

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 10:29 A.M.

Held at

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

as well as

VIA MICROSOFT TEAMS

August 30, 2022

State Board of Pharmacy
August 30, 2022

ALSO PRESENT: (cont.)

Maribeth Wilt-Seibert, Assistant Counsel, Pennsylvania
Department of Education
Christopher Miller, Pharm.D., Giant Eagle
Rhonda Thomas, PharmD, MBA, BSPS, BCSCP, Director of
Pharmacy, Lehigh Valley Health Network
Laura Romeo, Pharmacist-in-Charge at ConnectiveRx,
Careform Pharmacy
Diane Powell, Communications Manager, Pennsylvania
Pharmacists Association
Joshua Finger, Pharm.D., Enclara Pharmacia
David Klinger, System Director, Operations
& Compliance, Geisinger Health System
Jacquelyn Sassaman, Pentec Health
Jim Reed, Health Outcomes Supervisor/Strategic
Partnerships Leader, Walgreens
Larry Jones, Executive Director, Pennsylvania
Society of Health-System Pharmacists
Mary Tran, Pharm.D., Executive Fellow, Pennsylvania
Pharmacists Association
Victoria Elliott, R.Ph., MBA, CAE, CEO, Pennsylvania
Pharmacists Association
Alicia Palombo, Pharm.D., Pharmacy Regulatory Affairs
Advisor at CVS Health
Steven L. Sheaffer, Retired, Pennsylvania Society of
Health-System Pharmacists
Jenna McCarthy, Associate, Malady & Wooten
Matthew Roesch, R.Ph., Pharmacist-in-Charge, Vetsource
Pharmacy
Cheryl McChesney, Pharm.D., Genoa Healthcare
Melanie O'Shea, Pharmacy Intern
Peter Grujich, R.Ph.
ZooPharm Pharmacy
Timothy Black, R.Ph.
Sam Gigliotti
Heather Condon, R.Ph.
Jamie McGuire
Matthew Eberts
Eli Yemzow
Judy Kutchman

1 ***

2 State Board of Pharmacy

3 August 30, 2022

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 Ariel E. O'Malley, Esquire, Board Counsel, for
8 the purpose of conducting quasi-judicial deliberations
9 and to receive the advice of Board Counsel. The Board
10 returned to open session at 10:29 a.m.]

11 ***

12 The regularly scheduled meeting of the State Board of
13 Pharmacy was held on Tuesday, August 30, 2022. Janet
14 Getzey Hart, R.Ph., Chairperson, called the meeting to
15 order at 10:29 a.m.

16 ***

17 Pledge of Allegiance

18 [The Pledge of Allegiance was recited.]

19 ***

20 Introduction of the Board Members/Audience

21 [Janet Getzey Hart, R.Ph., Chairperson, requested an
22 introduction of Board members, Board staff and the
23 audience.]

24 ***

25 Evacuation Announcement

1 [Melanie Zimmerman, R.Ph., Board Administrator,
2 reviewed the emergency evacuation procedures for One
3 Penn Center.]

4 ***

5 Approval of Agenda

6 CHAIRPERSON HART:

7 Next item on the agenda would be approval
8 of the agenda.

9 Do I have a motion?

10 MS. TALBOTT:

11 I will make the motion that we approve
12 the agenda as presented.

13 DR. ROUSSEL:

14 I second the motion.

15 CHAIRPERSON HART:

16 Any discussion? Call for a roll call
17 vote.

18

19 Roussel, aye; Hart, aye; Talbott, aye;

20 Greene, aye; Claggett, aye; Slagle, aye.

21 [The motion carried unanimously.]

22 ***

23 Approval of Minutes

24 CHAIRPERSON HART:

25 The next item on the agenda is approval

1 of the minutes.

2 [The Board discussed corrections to the minutes.]

3 MS. TALBOTT:

4 I make a motion that we approve the
5 minutes as amended.

6 DR. ROUSSEL:

7 I will second that motion.

8 CHAIRPERSON HART:

9 Any discussion? Call for a vote.

10

11 Roussel, aye; Hart, aye; Claggett, aye;

12 Talbott, aye; Slagle, aye; Greene, aye.

13 [The motion carried unanimously.]

14

15 Report of Board Prosecution

16 [Caroline A. Bailey, Esquire, Board Prosecutor,
17 presented the Consent Agreements for Case No. 20-54-
18 000228 and Case Nos. 20-54-007700, 20-54-007701 & 20-
19 54-007702.]

