Operations, Department of State  
41 Michelle Witmer, Fiscal Management Specialist 1,  
42 Bureau of Finance and Operations, Department of  
43 State  
44 Geoffrey Christ, Senior Pharmacy Compliance Manager,  
45 Chewy  
46 Larry Jones, Executive Director, Pennsylvania  
47 Society of Health-System Pharmacists  
48 Victoria Elliott, MBA, CAE, CEO, Pennsylvania  
49 Pharmacists Association  
50

State Board of Pharmacy  
March 21, 2023

ALSO PRESENT: (cont.)

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6  
7 Jim Reed, Health Outcomes Supervisor/Strategic  
8 Partnerships Leader, Walgreens  
9 Dilip Daniel  
10 Kaylan Billmeyer  
11 Charlotte Harris, Pharmacy Intern, Duquesne University  
12 Christopher Miller, Pharm.D., Giant EagleSommar  
13 Damiter  
14 Jeffrey Dietrich, Pharmacy Manager, Cardinal Health  
15 Laura Romeo, Pharmacist-in-Charge at ConnectiveRx,  
16 Careform Pharmacy  
17 Sarah Everingham, MJ, CCEP, CPhT, Cardinal Health  
18 JoAnn Fitch, R.Ph., Pharmacy Manager at Cardinal  
19 Health  
20 Heather Condon  
21 Jacquelyn Sassaman, Pentec Health  
22 David Klinger, System Director, Operations  
23 & Compliance, Geisinger Health System  
24 Judy Kutchman, AllianceRx Walgreens Prime  
25 Luis Lanz  
26 Catherine Lutz, Pharmacy Inspector, Bureau of  
27 Enforcement and Investigation, Department of State  
28 Meghan Dixon, PharmD, RPh, Clinical Pharmacy  
29 Specialist, The GIANT Company  
30 Kari Orchard, Democratic Executive Director, House  
31 Professional Licensure Committee  
32 Jennifer Smeltz  
33 Timothy Kaylor  
34 Matthew Turner, Pharmacy Manager, UPMC Pinnacle  
35 Steven Zahn, Pharmacy Inspector, Bureau of  
36 Enforcement and Investigation, Department of State  
37 William Young  
38 Wesley Rish  
39 Nicole Fidler  
40 Nina Tao  
41 Lauren Porter  
42 Rick Seipp  
43 Sarah Rombauer  
44 Jessica Adams  
45 Timothy Black  
46 John Long  
47 Maimuna Bruce  
48 Ryan Porter  
49 Susan Delmonico  
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State Board of Pharmacy  
March 21, 2023

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ALSO PRESENT: (cont.)

Phone numbers ending in:  
3427  
9008  
5406

1 \*\*\*

2 State Board of Pharmacy

3 March 21, 2023

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 9:00 a.m., the Board entered into Executive  
7 Session with Ariel E. O'Malley, Esquire, Board  
8 Counsel, for the purpose of conducting quasi-judicial  
9 deliberations and to receive the advice of Board  
10 Counsel. The Board returned to open session at 10:30  
11 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Pharmacy was held on Tuesday, March 21,  
15 2023. Theresa M. Talbott, R.Ph., Chairperson, called  
16 the meeting to order at 10:33 a.m.

17 \*\*\*

18 Pledge of Allegiance

19 [The Pledge of Allegiance was recited.]

20 \*\*\*

21 [Theresa M. Talbott, R.Ph., Chairperson, asked  
22 everyone to take a moment to remember the lives lost  
23 to COVID over the last few years and may they rest in  
24 peace and their memories be a blessing.]

25 \*\*\*

1 Evacuation Announcement

2 [Melanie Zimmerman, R.Ph., Board Administrator,  
3 reviewed the emergency evacuation procedures for One  
4 Penn Center.]

5 \*\*\*

6 [Theresa M. Talbott, R.Ph., Chairperson, noted that  
7 the meeting was being recorded, and those who  
8 continued to participate were giving their consent to  
9 be recorded.]

10 \*\*\*

11 Introduction of the Board Members/Audience

12 [Theresa M. Talbott, R.Ph., Chairperson, requested an  
13 introduction of Board members, Board staff and the  
14 audience.]

15 \*\*\*

16 Approval of Agenda

17 CHAIRPERSON TALBOTT:

18 Do I have a motion to accept the agenda  
19 as presented?

20 DR. ROUSSEL:

21 I'll entertain a motion.

22 MS. HART:

23 Second.

24 CHAIRPERSON TALBOTT:

25 Any discussion? Call the question.

1

2

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

3

Claggett, aye; Hart, aye; Esterbrook,

4

aye; Greene, aye.

5

[The motion carried unanimously.]

6

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7

Approval of Minutes

8

CHAIRPERSON TALBOTT:

9

I would entertain a motion to approve the

10

minutes.

11

DR. ROUSSEL:

12

I'd like to make a motion to approve the

13

minutes.

14

MS. HART:

15

Second.

16

CHAIRPERSON TALBOTT:

17

Did anybody have comments on the minutes

18

from January 31? Hearing none. We'll

19

call the vote.

20

21

Slagle, abstain; Roussel, aye; Talbott,

22

aye; Claggett, abstain; Hart, aye;

23

Esterbrook, aye; Greene, aye.

