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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

April 27, 2021

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State Board of Pharmacy
April 27, 2021

BOARD MEMBERS:

- Janet Getzey Hart, R.Ph., Chairperson
- K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs
- Christine Roussel, Pharm.D., BCOP, BCSCP, Secretary
- Patrick M. Greene, Esquire, Office of Attorney General
- John R. Slagle, R.Ph.
- Terry M. Talbott, R.Ph.

BUREAU PERSONNEL:

- Juan A. Ruiz, Esquire, Board Counsel
- Carole Clarke Smith, Esquire, Senior Board Counsel
- Nicole Ehrhart, Esquire, Board Counsel
- Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division
- Ray Michalowski, Esquire, Senior Board Prosecution Liaison
- Alice Glasser, Esquire, Board Prosecutor
- Caroline A. Bailey, Esquire, Board Prosecutor
- Melanie Zimmerman, R.Ph., Executive Secretary
- Theodore Stauffer, Executive Secretary, Bureau of Professional and Occupational Affairs
- Andrew LaFratte, MPA, Executive Policy Specialist, Department of State

ALSO PRESENT:

- Andrew C. Harvan, Esquire, Pennsylvania Medical Society
- Christopher Miller, Pharm.D., Giant Eagle
- Christine Renfer, Pharm.D., Director of Professional Practices & Pharmacist in Charge, CVS/Caremark Pharmacy
- Heather Coy, AllianceRx Walgreens Prime
- Jacquelyn Sassaman, Pentec Health

State Board of Pharmacy
April 27, 2021

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ALSO PRESENT: (cont.)

- Jen Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee
- Jenna McCarthy, Malady & Wooten, on behalf of PA CVS
- Jim Reed, Health Outcomes Supervisor/Strategic Partnerships Leader, Walgreens
- Judy Kutchman, AllianceRx Walgreens Prime
- Larry Jones, Executive Director, Pennsylvania Society of Health-System Pharmacists
- Nicole Sidle, Republican Executive Director, House Professional Licensure Committee
- Steve Sheaffer, Pennsylvania Society of Health-System Pharmacists
- Victoria Elliott, R.Ph., MBA, CAE, CEO, Pennsylvania Pharmacists Association
- Catherine Lutz, Pharmacy Inspector, Bureau of Enforcement and Investigation, Department of State
- Steven Zahn, Pharmacy Inspector, Bureau of Enforcement and Investigation, Department of State
- Ryan Burke
- Barbara Knightly
- Tamara Walker
- Gail Groves Scott
- Jason Anderson
- Rubert Kistler
- Lisa Scannapieco
- Yousef Al
- Selleca Huhn
- Derek Richmond

1 ***

2 State Board of Pharmacy

3 April 27, 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 is being recorded, and those who remain on the
15 line are giving their consent to being recorded.]

16 ***

17 The regularly scheduled meeting of the State
18 Board of Pharmacy was held on Tuesday, April 27, 2021.
19 Janet Getzey Hart, R.Ph., Chairperson, called the
20 meeting to order at 10:31 a.m.

21 ***

22 Introduction of the Board Members/Audience
23 [Chairperson Hart requested Board members and audience
24 introduce themselves.]

25 ***

1 Approval of Minutes

2 CHAIRPERSON HART:

3 At this point, we move to the agenda and
4 approval of the meeting minutes from
5 March 17.

6 MS. TALBOTT:

7 I'll make a motion that we approve the
8 minutes from March 17.

9 DR. ROUSSEL:

10 I will second that motion.

11 CHAIRPERSON HART:

12 Any discussion on the motion? Vote on
13 the motion. All in favor, aye? Opposed?

14 [The motion carried unanimously.]

15 ***

16 Report of Prosecutorial Division

17 [Caroline A. Bailey, Esquire, Board Prosecutor,
18 presented the Consent Agreements for Case No. 18-54-
19 009040, Case Nos. 20-54-004433 & 21-54-000053, and
20 Case No. 20-54-009805.]

21 ***

22 [Ray Michalowski, Esquire, Senior Board Prosecution
23 Liaison, presented the VRP Consent Agreements for Case
24 No. 21-54-000056, Case No. 21-54-000184, Case No. 21-
25 54-000318, and Case No. 21-54-000319.]

1 Ms. Talbott questioned whether violations have
2 increased or decreased.

3 Mr. Michalowski provided an overview of COVID
4 cases, noting a slowdown since the beginning of COVID
5 with recent cases involving vaccination-related issues
6 and masking. He noted all of the cases have been
7 resolved by warning letters with the help of the
8 Department of Health.