20

21 [Glenn P. Masser, Esquire, Board Prosecutor, on behalf
22 of Alice Glasser, presented the Consent Agreement for
23 Case No. 21-54-003661.]

24

25 [Glenn P. Masser, Esquire, Board Prosecutor, presented

1 the Consent Agreements for Case No. 22-54-007280, Case
2 Nos. 22-54-001423 & 22-54-009273, and Case No. 20-54-
3 006589.]

4

5 [Ray Michalowski, Esquire, Senior Board Prosecution
6 Liaison, presented the VRP Consent Agreements for Case
7 No. 22-54-007359, Case No. 22-54-009464, Case No. 22-
8 54-010050, and Case No. 22-54-011209.

9 Mr. Michalowski informed Board members that
10 Ashley Murphy would be joining the prosecution
11 division as a new prosecutor for the Board.]

12

13 Report of Board Counsel - Regulatory Report

14 [Ariel E. O'Malley, Esquire, Board Counsel, noted Act
15 35 of 2022 passed in July and charges the bureau with
16 identifying skills, experience, training, credentials
17 and education attained in the military and cross
18 walking those into their licensure requirements. She
19 stated it also sets up a way for the Board to able to
20 renew licensed individuals in the military outside of
21 the Board's renewal schedule and also waives initial
22 licensure fees for spouses.

23 Ms. O'Malley stated the Board needs to look at
24 information they have so far on military training and
25 education and provide feedback on information

1 regarding licensure requirements.

2 Ms. Talbott referred to § 3303, licensing for
3 military, where a licensing board may issue a license
4 to a military applicant who does not meet the
5 educational requirements for a license. She noted
6 that because the authorization to administer is not a
7 license and is a certificate, they would still have to
8 jump through the hoops. She commented that she did
9 not want to put other burdens on them but should be
10 equitable across the board.

11 Ms. O'Malley explained that all of the different
12 authorizations they have are not taken into account
13 when talking about a license and would normally fall
14 into what kind of training they have and whether it's
15 part of what they were doing in the military or not.

16 Acting Commissioner Claggett added that all of
17 the functionality of that would be available in
18 November.

19 Ms. O'Malley noted Act 80 passed in July lowering
20 the age of the influenza and COVID-19 immunizations
21 from 9 to 5 and allows pharmacy interns to administer
22 under the supervision of a physician, physician
23 assistant, or certified registered nurse practitioner
24 (CRNP). It also allows the pharmacist to be able to
25 delegate the administration of the flu and COVID

1 immunizations to CRNPs, physician assistants, RNs, and
2 LPNs.

3 Ms. O'Malley mentioned that she would be seeking
4 to amend their regulation because Act 80 specifically
5 abrogated some of their regulations and noted the
6 importance of matching their regulations to Act 80.
7 She informed Board members that she would be seeking
8 internal approval to proceed with a regulation as
9 final-omitted and then bring the annex and preamble to
10 the Board and try to move it forward as final omitted
11 as soon as possible.

12 Acting Commissioner Claggett noted a license is
13 defined as a registration, permit, certificate, or
14 license issued by a licensing Board.

15 Ms. O'Malley addressed House Bill 1741 for the
16 Board's information. She noted it is in the House and
17 was recommitted to Appropriations on June 14, 2022,
18 and has not moved since. She stated the Coronavirus
19 Infection Medication Act allows for off-label
20 prescribing and allows pharmacists to dispense for
21 those off-label uses.

22 Ms. O'Malley explained that the patient does not
23 need a positive test or suspected exposure to be given
24 an off-label prescription. She informed Board members
25 that she was asked to perform a bill analysis, which

1 was on the agenda for the Board's information. She
2 commented that disciplinary action could only be taken
3 if there was a showing of recklessness or gross
4 negligence.

5 Ms. O'Malley noted the administration of
6 injectable medications, biologicals, and immunizations
7 regulation is done and was published as final in the
8 *Pennsylvania Bulletin* on July 9, 2022.

9 Ms. O'Malley referred to the draft version of the
10 pharmacy technician annex for discussion at the
11 regulatory work session.

12 Ms. O'Malley addressed Executive Order 2022-01,
13 where Governor Wolf is asking the boards to implement
14 a policy where the Board would not deny or discipline
15 a license based upon a reproductive health care
16 service disciplinary action in another state if that
17 service would have been lawful in the Commonwealth of
18 Pennsylvania. She noted looking for the Board to
19 consider adopting a policy and making a motion to
20 adopt a policy.]

