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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: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

July 29, 2021

State Board of Pharmacy
July 29, 2021

BOARD MEMBERS:

Janet Getzey Hart, R.Ph., Chairperson
K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
Christine Roussel, Pharm.D., BCOP, BCSCP, Secretary
Patrick M. Greene, Esquire, Office of Attorney
General
John R. Slagle, R.Ph. - Absent
Terry M. Talbott, R.Ph.

BUREAU PERSONNEL:

Juan A. Ruiz, Esquire, Board Counsel
Carole Clarke Smith, Esquire, Senior Board Counsel
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
Division
Ray Michalowski, Esquire, Senior Board Prosecution
Liaison
Alice Glasser, Esquire, Board Prosecutor
Timothy A. Fritsch, Esquire, Board Prosecutor
Melanie Zimmerman, R.Ph., Executive Secretary
Marc Farrell, Deputy Policy Director, Department of
State
Thaddeus Cwiklinski, Legal Extern, Office of General
Counsel, Department of State

ALSO PRESENT:

Alicia Palombo, Pharm.D., Pharmacy Regulatory Affairs
Advisor at CVS Health
Christopher Miller, Pharm.D., Giant Eagle
David Klinger, System Director, Operations
& Compliance, Geisinger Health System
Grace Fisher, Regional Pharmacy Manager, Giant Food
Stores, LLC
Hallie Fromm
Heather Coy, AllianceRx Walgreens Prime
Jen Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee

State Board of PharmacyJuly 29, 2021ALSO PRESENT: (cont.)

Jennifer Welch, ACME/Sav-on Pharmacy
Jenna McCarthy, Malady & Wooten, on behalf of PA CVS
Judy Kutchman, AllianceRx Walgreens Prime
Kate Nelms, Pharm.D., Walgreens Boots Alliance
Kimberly Mehta, Pharm.D., MPH, Director of Medication
Safety and Regulatory, Allegheny Health Network
Larry Jones, Executive Director, Pennsylvania
Society of Health-System Pharmacists
Laura Romeo, Pharmacist-in-Charge at ConnectiveRx,
Careform Pharmacy
Martin Farrell, R.Ph., Manager, Sterile Pharmacy
Matthew Roesch, R.Ph., Pharmacist-in-Charge, Vetsource
Pharmacy
Megon McCall, Senior Manager and Pharmacist-in-Charge,
CVS Specialty
Nicole Fidler, Malady & Wooten, on behalf of PA CVS
Nicole Pillarella, Jefferson College of Pharmacy
Nicole Sidle, Republican Executive Director, House
Professional Licensure Committee
Robert B. Frankil, R.Ph., President, BucksMont
Pharmacists Association
Ron Raymond
Ryan Burke, Pharm.D., Director of Professional
Affairs, Pharmacy Technician Certification Board
Steve Sheaffer, Pharm.D., Pennsylvania Society of
Health-System Pharmacists
Tejal Patel, Pharm.D., Walgreens Boots Alliance
Timothy Black, R.Ph.
Steven Zahn, Pharmacy Inspector, Bureau of Enforcement
and Investigation, Department of State
Catherine Lutz, Pharmacy Inspector, Bureau of
Enforcement and Investigation, Department of State
Jennifer Winters
Margaret Barca

1 ***

2 State Board of Pharmacy

3 July 29, 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 The regularly scheduled meeting of the State
13 Board of Pharmacy was held on Thursday, July 29, 2021.
14 Janet Getzey Hart, R.Ph., Chairperson, called the
15 meeting to order at 10:30 a.m.

16 ***

17 Introduction of the Board Members

18 [Chairperson Hart requested an introduction of Board
19 members.]

20 ***

21 Introduction of Attendees

22 [Melanie Zimmerman, R.Ph., Executive Secretary,
23 provided an introduction of those in attendance.]

24 ***

25 Approval of Agenda

1 CHAIRPERSON HART:

2 Do I have a motion to approve the agenda?

3 DR. ROUSSEL:

4 I'll make a motion to approve the agenda
5 today.

6 MS. TALBOTT:

7 Second.

8 CHAIRPERSON HART:

9 Call for a vote. All in favor, aye?

10 Opposed?

11 [The motion carried unanimously.]

12 ***

13 Approval of Minutes

14 CHAIRPERSON HART:

15 Approval of the minutes from June 8. Do
16 I have a motion to approve the minutes,
17 or are there any changes?

18 DR. ROUSSEL:

19 I make a motion to approve the minutes.

20 CHAIRPERSON HART:

21 Do I have a second?

22 MS. TALBOTT:

23 Second.

24 CHAIRPERSON HART:

25 Call for a vote. All in favor, aye?

1 [The motion carried unanimously.]

