

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 9:02 A.M.

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

April 16, 2019

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

State Board of Pharmacy

April 16, 2019

BOARD MEMBERS:

- Terry M. Talbott, R.Ph., Chairperson
- Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent
- Robert B. Frankil, R.Ph., Vice Chairman
- Janet Getzey Hart, R.Ph., Secretary
- Gayle A. Cotchen, Pharm.D./MBA, R.Ph.
- Patrick M. Greene, Esquire, Office of Attorney General

BUREAU PERSONNEL:

- Kerry E. Maloney, Esquire, Board Counsel
- Heather J. McCarthy, Esquire, Board Prosecution Liaison
- J. Karl Geschwindt, Esquire, Board Prosecutor
- Alissa Harrison, Esquire, Board Prosecutor
- Tara J. Smith, Esquire, Board Prosecutor
- Melanie Zimmerman, R.Ph., Executive Secretary
- Marc Farrell, Deputy Policy Director

ALSO PRESENT:

- Bill Maguire, Pharmacy Consultant, Omnicell
- Patria A. Epple, CAE, Pennsylvania Pharmacists Association
- Jenna L. McCarthy, Malady & Wooten
- James Reed, Area Healthcare Supervisor, Walgreens
- Lisa Scannapieco, Director of Pharmacy Education and Clinical Integration, Pentec Health
- Gregory Smith, Director of Pharmacy, Central Admixture Pharmacy Services
- Katherine A. Medei, Pharmacist, Walgreens
- Robert Marcinko, Health Care Specialty Supervisor, Walgreens
- David Klinger, System Director, Operations & Compliance, Geisinger Health System
- Joann Megon, RN, Executive Director, Secundum Artem Reaching Pharmacists with Help and Pennsylvania Nurse Peer Assistance Program
- Mary Pater, R.Ph.

State Board of Pharmacy

April 16, 2019

ALSO PRESENT: (Continued)

- Ralph A. Pater, Pharm.D./R.Ph., Pharmacist-in-Charge,
PCA Pharmacy
- Tammy Schlensker, R.Ph., Director of Regulatory
Services, PCA Pharmacy
- John Poraczky, Penn State University
- Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

1 ***

2 State Board of Pharmacy

3 April 16, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Pharmacy was held on Tuesday, April 16, 2019.
7 Terry Talbott, R.Ph., Chairperson, called the meeting
8 to order at 9:02 a.m.

9 The Pledge of Allegiance was recited.

10 ***

11 Evacuation Announcement

12 [Melanie Zimmerman, R.Ph., Executive Secretary,
13 reviewed the emergency evacuation procedures for One
14 Penn Center.]

15 ***

16 [Chairperson Talbott requested that all cell phones be
17 turned off.]

18 ***

19 Introduction of Board Members, Board Staff, and
20 Audience

21 [Chairperson Talbott requested the introduction of
22 Board members, Board staff, and audience members.]

23 ***

24 Amendments to the Agenda

25 CHAIRPERSON TALBOTT:

1 Are there any additions to the agenda?

2 MR. MALONEY:

3 One addition that involves a pharmacy law
4 summit in Chicago that I was asked to be
5 a speaker at. When it comes time, I
6 would ask the Board to vote on that.

7 CHAIRPERSON TALBOTT:

8 Anybody else? May I have a motion to
9 accept the agenda?

10 DR. COTCHEN:

11 So moved.

12 CHAIRPERSON TALBOTT:

13 Thank you. Second?

14 MS. HART:

15 Second.

16 CHAIRPERSON TALBOTT:

17 Any discussion? All in favor? Any
18 opposed?

19 [The motion carried unanimously.]

20 ***

21 Approval of minutes of the March 5, 2019 meeting

22 CHAIRPERSON TALBOTT:

23 Any corrections to the minutes from the
24 March 5 Board meeting?

25 DR. COTCHEN:

1 I move that we approve the minutes.

2 CHAIRPERSON TALBOTT:

3 Second?

4 MS. HART:

5 Second.

6 CHAIRPERSON TALBOTT:

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

9 [The motion carried unanimously.]

