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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: 9:00 A.M.

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

July 11, 2017

State Board of Pharmacy

July 11, 2017

(Continued)

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7 Jenna McCarthy, Malady & Wooten
8 Andrew Harding, Pennsylvania Medical Society
9 Theresa Rossetti, CVS Health
10 Mike Kelly, Central Admixture Pharmacy Services (CAPS)
11 Pete McGarvey, Central Admixture Pharmacy
12 Services (CAPS)
13 Peter Speaks, Deputy Secretary for Regulatory Programs
14 Jill Schachte, CVS Health
15 Greg Smith, Central Admixture Pharmacy Services (CAPS)
16 Christine Renfer, CVS Health
17 Andrea Farish, ACME Savon Pharmacy
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1 ***

2 State Board of Pharmacy

3 July 11, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Pharmacy was held on Tuesday, July 11, 2017.
7 Janet Getzey Hart, R.Ph., Chairperson, called the
8 meeting to order at 8:59 a.m. The Pledge of
9 Allegiance was recited. A quorum was noted to be
10 present.

11 ***

12 Introduction of Board and Audience Members
13 {Chairperson Hart requested the introduction of Board
14 Members, Board staff and audience members in
15 attendance.}

16 ***

17 Evacuation Announcement
18 [Melanie Zimmerman, R.Ph., Executive Secretary,
19 reviewed the emergency evacuation procedures for One
20 Penn Center.]

21 ***

22 Report of Prosecutorial Division
23 [Keith Bashore, Esquire, Board Prosecutor, presented
24 the following Consent Agreements: File No. 16-54-
25 04452, File No. 16-54-11517, File No. 17-54-03746,

1 File No. 17-54-04536, and File No. 17-54-05394.]

2 ***

3 [Ray Michalowski, Esquire, Board Prosecution Liaison,
4 on behalf of Monty Batson, Esquire, Board Prosecutor,
5 presented a Consent Agreement for File No.
6 13-54-05193.]

7 ***

8 Report of Board Counsel

9 [Chairperson Hart reviewed the recusal guidelines.]

10 Medicaid/Medicare Preclusion - Reinstated Pharmacists

11 Should Contact the Office of Inspector General

12 [Kerry Maloney, Esquire, Board Counsel, noted the

13 Medicaid/Medicare preclusion information for the

14 Board's information.

15 Kathie Simpson informed the Board members that
16 (SARPH) Secundum Artem Reaching Pharmacists with Help
17 automatically checks the Medicare/Medicaid Preclusion
18 List for consideration of reinstatement. She noted
19 the availability of attorneys to assist pharmacists in
20 that regard.]

21 ***

22 Report of Board Chairperson - No Report

23 ***

24 Report of Probable Cause Committee - No Report

25 ***

1 Report of Board Counsel Continued

2 [Kerry Maloney, Esquire, Board Counsel, noted that
3 there is no regulation update, other than to note that
4 August will be regulation intensive. There will only
5 be one Adjudication and Order for consideration at the
6 upcoming August meeting.

7 He referred to the recent NABP newsletter which
8 noted the Pennsylvania (PDMP) Prescription Drug
9 Monitoring Program as currently online with NABP
10 InterConnect.]

11 ***

12 Report of the Executive Secretary

13 [Melanie Zimmerman, R.Ph., Executive Secretary,
14 addressed the reason for the delay of the July
15 newsletter.

16 Ms. Zimmerman informed the Board members that
17 pharmacy renewals had not yet been generated. She
18 stated the new system for renewals will be online
19 only, but the renewal notices will be mailed.

20 Applications will be discussed during Executive
21 Session.]

22 ***

23 New Business

24 2017 (MPJE) Multistate Pharmacy Jurisprudence
25 Examination Item Pool Review and New Item Selection.

1 [Melanie Zimmerman, R.Ph., Executive Secretary,
2 discussed possible days and times for the pharmacist
3 Board Members to review this material. A
4 determination was made to conduct the review on August
5 21, 2017 from 1 to 5 p.m. and then complete it after
6 the Board of Pharmacy Meeting on August 22, 2017.]

