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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

June 8, 2021

State Board of Pharmacy
June 8, 2021

BOARD MEMBERS:

Janet Getzey Hart, R.Ph., Chairperson
Theodore Stauffer, Executive Secretary, Bureau of
Professional and Occupational Affairs, on behalf of
K. Kalonji Johnson, Commissioner
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
Ray Michalowski, Esquire, Senior Board Prosecution
Liaison
Alice Glasser, Esquire, Board Prosecutor
Angela B. Lucci, Esquire, Board Prosecutor
Melanie Zimmerman, R.Ph., Executive Secretary
Marc Farrell, Deputy Director, Policy Office,
Department of State
Glenn P. Masser, Esquire, Board Prosecutor
Thaddeus Cwiklinski, Legal Office Summer Intern

ALSO PRESENT:

Andrew C. Harvan, Esquire, Pennsylvania Medical
Society
Barbara Knightly, Executive Vice President of
Regulatory Affairs and Quality Operations, Pentec
Health & International Academy of Compounding
Pharmacists
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
June 8, 2021

ALSO PRESENT: (Continued)

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7 Jim Reed, Health Outcomes Supervisor/Strategic
8 Partnerships Leader, Walgreens
9 Judy Kutchman, AllianceRx Walgreens Prime
10 Kerry E. Maloney, Esquire, Post & Shell
11 Larry Jones, Executive Director, Pennsylvania
12 Society of Health-System Pharmacists
13 Laura Romeo, Pharmacist-in-Charge at ConnectiveRx,
14 Careform Pharmacy
15 Leigh Shirley, Director of Pharmacy Operations, Giant
16 Food Stores
17 Lisa Scannapieco, Director of Pharmacy Education and
18 Clinical Integration, Pentec Health
19 Matthew Roesch, R.Ph., Pharmacist-in-Charge, Vetsource
20 Pharmacy
21 Nicholas Nigro, Compliance Officer, Hopkinton Drug,
22 Incorporated
23 Nicole Kruczek, R.Ph., MPBA, CVS/Caremark Pharmacy
24 Nicole Fidler, Malady & Wooten, on behalf of PA CVS
25 Steve Sheaffer, Pennsylvania Society of Health-System
26 Pharmacists
27 Tamara Walker, Emerus Holdings/Allegheny Health
28 Network Neighborhood Hospitals
29 Victoria Elliott, R.Ph., MBA, CAE, CEO, Pennsylvania
30 Pharmacists Association
31 Edward Foote, Pharm.D., FCCP, BCPS, Dean, Philadelphia
32 College of Pharmacy at the University of Sciences
33 Catherine Lutz, Pharmacy Inspector, Bureau of
34 Enforcement and Investigation, Department of State
35 Steven Zahn, Pharmacy Inspector, Bureau of
36 Enforcement and Investigation, Department of State
37 Derek Richmond
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2 State Board of Pharmacy

3 June 8, 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 was being recorded, and those who remained on
15 the line were giving their consent to be recorded.]

16 ***

17 The regularly scheduled meeting of the State
18 Board of Pharmacy was held on Tuesday, June 8, 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 Agenda

2 CHAIRPERSON HART:

3 Do I have a motion to approve the agenda?

4 DR. ROUSSEL:

5 I'd like to make a motion to approve the
6 agenda.

7 MS. TALBOTT:

8 Second.

9 CHAIRPERSON HART:

10 Any call for discussion? Vote to approve
11 the agenda. All in favor, aye? Opposed?
12 Abstained?

13 [The motion carried unanimously.]

14 ***

15 Approval of Minutes

16 CHAIRPERSON HART:

17 The next item on the agenda will be
18 approval of the minutes from the previous
19 meeting.

20 MS. TALBOTT:

21 I'll make that motion, Madam Chair, to
22 approve the minutes from the last
23 meeting.

24 MR. GREENE:

25 Second.

1 CHAIRPERSON HART:

2 Call for a discussion? Call for a vote.

3 All in favor, aye. Opposed? Abstained?

4 [The motion carried unanimously.]

