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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: 9:01 A.M.

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

July 24, 2019

1 State Board of Pharmacy

2 July 24, 2019

3
4 BOARD MEMBERS:

5
6 Terry Talbott, R.Ph., Chairperson
7 Kalonji Johnson, Acting Commissioner of Professional
8 and Occupational Affairs
9 Robert Frankil, R.Ph., Vice Chairperson
10 Janet Getzey Hart, R.Ph., Secretary
11 Gayle Cotchen, Pharm.D., R.Ph.
12 Patrick M. Greene, Esquire, Office of Attorney General

13
14
15 BUREAU PERSONNEL:

16
17 Kerry Maloney, Esquire, Board Counsel
18 Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
19 Division
20 Ray Michalowski, Esquire, Board Prosecution Liaison
21 Caroline Bailey, Esquire, Board Prosecutor
22 Jessica Zukoski, Prosecution
23 Melanie Zimmerman, R.Ph., Executive Secretary

24
25
26 ALSO PRESENT:

27
28 Patricia A. Epple, CAE, Pennsylvania Pharmacists
29 Association
30 Jennifer Welch, ACME Sav-On Pharmacy
31 David Klinger, System Director, Operations and
32 Compliance, Geisinger Health-System
33 John Loxterman, Enclara Pharmacia
34 Carl Harting, CVS Health
35 Lisa LeGette, Express Scripts/Cigna
36 Leigh Shirley, Giant Food Stores
37 Dilina Patel, Giant Food Stores
38 Tim Kayler, Giant Food Stores
39 Lisa Scannepieco, Pentec Health
40 Katie Medei, Walgreens
41 Jenna L. McCarthy, Malady and Wooten
42 Andrew C. Harvan, Pennsylvania Medical Society
43 Christine Roussel, Pharm.D., BCOP, Pennsylvania
44 Society of Health-System Pharmacists, Doylestown
45 Hospital
46 Matt Eberls, Pennsylvania Society of Health-System
47 Pharmacists
48 Daniel Leehan, APPE Student, Philadelphia College of
49 Pharmacy
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State Board of Pharmacy (Continued)
July 24, 2019

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Judi Abbood, APPE Student, Philadelphia College of
Pharmacy
Joann Megon, Executive Director, SARPH
Teresa Moore, SARPH
Greg Smith, Director of Pharmacy, Central Admixture
Pharmacy Services
Charles Hartwell, Esq.

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State Board of Pharmacy

July 24, 2019

The regularly scheduled meeting of the State Board of Pharmacy was held on Wednesday, July 24, 2019. Terry Talbott, R.Ph., Chairperson, called the meeting to order at 9:01 a.m. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs, was not present at the commencement of the meeting.

The Pledge of Allegiance was recited. Chairperson Talbott reminded all those in attendance to turn off or silence all electronic devices.

Evacuation Announcement

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

[Chairperson Talbott requested the introduction of Board Members, Board Staff and Audience.]

Approval of Agenda

CHAIRPERSON TALBOTT:

Can I have a motion to approve the

1 agenda with the addition of the two
2 applications that were handed out at
3 the beginning of the meeting?

4 DR. COTCHEN:

5 So moved.

6 MS. HART:

7 Second.

8 CHAIRPERSON TALBOTT:

9 Thank you. Any other additions that
10 we need?

11 All in favor? Any opposed?

12 [The motion carried unanimously. The applications
13 were for Kathleen Jean-Louis and St. Luke's Hospital -
14 Anderson Campus.]

15 ***

16 Approval of Minutes of the June 4, 2019 Meeting

17 CHAIRPERSON TALBOTT:

18 Anybody find any typos or anything
19 that was incorrect? Hearing no
20 corrections, can I have a motion to
21 approve the Minutes?

22 MS. HART:

23 Motion to approve the Minutes.

24 DR. COTCHEN:

25 Second.

1 CHAIRPERSON TALBOTT:

2 All in favor? Any opposed?

3 [The motion carried unanimously.]

