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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 MICROSOFT TEAMS**

TIME: 10:30 A.M.

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

May 10, 2022

State Board of Pharmacy
May 10, 2022

BOARD MEMBERS:

Janet Getzey Hart, R.Ph., Chairperson
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Christine Roussel, Pharm.D., BCOP, BCSCP, Vice Chair
Patrick M. Greene, Esquire, Office of Attorney
General, Secretary
John R. Slagle, R.Ph.
Terry M. Talbott, R.Ph.

BUREAU PERSONNEL:

Ariel O'Malley, Esquire, Board Counsel
Carole Clarke Smith, Esquire, Senior Board Counsel
Ray Michalowski, Esquire, Senior Board Prosecution
Liaison
Glenn P. Masser, Esquire, Board Prosecutor
Lisa Burns, Division Chief, Health Licensing
Division, Department of State, on behalf of Melanie
Zimmerman, R.Ph., Board Administrator
Christina Townley, Dental Board Administrator, Health
Licensing Division, Department of State

ALSO PRESENT:

Kerry E. Maloney, Esquire, Associate Counsel,
University of Pittsburgh Medical Center
Additional audience members present in person and via
Microsoft Teams

1 ***

2 State Board of Pharmacy

3 May 10, 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 Ariel O'Malley, Esquire, Board Counsel, and
8 Carole Clarke Smith, Esquire, Senior Board Counsel,
9 to receive legal advice and engage in quasi-judicial
10 deliberations. The Board returned to open session at
11 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State Board of
14 Pharmacy was held on Tuesday, May 10, 2022. Janet
15 Getzey Hart, R.Ph., Chairperson, called the meeting to
16 order at 10:30 a.m.

17 ***

18 Introduction of the Board Members/Audience
19 [Janet Getzey Hart, R.Ph., Chairperson, requested an
20 introduction of Board members and the audience.]

21 ***

22 [Chairperson Hart reminded everyone to turn off cell
23 phones and pagers.]

24 ***

25 Approval of Agenda

1 CHAIRPERSON HART:

2 There was an agenda that was posted. Do
3 we have a motion to approve the agenda or
4 any additions to the agenda?

5 MR. SLAGLE:

6 So moved.

7 MS. TALBOTT:

8 Second.

9 CHAIRPERSON HART:

10 We'll do a vote starting with Patrick.

11

12 Greene, aye; Roussel, aye; Hart, aye;

13 Slagle, aye; Talbott, aye; Claggett, aye.

14 [The motion carried unanimously.]

15

16 [Ariel E. O'Malley, Esquire, Board Counsel, reminded
17 everyone that the meeting was being recorded, and
18 those who continued to participate were giving their
19 consent to be recorded.]

20

21 Approval of Minutes

22 CHAIRPERSON HART:

23 Next would be the approval of the minutes
24 from the previous meeting on March 29,
25 2022.

1 MR. GREENE:

2 I move to approve the minutes from the
3 March 29, 2022 meeting.

4 MS. TALBOTT:

5 Second.

6 CHAIRPERSON HART:

7 Call for a vote.

8

9 Greene, aye; Roussel, aye; Hart, aye;

10 Slagle, aye; Talbott, aye; Claggett, aye.

11 [The motion carried unanimously.]

12 ***

13 Report of Prosecutorial Division

14 [Glenn P. Masser, Esquire, Board Prosecutor, presented
15 the Consent Agreement for Case No. 20-54-006589.]

16 ***

17 [Ray Michalowski, Esquire, Senior Board Prosecution
18 Liaison, presented the VRP Consent Agreements for Case
19 No. 22-54-003210, Case No. 22-54-005712, and Case No.
20 22-54-006103.]

21 Ms. Talbott asked whether more or less cases are
22 being opened relative to past years.

23 Mr. Michalowski stated there has been a drop in
24 COVID-related complaints.}

25 ***

1 Report of Board Counsel

2 [Ariel E. O'Malley, Esquire, Board Counsel, noted one
3 final adjudication and order on the agenda. She also
4 referred to the Recusal Guidelines for the Board's
5 review.

6 She provided a summary of her professional
7 background.

8 Carole Clarke Smith, Esquire, Senior Board
9 Counsel, informed everyone that Juan Ruiz accepted a
10 promotion at another agency. She informed the Board
11 that she and Ms. O'Malley would get up to speed with
12 Board issues and get some of the regulations moving
13 and finalized.]

