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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: 10:31 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

March 29, 2022

1 State Board of Pharmacy

2 March 29, 2022

3
4
5 BOARD MEMBERS:

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

16
17 BUREAU PERSONNEL:

18
19 Juan A. Ruiz, Esquire, Board Counsel
20 Glenn P. Masser, Esquire, Board Prosecutor
21 Caroline A. Bailey, Esquire, Board Prosecutor
22 Melanie Zimmerman, R.Ph., Executive Secretary
23 Alice Glasser, Esquire, Board Prosecutor
24 Marc Farrell, Deputy Director of Policy
25 Jessica Zukoski, Lgl Anl OGC
26 Dean Picarella, Senior Counsel
27

28 AUDIENCE MEMBERS:

29 Selleca Huhn
30 Ahmad Vahorasarfaj
31 Kerri Johnson
32 Judy Kutchman
33 Patrick Lavella
34 Alexia Westerhausen
35 Victoria Elliott, PPA
36 Cheryl McChesney
37 Catherine Lutz, Pharmacy Inspector, BEI
38 Elizabeth Shipula
39 Jacqueline Sassaman
40 Laura Romeo
41 Jen Smeltz
42 John Sisto
43 Kathryn Witherow
44 Maimuna Bruce
45 Chrissy Renfer
46 Larry Jones
47 Tim Black
48 Robert Frankil
49 Alicia Palumbo
50

State Board of Pharmacy
March 29, 2022
(Continued)

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5 AUDIENCE MEMBERS: (cont.)
6 Steve Sheaffer
7 Allison Hill
8 Barb Knightly
9 Christopher Miller
10 David Rogers
11 Josh Finger
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1 ***

2 State Board of Pharmacy

3 March 29, 2022

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 The regularly scheduled meeting of the State Board of
13 Pharmacy was held on Tuesday, March 29, 2022. Janet
14 Getzey Hart, R.Ph., Chairperson, called the meeting to
15 order at 10:31 a.m.

16 ***

17 Introduction of the Board Members

18 [Janet Getzey Hart, R.Ph., Chairperson, requested an
19 introduction of Board members.]

20 ***

21 [Juan A. Ruiz, Esquire, Board Counsel, reminded
22 everyone that the meeting was being recorded, and
23 voluntary participation constitutes consent to be
24 recorded.]

25 ***

1 Meeting Instructions

2 [Melanie Zimmerman, R.Ph., Executive Secretary,
3 provided instructions to be followed during the
4 virtual meeting.]

5 ***

6 Amendment of Agenda

7 CHAIRPERSON HART:

8 Do I have a motion to approve the agenda?

9 MS. TALBOTT:

10 I would make a motion to amend the agenda
11 to include a request from Duquesne
12 University to consider a waiver around
13 immunization training.

14 CHAIRPERSON HART:

15 Could I have a second?

16 MR. GREENE:

17 Second.

18 CHAIRPERSON HART:

19 Call for a vote.

20

21 Hart, aye; Talbott, aye; Roussel, aye;

22 Slagle, aye; Greene, aye; Claggett, aye.

23 [The motion carried unanimously.]

24 ***

25 Approval of Agenda

1 MS. TALBOTT:

2 I make a motion that we approve the
3 agenda as amended.

4 MR. GREENE:

5 Second.

6 CHAIRPERSON HART:

7 Call for a vote.

8

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

11 [The motion carried unanimously.]

12 ***

13 Approval of Minutes

14 CHAIRPERSON HART:

15 Is there a motion to approve the minutes?

16 [The Board discussed corrections to the minutes.]

17 MS. TALBOTT:

18 I would move that we make those two
19 corrections.

20 CHAIRPERSON HART:

21 Do I have a second?

22 MR. GREENE:

23 Second.

24 CHAIRPERSON HART:

25 Call for a vote.

1

2

Hart, aye; Talbott, aye; Roussel, aye;

3

Slagle, abstain; Greene, aye; Claggett,

4

aye.

5

[The motion carried. John Slagle abstained from

6

voting on the motion.]

7

8

MS. TALBOTT:

9

I would make a motion to approve the

10

minutes from February 8, 2022, as

11

amended.

12

MR. GREENE:

13

Second.

14

CHAIRPERSON HART:

15

Call for a vote.

16

17

Hart, aye; Talbott, aye; Roussel, aye;

18

Slagle, abstain; Greene, aye; Claggett,

19

aye.