4 ***

5 Report of Prosecutorial Division

6 [Caroline Bailey, Esquire, Board Prosecutor, presented
7 a Consent Agreement for File No. 17-54-05239.]

8 ***

9 Report of Board Prosecution Liaison

10 [Ray Michalowski, Esquire, Board Prosecution Liaison,
11 on behalf of Alissa Harrison, Esquire, Board
12 Prosecutor, presented a Consent Agreement for File No.
13 18-54-010274.]

14 Mr. Michalowski noted that part of the
15 prosecution reorganization process discussed
16 previously was so the prosecutors could review cases
17 more closely before going out for investigation.

18 He noted a prevalence in complaints by consumers
19 of the harsh treatment from pharmacists and pharmacy
20 techs with regard to questioning a prescription,
21 especially for controlled substance prescriptions. He
22 referred to the tamper-resistant prescriptions being
23 used in Delaware which was a solution to the problem
24 in that state.]

25 ***

1 [Kalonji Johnson, Acting Commissioner of Professional
2 and Occupational Affairs, entered the meeting at 9:15
3 a.m.]

4 ***

5 [Mr. Michalowski suggested training on how to look for
6 the "red flags" and how to be deal with the patient
7 without being confrontational. There was discussion
8 about physicians and prescribers switching to
9 electronic health/medical records with regard to
10 prescriptions. Mr. Frankil offered to write an
11 article for the next newsletter regarding the need to
12 be compassionate and understanding with people who
13 truly do need a controlled substance.

14 Mr. Michalowski discussed a change of attorneys
15 at the Department of Health. He will find out the new
16 contact's name (for inspections by the Department of
17 Health) and reach out to them.]

18 ***

19 Appointment - Prosecution Office Report

20 [Carolyn DeLaurentis, Esquire, Deputy Chief Counsel,
21 Prosecution Division, introduced herself to the Board
22 and provided a brief summary of her professional
23 background.

24 Ms. Delaurentis noted, for Fiscal Year ending
25 June 30, 2019, there were 468 open cases for the

1 Pharmacy Board, and there were currently 304 open
2 cases. Ms. DeLaurentis noted 247 warning letters were
3 sent, there were 11 suspensions, 1 automatic
4 suspension, 5 reprimands, 3 revocations, and 5
5 probationary cases on behalf of the Pharmacy Board.

6 She noted 69 immediate temporary suspensions were
7 served by the Bureau of Enforcement and Investigations
8 in an efficient manner in the last fiscal year.

9 Ms. DeLaurentis commented that as of July 1,
10 2019, there were 11,359 open cases in the whole
11 office, that in the last fiscal year 14,030 were
12 opened, and 13,270 were closed.

13 She reviewed the Governor's Mediation Program,
14 which consists of trained mediators who are designated
15 as a neutral individual to hear the cases and attempt
16 to reach a consent agreement. Ms. DeLaurentis
17 discussed the mediation procedure and the Pennsylvania
18 Justice Network (JNET). She noted, through JNET,
19 alerts are now received for all licensees who commit
20 crimes.]

21 ***

22 [Kalonji Johnson, Acting Commissioner of Professional
23 and Occupational Affairs, exited the meeting at 9:33
24 a.m. and re-entered at 9:34 a.m.]

25 ***

1 Appointment - Prosecution Office Report (Continued)

2 [Deputy Chief Counsel DeLaurentis noted that certain
3 crimes, such as those that are violent, sexual in
4 nature or child-related, are addressed immediately.
5 She noted that there are not too many reports for
6 Board of Pharmacy licensees.]

7 ***

8 Report of Board Counsel

9 [Kerry Maloney, Esquire, Board Counsel, referred Board
10 Members to House Bill 1172, now Act 41, which will
11 become effective at the end of August. Mr. Maloney
12 explained the Act provides for licensure by
13 endorsement and allows provisional licensure while the
14 applicant completes the remaining licensure
15 requirements.