9 Mr. Michalowski addressed general cases, where
10 many individuals receive reciprocal discipline during
11 renewal years, especially with out-of-state
12 nonresidents. He noted a fair number of in-state
13 cases and people having more issues than any other
14 time. He stated the Professional Health Monitoring
15 Programs (PHMP) and other individuals are handling
16 those well.

17 Mr. Michalowski also addressed complaints, noting
18 those to be difficult to prove and end up being a
19 warning letter. He mentioned cases where pharmacists
20 may be dealing with a problem patient and get overly
21 loud and cases involving opiate prescriptions and
22 refills. He noted Mr. Frankil wrote an article for
23 the newsletter last year on dealing with individuals
24 in a professional manner.

25 Mr. Michalowski mentioned receiving a few

1 complaints regarding the vaccine but none that had any
2 merit and mostly where people are jumping the line.

3 Mr. Michalowski noted renewals were last year for
4 pharmacists, and there may be licensees who failed to
5 report charges or convictions but these individuals
6 will be caught. He commented that the only charge
7 missed would be federal charges or out-of-state
8 charges that were not reported.]

9

10 Report of Board Counsel

11 [Juan A. Ruiz, Esquire, Board Counsel, noted the Board
12 deliberated on two proposed adjudications and orders
13 during Executive Session prior to the meeting.

14 Mr. Ruiz read a scam alert pertaining to
15 licensees, where the Bureau of Professional and
16 Occupational Affairs (BPOA) received reports of
17 persons pretending to be from one of the health-
18 related boards and contacting licensees regarding the
19 status of their license. He noted scammers are
20 threatening license suspension for failure to act and
21 falsely claiming involvement with the Federal Bureau
22 of Investigation (FBI) and the Drug Enforcement
23 Administration (DEA).

24 Mr. Ruiz stated scammers are threatening license
25 suspension for failure to provide personal

1 information. He provided reminders from the Bureau of
2 Professional and Occupational Affairs (BPOA)
3 concerning how BPOA truly operates.

4 Mr. Ruiz mentioned that those who are the subject
5 of an investigation or disciplinary action will
6 receive notice by certified mail and/or personal
7 service and provided with a contact name and phone
8 number. He informed everyone to contact their local
9 police department or the state police if they have
10 been a victim of the scam. He noted the scam alert is
11 posted on all of the boards' websites.

12 Mr. Ruiz provided an update regarding the
13 Memorandum of Understanding (MOU). He addressed the
14 Food and Drug Administration (FDA) small group meeting
15 on April 7, 2021 discussing the MOU. He explained
16 that the FDA needed information to fill in the blanks
17 that are in the MOU right now for each state.

18 Mr. Ruiz stated the National Association of
19 Boards of Pharmacy (NABP) was also there presenting
20 information on their information-sharing network,
21 regarding how it works and responsibilities if the
22 information-sharing network is used going forward.

23 Mr. Ruiz explained that legislative changes may
24 be needed to actually enter into the MOU, and many
25 states are in the same situation as Pennsylvania. He

1 noted the FDA will not alter the MOU in any way, shape
2 or form. He mentioned New Hampshire is the only state
3 that has signed the MOU. North Carolina is amending
4 their laws and regulations to enter the MOU.
5 California indicated it would be roughly two to three
6 years before it could enter into the MOU.

7 Mr. Ruiz will continue to examine what
8 Pennsylvania needs to do to make this possible and
9 investigate avenues to enter into the MOU.]

10 ***

11 Report of Board Chair

12 [Janet Getzey Hart, R.Ph., Chairperson, had nothing
13 new to report but requested Dr. Roussel provide an
14 update on Dr. Roussel's attendance at the virtual
15 Accreditation Council for Pharmacy Education (ACPE)
16 reaccreditation site visit at Duquesne University.

17 Dr. Roussel commented that many components of the
18 curriculum are evaluated, including an assessment of
19 the facilities which was accomplished as an extended
20 video of the campus, classrooms, and laboratory
21 facilities.

22 Dr. Roussel noted many subcommittee meetings
23 occurred during the three-day event, where members
24 from the team, including a dean representative from
25 another pharmacy school and different faculty from

1 other universities, came together to discuss student
2 curriculum, integration with interdisciplinary
3 education, and patient care.

4 Dr. Roussel felt confident that ACPE did a great
5 job in ensuring the pharmacy colleges do a good job
6 educating their students and was confident in the
7 accreditation process.]

8

9 Report of Probable Cause Screening Committee
10 [Patrick M. Greene, Esquire, Office of Attorney
11 General, noted signing one Petition for Immediate
12 Temporary Suspension.]