21 MS. TALBOTT:

22 I would be happy to make the motion that
23 we adopt a policy saying such.

24 DR. ROUSSEL:

25 I would be very happy to second that

1 motion.

2 CHAIRPERSON HART:

3 Any discussion? Call for a vote.

4

5 Roussel, aye; Hart, aye; Claggett, aye;

6 Talbott, aye; Greene, aye; Slagle, aye.

7 [The motion carried unanimously.]

8

9 Report of Board Counsel - Miscellaneous Items

10 [Ariel E. O'Malley, Esquire, Board Counsel, noted

11 items 22 and 24 were discussed during Executive

12 Session to determine whether or not to delegate the

13 cases for a hearing.

14 Ms. O'Malley also noted Recusal Guidelines at
15 item 23 for the Board's information.]

16

17 Report of Board Chairperson - No Report

18

19 Report of Acting Commissioner - No Report

20

21 Report of Board Administrator

22 [Melanie Zimmerman, R.Ph., Board Administrator,

23 reported approximately 25 percent of licensees

24 renewed. She informed everyone that licenses expire

25 on September 30 and no extension or grace period is

1 planned.

2 Ms. Talbott commented that no one has received an
3 email notifying everyone that the renewal was open and
4 expressed concern that licensees may not be aware.

5 Acting Commissioner Claggett offered to follow up
6 on that with the vendor because everyone is supposed
7 to receive a renewal notice and would report back at
8 the next meeting.

9 Ms. Talbott asked Ms. Elliott and Mr. Jones to
10 inform their constituents.

11 Larry Jones, Executive Director, Pennsylvania
12 Society of Health-System Pharmacists, noted making the
13 announcement April 25 in their newsletter because no
14 member of Pennsylvania Society of Health-System
15 Pharmacists (PSHP) received an emailed renewal notice.

16 Ms. Zimmerman commented that the new license
17 application period has gone smoothly but mentioned
18 there seems to be a delay in people taking the exam
19 and in receiving test scores, which is based on when
20 an applicant schedules the exams.]

21

22 Discussion Items - Well-Being Index for Pharmacy

23 Personnel NABP District 2 for July and August 2022

24 [Janet Getzey Hart, R.Ph., Chairperson, addressed

25 information provided in the Well-Being Index for

1 Pharmacy Personnel NABP District 2 for July and August
2 2022.

3 Chairperson Hart asked whether someone would like
4 to participate in the virtual Intergovernmental
5 Working Meeting on Drug Compounding November 1-2,
6 2022.]

7 MS. TALBOTT:

8 I will make a motion that we have
9 Christine Roussel attend the virtual
10 Intergovernmental Working Meeting on Drug
11 Compounding November 1-2 and provide a
12 report back to the Board.

13 MR. GREENE:

14 Second.

15 CHAIRPERSON HART:

16 Any discussion? Call for a vote.

17

18 Roussel, aye; Hart, aye; Claggett, aye;

19 Talbott, aye; Slagle, aye; Greene, aye.

20 [The motion carried unanimously.]

21

22 Discussion Items - FDA's Compounding Quality Center of
23 Excellence Annual Conference/States Compounding
24 Quality Training

25 [Janet Getzey Hart, R.Ph., Chairperson, also asked

1 whether anyone would like to attend the FDA's
2 Compounding Quality Center of Excellence Annual
3 Conference September 6-8, 2022 and the States
4 Compounding Quality Training on October 27, 2022.]

5 MS. TALBOTT:

6 I will make a motion that Christine goes
7 to those too, so she could be a
8 compounding expert.

9 MR. GREENE:

10 Second.

11 CHAIRPERSON HART:

12 Any discussion? Call for a vote.

13

14 Roussel, aye; Hart, aye; Claggett, aye;
15 Talbott, aye; Slagle, aye; Greene, aye.

16 [The motion carried unanimously.]

17

18 Discussion Items - 2022 Tri-Regulator Symposium

19 [Janet Getzey Hart, R.Ph., Chairperson, referred to
20 the 2022 Tri-Regulator Symposium October 13-14, 2022,
21 in Alexandria, VA. She mentioned it brings the
22 medical boards, nursing boards, and pharmacy boards
23 together for discussion and is a nice way to hear how
24 other boards are addressing issues on a national
25 level. She noted she would be attending on behalf of

1 District 2.]

2 MS. TALBOTT:

3 I make a motion that the Board of
4 Pharmacy recommends that Ariel O'Malley
5 attend the Tri-Regulator Symposium in
6 Alexandria if her boss approves.