2

3 [Janet Getzey Hart, R.Ph., Chairperson, informed
4 everyone that the Board of Pharmacy met in Executive
5 Session earlier today to receive legal advice and
6 engage in quasi-judicial deliberations.]

7

8 Report of Prosecutorial Division

9 [Alice Glasser, Esquire, Board Prosecutor, presented
10 the Consent Agreements for Case No. 20-54-002066 and
11 Case No. 21-54-002091.]

12

13 [Ray Michalowski, Esquire, Senior Board Prosecution
14 Liaison, presented the VRP Consent Agreement for Case
15 No. 21-54-008044.]

16 Mr. Michalowski introduced Timothy Fritsch as a
17 new Board prosecutor for the Board of Pharmacy.

18 Mr. Fritsch commented that he looked forward to
19 learning more about the pharmacy profession.

20 Mr. Fritsch presented the Consent Agreement for
21 Case No. 21-54-005130.

22 Chairperson Hart welcomed Mr. Fritsch to the
23 Board.]

24

25 Report of Board Counsel

1 [Juan A. Ruiz, Esquire, Board Counsel, noted two Final
2 Adjudications and Orders were discussed during
3 Executive Session. He also informed everyone of a
4 regulatory work session to discuss pharmacy technician
5 regulations following the meeting.]

6

7 Report of Board Chairperson

8 [Janet Getzey Hart, R.Ph., Chairperson, announced she
9 has been appointed to a National Association of Boards
10 of Pharmacy (NABP) Task Force on Law
11 Enforcement/Legislation. Ms. Talbott also
12 announced she was appointed to the Model State
13 Pharmacy Act and Model Rules Task Force to review
14 regulations. She mentioned the task force had their
15 first meeting, noting the next meeting will be
16 sometime in October or November.

17 Ms. Talbott stated she is chair of the NABP
18 Advisory Committee on Examinations. She commented
19 that the committee is having a subcommittee with a
20 member from the NAPLEX Review Committee, Multistate
21 Pharmacy Jurisprudence Examination (MPJE) Review
22 Committee, and Foreign Pharmacy Graduate Equivalency
23 Examination (FPGEE) Review Committee to address and
24 standardize committee structure because there is no
25 consistent term limit or guidelines for the

1 committees.]

2

3 Report of Probable Cause Committee - No Report

4

5 Report of Commissioner

6 [K. Kalonji Johnson, Commissioner, Bureau of

7 Professional and Occupational Affairs, addressed

8 physical presence requirements, noting waivers as a

9 result of the emergency declaration will expire on

10 September 30, 2021, including the suspension of the

11 virtual platform.

12 Commissioner Johnson mentioned that the Board of

13 Pharmacy does have a physical presence requirement

14 within the Practice Act. He advised everyone that

15 they will be returning to physical presence meetings

16 at the Penn Center location on October 1, 2021,

17 provided the General Assembly does not extend the

18 waiver of the physical presence requirement.

19 Commissioner Johnson informed the Board that

20 suspensions on travel have been lifted, and the

21 department is allowing physical travel for regional

22 and national conferences. He strongly encouraged

23 virtual attendance because of health and safety

24 concerns. He mentioned all requests are still subject

25 to the Governor's Office approval and asked Board

1 members to submit requests as soon as possible to
2 address any concerns.]

3

4 Report of Prosecutorial Division (Continued)

5 [Ray Michalowski, Esquire, Senior Board Prosecution
6 Liaison, on behalf of Glenn P. Masser, Esquire, Board
7 Prosecutor, presented the Consent Agreements for Case
8 No. 16-54-08283 & 17-54-03637, Case No. 21-54-004970,
9 Case No. 20-54-014113, and Case No. 21-54-001227.

10 Ms. Talbott requested information regarding
11 whether there has been a change in the number of
12 violations compared to past years.

13 Mr. Michalowski offered to provide those numbers
14 with the assistance of Mr. Fritsch at the next Board
15 meeting. He stated that prosecution has been busy
16 working with the Prescription Drug Monitoring Program
17 (PDMP) to bring pharmacies into compliance and working
18 closely with the Department of Health. He stated Ms.
19 Bailey and Ms. Glasser were doing the heavy lifting on
20 that, along with their law clerk. He noted receiving
21 a fair amount of inspection issues because of
22 inspection delays during COVID-19.

