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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 TELECONFERENCE**

TIME: 10:31 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

October 15, 2020

1 State Board of Pharmacy
2 October 15, 2020

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4
5 BOARD MEMBERS:
6

7 Terry M. Talbott, R.Ph., Chairperson
8 K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Robert B. Frankil, R.Ph., Vice Chairman
11 Janet Getzey Hart, R.Ph., Secretary
12 Patrick M. Greene, Esquire, Office of Attorney
13 General
14 John R. Slagle, R.Ph.
15 Christine Roussel, Pharm.D., BCOP, BCSCP
16

17
18 BUREAU PERSONNEL:
19

20 Juan A. Ruiz, Esquire, Board Counsel
21 Ray Michalowski, Esquire, Senior Board Prosecution
22 Liaison
23 Glenn P. Masser, Esquire, Board Prosecutor
24 Melanie Zimmerman, R.Ph., Executive Secretary
25 Theodore Stauffer, Executive Secretary, Bureau of
26 Professional and Occupational Affairs
27 Carole Clarke Smith, Esq., Senior Counsel
28 Cynthia Montgomery, Esq, Deputy Chief Counsel
29 Alice Glasser, Esq., Prosecuting Attorney
30 Marc Farrell, Deputy Director of Policy
31 Carolyn DeLaurentis, Esq., Deputy Chief Counsel
32

33
34
35 ALSO PRESENT:
36

37 Judy Kutchman, AllianceRx Walgreens Prime
38 Steve L. Sheaffer, Pharm.D., FASHP, Pennsylvania
39 Society of Health-System Pharmacists
40 Christine Renfer, CVS Health
41 Patricia A. Epple, CEO, Pennsylvania Pharmacists
42 Association
43 Larry Jones, Executive Director, Pennsylvania
44 Society of Health-System Pharmacists
45 Tejal Patel
46 Margaret Durkin
47 Steven Zahn, Bureau of Enforcement and Investigation
48 Nicole Sidle
49 Melissa McGivney
50 Lawrence Carey

1 Lauren Paul
2 John Sisto
3 John Loxterman
4 Jim Reed
5 Deirdre Morbitzer
6 Jill McCormack
7 Jennifer Welch
8 Jenna McCarthy
9 Jen Smeltz
10 Nichole Cover
11 Grace Fisher
12 Andrea Tremblay
13 Emily Haugh
14 Dee Chris
15 David Klinger
16 Barb Knightly
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1 ***

2 State Board of Pharmacy

3 October 15, 2020

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, October 15,
14 2020. Terry M. Talbott, R.Ph., Chairperson, called
15 the meeting to order at 10:31 a.m.

16 ***

17 Introduction of the Board Members

18 [Chairperson Talbott requested Board members introduce
19 themselves.]

20 ***

21 [Juan A. Ruiz, Esquire, Board Counsel, announced the
22 Board meeting was being recorded, and those
23 participating were consenting to being recorded.]

24 ***

25 Introduction of Audience

1 [Chairperson Talbott requested the introduction of
2 those participating in the meeting.]

3 ***

4 Approval of minutes of the August 18, 2020 meeting

5 CHAIRPERSON TALBOTT:

6 The first item on our agenda today is the
7 approval of the minutes from the August
8 18 meeting.

9 Do I have additions or corrections to
10 those minutes? Anybody want to make a
11 motion to accept the minutes?

12 MR. GREENE:

13 I make a motion that we approve the
14 minutes as is.

15 CHAIRPERSON TALBOTT:

16 Second?

17 MR. FRANKIL:

18 Second.

19 CHAIRPERSON TALBOTT:

20 Any discussion?

21 [The motion carried unanimously.]

22 ***

23 [Chairperson Talbott announced public member Tom Carey
24 has resigned from the Board.]

25 ***

1 Report of Prosecutorial Division
2 [Ray Michalowski, Esquire, Senior Board Prosecution
3 Liaison, on behalf of Angela B. Lucci, presented the
4 Consent Agreement for Case No. 17-54-11452, for which
5 member Hart recused.]

6 ***

7 [Ray Michalowski, Esquire, Senior Board Prosecution
8 Liaison, presented the VRP Consent Agreement for Case
9 No. 20-54-007590.]

10 ***

11 MR. GREENE:

12 I make the motion that we approve the
13 Consent Agreement at Case No. 17-54-
14 11452.

15 MR. FRANKIL:

16 Second.

17 CHAIRPERSON TALBOTT:

18 Any discussion? Call the vote.

19

20 Roussel, aye; Slagle, aye; Greene, aye;
21 Frankil, aye; Talbott, aye; Johnson, aye.

22 [The motion carried. Ms. Hart recused herself from
23 deliberations and voting on the motion. The
24 Respondent's name is Sarah Jane Ferry, R.Ph.]