7 DR. ROUSSEL:

8 Second.

9 CHAIRPERSON HART:

10 Any discussion? Call for a vote.

11

12 Roussel, aye; Hart, aye; Claggett, aye;
13 Talbott, aye; Slagle, aye; Greene, aye.

14 [The motion carried unanimously.]

15

16 Discussion Items - NABP District 1 & 2 Resolutions Due

17 [Janet Getzey Hart, R.Ph., Chairperson, noted the NABP
18 District 1 & 2 resolutions are due, and asked whether
19 Board members had any topics they would like to
20 include for the meeting. Board members had nothing to
21 include.

22 Chairperson Hart noted the two remaining items
23 would be discussed later during the meeting.]

24

25 Old Business

1 [Terry M. Talbott, R.Ph., requested information from
2 Acting Commissioner Claggett regarding confirmations.

3 Acting Commissioner Claggett noted confirmations
4 are coming but did not have an update to provide. He
5 informed Board members that the General Assembly is
6 currently out of session but he should have
7 information at the September 27 meeting.]

8 ***

9 Upcoming Meeting Dates

10 [Janet Getzey Hart, R.Ph., Chairperson, noted some
11 preliminary discussion about changing the December 6
12 meeting date but, after checking the Bureau's meeting
13 calendar, there are no other available dates around
14 that time.

15 Chairperson Hart noted a regulation work session
16 would be held following the meeting.]

17 ***

18 MOTIONS

19 CHAIRPERSON HART:

20 The Board of Pharmacy met in Executive
21 Session to discuss and review consent
22 orders and other legal documents.

23 Are there any motions regarding these
24 discussions?

25 MR. GREENE:

1 At agenda item 3, I make a motion that we
2 approve the Consent Agreement at Case No.
3 20-54-000228.

4 DR. ROUSSEL:

5 I second that motion.

6 CHAIRPERSON HART:

7 Any discussion? Call for a vote.

8

9 Roussel, aye; Hart, aye; Claggett, aye;

10 Talbott, aye; Slagle, aye; Greene, aye.

11 [The motion carried unanimously. The respondent's name
12 is Adlers Pharmacy LTC.]

13

14 [Arion R. Claggett, Acting Commissioner, Bureau of
15 Professional and Occupational Affairs, exited the
16 meeting at 11:15 a.m. and reentered the meeting at
17 11:16 a.m.]

18

19 MR. GREENE:

20 At agenda item 4, I make a motion that we
21 reject as drafted the Consent Agreement
22 at Case Nos. 20-54-007700, Case No. 20-
23 54-007701 and Case No. 20-54-007702.

24 DR. ROUSSEL:

25 I second the motion.

1 CHAIRPERSON HART:

2 Any discussion? Call for a vote.

3

4 Roussel, aye; Hart, aye; Talbott, aye;

5 Slagle, aye; Greene, aye.

6 [The motion carried unanimously.]

7

8 MS. TALBOTT:

9 At item 5, Case No. 21-54-00661, I make a
10 motion that we approve the Consent
11 Agreement.

12 DR. ROUSSEL:

13 I second the motion.

14 CHAIRPERSON HART:

15 Any discussion? Call for a vote.

16

17 Roussel, aye; Hart, aye; Talbott, aye;

18 Slagle, aye; Greene, recuse; Claggett,

19 aye.

20 [The motion carried. Patrick Greene recused from
21 discussion and voting on the motion. The Respondent's
22 name is Donald Brant Copeland, R.Ph.]

23

24 MR. GREENE:

25 At agenda item 6, I make a motion that we

1 reject as too lenient the Consent
2 Agreement at Case No. 20-54-007280.

3 DR. ROUSSEL:

4 Second.

5 CHAIRPERSON HART:

6 Any discussion? Call for a vote.

7

8 Roussel, aye; Hart, aye; Claggett, aye;
9 Talbott, aye; Slagle, aye; Greene, aye.

10 [The motion carried unanimously.]