10 ***

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

13 ***

14 Report of Prosecutorial Division

15 [Heather J. McCarthy, Esquire, Board Prosecution
16 Liaison, on behalf of Keith Bashore, Esquire, Board
17 Prosecutor, presented the Consent Agreement for File
18 No. 18-54-002902.

19 Charles J. Hartwell, Esquire, was present on
20 behalf of the respondent and participated in the
21 discussion.]

22 ***

23 [Terry Talbott, R.Ph., Chairperson, reentered the
24 meeting 9:08 a.m.]

25 ***

1 [Ms. McCarthy also presented the VRP Consent
2 Agreements for File No. 18-54-006785 and File No. 19-
3 54-001579.]

4 ***

5 [J. Karl Geschwindt, Esquire, Board Prosecutor,
6 presented the Consent Agreement for File No. 19-54-
7 002137.]

8 ***

9 [Alissa Harrison, Esquire, Board Prosecutor, presented
10 the Consent Agreement for File No. 18-54-012130.]

11 ***

12 Report of Board Counsel

13 [Kerry E. Maloney, Esquire, Board Counsel, discussed
14 the status of the pharmacy technician bill which is
15 with the House Committee and was recently pulled from
16 vote. He stated the current version was identical to
17 last session's House Bill and a similar analysis of it
18 was provided.

19 Mr. Maloney mentioned a pending bill for all
20 boards concerning endorsement for licensees from other
21 states with similar qualification requirements to
22 Pennsylvania.

23 Mr. Maloney commented that several boards were
24 seeing interstate licensure compacts that are overly
25 complicated, and to get rid of the necessity for

1 those, the legislature was looking at this bureau-wide
2 endorsement. He stated part of the problem was some
3 of the boards already have endorsement language and
4 the thought is to allow those provisions to remain as
5 they are.

6 Chairperson Talbott commented that the Board's
7 requirements were pretty standard with the
8 Accreditation Council for Pharmacy Education (ACPE)
9 and passing the North American Pharmacists Licensure
10 Examination (NAPLEX) and the Multistate Pharmacy
11 Jurisprudence Examination (MPJE).

12 Mr. Maloney mentioned the telehealth bill was
13 introduced again but did not seem to have a lot of
14 focus yet.

15 Mr. Maloney stated the compounding regulation was
16 delivered, and the Independent Regulatory Review
17 Commission (IRRC) Meeting is May 16, 2019, for IRRC to
18 discuss that regulation.

19 Mr. Maloney commented that the immunization
20 regulation was returned from the Office of General
21 Counsel (OGC) with their comments. He noted the
22 biggest comment regarded the delegation of
23 immunization authorization to pharmacy interns, where
24 OGC pointed out that it was not a delegation. He made
25 the necessary changes.

1 Chairperson Talbott referred to the General
2 Revisions package and requested Mr. Maloney put those
3 into the approval process if there are no comments
4 from the Board.

5 Dr. Cotchen referred to 16A-5416 § 27.203-1
6 regarding centralized prescription processing. She
7 suggested changing the wording to "the processing by a
8 pharmacy of a request from a patient, prescriber or
9 another pharmacy."]

10 ***

11 CHAIRPERSON TALBOTT:

12 With that amendment, can I have a motion
13 to approve the general revision package?

14 DR. COTCHEN:

15 So moved.

16 CHAIRPERSON TALBOTT:

17 Second?

18 MS. HART:

19 Second.

20 [Kerry Maloney, Esquire, Board Counsel, commented
21 that the next step would be to send out the exposure
22 draft to stakeholders for comment, and then return it
23 to the Board for discussion in open session.]

24 CHAIRPERSON TALBOTT:

25 Any further discussion? All in favor?

1 Any opposed?

2 [The motion carried unanimously.]

3 ***

4 [Terry M. Talbott, R.Ph., Chairperson, referred to Act
5 96 of 2018 regarding electronic prescribing,
6 questioning whether language should be rolled into the
7 General Revisions.

8 Mr. Maloney indicated that the Board would do a
9 separate regulation package if anything needed.

10 Chairperson Talbott noted the need to amend the
11 regulations related to the current waiver for the 500
12 intern hours outside of school.]

13 ***

14 Report of Board Chairperson

15 [Terry Talbott, R.Ph., Chairperson, welcomed
16 Marc Farrell, Deputy Policy Director, Bureau of
17 Professional and Occupational Affairs, Department of
18 State.

