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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

August 31, 2021

State Board of Pharmacy
August 31, 2021

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ALSO PRESENT: (Continued)

- Jenna McCarthy, Malady & Wooten
- Jennifer Welch, ACME/Sav-on Pharmacy
- Judy Kutchman, R.Ph., AllianceRx Walgreens Prime
- Kerry E. Maloney, Esquire, Post & Shell
- 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 Humphrey
- Laura Romeo, Pharmacist-in-Charge at ConnectiveRx, Careform Pharmacy
- Nicole Sidle, Republican Executive Director, House Professional Licensure Committee
- Steven L. Sheaffer, Pharm.D., Pennsylvania Society of Health-System Pharmacists
- Victoria Elliott, R.Ph., MBA, CAE, CEO, Pennsylvania Pharmacists Association
- Steven Zahn, Pharmacy Inspector, Bureau of Enforcement and Investigation, Department of State
- Brianna Brusamonti
- Leigh Shirley
- Dennis Giorno

1
2 ***

3 State Board of Pharmacy

4 August 31, 2021

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 9:00 a.m., the Board entered into Executive Session
8 with Juan A. Ruiz, Esquire, Board Counsel, to receive
9 legal advice and engage in quasi-judicial
10 deliberations. The Board returned to open session at
11 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Pharmacy was held on Tuesday, August 31,
15 2021. Janet Getzey Hart, R.Ph., Chairperson, called
16 the meeting to order at 10:31 a.m.

17 ***

18 Introduction of the Board Members

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

21 ***

22 Approval of Agenda

23 CHAIRPERSON HART:

24 The first thing I would like is a motion
25 to approve the agenda and a second,
26 please?

1 MS. TALBOTT:

2 I'll make a motion to approve the agenda,
3 Madam Chair.

4 MR. SLAGLE:

5 Second.

6 CHAIRPERSON HART:

7 Any discussion? All in favor, aye?
8 Opposed?

9 [The motion carried unanimously.]

10 ***

11 Meeting Instructions

12 [Melanie Zimmerman, R.Ph., Executive Secretary,
13 provided instructions to be followed during the
14 virtual meeting.]

15 ***

16 [Juan A. Ruiz, Esquire, Board Counsel, noted that the
17 meeting was being recorded, and those who continued to
18 participate were giving their consent to being
19 recorded.]

20 Mr. Ruiz also noted the Board met in Executive
21 Session prior to the start of the meeting to discuss
22 items on the agenda.]

23 ***

24 Introduction of Attendees

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

1 provided an introduction of audience members.]

2

3 Report of Prosecutorial Division

4 [Glenn P. Masser, Esquire, Board Prosecutor, presented
5 the Consent Agreement for Case No. 21-54-000643.]

6

7 [Caroline A. Bailey, Esquire, Board Prosecutor,
8 presented the Consent Agreements for Case No. 19-54-
9 001546 and Case No. 20-54-012038.]

10

11 Report of Board Counsel

12 [Juan A. Ruiz, Esquire, Board Counsel, questioned
13 whether any of the Board members wished to re-enter
14 into Executive Session to discuss any of the consent
15 agreements.

16 Mr. Ruiz noted two proposed adjudications and
17 orders and a motion to enter default and deem facts
18 admitted were discussed during Executive Session.

19 Mr. Ruiz also noted that the regulation work
20 session immediately following the regular meeting is
21 canceled due to the pharmacy technician regulation
22 being ready for an exposure draft.]

23 MS. TALBOTT:

24 Madam Chair, I would make the motion that
25 we redirect Board counsel to send out the

1 proposed tech regulations as an exposure
2 draft to stakeholders and anybody else
3 who he deems necessary to see it.

4 DR. ROUSSEL:

5 I second that motion.

6 CHAIRPERSON HART:

7 Any comment? All in favor? Opposed?
8 Recused?

9 [The motion carried unanimously.]

10 ***

11 Report of Board Counsel

12 [Janet Getzey Hart, R.Ph., Chairperson, noted Recusal
13 Guidelines for the Board's review.]

14 ***

15 Report of Board Chairperson

16 [Janet Getzey Hart, R.Ph., Chairperson, requested Ms.
17 Talbott discuss her attendance at the National
18 Association of Boards of Pharmacy (NABP) meetings.

19 Ms. Talbott noted attending two meetings held by
20 NABP. She stated the purpose of the review committee
21 group was to identify and streamline the processes and
22 policies around some of the NABP examination
23 committees. These include the North American
24 Pharmacist Licensure Examination (NAPLEX) Committee,
25 Multistate Pharmacy Jurisprudence Exam (MPJE) Review

1 Committee, and Foreign Pharmacy Graduate Examination
2 Committee.

3 Ms. Talbott mentioned that there was no
4 consistency across the three committees regarding term
5 limits and responsibilities, so the Committee will be
6 making comments and suggestions to the executive
7 council.

8 Ms. Talbott addressed the Advisory Committee on
9 Exams that she chaired this year. She noted a
10 presentation that showed some delay in the time that
11 students and candidates are signing up to test. She
12 commented that prior to 2020, NABP saw a larger cohort
13 testing in the June and July period and that it seems
14 like candidates are testing later this year.