24

[The motion carried. John Slagle and Arion Claggett

25

abstained from voting on the motion.]

1 \*\*\*

2 Report of Board Prosecution

3 [Caroline A. Bailey, Esquire, Board Prosecutor,  
4 presented the Consent Agreement for Case Nos. 22-54-  
5 011259 & 22-54-017129.]

6 \*\*\*

7 [Glenn P. Masser, Esquire, Board Prosecutor,  
8 presented the Consent Agreements for Case Nos. 22-54-  
9 009041 & 22-54-003839 and Case No. 21-54-019702.]

10 \*\*\*

11 [Alice R. Glasser, Esquire, Board Prosecution  
12 Liaison, presented the Consent Agreements for Case  
13 No. 21-54-019153 and Case No. 20-54-009541.]

14 \*\*\*

15 [Ray J. Michalowski, Esquire, Senior Board  
16 Prosecutor, on behalf of Nicole L. VanOrder, Esquire,  
17 Board Prosecutor, presented the Consent Agreements  
18 for Case No. 22-54-002295 and Case No. 22-54-001085.

19 Mr. Michalowski also presented the VRP Consent  
20 Agreement for Case No. 22-54-018520.]

21 \*\*\*

22 Appointment - Bureau of Finance and Operations

23 Fee Increase Package Presentation

24 [Amanda Richards, Chief of Fiscal Management, Bureau  
25 of Finance and Operations, Department of State,



1 provided a fee increase package showing Board  
2 finances from a biennial standpoint, noting BFO is  
3 currently projecting a positive balance.

4 Ms. Richards reviewed Board finances from a  
5 licensee standpoint, showing a seven-year history and  
6 a four-year breakout by license class. She noted  
7 four license classes, including a pharmacist,  
8 pharmacy, authorization to administer injectables,  
9 and a nonresident pharmacy. She stated the Board had  
10 a decrease of 682 licenses from FY21 to FY22.

11 Ms. Richards noted the two main categories when  
12 reviewing expenses are administrative and legal  
13 costs. She noted the major changes are in legal and  
14 enforcement and investigation costs. She mentioned  
15 that expenses are not exceeding revenue at the  
16 current time, but there are other factors to be  
17 considered regarding the fee increase.

18 Ms. Richards addressed the Board's current license  
19 count and current renewal fees. She noted the  
20 current renewal fee for a pharmacist is \$190;  
21 pharmacy, \$125; authorization to administer  
22 injectables, \$30; and nonresident pharmacy, \$125.  
23 She stated the last fee increase was in 2007.

24 Ms. Richards noted two new application classes are  
25 starting in FY24-25, including pharmacy technician

1 and pharmacy technician trainee. She addressed  
2 renewal fees and the cost to process an application.  
3 She mentioned the Bureau of Finance and Operations  
4 (BFO) with Ms. Zimmerman and the Bureau of  
5 Professional and Occupational Affairs (BPOA)  
6 determine the costs. She referred to the cost of  
7 current applications from start to finish and  
8 proposed a 4.5 percent increase over the next three  
9 renewal periods, which would include the new license  
10 class.

11 Ms. Richards mentioned having an influx of  
12 licensees for pharmacy technicians in FY24-25 but are  
13 not expecting the increase over the two renewal  
14 periods following, so BFO decreased the applications  
15 for the outyears and proposed a 4.5 percent increase  
16 across the board for the next three renewal cycles.

17 Ms. Richards explained that the proposed pharmacy  
18 application increase would be to \$340 where the  
19 application fee is currently at \$125

20 Ms. Richards stated the application for  
21 authorization to administer injectables is \$30 and  
22 would go to \$39.

23 Chair Talbott commented that the pharmacy  
24 technician cost is \$135 to apply and believed that  
25 cost to be unreasonable.

1 Ms. O'Malley mentioned prior Board discussion,  
2 where the Board desired to keep that fee as low as  
3 possible for individuals entering into a new career  
4 path, so as not to create a barrier to licensure.  
5 Ms. Richards explained that the formula the  
6 department uses to create those fees is based on the  
7 salaries of the people reviewing them.

8 Chairperson Talbott noted that there has been an  
9 argument from the beginning, where there needs to be  
10 some kind of equitable manner to reduce that fee  
11 because people going into the profession cannot bear  
12 the burden of \$135. She mentioned the possibility of  
13 having the pharmacy pay for the fee for the employee,  
14 but it would not work for everyone because not all  
15 would have that opportunity. Ms. Zimmerman noted the  
16 pharmacy technician application would have the same  
17 standards as every individual application in their  
18 agency, like the criminal history record checks and  
19 the databank of query reports, which require staff  
20 time to review.

21 Chair Talbott stated making pharmacy technicians  
22 pay the \$135 would take half of the applicant pool  
23 off the table, but an employer paying the \$135 might  
24 skirt classifying individuals as a technician because  
25 of not wanting to pay the \$135 and then circumvent

1 the whole purpose of the tech bill and the tech  
2 registration, which was to protect patient safety.

3 Acting Commissioner Claggett commented that the  
4 fees were being raised for a reason, noting there was  
5 no other way around it unless fees are raised again  
6 on the other people.

7 Chair Talbott stated nonresidents should pay more  
8 to absorb some of the cost rather than increasing the  
9 cost to \$135 for people who cannot afford it.

