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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: 8:59 A.M.

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

June 4, 2019

State Board of Pharmacy

June 4, 2019

BOARD MEMBERS:

Terry M. Talbott, R.Ph., Chairperson
Kalonji Johnson, Acting Commissioner, Bureau of
Professional and Occupational Affairs
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
Ray Michalowski, Esquire, Board Prosecution Liaison
Monty J. Batson, Esquire, Board Prosecutor
J. Karl Geschwindt, Esquire, Board Prosecutor
Alissa Harrison, Esquire, Board Prosecutor
Tara J. Smith, Esquire, Board Prosecutor
Angela B. Lucci, Esquire, Board Prosecutor
Caroline A. Bailey, Esquire, Board Prosecutor
Glenn P. Masser, Esquire, Board Prosecutor
Steven A. Mimm, Esquire, Board Prosecutor
Melanie Zimmerman, R.Ph., Executive Secretary

ALSO PRESENT:

Patricia A. Epple, CAE, Pennsylvania Pharmacists
Association
Carl Harting, CVS Health
Bill Maguire, Pharmacy Consultant, Omnicell
Lauren Paul, CVS Health
Frank Trollo, Central Admixture Pharmacy Services
James Reed, Area Healthcare Supervisor, Walgreens
David Klinger, System Director, Operations &
Compliance, Geisinger Health System
John Loxterman, Enclara Pharmacia
Steve Sheaffer, Pennsylvania Society of Health-System
Pharmacists
Jacquelyn Sassaman, Pentec Health
Jenna L. McCarthy, Malady & Wooten

State Board of Pharmacy

June 4, 2019

ALSO PRESENT: (cont.)

- Teresa Moore, Secundum Artem Reaching Pharmacists with Help Nurse Peer Assistance Program
- Robert Grobinski, Cardinal Health
- Christine Roussel, Pharm.D., BCOP, Pennsylvania Society of Health-System Pharmacists, Doylestown Hospital
- Gregory Smith, Director of Pharmacy, Central Admixture Pharmacy Services
- Lawrence Carey, Pennsylvania Society of Health-System Pharmacists
- Andrew C. Harvan, Esquire, Pennsylvania Medical Society
- John Sisto, Express Scripts, Incorporated
- Tiffany Walter, Western New England University

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1 ***

2 State Board of Pharmacy

3 June 4, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Pharmacy was held on Tuesday, June 4, 2019.
7 Terry Talbott, R.Ph., Chairperson, called the meeting
8 to order at 8:59 a.m. Kalonji Johnson, Acting
9 Commissioner, Bureau of Professional and Occupational
10 Affairs, was not present at the commencement of the
11 meeting.

12 The Pledge of Allegiance was recited.

13 ***

14 Introduction of Board Members, Board Staff, and
15 Audience

16 [Chairperson Talbott requested the introduction of
17 Board Members, Board staff, and audience members.]

18 ***

19 [Kalonji Johnson, Acting Commissioner, Bureau of
20 Professional and Occupational Affairs, entered the
21 meeting at 9:00 a.m.]

22 ***

23 [Chairperson Talbott requested that all cell phones be
24 turned off.]

25 ***

1 Evacuation Announcement

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

5 ***

6 Approval of Agenda

7 CHAIRPERSON TALBOTT:

8 I ask for a motion to approve the agenda.

9 Are there any additions to the agenda?

10 DR. COTCHEN:

11 So moved.

12 CHAIRPERSON TALBOTT:

13 Okay. Second?

14 MS. HART:

15 Second.

16 CHAIRPERSON TALBOTT:

17 Any discussion on the agenda? Motion to

18 approve? All in favor? Any opposed?

19 [The motion carried unanimously.]