25 ***

1 MR. GREENE:

2 I make the motion that we approve the VRP
3 Consent Agreement at Case No. 20-54-
4 007590.

5 MR. FRANKIL:

6 Second.

7 CHAIRPERSON TALBOTT:

8 Any discussion? Call the vote.

9

10 Roussel, aye; Hart, aye; Slagle, aye;
11 Greene, aye; Frankil, aye; Talbott, aye;
12 Johnson, aye.

13 [The motion carried unanimously.]

14

15 [Glenn P. Masser, Esquire, Board Prosecutor, presented
16 the Consent Agreement for Case No. 20-54-003313.]

17

18 MR. GREENE:

19 I make the motion that we approve the
20 Consent Agreement at Case No. 20-54-
21 003313.

22 CHAIRPERSON TALBOTT:

23 Do we have a second?

24 MR. FRANKIL:

25 Second.

1 CHAIRPERSON TALBOTT:

2 Any further discussion? Call the vote.

3

4 Roussel, aye; Hart, aye; Slagle, aye;

5 Frankil, aye; Johnson, aye; Talbott, aye;

6 Greene, aye.

7

8 [The motion carried unanimously. The Respondent's

9 name is Pharmasutra PLLC t/d/b/a Gainesville

10 Pharmacy.]

11

12 Report of Board Counsel

13 [Juan A. Ruiz, Esquire, Board Counsel, noted the

14 Lasher v. State Board of Pharmacy case was discussed

15 earlier in executive session.]

16

17 MR. GREENE:

18 I make the motion that the Board give

19 authority to Board Counsel to relay the

20 settlement offer as discussed in

21 executive session in the case of Lasher

22 v. State Board of Pharmacy.

23 CHAIRPERSON TALBOTT:

24 Do we have a second?

25 MR. FRANKIL:

1 Second.

2 CHAIRPERSON TALBOTT:

3 Any discussion? Call the vote.

4

5 Roussel, aye; Hart, aye; Slagle, aye;

6 Frankil, aye; Johnson, aye; Greene, aye.

7 [The motion carried. Ms. Talbott recused herself from
8 deliberations and voting on the motion. .]

9

10 [Juan A. Ruiz, Esquire, Board Counsel, noted status of
11 the injectables regulation, which was published as
12 proposed in the *Pennsylvania Bulletin* on October 24.]

13

14 Report of Commissioner

15 [Terry M. Talbott, R.Ph., Chairperson, questioned the
16 status of interns giving flu and COVID-19
17 vaccinations.

18 Commissioner Johnson noted continuing to work on
19 development in the Pennsylvania Licensing System
20 (PALS) application. He mentioned working on testing
21 for functionality and is hopeful to get the testing
22 completed within the next few weeks.

23 Chairperson Talbott informed Commissioner Johnson
24 of pharmacists having issues with renewals, mostly
25 revolving around the child abuse piece.

1 Commissioner Johnson noted the problem to be
2 globally with upload errors and notification errors on
3 their end. He believed any internal concerns were
4 rectified but needed to make sure to properly educate
5 individuals with issues. He mentioned working with
6 stakeholders to help identify weak points in terms of
7 communication and then figure out the best way to
8 disseminate the message.

9 Mr. Frankil mentioned receiving several calls
10 from licensees regarding the child abuse issue, where
11 the licensee completed their child abuse CE, but the
12 license did not go through because it was not recorded
13 properly. He suggested sending a simple response to
14 pharmacists to decrease the level of anxiety.

15 Chairperson Talbott stated that individuals who
16 completed the continuing education (CE) by the end of
17 September should not be penalized and should be able
18 to count CE from October on as long as the fee was
19 paid.

20 Commissioner Johnson stated those instances would
21 be reviewed on a case-by-case basis. He noted relying
22 on a third-party transmission, where there is a delay
23 between the providers reviewing the information on
24 hand, auditing it, and sending it to them. He
25 mentioned working on shortening the time but also not

1 sacrificing accuracy for efficiency. He noted the
2 next hurdle is to develop a compliance metric to
3 ensure uploads are accurate.

4 Chairperson Talbott suggested Dr. McGivney and
5 Ms. Epple send Ms. Zimmerman information concerning
6 any issues providers are experiencing when uploading
7 information to the state.

8 Ms. Zimmerman cautioned licensees against
9 uploading their certificates because it places a hold
10 on their renewal and keeps the renewal from being
11 processed.