13

14 Report of Commissioner
15 [K. Kalonji Johnson, Commissioner, Bureau of
16 Professional and Occupational Affairs, addressed
17 working with NABP with regard to a possible upgrade in
18 the Pennsylvania Licensing System (PALS) to allow for
19 an easier exchange of exam scores between that
20 organization and the Board of Pharmacy. He reported
21 challenges with regard to the cost needed to develop
22 the application programming interface (API) and to
23 integrate that into PALS. He noted earlier discussion
24 related to potential financial grants and the legality
25 of that. He will continue to investigate the matter.

1 ***

2 Report of Executive Secretary Ms. Zimmerman reported
3 currently being unable to engage in the data
4 integration using the API method with NABP due to
5 BPOA's priorities with other computer work. She is
6 working on resolving the score import issues, so it
7 can be done through the system, rather than manually.

8 Terry Talbott commented that NABP went to
9 pass/fail results for the licensure exams and is also
10 requiring a transcript be submitted for pharmacist
11 applicants prior to allowing them to test. She noted
12 schools being able to certify graduation and the Board
13 office staff authorizing an Authorization to Test
14 (ATT) letter even if the PA applicant had not provided
15 their transcript to the Board because it was not
16 mandated by our law.

17 Board Member Talbott mentioned NABP had a couple
18 incidents where people actually signed up to take the
19 North American Pharmacists Licensure Examination
20 (NAPLEX) without having gone to pharmacy school but
21 these individuals never took the test. She stated
22 applicants must have their schools provide their
23 transcript to NABP prior to the student receiving
24 authorization to test regardless of state statute.

25 She also informed everyone that schools can

1 upload the information in bulk to NABP. The
2 information will be uploaded into the applicant's
3 record at NABP, and once signed off, their ATT is
4 given. She stated colleges have been provided this
5 information by NABP, and she personally asked Janet
6 Astle at Duquesne University to make sure all the
7 deans in Pennsylvania know about it as well.]

8 ***

9 Approval of Agenda

10 CHAIRPERSON HART:

11 Do we have a motion to approve the
12 agenda?

13 MS. TALBOTT:

14 I will make that motion.

15 DR. ROUSSEL:

16 I will second that motion.

17 CHAIRPERSON HART:

18 Any discussion? Call for a vote. All in
19 favor, aye?

20 [The motion carried unanimously.]

21 ***

22 MOTIONS

23 CHAIRPERSON HART:

24 The Board met in Executive Session prior
25 to our public meeting to discuss and

1 review consent orders and other legal
2 documents.

3 Are there any motions regarding these
4 discussions?

5 MR. GREENE:

6 On agenda item 2, I make the motion that
7 we approve the Consent Agreement at Case
8 No. 18-54-009040.

9 MS. TALBOTT:

10 Second.

11 CHAIRPERSON HART:

12 Any discussion? Call for a vote.

13

14 Talbott, aye; Roussel, aye; Greene, aye;
15 Johnson, aye; Slagle, aye; Hart, aye.

16 [The motion carried unanimously. The Respondent's
17 name is Family Pharmacy.]

18 ***

19 MR. GREENE:

20 On agenda item 3, I make the motion that
21 we approve the Consent Agreement at Case
22 Nos. 20-54-004433 & 21-54-000053.

23 MS. TALBOTT:

24 Second.

25 CHAIRPERSON HART:

1 Any discussion? Call for a vote.

2

3 Talbott, aye; Roussel, aye; Greene, aye;

4 Slagle, aye; Johnson, aye; Hart, aye.

5 [The motion carried unanimously. The Respondent's

6 name is Ott and McHenry Pharmacy & Michael Alton

7 Dolan.]

8

9 MR. GREENE:

10 On agenda item 4, I make the motion that

11 we approve the Consent Agreement at Case

12 No. 20-54-009805.

13 MS. TALBOTT:

14 Second.

15 CHAIRPERSON HART:

16 Call for discussion? Call for a vote.

17

18 Talbott, aye; Roussel, aye; Greene, aye;

19 Slagle, aye; Johnson, aye; Hart, aye.

20 [The motion carried unanimously. The Respondent's

21 name is Absolute Pharmacy, LLC.]

22

23 MR. GREENE:

24 On agenda items 5, 6, 7, and 8, I make a

25 motion that we approve the VRP Consent

1 Agreements at Case No. 21-54-000056, Case
2 No. 21-54-000184, Case No. 21-54-000318,
3 and Case No. 21-54-000319.

4 MS. TALBOTT:

5 Second.

6 CHAIRPERSON HART:

7 Any discussion? Call for a vote.

8

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

11 [The motion carried unanimously.]