5 ***

6 Report of Prosecutorial Division

7 [Angela B. Lucci, Esquire, Board Prosecutor, presented
8 the Consent Agreement for Case Nos. 19-54-011961 & 19-
9 54-011964.]

10 ***

11 [Glenn P. Masser, Esquire, Board Prosecutor, presented
12 the Consent Agreements for Case No. 20-54-000721, Case
13 No. 20-54-010231, Case No. 20-54-013766, and Case No.
14 21-54-000757.]

15 ***

16 [Ray Michalowski, Esquire, Senior Board Prosecution
17 Liaison, presented the VRP Consent Agreements for Case
18 No. 20-54-014353 and Case No. 21-54-004072.]

19 ***

20 Mr. Michalowski stated Ms. Glasser, Ms. Bailey,
21 and Jessica Zukoski, were working closely with the
22 Department of Health's Prescription Drug Monitoring
23 Program (PDMP) to get pharmacies in compliance with
24 timelines and working on pharmacy errors.

25 Mr. Michalowski mentioned that the Department

1 receives quarterly reports from PDMP's compliance
2 officer and works with them contacting pharmacies by
3 email to get things corrected and then by mail, along
4 with the Bureau of Enforcement and Investigation (BEI)
5 if the mailed letter does not work.

6 Mr. Michalowski noted Ashley Bolton, the Director
7 of the Office of Drug Surveillance and Misuse
8 Prevention, and Jared Shinabery, the Deputy Secretary
9 for Health Resources and Services, were working on
10 changing their vendor to an in-house PDMP system and
11 have been contacting him because PALS connects to
12 their system and there are missing data elements. He
13 informed the Board that senior prosecutors from
14 prescribing boards and Mark Zogby would soon be
15 meeting PDMP to discuss their new system. Mr.
16 Michalowski indicated that he would ask the PDMP to
17 provide a presentation to the Board in the future.]

18

19 Report of Board Counsel

20 [Juan A. Ruiz, Esquire, Board Counsel, noted one
21 motion to enter default and deem facts admitted was
22 discussed during Executive Session. Mr. Ruiz
23 announced that the regulation work session scheduled
24 for later in the day to discuss pharmacy technician
25 regulations was canceled.

1 Mr. Ruiz noted no new updates to report on the
2 Memorandum of Understanding (MOU). He provided some
3 information, where the National Association of Boards
4 of Pharmacy (NABP) sent a letter to the Food and Drug
5 Administration (FDA) on April 27 requesting delay in
6 enforcements of the section of the drug act so more
7 boards could come together to sign the MOU given all
8 the different issues independent boards have due to
9 different laws in different states.

10 Mr. Ruiz stated pharmacy renewals were coming out
11 this year, where questions will be asked concerning
12 compounding to obtain information necessary for the
13 MOU, to at least start gathering that information to
14 be ready to participate if it is signed.

15 Mr. Ruiz provided an update on immunization
16 regulations and hoped to get those moving and
17 delivered to the Office of General Counsel (OGC) and
18 Office of Budget and Policy for approval and
19 completion by early fall.]

20 ***
21 Report of Board Chairperson - No Report

22 ***
23 Report of Probable Cause Committee
24 [Patrick M. Greene, Esquire, Office of Attorney
25 General, noted reviewing one Petition for Immediate

1 Temporary Suspension.]

2

3 Report of Executive Secretary

4 [Melanie Zimmerman, R.Ph., Executive Secretary,

5 mentioned the Board office is preparing for the

6 upcoming pharmacy and nonresident pharmacy renewal.

7 She also noted the addition of compounding questions

8 to help the Board determine any pharmacies that would

9 be involved with the FDA MOU.

10 Ms. Zimmerman stated pharmacies will be asked for
11 their National Provider Identifier (NPI) number to
12 help the Legal Office. She expected the renewal to be
13 released in early July, noting pharmacies should watch
14 for an email notice and check their spam account
15 because emails sometimes go to spam.