7

8 Pharmacist Continuing Education - Sponsored by Federal
9 and State Agencies

10 [This matter was placed on the agenda to discuss
11 whether non-ACPE-accredited programs would be
12 acceptable to the Board. Gayle Cotchen, Pharm.D.,
13 R.Ph., noted one example as the continuing education
14 program presented by the Pennsylvania Patient Safety
15 Authority (PPSA). Ms. Cotchen stated the certificate
16 from the PPSA did not have the ACPE logo, but later
17 found it to be a nursing authorization for continuing
18 education. She questioned whether the Board would
19 accept this certificate.

20 Mr. Maloney stated the Board has only approved
21 (ACPE) Accreditation Council for Pharmacy Education
22 pharmacist continuing education. He explained the
23 Board would need to vote on the matter after receiving
24 public comment at a future meeting.

25 Ms. Talbott noted that per Board Regulation

1 Section 27.32(h), continuing education providers which
2 are not ACPE accredited may apply to the Board for
3 approval and shall make a showing of program
4 accreditation substantially similar to ACPE
5 accreditation standards. Ms. Talbott was concerned
6 that if it is not ACPE accredited, it is not going to
7 show up in the CPE monitor, which would create
8 problems if someone is audited.

9 Ms. Cotchen suggested either contacting the
10 Pennsylvania Patient Safety Authority or in the future
11 consider expanding allowances for continuing education
12 to mirror that of the Nursing Board.

13 Kathie Simpson, SARPH, will submit goals and
14 objectives to the Board so SARPH may offer CEs to
15 pharmacists as well.

16 Chairperson Hart noted credits for opioid
17 training will be reviewed with the next renewal cycle.
18 There was further discussion regarding the matter.]

19

20 Food and Drug Administration Intergovernmental Working
21 Meeting on Pharmacy Compounding
22 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
23 the (FDA) Food and Drug Administration contacted the
24 Board office concerning an intergovernmental working
25 meeting on pharmacy compounding.

1 Ms. Zimmerman stated that Gayle Cotchen expressed
2 an interest in attending.]

3 MS. TALBOTT:

4 I make that motion that we send Gayle,
5 once again, because she's so good at it,
6 to the FDA compounding working meeting.

7 MR. FRANKIL:

8 I'll second that motion.

9 CHAIRPERSON HART:

10 Any discussion? All in favor? Opposed?

11 [The motion carried unanimously].

12 ***

13 For the Board's Information

14 Hank Rahe - NonCompliance of CETA CAG-002-2006 Guide
15 to the ISO 14644-1:2015(E) Standard

16 [Dr.. Cotchen noted that the United States
17 Pharmacopeia (USP) 797 does not refer to CETA
18 Guidelines. Dr. Cotchen also noted that this appears
19 to be a form letter because it references Pennsylvania
20 regulations and the Board's compounding regulations
21 are still pending.

22 Mr. Michalowski explained that presently the
23 pharmacy inspectors are working on a compliance level
24 rather than seeking disciplinary action. .]

25 ***

1 Approval of Agenda

2 CHAIRPERSON HART:

3 We didn't approve the agenda first thing
4 today, so we should make a motion to
5 approve the agenda and second it so that
6 we can vote on it.

7 MS. TALBOTT:

8 I'll make that motion to approve the
9 agenda.

10 MR. MEHTA:

11 I'll second it.

12 CHAIRPERSON HART:

13 Any discussion? All those in favor?
14 Opposed?

15 [The motion carried unanimously].

16 ***

17 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
18 9:47 a.m., the Board entered into Executive Session
19 with Kerry Maloney, Esquire, Board Counsel, to receive
20 legal advice and for the purpose of conducting quasi-
21 judicial deliberations. The Board returned to open
22 session at 10:42 a.m.]

23 ***

24 [A Formal Hearing was held from 10:42 a.m. until 11:29
25 a.m. In the Matter of the Petition for Early Release

1 from DMU of Craig W. Moon, R.Ph.; File No.
2 17-54-05783, Docket No. 1000-54-2017.]

3 ***

4 [A Formal Hearing was held from 11:30 a.m. until 12:10
5 p.m. In the Matter of the Petition for Early Release
6 from DMU of Michael G. Kenney, R.Ph.; File No.
7 17-54-05554, Docket No. 1001-54-2017.]

8 ***

9 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
10 12:10 p.m., the Board entered into Executive Session
11 with Kerry Maloney, Esquire, Board Counsel, for the
12 purpose of conducting quasi-judicial deliberations.
13 The Board returned to open session at 12:40 p.m.]