14 ***

15 Report of Board Chairperson - No Report

16 ***

17 Report of Acting Commissioner

18 [Arion R. Claggett, Acting Commissioner, Bureau of
19 Professional and Occupational Affairs, informed Board
20 members that the department is currently in the
21 process of replacing the Pennsylvania Licensing System
22 (PALS) and should have the new system identified and
23 in place by the end of 2023.]

24 ***

25 Report of Board Administrator - No Report

1 ***

2 Discussion Items

3 [Janet Getzey Hart, R.Ph., Chairperson, referred to
4 the request for a Board presentation at the Duquesne
5 University School of Pharmacy Alumni Conference.

6 Ms. Talbott noted having prior approval to attend
7 the conference, but the dates were canceled and
8 requested approval to attend the Duquesne University
9 School of Pharmacy Alumni Conference at Seven Springs
10 in September.]

11 MR. GREENE:

12 I make a motion that we send Terry
13 Talbott and Christine Roussel as
14 representatives to the September 16,
15 2022, Duquesne University School of
16 Pharmacy Alumni Conference.

17 DR. ROUSSEL:

18 I would like to second that motion.

19 CHAIRPERSON HART:

20 We'll call for a vote.

21

22 Greene, aye; Roussel, aye; Hart, aye;

23 Slagle, aye; Talbott, aye; Claggett, aye.

24 [The motion carried unanimously.]

25

1 Discussion Items

2 [Janet Getzey Hart, R.Ph., Chairperson, addressed the
3 proposed amendments to the National Association of
4 Boards of Pharmacy (NABP) Constitution and Bylaws.
5 She stated the amendments fit with what has happened
6 at NABP as far as terms.

7 Ms. Talbott also mentioned the other amendment
8 would allow electronic voting depending on the
9 circumstances.

10 Chairperson Hart noted the April 2022 Well-Being
11 Index for Pharmacy Personnel NABP District Two for the
12 Board's review.]

13 ***

14 MOTIONS

15 CHAIRPERSON HART:

16 The Board met in Executive Session to
17 receive legal advice and engage in quasi-
18 judicial deliberations.

19 Are there any motions regarding these
20 discussions?

21 MR. GREENE:

22 At agenda item 2, I make a motion that we
23 reject the Consent Agreement at Case No.
24 20-54-006589.

25 MS. TALBOTT:

1 Second.

2 CHAIRPERSON HART:

3 Call for a vote.

4

5 Greene, aye; Roussel, aye; Hart, aye;

6 Slagle, aye; Talbott, aye; Claggett, aye.

7 [The motion carried unanimously.]

8

9 MR. GREENE:

10 At agenda items 3, 4, and 5, I make a
11 motion that we approve the following VRP
12 Consent Agreements at Case No. 22-54-
13 003210, Case No. 22-54-005712, and Case
14 No. 22-54-006103.

15 MS. TALBOTT:

16 Second.

17 CHAIRPERSON HART:

18 Call for a vote.

19

20 Greene, aye; Roussel, aye; Hart, aye;

21 Slagle, aye; Talbott, aye; Claggett, aye.

22 [The motion carried unanimously.]

23

24 MR. GREENE:

25 At agenda item 6, the matter of BPOA v.

1 Pentec Health, Inc., I make a motion that
2 we approve the Final Adjudication and
3 Order.

4 MS. TALBOTT:

5 Second.

6 CHAIRPERSON HART:

7 Call for a vote.

8

9 Greene, aye; Roussel, aye; Hart, aye;

10 Slagle, aye; Talbott, aye; Claggett, aye.

11 [The motion carried unanimously.]

12 ***

13 Adjournment

14 CHAIRPERSON HART:

15 The meeting is adjourned.

16 ***

17 [There being no further business, the State Board of
18 Pharmacy Meeting adjourned at 10:49 a.m.]

19 ***

20 [A regulation work session was held immediately
21 following 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
REFERENCE INDEX

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Introduction of Board Members/Audience
10:31	Approval of Agenda
10:31	Approval of Minutes
10:33	Report of Prosecutorial Division
10:38	Report of Board Counsel
10:41	Report of Acting Commissioner
10:41	Discussion Items
10:46	Motions
10:49	Adjournment