16 Ms. Zimmerman answered a question regarding
17 whether someone could go into the Pennsylvania
18 Licensing System (PALS) and renew if they do not see
19 anything by July 10. She explained that anyone can
20 login to their PALS account and, if the renewal is
21 available, the renewal tile will be active and there
22 will be a renewal pin under the "Professional License
23 Details" banner.

24 Dr. Roussel encouraged Ms. Elliott to provide the
25 information to Pennsylvania Pharmacists Association

1 (PPA) members, and Mr. Jones and Mr. Sheaffer could
2 provide the information to Pennsylvania Society of
3 Health-System Pharmacists (PSHP) members as well.]

4 ***

5 New Business

6 [Juan A. Ruiz, Esquire, Board Counsel, addressed a
7 request received from pharmacy students at Wilkes
8 University Nesbitt School of Pharmacy advocating for
9 continuing education concerning human trafficking.

10 Mr. Ruiz commented that the Board applauds their
11 efforts, but the Board does not have the ability to
12 mandate anyone to take that education. The Board also
13 acknowledged that pharmacists are in a good position
14 to recognize human trafficking and that there appear
15 to be limited ACPE-approved pharmacist continuing
16 education programs on this topic.

17 Mr. Ruiz recommended the students reach out to
18 the Department of Human Services (DHS) given that
19 knowledge of this subject would be beneficial to all
20 mandatory reporters and DHS oversees the requirement
21 for child abuse recognition and reporting continuing
22 education. It was also suggested that the student
23 group reach out to pharmacist associations such as PPA
24 and PSHP to see if continuing education programs on
25 this topic could be provided at some of their annual

1 meetings/events.]

2

3 Old Business

4 [Christine Roussel, Pharm.D., BCOP, BCSCP, Secretary,
5 addressed her attendance at the 117th Annual National
6 Association of Boards of Pharmacy Meeting on May 13-
7 14. She mentioned continuing education sessions and
8 noted resolutions were reviewed and passed. She
9 addressed the resolutions that were passed, noting
10 none of the resolutions passed were significantly
11 controversial.

12 Dr. Roussel noted that she found amazing the
13 importation of drug presentation by a member of the
14 Colorado government, where her job as a pharmacist is
15 to help Colorado import drugs directly from Canada
16 through their wholesalers. Dr. Roussel noted
17 discussion regarding a task force on workplace safety
18 and fatigue and how that affects patient safety. She
19 addressed NABP convening a task force to look at "just
20 culture" and how it will be integrated into regulatory
21 structure for the boards of pharmacy as it relates to
22 medication errors and what resources are available.

23 Dr. Roussel noted the NABP Districts 1 & 2
24 Meeting will be in September.]

25 MS. TALBOTT:

1 Christine mentioned the District 1 and 2
2 meeting. I know the agenda is going to
3 be posted soon and still unsure whether
4 we can travel for the Commonwealth, but I
5 would like to make a motion that we send
6 you (Janet Getzey Hart) as the delegate
7 and Christine as the alternate delegate
8 to Annapolis to that meeting September 7-
9 10.

10 MR. GREENE:

11 Second.

12 CHAIR HART:

13 Any discussion? Call for a vote. All in
14 favor, aye. Opposed? Abstained?
15 [The motion carried unanimously.]

16 MS. TALBOTT:

17 Madam Chair, I will make a further motion
18 that since we were supposed to meet on
19 September 8 and conflicts with that
20 meeting, we could move the Board meeting
21 to Tuesday, August 31.

22 DR. ROUSSEL:

23 Second.

24 CHAIRPERSON HART:

25 Any discussion? Call for a vote. All in

1 favor? Opposed?

2 [The motion carried unanimously. Chairperson Hart
3 encouraged members in the audience to note the change
4 in the Board Meeting date.]