20

[The motion carried. John Slagle abstained from

21

voting on the motion.]

22

23

Report of Prosecutorial Division

24

[Glenn P. Masser, Esquire, Board Prosecutor, presented

25

the Consent Agreement for Case No. 19-54-000103.]

1 ***

2 [Caroline A. Bailey, Esquire, Board Prosecutor,
3 presented the Consent Agreements for Case Nos. 21-54-
4 008707 & 21-54-016217, Case No. 21-54-015109, and Case
5 No. 20-54-005462.]

6 ***

7 Report of Board Counsel

8 [Juan A. Ruiz, Esquire, Board Counsel, noted the Board
9 met in Executive Session prior to the meeting and
10 conducted quasi-judicial deliberations on all of the
11 matters currently listed on the agenda.

12 Mr. Ruiz informed Board members that the
13 Regulatory Work Session following the Board meeting
14 has been canceled.

15 Chairperson Hart noted Recusal Guidelines for the
16 Board's review.]

17 ***

18 Report of Board Chairperson

19 [Janet Getzey Hart, R.Ph., Chairperson, noted no
20 current updates but is hoping to have an update of the
21 business conducted after attending the National
22 Association of Boards of Pharmacy Annual Meeting in
23 May 2022.]

24 ***

25 Report of Probable Cause Screening Committee - No

1 Report

2

3 Report of Acting Commissioner

4 [Arion R. Claggett, Acting Commissioner, Bureau of
5 Professional and Occupational Affairs, informed
6 everyone that all Board meetings moving forward would
7 be offered in a hybrid format providing the option of
8 attending virtually or in person for Board members and
9 the public. He mentioned the platform is switching
10 from Cisco Webex to Microsoft Teams. He also noted he
11 and Ms. Zimmerman would be attending all Board
12 meetings in person.

13 Ms. Talbott asked whether there is anything new
14 from the legislature about waivers being extended
15 beyond March 31.

16 Mr. Ruiz had nothing new to report concerning the
17 extension of the waivers.]

18

19 Report of Executive Secretary

20 [Melanie Zimmerman, R.Ph., Executive Secretary, had
21 nothing new to report this month.

22 Ms. Talbott requested information regarding the
23 CE audit.

24 Ms. Zimmerman noted being close to finishing, but
25 she is waiting on a few people because they allow

1 everyone 30 days to respond anytime a discrepancy is
2 found before sending them off to the Professional
3 Compliance Office (PCO).]

4

5 Report of Article Review Committee

6 [Terry M. Talbott, R.Ph., informed everyone the
7 Article Review Committee reviewed some of the
8 information presented to the Board at the last meeting
9 plus the items on the agenda under New Business - the
10 February and March 2022 Pharmacist Well-Being Index
11 Report for District Two and the American Pharmacists
12 Association's 's) research article.

13 Ms. Talbott noted a robust discussion during
14 Executive Session, along with suggesting some
15 questions to take back to both NABP and national
16 organizations. She mentioned being appointed to a
17 research review group for NABP so they have some ideas
18 for research that NABP could conduct and will continue
19 to review reports as they come in.

20 Dr. Roussel stated that there is currently no
21 research to specifically address the benefit of
22 pharmacist-to-technician ratios, which is something
23 that could be integrated into the regulations, but
24 they have not found any literature to firmly attach
25 safety metrics with a pharmacist-to-technician ratio

1 at this time.]

2

3 New Business - NABP Request for Recognition

4 Resolutions

5 [Janet Getzey Hart, R.Ph., Chairperson, referred to
6 the request for recognition resolutions for NABP's
7 Annual Meeting but noted the state of Pennsylvania
8 does not have any individuals to be recognized at this
9 particular time.]

10

11 For the Board's Information

12 [Janet Getzey Hart, R.Ph., Chairperson, noted the Food
13 and Drug Administration (FDA) is to analyze the
14 economic effect of the compounding memorandum of
15 understanding (MOU) on small businesses.]

16

17 New Business - Duquesne University Waiver Request

18 [Terry M. Talbott, R.Ph., referred to the request from
19 Duquesne University to waive § 27.407(a)(1), the
20 regulation that mandates any training for the
21 authorization to administer injectables be taken
22 within 2 years of application. She mentioned it will
23 go to a 3-year period for training with the proposed
24 regulations, and Duquesne University is asking the
25 Board issue a waiver allowing 2022 graduates who would

1 apply for that authorization to have a 3-year training
2 program deadline.]