10 Acting Commissioner Claggett offered to run the  
11 numbers another way and bring options back to the  
12 Board.

13 Chair Talbott thanked Acting Commissioner  
14 Claggett, Ms. Zimmerman, and Ms. Richards for  
15 understanding the balance the Board is trying to find  
16 with patient safety and making sure individuals who  
17 need to register are able to do so and have a path to  
18 a career.]

19

\*\*\*

20 Report of Board Counsel - Regulatory Report

21 [Ariel E. O'Malley, Esquire, Board Counsel, informed  
22 Board members that she would provide an updated  
23 report for the audience at the May meeting but noted  
24 nothing has changed from the last report. She  
25 referred to the 2023-2024 Legislative Report that

1 includes Senate Bill 62 and Senate Bill 81, which  
2 were discussed at the last Board meeting, but had no  
3 additional bills to offer.]

4 \*\*\*  
5 Report of Board Counsel - Matters for Deliberation  
6 [Ariel E. O'Malley, Esquire, Board Counsel, noted  
7 agenda item 14 would not have a motion, because it  
8 was there for deliberation and to determine whether  
9 the Board wanted to delegate it or not but would not  
10 be delegated.]

11 \*\*\*  
12 Report of Board Counsel - Miscellaneous Items  
13 [Ariel E. O'Malley, Esquire, Board Counsel, provided  
14 an overview of the Sunshine Act, noting the Board  
15 exists on behalf of the public to make sure they are  
16 regulating the profession to protect the public  
17 health and safety and the Sunshine Act exists so the  
18 public can see the steps the Board is taking to make  
19 that happen. The Sunshine Act requires public notice  
20 of the place, date, and time when a meeting is held,  
21 along with posting the agenda and future meeting  
22 dates. She noted the importance of all of the  
23 actions of the Board being public knowledge and  
24 voting publicly on all decisions. The only leniency  
25 regarding public notice of a meeting is for an

1 emergency meeting.

2 Ms. O'Malley addressed Executive Session, where  
3 the Board can conduct quasi-judicial deliberations  
4 and discuss personnel issues while not in public  
5 session.

6 Ms. O'Malley addressed Recusal Guidelines, where  
7 the general rule is Board members should recuse if  
8 they have a personal affection for the person, have a  
9 bias against the person, or have outside knowledge.  
10 She encouraged Board members to ask if they are not  
11 sure whether to recuse. She stated abstentions do not  
12 count against the quorum requirements.

13 Ms. O'Malley addressed Act 35 of 2022, noting one  
14 of the provisions allows the board to give a  
15 temporary license. She mentioned that the Board does  
16 not have a temporary license and asked whether they  
17 wanted to give a temporary licensure, noting it would  
18 require drafting some kind of regulation.

19 Chair Talbott commented that the Board could just  
20 give them a permit after the crosswalk is complete.

21 Ms. O'Malley mentioned that the temporary  
22 licensure is there so that they could have a license  
23 as they finished any additional requirements. She  
24 noted the legislation gives them the authority to  
25 grant a temporary license but would require the Board

1 put together regulations for temporary practice.

2 Acting Commissioner Claggett commented that the  
3 Board should have the temporary license, so they do  
4 not have to deny a service member because of not  
5 having the ability to grant one.

6 Chair Talbott believed the Board should do a  
7 temporary license and asked whether it could be put  
8 into the general revisions package.

9 Acting Commissioner Claggett offered to check  
10 into that and report back to the Board. He also  
11 mentioned there is a fee waiver for military spouses  
12 that were relocated.]

13 CHAIRPERSON TALBOTT:

14 Can we have a motion to direct Ariel to  
15 bring us the draft temporary licensure  
16 regulation.

17 DR. ROUSSEL:

18 So moved.

19 CHAIRPERSON TALBOTT:

20 Do we have a second?

21 MS. HART:

22 Second.

23 CHAIRPERSON TALBOTT:

24 Any other discussion? Call the question.

25

1                   Slagle, aye; Roussel, aye; Talbott, aye;  
2                   Claggett, aye; Hart, aye; Esterbrook,  
3                   aye; Greene, aye.

4 [The motion carried unanimously.]

5   \*\*\*

6 Report of Board Chairperson

7 [Theresa M. Talbott, R.Ph., Chairperson, asked  
8 whether Board meetings could be taken out on the road  
9 again.]

10           Acting Commissioner Claggett informed the Board  
11 that it would be able to go on the road again, but  
12 the venue would need to be able to conduct the  
13 meeting in a hybrid format and the Board would need  
14 to pay for the space.

15           Chair Talbott asked Ms. Zimmerman to inform the  
16 PA pharmacy school deans that the Board would like to  
17 take the show on the road to see if any pharmacy  
18 schools are interested in having a meeting held on  
19 their campus and suggested it occur twice a year.

20           Ms. Hart noted several Board members would be  
21 attending the National Association of Boards of  
22 Pharmacy (NABP) Annual Meeting in Nashville, TN. She  
23 mentioned serving on the Legislative and Law  
24 Enforcement Task Force, noting many recent  
25 recommendations and changes that would be discussed



1 at the annual meeting to determine some of the  
2 avenues that NABP wants to move forward in the  
3 future.]