14 ***

15 MOTIONS

16 CHAIRPERSON HART:

17 The Board of Pharmacy met in Executive
18 Session to discuss and review consent
19 orders and other legal documents. Are
20 there any motions regarding these
21 discussions?

22 DR. COTCHEN:

23 Madam Chairperson, I move that we
24 approve the application for nonresident
25 registration submitted by ESI Mail

1 Pharmacy Service, Incorporated.

2 MR. MEHTA:

3 Second.

4 CHAIRPERSON HART:

5 Any discussion? Call for a vote.

6 Talbott?

7

8 Talbott, aye; Cotchen, aye; Hart, aye;

9 Mehta, aye; Frankil, aye.

10 [The motion carried. Mark Zilner abstained from
11 voting on the motion.]

12 ***

13 DR. COTCHEN:

14 I move that we approve the Consent
15 Agreement for File No. 13-54-05193.

16 MR. MEHTA:

17 Second.

18 CHAIRPERSON HART:

19 Any discussion? Call for a vote.

20

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

22 Mehta, aye; Zilner, aye; Frankil, aye.

23 [The motion carried unanimously. The Respondent's
24 name is Rodger William Savage, R.Ph.]

25 ***

1 DR. COTCHEN:

2 I move that we approve the Consent
3 Agreement for File No. 16-54-04452.

4 MR. MEHTA:

5 Second.

6 CHAIRPERSON HART:

7 Any discussion? Call for a vote.

8

9 Talbott, aye; Cotchen, aye; Hart, aye;
10 Mehta, aye; Zilner, aye; Frankil, aye.

11 [The motion carried unanimously. The Respondent's
12 name is Joseph M. Christmann, R.Ph.]

13 ***

14 DR. COTCHEN:

15 I move that we approve the Consent
16 Agreement for File No. 16-54-11517.

17 MR. MEHTA:

18 Second.

19 CHAIRPERSON HART:

20 Discussion? Terry?

21

22 Talbott, aye; Cotchen, aye; Hart, aye;
23 Mehta, aye; Zilner, aye; Frankil, aye.

24 [The motion carried unanimously. The Respondent's
25 name is Elizabeth S. Carothers, R.Ph.]

1

2 DR. COTCHEN:

3

I move that we approve the Consent
Agreement for File No. 17-54-03746.

4

5 MR. MEHTA:

6

Second.

7 CHAIRPERSON HART:

8

Any discussion? Call for a vote.

9

10

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

11

Mehta, aye; Zilner, aye; Frankil, aye.

12

[The motion carried unanimously. The Respondent's
name is Edward Gaeton Leake, R.Ph.]

13

14

15

MS. TALBOTT:

16

I make a motion that we accept the
agreement for File No. 17-54-04536.

17

18

MR. MEHTA:

19

Second.

20

CHAIRPERSON HART:

21

Any discussion? Call for a vote.

22

23

Talbott, aye; Hart, aye; Mehta, aye;

24

Zilner, aye; Frankil, aye.

25

[The motion carried. Gayle Cotchen recused from

1 deliberations and voting on the motion. The
2 Respondent's name is Andrea S. Mucenski, R.Ph.]

3 ***

4 MS. TALBOTT:

5 Madam Chair, I make a motion that we
6 accept the agreement for File No.
7 17-54-05394.

8 MR. MEHTA:

9 Second.

10 CHAIRPERSON HART:

11 Call for discussion, vote.

12

13 Talbott, aye; Hart, aye; Mehta, aye;
14 Zilner, aye; Frankil, aye.

15 [The motion carried. Gayle Cotchen recused from
16 deliberations and voting on the motion. The
17 Respondent's name is John W. Mucenski, R.Ph.]

18 ***

19 DR. COTCHEN:

20 I move that we deny the Request for
21 Reinstatement for File No. 17-54-05783
22 and that we direct Counsel to draft an
23 Adjudication and Order consistent with
24 the terms discussed during Executive
25 Session.

1 MR. MEHTA:

2 Second.

3 CHAIRPERSON HART:

4 Any discussion? Call for a vote.

5

6 Talbott, aye; Cotchen, aye; Hart, aye;

7 Mehta, aye; Zilner, aye; Frankil, aye.

8 [The motion carried unanimously.]