16 Mr. Maloney noted that licensure by reciprocity,
17 which is already in the Act, requires that the state
18 from which the applicant is coming must also permit
19 Pennsylvania licenses by reciprocity. He stated that
20 endorsement is broader and does not require
21 reciprocity between the two states. He discussed some
22 exceptions to the Act and offered some examples of the
23 provisional portion of the Act. Mr. Maloney suggested
24 an application subcommittee be created to move the
25 process along a little quicker.

1 Acting Commissioner Johnson commented that
2 structural IT changes within PALS were being developed
3 to identify those candidates who are actively licensed
4 and coming into Pennsylvania.]

5 CHAIRPERSON TALBOTT:

6 A motion to establish a subcommittee
7 which would consist of myself, Mr.
8 Frankil and Ms. Hart as Chair.

9 DR. COTCHEN:

10 So moved.

11 CHAIRPERSON TALBOTT:

12 Any other discussion? All in favor? Any
13 opposed?

14 [The motion carried unanimously.]

15 ***

16 New Business - Legislative Policy and Research Office
17 - Giving Pharmacists the Authority to furnish PrEP and
18 PEP.

19 [Kalonji Johnson, Acting Commissioner of Professional
20 and Occupational Affairs, noted a request from the Joe
21 Keller at the House Legislative Policy and Research
22 Office relating to the issuance of pre-exposure
23 prophylaxis (PrEP) and post-exposure prophylaxis (PEP)
24 as it relates to HIV treatment. He noted a concern
25 from the medical community regarding a lack of a valid

1 physician/patient relationship.

2 Mr. Keller would be notified that the Board's
3 position is one of caution, that the Department of
4 Health should be involved and that a standing order
5 should be considered.]

6 ***

7 [Acting Commissioner Johnson discussed a process to
8 help with Board Member appointments in a more
9 expedited manner. Due to the summer recess, the goal
10 is to see action on appointments in September.]

11 ***

12 [Kalonji Johnson, Acting Commissioner of Professional
13 and Occupational Affairs, exited the meeting at 10:01
14 a.m.]

15 ***

16 Report of Board Counsel (Continued)

17 [Kerry Maloney, Esquire, Board Counsel, noted his
18 report regarding House Bill 1172, now Act 41, was
19 previously discussed.

20 Mr. Maloney noted Cynthia Montgomery, Esquire, is
21 serving as Regulatory Counsel and is steadily working
22 on the multiple regulation packages referred to her.

23 Mr. Maloney highlighted topics discussed at a
24 recent attorney conference that he attended. Of
25 interest were how states are handling prescription

1 drug monitoring programs and how the FL Board of
2 Pharmacy does not have an executive session which may
3 constrain opinions.]

4 ***

5 Report of Board Chairman

6 [Terry Talbott, R.Ph., Chairperson, reminded members
7 that on Monday, August 26, 2019, the Board would meet
8 to begin work on law questions and would conclude the
9 review on the 27th. Chairperson Talbott would then be
10 attending an Advisory Committee on Examinations
11 meeting in Chicago. She discussed the July 23, 2019
12 PSHP webinar on compounding that was open for
13 participation by all interested parties .

14 There was discussion regarding a question on the
15 PA pharmacy license renewal application concerning
16 whether or not the business/holder has ever held a
17 license, certificate, permit, registration or other
18 authorization to practice a profession or occupation
19 in any state. Ms. Zimmerman explained that the
20 question was purposely worded that way and is meant to
21 reveal other types of licenses held in Pennsylvania or
22 other states. She stated the application would still
23 be processed regardless of how that question is
24 answered.

25 Chairperson Talbott discussed the New Jersey

1 Department of Health's distribution of naloxone
2 without prescription by 120 pharmacies across that
3 state. She noted over 16,000 doses of naloxone were
4 distributed that day free of charge. Chairperson
5 Talbott wondered if the Pennsylvania Department of
6 Health would conduct a similar distribution.

7 It was suggested that Dr. Levine be invited by
8 Board Counsel Maloney to the Board's September meeting
9 to discuss that matter as well as pre-exposure
10 prophylaxis (PrEP) and post-exposure prophylaxis
11 (PEP), the Prescription Drug Monitoring Program (PDMP)
12 and the Red "C.".]