4 \*\*\*

5 Report of Acting Commissioner

6 Arion R. Claggett, Acting Commissioner, Bureau of  
7 Professional and Occupational Affairs, stated  
8 licensees are currently not notified when their  
9 license expires and informed everyone of new  
10 functionality being created within the Pennsylvania  
11 Licensing System (PALS) notifying licensees through  
12 email that their license has expired. He also  
13 mentioned that PALS will be replaced by another  
14 computer system at some time in the future.]

15 \*\*\*

16 Report of Board Administrator - No Report

17 \*\*\*

18 Discussion Items

19 [Theresa M. Talbott, R.Ph., Chairperson, noted the  
20 NABP District II Well-Being Index for January and  
21 February 2023.

22 She referred to Board Regulation § 27.11(g), noting  
23 replacing the pharmacist manager would have to be  
24 addressed in the general revisions package.

25 She stated they have no suggested changes to NABP's

1 Constitution or Bylaws. She noted that the Board has  
2 no names to submit for NABP's Recognition Resolution,  
3 where NABP does a recognition of a deceased  
4 individual's service and a copy of that resolution is  
5 sent to the Board member's family.

6 Chair Talbott addressed NABP's Annual Meeting,  
7 noting she would be attending, along with Dr.  
8 Roussel, Mr. Esterbrook, Ms. Zimmerman, and Ms. Hart  
9 who is the Executive Committee District 2  
10 representative.]

11 DR. ROUSSEL:

12 I would like to make a motion to send  
13 Eric Esterbrook as the delegate and Terry  
14 Talbott as the alternative delegate.

15 CHAIRPERSON TALBOTT:

16 We need a second.

17 MS. HART:

18 Second.

19 CHAIRPERSON TALBOTT:

20 Any other discussion? Call the vote.

21

22 Slagle, aye; Roussel, aye; Talbott, aye;  
23 Claggett, aye; Hart, aye; Esterbrook,  
24 aye; Greene, aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 [Christine Roussel, Pharm.D., BCOP, BCSCP, Vice  
3 Chairperson, announced Terry Talbott had been  
4 nominated and won the Honorary President Award in  
5 recognition of her service to Pennsylvania and the  
6 profession of pharmacy and her work associated with  
7 the National Association of Boards of Pharmacy.

8 Chair Talbott informed Board members that she has  
9 been asked to present a State Board of Pharmacy  
10 update at Duquesne University on April 15, 2023, and  
11 is seeking Board approval.]

12 DR. ROUSSEL:

13 I would like to make a motion to allow  
14 Terry to provide an educational review  
15 for Duquesne.

16 MS. HART:

17 Second.

18 CHAIRPERSON TALBOTT:

19 Any discussion? Call the vote.

20

21 Slagle, aye; Roussel, aye; Talbott, aye;  
22 Claggett, aye; Hart, aye; Esterbrook,  
23 aye; Greene, aye.

24 [The motion carried unanimously.]

25

\*\*\*

1 [Theresa M. Talbott, R.Ph., Chairperson, noted the  
2 applications would be addressed in their voting.]

3 \*\*\*

4 Correspondence

5 [Theresa M. Talbott, R.Ph., Chairperson, noted  
6 correspondence from Steven Schierholt, one of the  
7 candidates for the NABP District 4 Executive  
8 Committee. She also mentioned that there is another  
9 candidate and this matter would be discussed at a  
10 later time.]

11 \*\*\*

12 FYI Items

13 [Theresa M. Talbott, R.Ph., Chairperson, noted FYI  
14 items 33 through 37 for the Board's review. No Board  
15 action is required.]

16 \*\*\*

17 Old Business

18 [Theresa M. Talbott, R.Ph., Chairperson, commented  
19 that a 2023 Multistate Pharmacy Jurisprudence  
20 Examination (MPJE) test question writer was selected  
21 at the last meeting but neglected to put it on the  
22 record.]

23 MR. ESTERBROOK:

24 I make a motion to allow Rich (Smiga) to  
25 be our MPJE test question writer.

1 CHAIRPERSON TALBOTT:

2 Do I have a second?

3 MS. HART:

4 Second.

5 CHAIRPERSON TALBOTT:

6 Any other discussion? Call the vote.

7

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

9 Claggett, aye; Hart, aye; Esterbrook,

10 aye; Greene, aye.

11 [The motion carried unanimously.]

12 \*\*\*

13 MOTIONS

14 MS. O'MALLEY:

15 Prior to public session, the Board met in  
16 Executive Session and discussed consent  
17 orders and other legal documents.

18 Are there any motions regarding  
19 these discussions?

20 MR. GREENE:

21 Agenda item 3. I make a motion that we  
22 reject as too lenient the Consent  
23 Agreement at Case Nos. 22-54-011259 & 22-  
24 54-017129.

25 DR. ROUSSEL:

1 I second the motion.

2 CHAIRPERSON TALBOTT:

3 Any discussion? Call the vote.

4

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

6 Claggett, aye; Hart, aye; Esterbrook,

7 aye; Greene, aye.

8 [The motion carried unanimously.]