20 ***

21 Approval of minutes of the April 16, 2019 meeting

22 CHAIRPERSON TALBOTT:

23 We will move on to the minutes from

24 April.

25 DR. COTCHEN:

1 I move that we approve the minutes from
2 April.

3 CHAIRPERSON TALBOTT:

4 Thank you.

5 MS. HART:

6 Second.

7 CHAIRPERSON TALBOTT:

8 Any discussion on the minutes? All in
9 favor? Any opposed?

10 [The motion carried unanimously.]

11 ***

12 Report of Prosecutorial Division

13 [Monty J. Batson, Esquire, Board Prosecutor, presented
14 the Consent Agreement for File No. 15-54-07398.]

15 ***

16 [J. Karl Geschwindt, Esquire, Board Prosecutor,
17 presented the Consent Agreement for File No. 18-54-
18 005617.]

19 ***

20 [Alissa Harrison, Esquire, Board Prosecutor, presented
21 the Consent Agreements for File No. 16-54-08283, 17-
22 54-03637, 14-54-04260, 17-54-11569, 17-54-07163, 16-
23 54-14929, 17-54-11568 & 17-54-08037.]

24 ***

25 [Tara J. Smith, Esquire, Board Prosecutor, presented

1 the Consent Agreement for File No. 18-54-012188.]

2

3 [Ray Michalowski, Esquire, Board Prosecution Liaison,
4 on behalf of Heather J. McCarthy, presented the
5 Consent Agreement for VRP File No. 19-54-003471.

6 Mr. Michalowski addressed reorganization of
7 prosecution teams. He noted five groups, where the
8 Pharmacy Board was moved back to his team which
9 includes the boards with inspection authority.

10 Caroline Bailey, Glenn Masser, Steve Mann and Angela
11 Lucci will be prosecutors for the Pharmacy Board.

12 Dr. Cotchen questioned whether licensees will be
13 able to see what the inspection form will look like
14 because of the new regulations and the United States
15 Pharmacopeia (USP) revising the general chapters.

16 Mr. Michalowski explained that Board of
17 Pharmacy's compounding regulations are out for final
18 approval but are not in effect yet. He noted that the
19 Bureau of Enforcement and Investigation will be
20 developing the inspection forms. Mr. Michalowski
21 also mentioned that he will be speaking with Jaime
22 Black, who is an attorney for the Department of
23 Health, about the surveys for hospital pharmacies
24 regarding updating hospital inspection forms.]

25

1 Report of Board Counsel

2 [Kerry E. Maloney, Esquire, Board Counsel, stated the
3 compounding regulation was approved by the Independent
4 Regulatory Review Commission (IRRC) and submitted to
5 the Office of Attorney General for review. The
6 regulation will go back to the Office of General
7 Counsel (OGC) for publication and will go into effect
8 once published in the *Pennsylvania Bulletin*.

9 Mr. Maloney stated the General Revisions had not
10 been published for exposure yet but is expecting those
11 to be sent out to stakeholders for comments within a
12 week.

13 Dr. Cotchen expressed her concern that new
14 inspection questions related to the compounding
15 regulations have not been provided to licensees.

16 Mr. Maloney noted that BEI has not finalized a
17 new inspection form based on the pending compounding
18 regulations. He stated the public would be made aware
19 of the inspection questions once they are determined.

20 Chairperson Talbott suggested placing the
21 questions on the Board's website and having Pat Epple
22 and Steve Sheaffer send an email blast to their
23 associations' members.]

24 ***

25 Report of Board Chairperson

1 [Terry M. Talbott, R.Ph., Chairperson, commented that
2 she and Janet Hart attended the National Association
3 of Boards of Pharmacy's (NABP's) Annual Meeting in
4 Minneapolis. Ms. Talbott reviewed NABP's election
5 results.

6 Ms. Talbott noted discussion concerning artificial
7 intelligence and how to use technology so pharmacists
8 can have a more personal touch with patients instead
9 of handling nonclinical work, noting that regulations
10 could allow for such things.

11 Ms. Hart noted that it was the first time a
12 certified pharmacy technician ran for a position on
13 the NABP Executive Committee.