12

13 MR. GREENE:

14 On agenda item 9 in the matter of the
15 Petition for Reinstatement of Douglas J.
16 Clark, R.Ph., I make a motion we adopt
17 the hearing examiner's proposed
18 Adjudication but direct Board Counsel to
19 issue a corrected order.

20 MS. TALBOTT:

21 Second.

22 CHAIRPERSON HART:

23 Call for discussion? Call for a vote.

24

25 Talbott, aye; Roussel, aye; Greene, aye;

1 Slagle, aye; Johnson, aye; Hart, aye.

2 [The motion carried unanimously.]

3 ***

4 DR. ROUSSEL:

5 For agenda item 10, I would like to make
6 a motion to approve the Adjudication
7 Order for Umesh Patel, R.Ph., Case No.
8 20-54-009692.

9 MR. SLAGLE:

10 I'll second that.

11 CHAIRPERSON HART:

12 Any discussion? Call for a vote.

13

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

17 [The motion carried. Ms. Talbott and Mr. Greene
18 recused themselves from deliberations and voting on
19 the motion.]

20 ***

21 MR. GREENE:

22 On agenda item 12, I make a motion that
23 we provisionally deny the Reciprocal
24 Licensure Application of Michael Joyce.

25 MS. TALBOTT:

1 Second.

2 CHAIRPERSON HART:

3 Call for discussion? Call for a vote.

4

5 Talbot, aye; Roussel, aye; Greene, aye;

6 Slagle, aye; Johnson, aye; Hart, aye.

7 [The motion carried unanimously.]

8

9 MR. GREENE:

10 On agenda item 13, I make a motion that

11 we provisionally deny the Reciprocal

12 Licensure Application of Purvi Trivedi.

13 MS. TALBOTT:

14 Second.

15 CHAIRPERSON HART:

16 Any discussion? Call for a vote.

17

18 Talbot, aye; Roussel, aye; Greene, aye;

19 Slagle, aye; Johnson, aye; Hart, aye.

20 [The motion carried unanimously.]

21

22 MR. GREENE:

23 On agenda item 14, I make a motion that

24 we require the applicant, Emmanuil

25 Shamilov, to take the Pennsylvania

1 Pharmacists Association MPJE Prep &
2 Review course and successfully pass the
3 Practice Exam before retaking the MPJE.

4 MS. TALBOTT:

5 Second.

6 CHAIRPERSON HART:

7 Any discussion? Call for a vote.

8

9 Talbott, aye; Roussel, aye; Greene, aye;

10 Slagle, aye; Johnson, aye; Hart, aye.

11 [The motion carried unanimously.]

12

13 [Janet Getzey Hart, R.Ph., Chairperson, announced a
14 work session following the Board meeting.]

15

16 Public Comment

17 [Juan A. Ruiz, Esquire, Board Counsel, addressed a
18 question in chat requesting clarification of MOU. He
19 provided a definition of MOU as a Memorandum of
20 Understanding with the FDA concerning 503A compounding
21 pharmacies. He explained that Pennsylvania needed to
22 enter into an MOU with the FDA in order for
23 compounding pharmacies to dispense an inordinate
24 amount of compounded prescriptions out of state.

25 Mr. Ruiz stated a restriction of only 5% of total

1 compounding prescriptions could be sent out of state
2 if Pennsylvania did not enter into an MOU. He noted
3 it to be a request from the FDA for Pennsylvania to
4 share information concerning serious adverse events
5 that happen concerning compounded medication.]

6 ***

7 Adjournment

8 CHAIRPERSON HART:

9 Motion to close?

10 MS. TALBOTT:

11 I'll make the motion we adjourn and go to
12 our work session.

13 MR. GREENE:

14 Second.

15 CHAIRPERSON HART:

16 Any discussion? All in favor, say aye.

17 Opposed.

18 [The motion carried unanimously.]

19 ***

20 [There being no further business, the State Board of
21 Pharmacy Meeting adjourned at 11:10 a.m. A regulation
22 work session was held after the meeting.]

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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.



Derek Richmond,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:31	Introduction of Board Members/Audience
10:37	Approval of Minutes
10:37	Report of Prosecutorial Division
10:48	Report of Board Counsel
10:54	Report of Board Chairperson
10:55	Report of Probable Cause Screening Committee
10:56	Report of Commissioner
10:59	Report of Executive Secretary
11:01	Approval of Agenda
11:02	Motions
11:08	Public Comment
11:10	Adjournment