9

\*\*\*

10 MR. GREENE:

11 At agenda item 4, I make a motion that we

12 approve the Consent Agreement at Case

13 Nos. 22-54-009041 & 22-54-003839.

14 DR. ROUSSEL:

15 I'd like to second that.

16 CHAIRPERSON TALBOTT:

17 Any discussion? Call the vote.

18

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

20 Claggett, aye; Hart, aye; Esterbrook,

21 aye; Greene, aye.

22 [The motion carried unanimously. The Respondent is

23 David Mills and Cooper's Animal Supply, Inc.]

24

\*\*\*

25 DR. ROUSSEL:

1 For agenda item 5, I would like to make a  
2 motion to approve the Consent Agreement  
3 as drafted at Case No. 21-54-019702.

4 CHAIRPERSON TALBOTT:

5 We have a motion. I need a second.

6 MS. HART:

7 Second.

8 CHAIRPERSON TALBOTT:

9 Any discussion? Call the vote.

10

11 Slagle, aye; Roussel, aye; Talbott, aye;  
12 Claggett, aye; Hart, aye; Esterbrook,  
13 aye; Greene, recuse.

14 [The motion carried unanimously. Patrick Greene  
15 recused himself from deliberations and voting on the  
16 motion. The Respondent is Matthew James Richards.]

17

\*\*\*

18 MR. GREENE:

19 At agenda item 6, I make a motion that we  
20 approve the Consent Agreement at Case No.  
21 21-54-019153.

22 DR. ROUSSEL:

23 Second.

24 CHAIRPERSON TALBOTT:

25 Any discussion? Call the vote.

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Esterbrook, aye; Hart, aye; Claggett,  
aye; Talbott, aye; Roussel, aye; Slagle,  
aye; Greene, aye.

[The motion carried unanimously. The Respondent's  
name is Enclara Pharmacia, Inc.]

\*\*\*

MR. GREENE:

At agenda item 7, I make a motion that we  
approve the Consent Agreement at Case No.  
20-54-009541.

DR. ROUSSEL:

Second.

CHAIRPERSON TALBOTT:

Any discussion? Call the vote.

Esterbrook, aye; Hart, aye; Claggett,  
aye; Talbott, aye; Roussel, aye; Slagle,  
aye; Greene, aye.

[The motion carried unanimously. The Respondent's  
name is Lawrence C. Rush.]

\*\*\*

MR. GREENE:

At agenda item 8, I make a motion that we  
approve the Consent Agreement at Case No.



1 22-54-002295.

2 DR. ROUSSEL:

3 Second.

4 CHAIRPERSON TALBOTT:

5 Any discussion? Call the vote.

6

7 Esterbrook, aye; Hart, aye; Claggett,  
8 aye; Talbott, aye; Roussel, aye; Slagle,  
9 aye; Greene, aye.

10 [The motion carried unanimously. The Respondent's  
11 name is Danielle Marie Burns, R.Ph.]

12 \*\*\*

13 MR. GREENE:

14 At agenda item 9, I make a motion that we  
15 approve the Consent Agreement at Case No.  
16 22-54-001085.

17 DR. ROUSSEL:

18 Second.

19 CHAIRPERSON TALBOTT:

20 Any discussion? Call the vote.

21

22 Esterbrook, aye; Hart, aye; Claggett,  
23 aye; Talbott, aye; Roussel, aye; Slagle,  
24 aye; Greene, aye.

25 [The motion carried unanimously. The Respondent's

1 name is Lane Murton Freeman, R.Ph.]

2 \*\*\*

3 MR. GREENE:

4 At agenda item 10, I make a motion that  
5 we approve the VRP Consent Agreement at  
6 Case No. 22-54-018520.

7 DR. ROUSSEL:

8 Second.

9 CHAIRPERSON TALBOTT:

10 Any discussion? Call the vote.

11

12 Esterbrook, aye; Hart, aye; Claggett,  
13 aye; Talbott, aye; Roussel, aye; Slagle,  
14 aye; Greene, aye.

15 [The motion carried unanimously.]

16 \*\*\*

17 MR. GREENE:

18 At agenda item 12 in the matter of the  
19 Petition for Reinstatement of Gina S.  
20 Cordisco, Case No. 22-54-017270, I move  
21 that we direct Board Counsel to draft an  
22 Adjudication and Order consistent with  
23 the discussion in Executive Session.

24 DR. ROUSSEL:

25 Second.

1 CHAIRPERSON TALBOTT:

2 Any discussion? Call the vote.

3

4 Slagle, aye; Roussel, aye; Talbott, aye;  
5 Claggett, aye; Hart, aye; Esterbrook,  
6 aye; Greene, aye.

7 [The motion carried unanimously.]

8

\*\*\*

9 MR. GREENE:

10 At agenda item 13, I make a motion that  
11 we delegate the matter at Case No. 21-54-  
12 016962 to a hearing examiner for a  
13 hearing on the matter.

14 DR. ROUSSEL:

15 Second.

16 CHAIRPERSON TALBOTT:

17 Any discussion? Call the vote.

18

19 Slagle, aye; Roussel, aye; Talbott, aye;  
20 Claggett, aye; Hart, aye; Esterbrook,  
21 aye; Greene, aye.

22 [The motion carried unanimously.]