19 Mr. Farrell discussed his role as the new deputy
20 policy director. He will be handling all bureau
21 matters and noted his years of experience dealing with
22 regulations in the Governor's Office. He will now be
23 delving into legislation and meeting with legislators
24 regarding bills and bill analyses.

25 Chairperson Talbott addressed a meeting she

1 attended with Mr. Maloney at Ms. Epple's office
2 concerning revisions to the Pharmacy Act. She noted
3 that affiliates from schools of pharmacy were in
4 attendance discussing ways to improve access to
5 pharmacist care.

6 Pat Epple, CEO, Pennsylvania Pharmacists
7 Association, noted workgroups from the Pennsylvania
8 Society of Health-System Pharmacists (PSHP),
9 Pennsylvania Association of Chain Drug Stores (PACDS),
10 and the National Association of Chain Drug Stores
11 (NACDS) that are focusing a lot on access to patient
12 care and where pharmacists could be more directly
13 involved.

14 Chairperson Talbott referred again to the
15 technician bill that was pulled from voting in the
16 House Committee and suggested looking at draft
17 regulations to provide framework if it starts to move.

18
19 Chairperson Talbott and Ms. Hart will be
20 attending the Annual NABP Meeting May 16-18, in
21 Minneapolis, MN.

22 Mr. Maloney also noted a law symposium that he
23 will be attending, where he will be on the panel
24 discussing disciplinary actions and processes as well
25 as the regulatory process with pharmaceutical

1 companies and national pharmacy representatives.]

2 ***

3 CHAIRPERSON TALBOTT:

4 I think Kerry should go to the Pharmacy
5 Law Symposium July 17-18, so if somebody
6 wants to make that motion, we can vote to
7 send him.

8 DR. COTCHEN:

9 So moved.

10 CHAIRPERSON TALBOTT:

11 Second?

12 MS. HART:

13 Second.

14 CHAIRPERSON TALBOTT:

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

17 [The motion carried unanimously.]

18 ***

19 Report of Board Chairperson (cont.)

20 [Terry M. Talbott, R.Ph., Chairperson, announced that
21 Mark Zilner had chosen to not seek reappointment to
22 the Board.

23 Mr. Maloney discussed the appointment process,
24 noting that candidates are vetted as they come in but
25 the Board doesn't have any options to speed up the

1 process.]

2

3 Report of Probable Cause Screening Committee
4 [Patrick M. Greene, Esquire, Office of Attorney
5 General, stated that he signed a number of Petitions
6 for Appropriate Relief and Petitions for Mental and
7 Physical Examinations.]

8

9 Report of Acting Commissioner - No Report

10

11 Report of Executive Secretary - No Report

12

13 New Business - NABP Executive Committee Candidate
14 Information

15 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
16 information from candidates for NABP's Executive
17 Committee.

18 Chairperson Talbott again mentioned Cindy
19 Warriner from Virginia and Tejal Patel from Delaware
20 for NABP Executive Committee positions. Dr. Cotchen
21 noted that the Board trusts the judgement of the Board
22 Members who will be attending the National Association
23 of Boards of Pharmacy's Annual Meeting where decisions
24 will be made on the members of the NABP Executive
25 Committee.

1

2

3

4

5

Chairperson Talbott requested volunteers for the
FDA's Intergovernmental Compounding Meeting on October
10-11, 2019.]

6

7

DR. COTCHEN:

8

9

10

I nominate Janet and Kerry to go to the
October Intergovernmental Compounding
Meeting that the FDA is holding.

11

MR. FRANKIL:

12

Second.

13

CHAIRPERSON TALBOTT:

14

15

Any other discussion? All in favor? Any
opposed?

16

[The motion carried unanimously.]

17

18

19

Old Business

20

W-F Professional Associates, Inc. - NAPLEX Review -

21

Updated Course Information

22

23

24

25

[Terry Talbott, R.Ph., Chairperson, commented that W-F
Professional Associates changed the course and the
faculty, noting that the Board utilizes the
organization for a NAPLEX review if somebody fails the

1 NAPLEX more than three times.]

2 ***

3 CHAIRMAN TALBOTT:

4 We need a motion to continue to utilize
5 W-F Professional Associates.

6 DR. COTCHEN:

7 So moved.

8 CHAIRPERSON TALBOTT:

9 Second?

10 MS. HART:

11 Second.

12 CHAIRPERSON TALBOTT:

13 Any other discussion? All in favor? Any
14 opposed?

15 [The motion carried unanimously.]