5 ***

6 Report of Commissioner - No Report

7 [Theodore Stauffer, Executive Secretary, Bureau of
8 Professional and Occupational Affairs, on behalf of K.
9 Kalonji Johnson, Commissioner, had no official report
10 but informed everyone that, if they had concerns
11 regarding the current COVID-19 waivers, to contact
12 their local legislator .

13 Marc Farrell, Deputy Director, Policy Office,
14 Department of State, commented that the Department is
15 awaiting information from the legislature and was
16 doing its best to provide notice to folks and build a
17 grace period or transition time to adjust to
18 normalcy.]

19 ***

20 MOTIONS

21 CHAIRPERSON HART:

22 The Board met in Executive Session to
23 discuss and review consent orders and
24 other legal documents.

25 Are there any motions regarding these

1 discussions?

2 MR. GREENE:

3 At agenda item 2, I make the motion that
4 we approve the Consent Agreement at Case
5 Nos. 19-54-011961 & 19-54-011964.

6 MS. TALBOTT:

7 Second.

8 CHAIRPERSON HART:

9 Any discussion? Call for a vote.

10

11 Stauffer, aye; Roussel, aye; Greene, aye;
12 Slagle, aye; Talbott, aye; Hart, aye.

13 [The motion carried unanimously. The Respondents are
14 Neighborhood Pharmacy & Brad Silver.]

15

16 MR. GREENE:

17 For agenda item 3, I make the motion that
18 we approve the Consent Agreement at Case
19 No. 20-54-000721.

20 MS. TALBOTT:

21 Second.

22 CHAIRPERSON HART:

23 Call for a discussion? No discussion.

24 Call for a vote.

25

1 Stauffer, aye; Roussel, aye; Greene, aye;
2 Slagle, aye; Talbott, aye; Hart, aye.
3 [The motion carried unanimously. The Respondent's
4 name is BET Pharm LLC.]

5 ***

6 MR. GREENE:

7 At agenda item 4, I make the motion that
8 we approve the Consent Agreement at Case
9 No. 20-54-010231.

10 MS. TALBOTT:

11 Second.

12 CHAIRPERSON HART:

13 Any discussion? Call for a vote.

14

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

17 [The motion carried unanimously. The Respondent's
18 name is Gregory Dale Malloy, R.Ph.]

19 ***

20 DR. ROUSSEL:

21 I'd like to make a motion to approve
22 agenda item 5 at Case No. 20-54-013766.

23 MS. TALBOTT:

24 Second.

25 CHAIRPERSON HART:

1 Any discussion? Call for a vote.

2

3 Stauffer, aye; Roussel, aye; Greene,
4 recuse; Slagle, aye; Talbott, aye; Hart,
5 aye.

6 [The motion carried. Mr. Greene recused himself from
7 deliberations and voting on the motion. The
8 Respondent's name is Jeffrey W. Eshelman, R.Ph.]

9

10 MR. GREENE:

11 I make a motion on agenda item 6 that we
12 approve the Consent Agreement at Case No.
13 21-54-000757.

14 DR. ROUSSEL:

15 Second.

16 CHAIRPERSON HART:

17 Any discussion? Call for a vote.

18

19 Stauffer, aye; Roussel, aye; Greene, aye;
20 Slagle, aye; Talbott, aye; Hart, aye.

21 [The motion carried unanimously. The Respondent's
22 name is Pacifico West Rx., Inc. DBA PureScience.]

23

24 MR. GREENE:

25 At agenda items 7 and 8, I move that we

1 approve the following VRP Consent
2 Agreements at Case No. 20-54-014353 and
3 Case No. 21-54-004072.

4 DR. ROUSSEL:

5 Second.

6 CHAIRPERSON HART:

7 Any discussion? Call for a vote.

8

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

11 [The motion carried unanimously.]

12

13 MR. GREENE:

14 At agenda item 10 in the matter of Sunwon
15 So at Case No. 19-54-004115, I move that
16 we approve the Motion to Deem Facts
17 Admitted and Enter Default and direct
18 Board Counsel to draft an Adjudication
19 and Order consistent with communications
20 and discussions in Executive Session.