23

\*\*\*

24 MR. GREENE:

25 At agenda item 15 in the matter of BPOA

1                   v. Mark Reinhard, Case No. 21-54-019496,  
2                   I make a motion that we grant the Motion  
3                   to Deem Facts Admitted and Enter Default  
4                   and direct Board Counsel to draft an  
5                   Adjudication and Order consistent with  
6                   discussions in Executive Session.

7 DR. ROUSSEL:

8                   Second.

9 CHAIRPERSON TALBOTT:

10                   Any discussion? Call the vote.

11

12                   Slagle, aye; Roussel, aye; Talbott, aye;  
13                   Claggett, aye; Hart, aye; Esterbrook,  
14                   aye; Greene, aye.

15 [The motion carried unanimously.]

16

\*\*\*

17 DR. ROUSSEL:

18                   At agenda item 16, Pennsylvania CVS  
19                   Pharmacy, L.L.C. t/d/b/a CVS Pharmacy  
20                   2408, Case No. 22-54-007567, I make a  
21                   motion to grant the Motion to Deem Facts  
22                   Admitted and Enter Default and to have  
23                   counsel draft an Adjudication consistent  
24                   with what was discussed in Executive  
25                   Session.

1 CHIRPERSON TALBOTT:

2 Do I have a second?

3 MR. SLAGLE:

4 I'll second that.

5 CHAIRPERSON TALBOTT:

6 Any discussion? Call the vote.

7

8 Slagle, aye; Roussel, aye; Talbott,

9 recuse; Claggett, aye; Hart, aye;

10 Esterbrook, aye; Greene, aye.

11 [The motion carried. Theresa Talbott recused herself  
12 from deliberations and voting on the motion.]

13

\*\*\*

14 MR. GREENE:

15 At agenda item 17 in the matter of BPOA  
16 v. RxCrossroads by McKesson, Case No. 21-  
17 54-014182, I make a motion that we adopt  
18 the Proposed Adjudication and Order.

19 DR. ROUSSEL:

20 Second.

21 CHAIRPERSON TALBOTT:

22 Any discussion? Call the vote.

23

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

25 Claggett, aye; Hart, aye; Esterbrook,

1 aye; Greene, aye.

2 [The motion carried unanimously.]

3 \*\*\*

4 MR. GREENE:

5 At agenda item 27, I make a motion that  
6 we grant the Application of Mohammad  
7 Zaheer to allow the transfer of NAPLEX  
8 for beyond 90 days.

9 DR. ROUSSEL:

10 Second.

11 CHAIRPERSON TALBOTT:

12 Any discussion? Call the vote.

13

14 Slagle, aye; Roussel, aye; Talbott, aye;  
15 Claggett, aye; Hart, aye; Esterbrook,  
16 aye; Greene, aye.

17 [The motion carried unanimously.]

18 \*\*\*

19 MR. GREENE:

20 At agenda item 28, I make a motion that  
21 we grant the Application of Sofia Cheema  
22 to accept her employment in lieu of  
23 intern hours.

24 DR. ROUSSEL:

25 Second.

1 CHAIRPERSON TALBOTT:

2 Any discussion? Call the vote.

3

4 Slagle, aye; Roussel, aye; Talbott, aye;  
5 Claggett, aye; Hart, aye; Esterbrook,  
6 aye; Greene, aye.

7 [The motion carried unanimously.]

8

\*\*\*

9 MR. GREENE:

10 At agenda item 29, I make a motion that  
11 we provisionally deny Derek Smoody's  
12 Application for Licensure by Examination.

13 DR. ROUSSEL:

14 Second.

15 CHAIRPERSON TALBOTT:

16 Any discussion? Call the vote.

17

18 Slagle, aye; Roussel, aye; Talbott, aye;  
19 Claggett, aye; Hart, aye; Esterbrook,  
20 aye; Greene, aye.

21 [The motion carried unanimously.]

22

\*\*\*

23 MR. GREENE:

24 At agenda item 30, I make a motion that  
25 we grant the Application of Geoffrey

1                   Christ to reactivate conditioned on  
2                   Geoffrey Christ completing 100 CE hours,  
3                   including 10 hours on patient safety.

4 DR. ROUSSEL:

5                   Second.

6 CHAIRPERSON TALBOTT:

7                   Any discussion? Call the vote.

8

9                   Slagle, aye; Roussel, aye; Talbott, aye;  
10                  Claggett, aye; Hart, aye; Esterbrook,  
11                  aye; Greene, aye.

12 [The motion carried unanimously.]

13

\*\*\*

14 MR. GREENE:

15                  At agenda item 31, I make a motion that  
16                  we grant the Application of Joy Zuccaroli  
17                  and approve a reduction in intern hours  
18                  from 1500 to 1000.

19 DR. ROUSSEL:

20                  Second.

21 CHAIRPERSON TALBOTT:

22                  Any discussion? Call the vote.

23

24                  Slagle, aye; Roussel, aye; Talbott, aye;  
25                  Claggett, aye; Hart, aye; Esterbrook,



1                   aye; Greene, aye.

2 [The motion carried unanimously.]

3   \*\*\*

4 [Arion R. Claggett, Acting Commissioner, Bureau of  
5 Professional and Occupational Affairs, exited the  
6 meeting at 11:45 a.m.]