23 Mr. Michalowski reported there are some new types
24 of issues such as mini-hospitals. There may be a need
25 for the Legislature to take action or the Board

1 Regulations to be amended to allow for disciplinary
2 action for noncompliance with the PDMP.. Board Counsel
3 Ruiz noted that a work session will be held on August
4 31, 2021 to review the General Revisions.

5 Ms. Talbott recommended breaking up the big
6 package into small packages that are noncontroversial,
7 so they do not have to start with the 35-page package
8 where most of the work has been completed.

9 Mr. Michalowski mentioned a request from PDMP,
10 where the Board still does not have a reference in the
11 act or regulations on using the PDMP. He noted that
12 he has to hire an expert at the Board's cost if
13 someone is charged to show that what they have done
14 falls below the standard of care and suggested putting
15 something in the section on review to show very simple
16 and direct requirements and penalties.

17 Mr. Michalowski stated the Achieving Better Care
18 by Monitoring All Prescriptions Program (ABC-MAP)
19 empowers prescribing boards to take action for failure
20 to comply with ABC-MAP, noting that none of the boards
21 were granted the ability to take action for violations
22 in a legislative way.

23 Mr. Michalowski mentioned that he would like the
24 Board of Pharmacy to be the first Board to have
25 something in the regulations that allows them to take

1 those kind of actions. He noted that at the present
2 time prosecution works with them on compliance, but a
3 case would be just under general nonconformance if it
4 is brought before the Board.

5 Ms. Talbott questioned whether the Board could do
6 that because the statute requires due diligence on the
7 pharmacist to check, but it was not mandatory. She
8 commented that she did not think the Board could just
9 put a blanket requirement in the regulations because
10 it is not in the statute.

11 Mr. Michalowski reported many issues at the
12 Department of Health concern physicians not performing
13 the mandated lookups, but he is talking about
14 pharmacies and pharmacists reporting errors and late
15 reporting, where the PDMP does not work if the data is
16 not entered. He reported 99 percent of issues deal
17 with data entry, where it has not been done at all,
18 late, or incorrectly.

19 Mr. Michalowski suggested just referring to the
20 ABC-MAP Act, where compliance is mandatory, and
21 whatever legislature adds or detracts later from the
22 ABC-MAP would be covered. He reported very few
23 complaints, if any, noting other cases, where a
24 pharmacy was clearly supplying tons of opiates, would
25 already be dealing with law enforcement.

1 Mr. Ruiz believed he had the revisions that were
2 sent to him and will add it to the next agenda for
3 discussion regarding any changes the Board wishes to
4 make at the regulation work session.

5 Ms. Talbott suggested Mr. Ruiz send the file to
6 Board members for review before the work session.

7 Mr. Michalowski again suggested just referring to
8 the ABC-MAP Act, where compliance is mandatory, and
9 whatever legislature adds or detracts later from the
10 ABC-MAP would be covered.

11 Mr. Michalowski reported a decline in hospital
12 pharmacies being inspected by the Department of Health
13 due to large hospital systems buying all of the small
14 ones. He mentioned not receiving many of these
15 inspection reports because the Department of Health
16 will then defer to the Joint Commission on
17 Accreditation of Healthcare Organizations (JCAHO) or
18 those accredited by a national accrediting
19 organization.

20 Mr. Michalowski believed it would take a
21 legislative change to move inspections from the
22 Department of Health to BEI's inspectors but thinks
23 there are so few that BEI's inspectors could handle
24 those. He noted the DOH hospital pharmacy surveys
25 would need to be updated to include some of the

1 standards regarding compounding.

2 Mr. Michalowski commented that having inspections
3 by a pharmacist rather than a nurse and inspections
4 rather than surveys for the last few remaining
5 hospitals would be appropriate and could be handled by
6 the BEI staff.

7 Chairperson Hart questioned whether Mr.
8 Michalowski had any new information concerning a PDMP
9 vendor change in Pennsylvania.

10 Mr. Michalowski mentioned prosecution has been
11 working closely with the compliance specialist, Andrea
12 Jenkins, from Drug Surveillance and Misuse Prevention.
13 He noted they are switching from their current vendor
14 to an in-house created system. He offered to invite
15 Andrea Jenkins to speak with the Board as far as what
16 is coming up and how the switchover will occur.

17 Chairperson Hart had voiced her concerns of not
18 wanting the changes to occur during COVID because
19 pharmacists were providing vaccinations and tests and
20 going to a new vendor would be too much.

21 Mr. Michalowski commented that an off-the-shelf
22 system was bought. He mentioned that there are
23 concerns because pharmacies will have to adapt, and
24 third-party vendors have to convert from the
25 pharmacy's computer system to the PDMP system.