15 Ms. Talbott stated there was a larger cohort of
16 people scheduled to test in August, September, and
17 beyond but was not sure if it was related to COVID.
18 She noted it was not that they could not schedule, but
19 the candidate was choosing to test later. She
20 addressed the cohort that already tested, where there
21 seems to be a little drop off in the percentage
22 passing on the first try but also noting not everyone
23 has tested yet.

24 Ms. Talbott addressed the transcript requirement,
25 noting that the time frame from the person applying to

1 test to when they actually got their Authorization to
2 Test (ATT) and were able to schedule was no different
3 this year than it was two years ago before the
4 transcript requirement.]

5

6 Report of Probable Cause Committee - No Report

7

8 Report of Commissioner

9

10 [K. Kalonji Johnson, Commissioner, Bureau of
11 Professional and Occupational Affairs, informed
12 everyone that the next scheduled Board meeting will be
13 at the Penn Center location due to the expiration on
14 the waiver of the physical presence requirement.

15 Commissioner Johnson mentioned that the
16 department will be taking every precaution to ensure
17 public health and safety for the Board meeting.

18 Commissioner Johnson requested everyone submit
19 travel requests of up to two Board members as soon as
20 possible for processing. He encouraged everyone to
21 consider the virtual option, if available, for any
22 regional or national conferences.

23 Ms. Talbott suggested Mr. Ruiz attend the
24 American Society for Pharmacy Law (ASPL) Conference
25 November 4-7, 2021, in Summerlin, NV.]

MS. TALBOTT:

1 I make the motion that we encourage Juan
2 to be able to attend ASPL and go on
3 record of encouraging him to go if he is
4 able to attend in person and comfortable
5 with attending in person.

6 DR. ROUSSEL:

7 I'd like to second that motion.

8 CHAIRPERSON HART:

9 Call for a discussion? All in favor to
10 sending Juan, aye? Opposed?

11 [The motion carried unanimously.]

12 ***

13 Report of Executive Secretary

14 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
15 pharmacy renewals end today. She reported 98.5
16 percent of Pennsylvania pharmacies have renewed and 78
17 percent of nonresident pharmacies have renewed.

18]

19 ***

20 MOTIONS

21 CHAIRPERSON HART:

22 The Board of Pharmacy did meet in
23 Executive Session prior to our public
24 session to discuss and review consent
25 orders and other legal documents.

1 Are there any motions regarding these
2 discussions?

3 MR. GREENE:

4 At agenda item 1, I make a motion that we
5 approve the Consent Agreement at Case No.
6 21-54-000643.

7 MS. TALBOTT:

8 Second.

9 CHAIRPERSON HART:

10 Is there any discussion? Call for a
11 vote.

12

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

15 [The motion carried unanimously. The Respondent's
16 name is Chewy Pharmacy KY, LLC.]

17

18 MR. GREENE:

19 At agenda item 2, I make a motion that we
20 approve the Consent Agreement at Case No.
21 19-54-001546.R. ROUSSEL:

22 I'd like to second that motion.

23 CHAIRPERSON HART:

24 Call for a discussion. Call for a vote.

25

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

3 [The motion carried unanimously. The Respondent's
4 name is Nolan Richard Palko, R.Ph.]

5 ***

6 MR. GREENE:

7 At agenda item 3, I make a motion that we
8 approve the Consent Agreement at Case No.
9 20-54-012038.

10 DR. ROUSSEL:

11 I'd like to second.

12 CHAIRPERSON HART:

13 Call for discussion. Call for a vote,
14 please.

15
16 Talbott, aye; Slagle, aye; Roussel, aye;
17 Greene, aye; Johnson, aye; Hart, aye.

18 [The motion carried unanimously. The Respondent's
19 name is KRS Global Biotechnology.]

20 ***

21 MR. GREENE:

22 At agenda item 4 (Peter Capitano, Case
23 No. 21-54-001180), I make a motion that
24 we direct Board Counsel to draft a
25 Proposed Adjudication and Order

1 ***

2 MR. GREENE:

3 At agenda item 6 (Scott Tingler, Case No.
4 20-54-005568), I make the motion that we
5 grant the Motion to Deem Facts Admitted
6 and Enter Default and direct Board
7 Counsel to draft an Adjudication and
8 Order consistent with discussions in
9 Executive Session.

10 DR. ROUSSEL:

11 Second.

12 CHAIRPERSON HART:

13 Any discussion? Call for a vote.

14
15 Talbott, aye; Slagle, aye; Roussel, aye;
16 Greene, aye; Johnson, aye; Hart, aye.

17 [The motion carried unanimously.]

18 ***

19 Public Session

20 [Juan A. Ruiz, Esquire, Board Counsel, addressed
21 immunization regulations, noting the collaborative
22 agreement was missing from the language in the
23 injectables. He noted adding the collaborative
24 agreement to the regulations and will be forwarding
25 that to regulatory counsel shortly.]

STATE BOARD OF PHARMACY
REFERENCE INDEX

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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 |
| 10:32 | Approval of Agenda |
| 10:33 | Introduction of Attendees |
| 10:35 | Report of Prosecutorial Division |
| 10:39 | Report of Board Counsel |
| 10:41 | Report of Board Chair |
| 10:45 | Report of Commissioner |
| 10:50 | Report of Executive Secretary |
| 10:51 | Motions |
| 10:54 | Public Session |
| 11:00 | Adjournment |