21 DR. ROUSSEL:

22 Second.

23 CHAIRPERSON HART:

24 Any discussion? Call for a vote.

25

1 Stauffer, aye; Roussel, aye; Greene, aye;
2 Slagle, aye; Talbott, aye; Hart, aye.

3 [The motion carried unanimously.]

4 ***

5 MR. GREENE:

6 At agenda item 11, I make a motion that
7 we provisionally deny the Nonresident
8 Pharmacy Application submitted by Florida
9 Discount Drugs, Inc.

10 DR. ROUSSEL:

11 Second.

12 CHAIRPERSON HART:

13 Any discussion? Call for a vote.

14

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

17 [The motion carried unanimously.]

18 ***

19 MR. GREENE:

20 At agenda item 12, I make the motion that
21 we provisionally deny the Nonresident
22 Pharmacy Application submitted by
23 Hopkinton Drug, Inc.

24 DR. ROUSSEL:

25 Second.

1 CHAIRPERSON HART:

2 Any discussion? Call for a vote.

3

4 Stauffer, aye; Roussel, aye; Greene, aye;

5 Slagle, aye; Talbott, aye; Hart, aye.

6 [The motion carried unanimously.]

7

8 Public Comment

9 [Laura Romeo, Pharmacist-in-Charge at ConnectiveRx,
10 Careform Pharmacy, questioned when the Board would be
11 addressing pharmacy technicians.

12 Mr. Ruiz noted discussion concerning pharmacy
13 technicians is planned for the next Board meeting.

14 Larry Jones, Executive Director, Pennsylvania
15 Society of Health-System Pharmacists, questioned
16 whether there has been any kind of ranking of
17 importance for waivers that are at the top of the
18 priority list to move that PSHP can assist the Board
19 and Commissioner with possibly introducing legislation
20 or getting legislation introduced to make them more
21 permanent.

22 Mr. Ruiz had not personally been involved in or
23 made aware of such conversations.

24 Victoria Elliott, R.Ph., MBA, CAE, CEO,
25 Pennsylvania Pharmacists Association, put in a chat

1 that there is legislation being considered and to
2 reach out to fellow leadership.

3 Dr. Roussel encouraged Mr. Jones to perhaps work
4 with Ms. Elliott and add PSHP to that push.

5 Edward Foote, Pharm.D., FCCP, BCPS, Dean of the
6 Philadelphia College of Pharmacy at the University of
7 Sciences, requested more information concerning the
8 two-year expiration for injectables training.

9 Dr. Roussel commented that injectables training
10 is still two years until the three-year period in the
11 proposed regulations is final.

12 Christopher Miller, Pharm.D., Giant Eagle,
13 questioned whether interns, who are currently
14 registered through PALS, would be able to administer
15 with that certificate if emergency orders for intern
16 immunization administration would expire before the
17 new regulations are published.

18 Mr. Ruiz commented that interns would be able to
19 administer under the statute if registered with the
20 Board.

21 Mr. Farrell stated the Public Readiness and
22 Emergency Preparedness (PREP) Act would still be in
23 force with many provisions regarding pharmacy when
24 many pharmacy-related waivers with regard to
25 vaccination go away on a state level.]

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Adjournment

CHAIRPERSON HART:

Do we have a motion to adjourn?

MS. TALBOTT:

Madam Chair, I will make a motion to
adjourn.

DR. ROUSSEL:

I will second that motion.

CHAIRPERSON HART:

Any discussion? All in favor, aye?

[The motion carried unanimously.]

[There being no further business, the State Board of
Pharmacy Meeting adjourned at 11:25 a.m.]

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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
10:38	Approval of Minutes
10:38	Report of Prosecutorial Division
10:52	Report of Board Counsel
10:56	Report of Probable Cause Screening Committee
10:56	Report of Executive Secretary
10:58	New Business
11:01	Old Business
11:09	Motions
11:16	Public Comment
11:25	Adjournment