7   \*\*\*

8 Regulatory Review - General Revisions

9 [Theresa M. Talbott, R.Ph., Chairperson, informed  
10 everyone that the general revision package had been  
11 condensed into a smaller revision package and wanted  
12 to review Ms. O'Malley's comments to make sure she  
13 captured everything to be able to continue to move  
14 forward in a timely manner.

15           Ms. O'Malley referred to § 27.11(g), noting the  
16 following changes regarding the manager extension  
17 request: If the pharmacist [manager] in charge  
18 ceases to hold that position, the pharmacy permit  
19 holder shall inform the Board in writing on a Board  
20 approved form of this fact and of the new pharmacist  
21 [manager] in charge not more than [15] 30 days later.

22           If the Board does not object within 30 days of  
23 notification, the new pharmacist [manager] in charge  
24 may be deemed approved. If the permit holder is  
25 unable to replace the pharmacist [manager] in charge

1 within those [15] 30 days, the permit holder may  
2 request in writing an extension of up to [30] 15  
3 additional days to obtain a replacement. A pharmacy  
4 may not operate without a pharmacist [manager] in  
5 charge for more than 15 days unless the pharmacy  
6 first obtains from the Board an extension of time for  
7 obtaining a replacement. If the pharmacist in charge  
8 does not leave that position but will be away from  
9 the pharmacy for more than 30 days the permit holder  
10 must change the pharmacist in charge.

11 Ms. Zimmerman noted the fourth sentence, where it  
12 read 15 days should be 30 days, to be consistent with  
13 the intended change.

14 Ms. O'Malley referred to § 27.12(e), where it  
15 says nothing in this Rule shall prohibit a licensed  
16 pharmacist, intern, or pharmacy technician working  
17 under the general supervision of the pharmacist, who  
18 is an employee of or under contract with a pharmacy,  
19 from accessing that pharmacy's electronic database  
20 from inside or outside of the pharmacy and performing  
21 functions unrelated to preparation or handling of  
22 prescription drug products, so long as both of the  
23 following conditions are met. She asked what the  
24 purpose of that was and whether they were thinking of  
25 telework.

1           Chair Talbott explained that they were trying to  
2 copy section 3.4 of the tech bill, where the tech can  
3 do data entry through electronic means.

4           Ms. Hart asked whether anything should be  
5 broadened when talking about telehealth or  
6 telecommuting because of how the industry has moved.

7           Ms. Talbott did not think they have the  
8 statutory authority because telepharmacy is not  
9 recognized officially in Pennsylvania.

10          Ms. Hart also commented, when it is unrelated to  
11 preparation or handling a prescription drug product,  
12 in the whole telehealth realm and what goes on right  
13 now, it may not get them where they need to be.

14          Chair Talbott referred to § 27.18 under standards  
15 of practice, where they take care of the registered  
16 name or derivation as approved by the Board,  
17 prescription number, trade name, brand name, and name  
18 of the manufacturer. She also referred to  
19 Prescriptions for Schedule II and asked whether it  
20 captures everything.

21          Ms. Hart asked whether they reference care  
22 relating to the partial filling of prescriptions and  
23 other federal state laws because it allows the  
24 patient to ask for three days' worth and come back.

25          Chair Talbott noted that would be the other

1 bucket and wanted to call out § 1306 because that is  
2 the corresponding responsibility part. She commented  
3 that adding the Comprehensive Addiction and Recovery  
4 Act (CARA) and all of the others would be a laundry  
5 list.

6 Mr. Michalowski noted it would include the  
7 commonwealth, Prescription Drug Monitoring Program  
8 (PDMP), and continuing education (CE) requirements  
9 for opioids.

10 Chair Talbott addressed the language and sections  
11 modified in § 27.18(j), where prescriptions for  
12 Schedule II controlled substances may not be filled  
13 more than 6 months from the date of the prescription,  
14 Schedule II may not be refilled, controlled substance  
15 in Schedule III, IV, or V may not be filled or  
16 refilled more than five times. She stated because of  
17 CARA and some of the other things that have happened  
18 at the state and the federal level, they put that in  
19 there because that does allow for partial fill of  
20 Schedule II.

21 Ms. Hart commented that when reading Schedule II  
22 controlled substances may not be refilled, that would  
23 include CARA or not including that because of the way  
24 the language is written, that it would be a partial  
25 and in theory not a refill.

1           Chair Talbott believed it to be a partial fill  
2 and not a refill because if a doctor writes for 30  
3 OxyContin and someone only wanted to get 10 because  
4 of being afraid of getting addicted, they can get 10  
5 but then go back in 3 days and get the rest.

6           Mr. Michalowski noted it is in subsections in a  
7 couple of places and believed it should stand as its  
8 own standard of practice. He stated the PDMP really  
9 belongs in the prospective drug review (PDR) section  
10 or someplace else because there are violations of the  
11 Achieving Better Care by Monitoring All Prescriptions  
12 Program (ABC-MAP) Act that they would like to  
13 prosecute. He mentioned the standard requires them  
14 to comply with the Drug Act and Controlled Substances  
15 Act. He noted they are fine the way they are written  
16 in the sections but could be put somewhere else.

17           Ms. O'Malley asked Mr. Michalowski to decide  
18 where it best fits and requested language to best fit  
19 the needs of prosecution moving forward.