1 Mr. Michalowski stated that prosecution
2 recognizes changes can be difficult and has been
3 lenient with pharmacies and pharmacists with change of
4 pharmacist managers and delayed license renewals. He
5 also noted utilizing warning letters, recognizing
6 stressors pharmacies and pharmacists are undergoing.]

7 ***

8 Report of Executive Secretary

9 [Melanie Zimmerman, R.Ph., Executive Secretary,
10 reported pharmacy renewals opened 3 to 4 weeks ago and
11 about 36 percent of Pennsylvania pharmacies and
12 nonresident pharmacies have renewed at this point.]

13 ***

14 Applications

15 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
16 the application was discussed during Executive
17 Session, and the Board will be placing their decision
18 on record.]

19 ***

20 New Business

21 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
22 the request for the pharmacy law update at the
23 Duquesne Alumni Conference was discussed during
24 Executive Session, and the Board will be placing the
25 decision on record.]

1 ***

2 Old Business

3 [Melanie Zimmerman, R.Ph., Executive Secretary,
4 announced the Board will be holding a private work
5 session at the next Board meeting to discuss the 2021
6 MPJE state-specific review and pre-test item
7 selection.

8 Chairperson Hart commented that there is no
9 ability to perform a batch renewal on a pharmacy
10 permit like they do with the Drug Enforcement
11 Administration and questioned whether there has been
12 any consideration of updating PALS for batch renewals.

13 Ms. Zimmerman explained that each pharmacy record
14 is an individual record with no way of tying them
15 together based on ownership or name and the ability to
16 perform batch renewals would be a question for the
17 system programmers.

18 Ms. Zimmerman noted that they are still working
19 on getting all of the pharmacy applications online
20 because a lot of the facility applications are still
21 paper applications. She noted information technology
22 (IT) work has to be prioritized but will broach with
23 IT the subject of batch renewals.]

24 ***

25 MOTIONS

1 [The motion carried unanimously.]

2 ***

3 CHAIRPERSON HART:

4 The Board of Pharmacy met in Executive
5 Session to discuss and review consent
6 orders and other legal documents.

7 Are there any motions regarding these
8 discussions?

9 MR. GREENE:

10 At agenda item 2, I make a motion that we
11 approve the Consent Agreement at Case
12 Nos. 16-54-08283 & 17-54-03637.

13 DR. ROUSSEL:

14 I second the motion.

15 CHAIRPERSON HART:

16 Call for discussion. Call for a vote.

17

18 Talbott, aye; Roussel, aye; Greene, aye;
19 Johnson, aye; Hart, aye.

20 [The motion carried unanimously. The Respondent's
21 name is Kofi Dei Gbomita, R.Ph.]

22 ***

23 MR. GREENE:

24 At agenda item 3, I make a motion that we
25 approve the Consent Agreement at Case No.

1 21-54-004970.

2 DR. ROUSSEL:

3 I would like to second.

4 CHAIRPERSON HART:

5 Call for discussion. Call for a vote.

6

7 Talbott, aye; Roussel, aye; Greene, aye;

8 Johnson, aye; Hart, aye.

9 [The motion carried unanimously. The Respondent's
10 name is Specialty Rx Inc Pharmacy.]

11 ***

12 MR. GREENE:

13 At agenda item 4, I make a motion that we
14 approve the Consent Agreement at Case No.
15 20-54-014113.

16 DR. ROUSSEL:

17 Second.

18 CHAIRPERSON HART:

19 Call for discussion. No discussion.

20 Call for a vote.

21

22 Talbott, aye; Roussel, aye; Greene, aye;

23 Johnson, aye; Hart, aye.

24 [The motion carried unanimously. The Respondent's
25 name is Waschko's Pharmacy, Inc. t/d/b/a Waschkos

1 Pharmacy.]

2

3 MR. GREENE:

4

At agenda item 5, I make a motion that we
5 approve the Consent Agreement at Case No.
6 21-54-001227.

7 DR. ROUSSEL:

8

I'd like to second.

9 CHAIRPERSON HART:

10

Call for discussion. Call for a vote.

11

12

Talbott, aye; Roussel, aye; Greene, aye;

13

Johnson, aye; Hart, aye.

14

[The motion carried unanimously. The Respondent's
15 name is Rita Ka-Man Jew, R.Ph.]

16

17 MR. GREENE:

18

At agenda item 6, I make a motion that we
19 approve the Consent Agreement at Case No.
20 20-54-002066.