14 Ms. Hart provided information regarding 12
15 resolutions discussed at the meeting.]

16 ***
17 Report of Probable Cause Screening Committee - No
18 Report

19 ***
20 Report of Acting Commissioner
21 [Kalonji Johnson, Acting Commissioner, Bureau of
22 Professional and Occupational Affairs, noted his
23 recent approval of articles for the newsletter. The
24 newsletter should be sent out shortly.

25 Acting Commissioner Johnson commented that the

1 Senate Professional Licensure Committee would soon be
2 meeting and sending to the floor several bills that
3 include the endorsement bill, where boards would be
4 required to endorse candidates for licensure for those
5 applicants from other states absent of discipline on
6 their license or criminal conviction.

7 Acting Commissioner Johnson addressed Board
8 Member vacancies and will be speaking with Steve
9 Latanishen later today in terms of new member
10 nominations.

11 Mr. Maloney noted that House Bill 770 regarding
12 pharmacy technicians is sitting in the Senate
13 Committee on Consumer Protection and Professional
14 Licensure and has not moved.

15 Mr. Maloney explained HB 1172 regarding license
16 endorsement is for individuals in good standing and
17 who have no discipline in another state who would seek
18 licensure in Pennsylvania.

19 Chairperson Talbott mentioned a bill percolating
20 in New York that would allow reciprocity for
21 immunization authority.]

22

23 Report of Executive Secretary

24 [Melanie Zimmerman, R.Ph., Executive Secretary, had no
25 report and noted that the applications would be

1 discussed during executive session.]

2

3 New Business - Pennsylvania Pharmacists Association

4 MPJE Prep & Review

5 [Melanie Zimmerman, R.Ph., Executive Secretary, noted

6 an applicant's request for the Board to consider the

7 Pennsylvania Pharmacists Association Multistate

8 Pharmacy Jurisprudence Examination (MPJE) Prep &

9 Review as an option when an applicant fails the PA

10 MPJE three or more times. Discussion will be held

11 during executive session.

12 Ms. Zimmerman referred to the invitation to

13 provide a presentation at the Pennsylvania Pharmacists

14 Association's 2019 Annual Conference on September 21,

15 2019 at Seven Springs.]

16

17 MS. HART:

18 I make a motion to approve Gayle, Kerry,

19 and a BEI representative to attend to

20 give a presentation.

21 CHAIRPERSON TALBOTT:

22 (BEI representative) To be named.

23 MR. FRANKIL:

24 I will second that motion.

25 CHAIRPERSON TALBOTT:

1 CHAIRPERSON TALBOTT:

2 Any other discussion? All in favor? Any
3 opposed?

4 [The motion carried unanimously.]

5 ***

6 New Business - (cont.)

7 [Melanie Zimmerman, R.Ph., Executive Secretary,
8 referred to the 2019 Tri-Regulator Symposium September
9 26-27, 2019 in Frisco, Texas.]

10 ***

11 DR. COTCHEN:

12 I make a motion that we send Janet to the
13 Tri-Regulator Symposium in Texas.

14 MR. JOHNSON:

15 Second.

16 CHAIRPERSON TALBOTT:

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

19 [The motion carried unanimously.]

20 ***

21 New Business - (cont.)

22 [Melanie Zimmerman, R.Ph., Executive Secretary,
23 referred to the NABP/AACP District 1 & 2 meeting to be
24 held September 19-21, 2019 in Burlington, VT.

25 Chairperson Talbott requested approval for

1 staying at the hotel due to the distance of other
2 hotels.

3 Chairperson Talbott will be attending the meeting
4 through her job. Ms. Hart volunteered to attend the
5 meeting on behalf of the Board.]

6 ***

7 DR. COTCHEN:

8 I make a motion that we send Janet as the
9 delegate to the District 1 & 2 meeting
10 and Terry will be the alternate.

11 MR. FRANKIL:

12 I second.

13 CHAIRPERSON TALBOTT:

14 Any other discussion? All in favor?

15 [The motion carried unanimously.]