16 ***

17 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
18 9:36 a.m., the Board entered into Executive Session
19 with Kerry E. Maloney, Esquire, Board Counsel, to
20 receive legal advice and engage in quasi-judicial
21 deliberations. The Board returned to open session at
22 10:12 a.m.]

23 ***

24 MOTIONS

25 CHAIRPERSON TALBOTT:

1 The Board of Pharmacy met in executive
2 session to discuss and review consent
3 orders and other legal documents.

4 Are there any motions regarding these
5 discussions?

6 DR. COTCHEN:

7 Madam Chairperson, I move that we approve
8 the Consent Agreement for File No. 18-54-
9 002902.

10 CHAIRPERSON TALBOTT:

11 We have a motion. Any second?

12 MS. HART:

13 Second.

14 CHAIRPERSON TALBOTT:

15 Any discussion? Call the vote.

16

17 Hart, aye; Cotchen, aye; Talbott, recuse;

18 Greene, aye; Frankil, aye.

19 [The motion carried. Ms. Talbott recused herself from
20 deliberations and voting on the motion. The
21 pharmacist's name is Jiyae Juliahna Park, R.Ph.]

22

23 DR. COTCHEN:

24 I move that we approve the Consent
25 Agreement for File No. 19-54-002137.

1 MS. HART:

2 Second.

3 CHAIRPERSON TALBOTT:

4 Any discussion? Call the vote.

5

6 Frankil, aye; Greene, aye; Talbott, aye;

7 Cotchen, aye; Hart, aye.

8 [The motion carried unanimously. The pharmacist's
9 name is Charlene Z. Richter, R.Ph.]

10 ***

11 DR. COTCHEN:

12 I move that we approve the Consent
13 Agreement for File No. 18-54-012130.

14 CHAIRPERSON TALBOTT:

15 Do we have a second?

16 MS. HART:

17 Second.

18 CHAIRPERSON TALBOTT:

19 Any discussion? Call the vote.

20

21 Hart, aye; Cotchen, aye; Talbott, aye;

22 Greene, aye; Frankil, aye.

23 [The motion carried unanimously. The pharmacy's title
24 is Marley Drug Inc.]

25 ***

1 DR. COTCHEN:

2 I move that we approve the Consent
3 Agreements for File No. 18-54-006785 and
4 File No. 19-54-001579.

5 MS. HART:

6 Second.

7 CHAIRPERSON TALBOTT:

8 Any discussion? Call the vote.

9

10 Frankil, aye; Greene, aye; Talbott, aye;
11 Cotchen, aye; Hart, aye.

12 [The motion carried unanimously.]

13 ***

14 Adjournment

15 DR. COTCHEN:

16 I move that we adjourn.

17 CHAIRPERSON TALBOTT:

18 Second?

19 MS. HART:

20 Second.

21 ***

22 [There being no further business, the State Board of
23 Pharmacy Meeting adjourned at 10:15 a.m.]

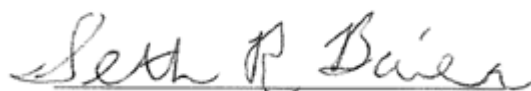
24 ***

25

CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.



Seth R. Baier,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX

April 16, 2019

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	9:02	Official Call to Order
10		
11	9:02	Pledge of Allegiance
12		
13	9:03	Introduction of Board Members, Board
14		Staff, and Audience Members
15		
16	9:05	Approval of Minutes
17		
18	9:06	Report of Prosecutorial Division
19		
20	9:11	Report of Board Counsel
21		
22	9:24	Report of Board Chairperson
23		
24	9:32	Report of Probable Cause Screening
25		Committee
26		
27	9:33	New Business
28		
29	9:35	Old Business
30		
31	9:36	Executive Session
32		
33	10:12	Return to Open Session
34		
35	10:12	Motions
36		
37	10:15	Adjournment
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		