13 ***

14 {Ray Michalowski, Esquire, Board Prosecution Liaison,
15 will be attending a PDMP meeting with the Department
16 of Health. He noted some recent position changes made
17 in that department.]

18 ***

19 Report of Probable Cause Screening Committee -

20 No Report

21 ***

22 Report of Executive Secretary

23 [Melanie Zimmerman, R.Ph., reported the newsletter
24 went out.]

25 ***

1 New Business (Continued)

2 Ms. Zimmerman indicated correspondence was received
3 from David Ohrin requesting that the Board mandate
4 that anyone picking up a controlled substance
5 prescription provide identification. Ms. Hart
6 commented that identification of the person picking up
7 the prescription should not be required for every
8 prescription; the DEA regulates who may pick up a
9 prescription. Mr. Maloney suggested that Mr. Ohrin be
10 thanked for making the Board aware of the matter and
11 that he be provided with information regarding the
12 complaint process.

13

14

15 Old Business

16 Pennsylvania Pharmacists Association's MPJE Prep and
17 Review - Consideration for Use When an Applicant Fails
18 the PA MPJE Three or More Times.

19 [Melanie Zimmerman, R.Ph., noted the matter of the
20 Board using PPA's MPJE Prep and Review when
21 individuals fail an exam would be discussed during
22 Executive Session. She also noted a request to the
23 Board for permission to retake an exam prior to the
24 required waiting period to be discussed in Executive
25 Session.]

1 ***

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
3 10:24 a.m. the Board entered into Executive Session
4 with Kerry Maloney, Esquire, for the purpose of
5 conducting quasi-judicial deliberations. The Board
6 returned to open session at 11:25 a.m.]

7 ***

8 MOTIONS:

9 CHAIRPERSON TALBOTT:

10 The Board met in Executive Session to
11 discuss and review Consent Orders and
12 other legal documents. Are there any
13 motions regarding these discussions?

14 DR. COTCHEN:

15 Madam Chairperson, I move that we approve
16 the Consent Agreement for File No. 17-54-
17 05239.

18 MS. HART:

19 Second.

20 CHAIRPERSON TALBOTT:

21 Is there any discussion? Call the vote.

22

23 Frankil, aye; Greene, aye; Talbott, aye;
24 Cotchen, aye; and Hart, aye.

25 [The motion carried unanimously. The Respondent is

1 Brownsville Family Pharmacy.]

2 ***

3 DR. COTCHEN:

4 I move that we approve the Consent
5 Agreement for File No. 18-54-010274.

6 MS. HART:

7 Second.

8 CHAIRPERSON TALBOTT:

9 Is there any discussion? Call the vote.

10

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

13 [The motion carried unanimously. The Respondent is
14 Gerald S. Effland, Jr., R.Ph.]

15 ***

16 DR. COTCHEN:

17 I move that we adopt the Proposed
18 Adjudication and Order regarding John F.
19 Johnston, R.Ph., File No. 18-54-012308.

20 MS. HART:

21 Second.

22 CHAIRPERSON TALBOTT:

23 Is there any discussion? Call the vote.

24 [Mr. Maloney suggested that the Board enter a motion
25 to direct Board Counsel to draft and issue an

1 Adjudication and Order.]

2 DR. COTCHEN:

3 So moved.

4 MS. HART:

5 Second.

6 CHAIRPERSON TALBOTT:

7 Call the vote.

8

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

10 Cotchen, aye; and Hart, aye.

11 [The motion carried unanimously.]

12 ***

13 DR. COTCHEN:

14 I move that we approve the Final
15 Adjudication and Order for Keith M.
16 Carson, R.Ph., File No. 18-54-006743.

17 MR. FRANKIL:

18 Second.

19 CHAIRPERSON TALBOTT:

20 Any other discussion? Call the vote.

21

22 Frankil, aye; Greene, recused; Talbott,
23 aye; Cotchen, aye; and Hart, recused.

24 [The motion carried. Mr. Greene and Ms. Hart recused
25 from deliberations and voting on the motion.]