9

10 MS. TALBOTT:

11 Madam Chair, I move that we grant the

12 petitioner's motion in File No.

13 17-54-05554 and direct Counsel to draft

14 an A&O consistent with discussions in

15 Executive Session.

16 MR. MEHTA:

17 Second.

18 CHAIRPERSON HART:

19 Any discussion? Call for a vote.

20

21 Talbott, aye; Cotchen, no; Hart, no;

22 Mehta, aye; Zilner, no; Frankil, aye.

23 [The motion did not carry. Gayle Cotchen, Mark

24 Zilner, and Janet Hart opposed the motion.]

25

1 MS. TALBOTT:

2 I move that we then table the matter of
3 Michael G. Kenney, File No. 17-54-
4 05554, until the next meeting so Board
5 members who are not present can review
6 the record and we can decide
7 dispensation at that point.

8 MR. MEHTA:

9 Second.

10 CHAIRPERSON HART:

11 Any discussion? Call for a vote.

12

13 Talbott, aye; Cotchen, aye; Hart, aye;
14 Mehta, aye; Zilner, aye; Frankil, aye.

15 [The motion carried unanimously.]

16 ***

17 DR. COTCHEN:

18 I move that we deny the request
19 submitted by Ashley Karpovich regarding
20 her approval date for pharmacist
21 preceptor.

22 MR. MEHTA:

23 Second.

24 CHAIRPERSON HART:

25 Call for discussion. Call for a vote.

1

2

Cotchen, aye; Hart, aye; Mehta, aye;

3

Zilner, aye; Frankil, aye.

4

[The motion carried. Terry Talbott recused from

5

deliberations and voting on the motion.]

6

7

DR. COTCHEN:

8

I move that we approve the request

9

submitted by Claude Touma to reduce the

10

intern hours as a graduate of a foreign

11

pharmacy school and to reduce the hours

12

to 500 intern hours.

13

MR. MEHTA:

14

Second.

15

CHAIRPERSON HART:

16

Call for discussion, vote.

17

18

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

19

Mehta, aye; Zilner, aye; Frankil, aye.

20

[The motion carried unanimously.]

21

22

DR. COTCHEN:

23

I move that we deny the request for

24

reduced intern hours as a graduate of a

25

foreign pharmacy school submitted by

1 Tapan Patel.

2 MR. MEHTA:

3 Second.

4 CHAIRPERSON HART:

5 Any discussion? Call for a vote.

6

7 Talbott, aye; Cotchen, aye; Hart, aye;

8 Mehta, aye; Zilner, aye; Frankil, aye.

9 [The motion carried unanimously.]

10 ***

11 Adjournment

12 DR. COTCHEN:

13 I move that we adjourn.

14 MS. TALBOTT:

15 Second.

16 CHAIRPERSON HART:

17 All right. Another good meeting.

18 [The motion carried unanimously.]

19 ***

20 [The State Board of Pharmacy meeting adjourned at

21 12:47 p.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.

Chasity Barshinger

Chasity Barshinger,

Minute Clerk

Sargent's Court Reporting

Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX

July 11, 2017

	TIME	AGENDA
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7		
8		
9	8:59	Official Call to Order
10		
11	9:00	Pledge of Allegiance
12		
13	9:00	Introduction of Board Members, Board
14		Staff and Audience Members
15		
16	9:01	Evacuation Announcement
17		
18	9:03	Report of Prosecutorial Division
19		
20	9:14	Report of Board Counsel
21		
22	9:25	Report of Executive Secretary
23		
24	9:30	New Business
25		
26	9:45	For the Board's Information
27		
28	9:47	Approval of Agenda
29		
30	9:47	Executive Session
31	10:42	Return to Open Session
32		
33	10:42	Formal Hearing <u>In the Matter of the</u>
34	11:29	<u>Petition for Early Release from DMU of</u>
35		<u>Craig W. Moon</u>
36		
37	11:30	Formal Hearing <u>In the Matter of the</u>
38	12:10	<u>Petition for Early Release from DMU of</u>
39		<u>Michael G. Kenney</u>
40		
41	12:10	Executive Session
42	12:40	Return to Open Session
43		
44	12:40	Motions
45		
46	12:47	Adjournment
47		
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