3 MS. TALBOTT:

4 I make the motion that we extend the
5 deadline referenced in § 27.407 and
6 accept the immunization training for
7 certification from 2 years to 3 years and
8 that the waiver be in effect until June
9 30, 2022, or whenever the regulations are
10 finalized, whichever comes first.

11 It would apply to anyone who was
12 applying for immunization certification,
13 whether through reciprocity, all schools
14 in Pennsylvania or out of Pennsylvania,
15 any application for immunization
16 certification and only for that short
17 period of time.

18 CHAIRPERSON HART:

19 Could I have a second?

20 MR. GREENE:

21 Second.

22 CHAIRPERSON HART:

23 Call for a vote.

24

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

1 The Board met in Executive Session to
2 discuss and review consent orders and
3 other legal documents.

4 Are there any motions regarding these
5 discussions?

6 MR. GREENE:

7 At agenda item 2, I make a motion that we
8 approve the Consent Agreement at Case No.
9 19-54-000103.

10 MS. TALBOTT:

11 Second.

12 CHAIRPERSON HART:

13 Call for a vote.

14

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

17 [The motion carried unanimously. The Respondent's
18 name is Wells Pharmacy Network, LLC.]

19

20 MR. GREENE:

21 At agenda item 3, I make a motion that we
22 approve the Consent Agreement at Case
23 Nos. 21-54-008707 & 21-54-016217.

24 MS. TALBOTT:

25 Second.

1 CHAIRPERSON HART:

2 Call for a vote.

3

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

5 Greene, aye; Claggett, aye; Hart, aye.

6 [The motion carried unanimously. The Respondents in
7 that matter are Elizabeth Pharmacy & Joseph A. Reich.]

8

9 DR. ROUSSEL:

10 I would like to call for a motion to
11 approve the Consent Agreement at agenda
12 item 4 at Case No. 21-54-015109.

13 MS. TALBOTT:

14 Second.

15 CHAIRPERSON HART:

16 Any discussion? Call for a vote.

17

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

19 Greene, recuse; Claggett, aye; Hart, aye.

20 [The motion carried. Patrick Greene recused himself
21 from deliberations and voting on the motion. The
22 Respondent's name is Timothy William Forester, R.Ph.]

23

24 MR. GREENE:

25 At agenda item 5, I make a motion that we

1 ***

2 MR. GREENE:

3 At agenda item 7, in the Matter of BPOA
4 v. PRN Rx LLC at Case No. 20-54-001466, I
5 make a motion that we approve the Final
6 Adjudication and Order.

7 MS. TALBOTT:

8 Second.

9 CHAIRPERSON HART:

10 Any discussion? Call for a vote.

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

14 [The motion carried unanimously.]

15 ***

16 MR. GREENE:

17 At agenda item 8, in the Matter of BPOA
18 v. Rosica Pharmacy at Case No. 19-54-
19 009807, I make a motion that we approve
20 the Final Adjudication and Order.

21 MS. TALBOTT:

22 Second.

23 CHAIRPERSON HART:

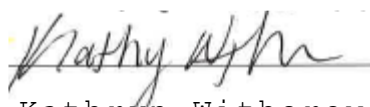
24 Any discussion? Call for a vote.

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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.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX

March 29, 2022

	TIME	AGENDA
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6		
7		
8		
9	9:00	Executive Session
10		
11	10:30	Return to Open Session
12		
13	10:31	Official Call to Order
14		
15	10:32	Introduction of Board Members
16		
17	10:33	Amendment of Agenda
18		
19	10:34	Approval of Agenda
20		
21	10:36	Approval of Minutes
22		
23	10:37	Report of Prosecutorial Division
24		
25	10:44	Report of Board Counsel
26		
27	10:44	Report of Board Chairperson
28		
29	10:45	Report of Acting Commissioner
30		
31	10:47	Report of Executive Secretary
32		
33	10:48	Report of Article Review Committee
34		
35	10:49	New Business
36		
37	10:49	For the Board's Information
38		
39	10:49	New Business - Duquesne University
40		Waiver Request
41		
42	10:52	Applications
43		
44	10:53	Motions
45		
46	11:00	Adjournment
47		
48		
49		
50		