1 ***

2 MR. MALONEY:

3 Based on discussions in Executive
4 Session, I believe the Board Chair would
5 entertain a motion to remand the
6 Adjudication and Order in File No. 16-54-
7 11087, John E. Renzi, R.Ph., to the
8 Hearing Examiner to obtain more
9 information, specifically information
10 regarding practice since the date of
11 conviction as well as any indicators of
12 rehabilitation.

13 CHAIRPERSON TALBOTT:

14 Do we have a motion to that effect?

15 DR. COTCHEN:

16 So moved.

17 MS. HART:

18 Second.

19 CHAIRPERSON TALBOTT:

20 Any other discussion? Hearing none, call
21 the vote.

22

23 Frankil, aye; Greene, aye; Talbott, aye;
24 Cotchen, aye; and Hart, aye.

25 [The motion carried unanimously.]

1 ***

2 DR. COTCHEN:

3 I move that we adopt the Proposed
4 Adjudication and substitute the Board's
5 Order as discussed in Executive Session
6 regarding the Petition for Trevor B.
7 Strenchock, R.Ph., File No. 17-54-02786

8 MS. HART:

9 Second.

10 CHAIRPERSON TALBOTT:

11 Any other discussion? Call the vote?

12

13 Frankil, aye; Greene, aye; Talbott, aye;
14 Cotchen, aye; and Hart, aye.

15 [The motion carried unanimously.]

16

17 DR. COTCHEN:

18 I move that we deny the request submitted
19 by Kathleen Jean-Louis regarding her
20 retest of the MPJE.

21 MS. HART:

22 Second.

23 CHAIRPERSON TALBOTT:

24 Any other discussion? Call the vote?

25

1 Frankil, aye; Greene, aye; Talbott, aye;
2 Cotchen, aye; and Hart, aye.

3 [The motion carried unanimously.]

4 ***

5 DR. COTCHEN:

6 I move that we not include the
7 Pennsylvania Pharmacists Association MPJE
8 Prep and Review when applicants fail the
9 PA MPJE three or more times.

10 MS. HART:

11 Second.

12 CHAIRPERSON TALBOTT:

13 Any other discussion? Call the vote?

14

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

17 [The motion carried unanimously.]

18 ***

19 [Mr. Frankil noted for the record his appreciation of
20 Mr. Johnson and the administration "bouncing"
21 legislative issues off of the Pharmacy Board.]

22 ***

23 The Board determined that St. Luke's Hospital -
24 Anderson Campus' proposed procedure is acceptable to
25 the Board. The pharmacy will be moving its central

1 pharmacy to a new location and converting what was the
2 central pharmacy into a satellite pharmacy.

3

4 CHAIRPERSON TALBOTT:

5 I will entertain a motion for
6 adjournment.

7 DR. COTCHEN:

8 So moved.

9 MS. HART:

10 Second.

11 CHAIRPERSON TALBOTT:

12 All in favor?

13 [The motion carried unanimously.]

14 ***

15 [The meeting adjourned at 11:32 a.m.]

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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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX
July 24, 2019

	TIME	AGENDA
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2		
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4		
5	TIME	AGENDA
6		
7	9:00	Official Call to Order
8		
9	9:01	Evacuation Announcement
10		
11	9:02	Audience Members Introduced
12		
13	9:05	Approval of Agenda
14		
15	9:05	Approval of Minutes
16		
17	9:06	Report of Prosecutorial Division
18		
19	9:08	Report of Board Prosecution Liaison
20		
21	9:25	Appointment - Prosecution Office Report
22		
23	9:37	Report of Board Counsel
24		
25	9:54	New Business
26		
27	10:02	Report of Board Counsel (Continued)
28		
29	10:06	Report of Board Chairman
30		
31	10:18	Report of Board Administrator
32		
33	10:19	New Business (Continued)
34		
35	10:22	Old Business
36		
37	10:24	Executive Session
38		
39	11:25	Return to Open Session
40		
41	11:32	Adjournment
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