11 ***

12 MR. GREENE:

13 I make a motion that we approve the
14 Consent Agreement at Case Nos. 22-54-
15 001423 & 22-54-009273.

16 DR. ROUSSEL:

17 I second the motion.

18 CHAIRPERSON HART:

19 Any discussion? Call for a vote.

20

21 Roussel, aye; Hart, aye; Claggett, aye;
22 Talbott, aye; Slagle, aye; Greene, aye.

23 [The motion carried unanimously. The Respondent's
24 name is William Donnelly Thompson III and Thompson LTC
25 Pharmacy, Inc., t/d/b/a Thompson LTC Pharmacy.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GREENE:

At agenda item 8, I make a motion that we reject as drafted the Consent Agreement at Case No. 20-54-006589.

DR. ROUSSEL:

Second.

CHAIRPERSON HART:

Any discussion? Call for a vote.

Roussel, aye; Hart, aye; Claggett, aye; Talbott, aye; Slagle, aye; Greene, aye.

[The motion carried unanimously.]

MR. GREENE:

At agenda items 9 through 12, I make a motion that we approve the following VRP Consent Agreements: Case No. 22-54-007359, Case No. 22-54-009464, Case No. 22-54-010050, and Case No. 22-54-011209.

DR. ROUSSEL:

Second.

CHAIRPERSON HART:

Any discussion? Call for a vote.

1 that we approve the Motion to Deem Facts
2 Admitted and Enter Default judgment and
3 direct Board counsel to draft an
4 Adjudication and Order consistent with
5 discussions in Executive Session.

6 DR. ROUSSEL:

7 Second.

8 CHAIRPERSON HART:

9 Any discussion? Call for a vote.

10

11 Roussel, aye; Hart, aye; Claggett, aye;
12 Talbott, recuse; Slagle, aye; Greene,
13 aye.

14 [The motion carried. Terry Talbott recused herself
15 from deliberations and voting on the motion. The Case
16 No. is 21-54-017879.]

17

18 MR. GREENE:

19 At agenda item 30 regarding the
20 Pharmacist Application of Steven Wang, I
21 make a motion that we direct Board
22 counsel to draft and send a probationary
23 offer to the Applicant consistent with
24 discussions in Executive Session.

25 DR. ROUSSEL:

1 Second.

2 CHAIRPERSON HART:

3 Any discussion? Call for a vote.

4

5 Roussel, aye; Hart, aye; Claggett, aye;

6 Talbot, aye; Slagle, aye; Greene, aye.

7 [The motion carried unanimously]

8

9 MR. GREENE:

10 At agenda item 32, I make a motion that
11 we approve the Application of Marian Atia
12 for the reduction of intern hours as a
13 graduate of a foreign pharmacy school
14 from 1,500 to 1000 hours.

15 DR. ROUSSEL:

16 Second.

17 CHAIRPERSON HART:

18 Any discussion? Call for a vote.

19

20 Roussel, aye; Hart, aye; Claggett, aye;

21 Talbot, aye; Slagle, aye; Greene, aye.

22 [The motion carried unanimously]

23

24 [A Formal Hearing was held from 11:21 a.m. until
25 12:15 p.m. in the Matter of Peter Alexander Grujich,

1 R.Ph., Case No. 22-54-010022. Vice Chairperson
2 Roussel oversaw the hearing as Chairperson Hart was
3 recusing herself from this matter.]

4 ***

5 Adjournment

6 MS. TALBOTT:

7 I make a motion we adjourn the public
8 session of the meeting.

9 DR. ROUSSEL:

10 I second that motion.

11 CHAIRPERSON HART:

12 All in favor? Opposed? Adjourned.

13 [The motion carried unanimously]

14 ***

15 [There being no further business, the State Board of
16 Pharmacy Meeting adjourned at 12:16 p.m.]

17 ***

18 [A regulation work session was held immediately
19 following the meeting.]

20 ***

21

22

23

24

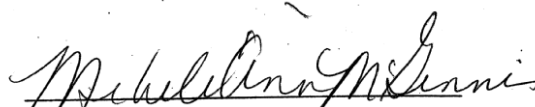
25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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.



Michele Ann McGinnis,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX

August 30, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TIME	AGENDA
9:00	Executive Session
10:29	Return to Open Session
10:29	Official Call to Order
10:29	Pledge of Allegiance
10:30	Introduction of Board Members/Staff/Audience
10:36	Approval of Agenda
10:37	Approval of Minutes
10:39	Report of Board Prosecution
10:53	Report of Board Counsel
11:02	Report of Board Administrator
11:06	Discussion Items
11:12	Old Business
11:13	Upcoming Meeting Dates
11:14	Motions
11:21	Formal Hearing - Peter Alexander Grujich, R.Ph.
12:16	Adjournment