16 ***

17 Old Business - Pharmacist Workload and Patient Safety
18 Concerns

19 [Robert B. Frankil, R.Ph., Vice Chairman, addressed
20 earlier complaints from pharmacists concerning
21 workload and how this relates to public safety. Mr.
22 Frankil referred to *The Pharmacist Activist* newsletter
23 by Dr. Dan Hussar, specifically looking at some of the
24 chain pharmacies and their demands on performance and
25 workload. He stated this is a concern of the

1 independent pharmacy world as well.

2 Mr. Frankil noted that many states have something
3 that addresses this in the regulations, such as ratios
4 for technicians to pharmacists, noting that
5 Pennsylvania does not have a real definition of
6 technician because a law granting authority to the
7 Board to register pharmacy technicians has not been
8 passed.

9 Chairperson Talbott commented that one of the
10 NABP resolutions that passed was a study to look at
11 workload and suggested a subcommittee, noting that she
12 does not want to duplicate efforts going on at a
13 national level.

14 Mr. Maloney provided an overview of the
15 regulation process and suggested a separate bill or
16 maybe plugging it into the pharm tech bill regulations
17 if the pharmacy technician bill passes.

18 Mr. Frankil referred to the NABP study and the
19 pharm tech bill and suggested responding to licensees
20 as a Board to let them know this issue is being
21 discussed.

22 Mr. Maloney mentioned obtaining information from
23 the NABP study, research data collected from other
24 states as far as pharmacist to pharmacy technician
25 ratios, and inviting comments for the July meeting.

1 Ms. Hart suggested waiting to look at what other
2 states have been doing with technicians. She
3 mentioned that there are other things to consider
4 because states that have had ratios in the past have
5 done away with them and moved to different areas.]

6

7 Old Business (cont.)

8 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
9 the need for discussion of the July 16, 2019 Board
10 meeting date. The Board decided to change the date to
11 July 24, 2019.

12 Mr. Maloney thanked Gayle for her presentation at
13 the Pennsylvania Society of Health-System Pharmacists
14 (PSHP) compounding seminar.

15 Steve Sheaffer, Pennsylvania Society of Health-
16 System Pharmacists, noted appreciation of the large
17 number of Bureau staff in attendance.

18 Mr. Sheaffer received questions about pharmacy
19 applications and whether or not they will be changed
20 to reflect the requirements of USP.

21 Mr. Maloney commented that the Board will need to
22 look at amending the applications once the pending
23 compounding regulations are finalized.

24 Dr. Cotchen commented that hospitals are surveyed
25 by Joint Commission or whoever is doing accreditation

1 of the hospital. She stated pharmacy businesses in the
2 community were doing sterile compounding and get
3 inspected by BEI, noting the importance of making sure
4 the public is protected from unsafe practices. She
5 also stated the Board and BEI want to make sure they
6 accomplish what needs to be done, including training
7 of the inspectors.]

8 ***

9 [Kalonji Johnson, Acting Commissioner, Bureau of
10 Professional and Occupational Affairs, exited the
11 meeting at 10:13 a.m.]

12 ***

13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 10:13 a.m., the Board entered into Executive Session
15 with Kerry E. Maloney, Esquire, Board Counsel, to
16 receive legal advice and engage in quasi-judicial
17 deliberations. The Board returned to open session at
18 10:59 a.m.]

19 ***

20 MOTIONS

21 CHAIRPERSON TALBOTT:

22 The Board of Pharmacy met in executive
23 session to discuss and review consent
24 orders and other legal documents.

25 Are there any motions regarding these

1 discussions?