21 DR. ROUSSEL:

22

I'd like to second.

23 CHAIRPERSON HART:

24

Call for discussion. No discussion.

25

Call for a vote.

1

2

Talbott, aye; Roussel, aye; Greene, aye;

3

Johnson, aye; Hart, aye.

4

[The motion carried unanimously. The Respondent's

5

name is Todd Michael Whitehead, R.Ph.]

6

7

MR. GREENE:

8

At agenda item 7, I make a motion that we

9

approve the Consent Agreement at Case No.

10

21-54-002091.

11

DR. ROUSSEL:

12

Second.

13

CHAIRPERSON HART:

14

Call for discussion. No discussion.

15

Call for a vote.

16

17

Talbott, aye; Roussel, aye; Greene, aye;

18

Johnson, aye; Hart, aye.

19

[The motion carried unanimously. The Respondent's

20

name is Specialty Veterinary Pharmacy.]

21

22

MR. GREENE:

23

At agenda item 8, I make a motion that we

24

approve the VRP Consent Agreement at Case

25

No. 21-54-008044.

1 DR. ROUSSEL:

2 Second.

3 CHAIRPERSON HART:

4 Any discussion? Call for a vote.

5

6 Talbott, aye; Roussel, aye; Greene, aye;

7 Johnson, aye; Hart, aye.

8 [The motion carried unanimously.]

9

10 MR. GREENE:

11 At agenda item 9, I make a motion that we
12 approve the Consent Agreement at Case No.
13 21-54-005130.

14 DR. ROUSSEL:

15 Second.

16 CHAIRPERSON HART:

17 Call for discussion. No discussion.

18 Call for a vote.

19

20 Talbott, aye; Roussel, aye; Greene, aye;

21 Johnson, aye; Hart, aye.

22 [The motion carried unanimously. The Respondent's
23 name is Keystone Pharmacy.]

24

25 MR. GREENE:

1 At agenda item 10, I make a motion that
2 we adopt the Final Adjudication and Order
3 in the matter of Peter Antinopoulos,
4 R.Ph.

5 DR. ROUSSEL:

6 Second.

7 CHAIRPERSON HART:

8 Call for discussion. Call for a vote.

9

10 Talbot, aye; Roussel, aye; Greene, aye;
11 Johnson, aye; Hart, aye.

12 [The motion carried unanimously.]

13

14 MR. GREENE:

15 At agenda item 11, I make a motion that
16 we adopt the Final Adjudication and
17 Order in the matter of Jacient Bray,
18 R.Ph.

19 DR. ROUSSEL:

20 Second.

21 CHAIRPERSON HART:

22 Any discussion? Call for a vote.

23

24 Talbot, aye; Roussel, aye; Greene, aye;
25 Johnson, aye; Hart, aye.

1 [The motion carried unanimously.]

2 ***

3 MR. GREENE:

4 At agenda item 13, I make a motion that
5 we approve the Reciprocal Licensure
6 Application Reevaluation of Purvi
7 Trivedi.

8 DR. ROUSSEL:

9 Second.

10 CHAIRPERSON HART:

11 Any discussion? Call for a vote.

12

13 Talbott, aye; Roussel, aye; Greene, aye;
14 Johnson, aye; Hart, aye.

15 [The motion carried unanimously.]

16 ***

17 [Janet Getzey Hart, R.Ph., Chairperson, requested
18 people participate in the regulation work session to
19 discuss pharmacy technicians following the Board
20 meeting.]

21 ***

22 Adjournment

23 CHAIRPERSON HART:

24 Can we make a motion to close the
25 meeting?

1 MS. TALBOTT:

2 I make a motion that we close the meeting
3 and move to the workshop.

4 DR. ROUSSEL:

5 I second that.

6 CHAIRPERSON HART:

7 All in favor, aye?

8 [The motion carried unanimously.]

9 ***

10 [There being no further business, the State Board of
11 Pharmacy Meeting adjourned at 11:29 a.m. A regulation
12 work session was held from 11:30 a.m. to 1:17 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.



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
10:30	Official Call to Order
10:31	Introduction of Board Members
10:31	Introduction of Attendees
10:35	Approval of Agenda
10:35	Approval of Minutes
10:35	Report of Prosecutorial Division
10:41	Report of Board Counsel
10:43	Report of Board Chair
10:45	Report of Commissioner
10:49	Report of Prosecutorial Division (cont.)
11:15	Report of Executive Secretary
11:16	Applications
11:16	New Business
11:16	Old Business
11:18	Motions
11:29	Adjournment