20           Mr. Michalowski stated it is best in standards of  
21 practice.

22           Chair Talbott suggested § 27.18 and anywhere else  
23 he and Ms. O'Malley felt necessary.

24           Chair Talbott referred to §27.19, prospective  
25 drug review and patient counseling, where they

1 changed "nursing home" to long-term care facility and  
2 "have offer" to counsel. She noted they took out  
3 orally and all of the things that the pharmacist  
4 thinks that the oral offer would be less effective.  
5 She noted the addition of written offer to counsel  
6 must include the telephone of the pharmacy or other  
7 means of communicating with the pharmacist. She  
8 noted the addition of interns, who can counsel under  
9 supervision.

10 Chair Talbott referred to §27.20, facsimile  
11 machines and addressed changes.

12 Chair Talbott referred to §27.26, pharmacy  
13 internship, where they are taking out the 500 and  
14 referred to (4), an intern may earn up to 1,500 hours  
15 in an internship program sponsored or approved by an  
16 ACPE-accredited pharmacy degree program. The Board  
17 removed "up to."

18 Chair Talbott referred to § 27.31, biennial  
19 renewal, noting they are changing "submit proof" to  
20 attest to because they do not ask them to submit  
21 their certificates anymore. She noted changing  
22 certificates to records and American Council of  
23 Pharmaceutical Education to Accreditation Council for  
24 Pharmacy Education (ACPE). She noted graduates must  
25 achieve Foreign Pharmacy Graduate Examination

1 Committee certification.

2       Chair Talbott referred to §27.32(b), a pharmacist  
3 shall prove compliance with subsection (a) by  
4 completing and submitting a form provided to the  
5 pharmacist by the Board for that purpose with the  
6 renewal application. The pharmacist can also prove  
7 compliance with subsection (a) by submitting a CPE  
8 Monitor activity transcript or activity record from  
9 the pharmacist's NABP e-profile. The Board decided to  
10 delete the first sentence and changing the pharmacist  
11 "can also prove" to shall prove.

12       Chair Talbott referred to § 27.52, graduates of  
13 foreign schools and noncitizens and confirmed Foreign  
14 Pharmacy Graduate Examination.

15       Chair Talbott referred to § 27.102, return to  
16 stock of undelivered medication and noted a change  
17 from 6 to 12 months from the date the drugs were  
18 first prepared for dispensing.

19       Chair Talbott noted § 27.201 under electronically  
20 transmitted prescriptions concerning a separate  
21 regulation and Act 96 was tabled for Mr. Michalowski  
22 and Ms. O'Malley to discuss language.

23       Chair Talbott noted changes to § 27.202, where  
24 there must be positive identification, in the  
25 computer system or on the hard-copy prescription, of

1 the pharmacist who is responsible for the  
2 prescription information that is entered into the  
3 pharmacy system by the pharmacist or a pharmacy  
4 intern or pharmacy technician under the supervision  
5 of the pharmacist.

6 Chair Talbott commented that Act 96 could be  
7 cleaned up and brought back and then the Board should  
8 be close to the exposure draft.]

9 \*\*\*

10 Public Comment

11 [Victoria Elliott, R.Ph., MBA, CAE, CEO, Pennsylvania  
12 Pharmacists Association, thanked the Board for the  
13 discussion concerning a reasonable registration fee  
14 for pharmacy technicians.

15 Larry Jones, Executive Director, Pennsylvania  
16 Society of Health-System Pharmacists, commented that  
17 a tech is not a license and is a registration and the  
18 onus is on the inspector and the processing.

19 Mr. Michalowski explained that renewal fees are  
20 meant to fund the Board, and application fees are  
21 supposed to be for costs by statute.]

22 \*\*\*

23 Adjournment

24 CHAIRPERSON TALBOTT:

25 I need a motion to adjourn.



1 DR. ROUSSEL:

2 I'd like to make a motion to adjourn.

3 CHAIRPERSON TALBOTT:

4 Do I have a second?

5 MS. HART:

6 Second.

7 CHAIRPERSON TALBOTT:

8 All in favor?

9 [The motion carried unanimously.]

10 \*\*\*

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15 [There being no further business, the State Board of  
16 Pharmacy Meeting adjourned at 12:17 p.m.]

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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.

Olivia Mailliard

Olivia Mailliard,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PHARMACY  
REFERENCE INDEX

March 21, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6	9:00	Executive Session
7		
8		
9	10:30	Return to Open Session
10		
11	10:33	Official Call to Order
12		
13	10:33	Pledge of Allegiance
14		
15	10:34	Emergency Announcement
16		
17	10:35	Introduction of Board Members/Board Staff/Audience
18		
19		
20	10:38	Approval of Agenda
21		
22	10:38	Approval of Minutes
23		
24	10:39	Report of Board Prosecution
25		
26	11:00	Appointment - Bureau of Finance and Operations Fee Increase Package Presentation
27		
28		
29		
30	11:13	Report of Board Counsel
31		
32	11:26	Report of Board Chairperson
33		
34	11:29	Report of Acting Commissioner
35		
36	11:30	Discussion Items
37		
38	11:34	Correspondence
39		
40	11:34	FYI Items
41		
42	11:34	Old Business
43		
44	11:35	Motions
45		
46	11:45	Regulatory Review
47		
48	12:12	Public Comment
49		
50	12:17	Adjournment