2 DR. COTCHEN:

3 Madam Chairperson, I move that we approve
4 the Consent Agreement for File No. 15-54-
5 07398.

6 MR. FRANKIL:

7 Second.

8 CHAIRPERSON TALBOTT:

9 Any discussion? Call the vote.

10

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

13 [The motion carried unanimously. The Respondent's
14 name is Joseph G. Yost, R.Ph.]

15

16 DR. COTCHEN:

17 I move that we approve the Consent
18 Agreement for File No. 18-54-005617.

19 MR. FRANKIL:

20 Second.

21 CHAIRPERSON TALBOTT:

22 Any discussion? Call the vote.

23

24 Frankil, aye; Greene, aye; Talbott, aye;
25 Cotchen, aye; Hart, aye.

1 [The motion carried unanimously. The respondent is
2 Talon Compounding Pharmacy.]

3 ***

4 DR. COTCHEN:

5 I move that we reject the Consent
6 Agreements as too lenient for File Nos.
7 16-54-08283, 17-54-03637, 14-54-04260,
8 17-54-11569, 17-54-07163, 16-54-14929,
9 17-54-11568 & 17-54-08037.

10 MR. FRANKIL:

11 Second.

12 CHAIRPERSON TALBOTT:

13 Any discussion? Call the vote.

14

15 Frankil, aye; Greene, aye; Talbott, aye;
16 Cotchen, aye; Hart, aye.

17 [The motion carried unanimously.]

18 ***

19 DR. COTCHEN:

20 I move that we approve the Consent
21 Agreement for File No. 19-54-003471.

22 MR. FRANKIL:

23 Second.

24 CHAIRPERSON TALBOTT:

25 Any discussion? Call the vote.

1

2

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

3

Cotchen, aye; Hart, aye.

4

[The motion carried unanimously.]

5

6

DR. COTCHEN:

7

I move that we reject the Consent

8

Agreement as too lenient for File No. 18-

9

54-012188.

10

MR. FRANKIL:

11

Second.

12

CHAIRPERSON TALBOTT:

13

Any further discussion? Call the vote.

14

15

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

16

Cotchen, aye; Hart, aye.

17

[The motion carried unanimously.]

18

19

DR. COTCHEN:

20

I move that we approve the final

21

Adjudication and Order in the case of

22

Mitesh M. Patel, R.Ph., Case No. 13-54-

23

08175.

24

MR. FRANKIL:

25

Second.

1 CHAIRPERSON TALBOTT:

2 Any discussion? Call the vote.

3

4 Frankil, aye; Greene, recuse; Talbott,
5 aye; Cotchen, aye; Hart, aye.

6 [The motion carried. Mr. Greene recused himself from
7 deliberations and voting on the motion.]

8

9 DR. COTCHEN:

10 I move that we provisionally deny the
11 Nonresident Pharmacy Application
12 submitted by ZooPharm, Inc.

13 MR. FRANKIL:

14 Second.

15 CHAIRPERSON TALBOTT:

16 Any discussion? Call the vote.

17

18 Frankil, aye; Greene, aye; Talbott, aye;
19 Cotchen, aye; Hart, aye.

20 [The motion carried unanimously.]

21

22 Adjournment

23 DR. COTCHEN:

24 I move that we adjourn the meeting.

25 CHAIRPERSON TALBOTT:

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All in favor?

[The motion carried unanimously.]

[There being no further business, the State Board of
Pharmacy Meeting adjourned at 11:03 a.m. A regulation
work session was held after the meeting.]

CERTIFICATE

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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

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TIME	AGENDA
8:59	Official Call to Order
9:00	Pledge of Allegiance
9:00	Introduction of Board Members, Board Staff, and Audience Members
9:01	Approval of Agenda and Minutes
9:03	Report of Prosecutorial Division
9:24	Report of Board Counsel
9:29	Report of Board Chairperson
9:37	Report of Acting Commissioner
9:43	Report of Board Administrator
9:45	New Business
9:51	Old Business
10:13	Executive Session
10:59	Return to Open Session
10:59	Motions
11:03	Adjournment