12 Chairperson Talbott recommended all of the
13 stakeholders participating in today's meeting relay
14 that message, where only authorized providers should
15 upload to PALS, not individuals.

16 Commissioner Johnson thanked everyone for their
17 patience and offered continued thoughts and prayers
18 that everyone stays safe as they continue to offer
19 frontline services during the pandemic.]

20 ***
21 [Janet Getzey Hart, R.Ph., Secretary, exited the
22 meeting at 10:59 a.m.]

23 ***
24 Report of Probable Cause Screening Committee
25 [Patrick M. Greene, Esquire, Office of Attorney

1 General, noted signing one order on a Petition for
2 Appropriate Relief.]

3 ***

4 Report of Board Chairperson

5 [Terry M. Talbott, R.Ph., Chairperson, noted she
6 attended the National Association of Boards of
7 Pharmacy Advisory Committee on Examinations Meeting at
8 the end of August.

9 Chairperson Talbott addressed her attendance,
10 along with Ms. Hart and Ms. Zimmerman, at the National
11 Association of Boards of Pharmacy (NABP)/American
12 Association of Colleges of Pharmacy (AACP) District 1
13 & 2 Meeting. She stated a lot of the discussion
14 focused on Board COVID responses. She noted
15 resolutions would be presented at the national meeting
16 in Phoenix in May.

17 Chairperson Talbott discussed her attendance at
18 the Pennsylvania Society of Health-System Pharmacists
19 (PSHP) Emergency Preparedness Management Virtual
20 Summit. She noted discussing the structure of the
21 Board and their response to COVID. She provided a
22 slide regarding the "chutes and ladders" regulation
23 process in Pennsylvania.

24 Chairperson Talbott noted the Board discussed
25 House Bill 770 during executive session, which would

1 allow the Board to register technicians. She stated
2 the Board wants to remove the words "direct and
3 immediate personal supervision" to allow for broader
4 supervision capability due to all of the technology in
5 place. She also noted a unanimous decision by the
6 Board to support the bill except for that one
7 amendment.]

8 ***

9 For the Board's Information

10 [Terry M. Talbott, R.Ph., Chairperson, referred to the
11 memorandums regarding the new North American
12 Pharmacist Licensure Examination (NAPLEX) Competency
13 Statements and Exploring the Potential of a Pharmacy
14 Curriculum Outcomes Assessment (PCOA) Passing Standard
15 for the Board's review.

16 Chairperson Talbott stated PCOA is a test schools
17 give every year to students to see how they are
18 progressing but there is not a passing standard. She
19 mentioned discussion among the Accreditation Council
20 for Pharmacy Education (ACPE) and NABP regarding
21 establishment of a passing standard. She noted ACPE
22 seems to be in favor of that, and a lot of the schools
23 are already using it as such.]

24 ***

25 Report of Executive Secretary

1 [Melanie Zimmerman, R.Ph., Executive Secretary,
2 reported a completion of 67% of renewals at this
3 point.

4 Ms. Zimmerman questioned whether the Board is
5 interested in publishing a newsletter in January,
6 noting the deadline for articles is around December 1.

7 Chairperson Talbott suggested articles on waivers
8 and continuing education.

9 Mr. Frankil agreed a Board newsletter could
10 provide information clarifying the CE issue and the
11 renewal extension and offered to write an article if
12 someone has a topic. It was determined that Board
13 Member Frankil and Chairperson Talbott would prepare
14 an article on COVID-19 and vaccines.

15 Board Member Roussel offered to provide an
16 article on the Food and Drug Administration's (FDA)
17 intergovernmental workgroup and an update regarding
18 the United States Pharmacopeia (USP) Chapter 797 and
19 Chapter 800.

20 Mr. Michalowski offered to contact the Department
21 of Health for information concerning opiate issues and
22 PDMP data.]

23 ***

24 New Business

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

1 mentioned discussion regarding the storage of
2 prescription files for Sankofa Pharmacy Inc. and
3 Ogontz Family Pharmacy, noting that information on the
4 file storage along with a description of security
5 measures were received for both pharmacies.

6 Ms. Zimmerman informed the Board that it was
7 necessary for Chairperson Talbott to name a member of
8 the Board to attend the Accreditation Council for
9 Pharmacy Education (ACPE) virtual evaluation of Wilkes
10 University Nesbitt School of Pharmacy due to the
11 deadline.]

12 ***

13 MS. ZIMMERMAN:

14 Do we have a motion to have Janet (Hart)
15 attend the virtual meeting?

16 MR. FRANKIL:

17 I'll make that motion.

18 CHAIRPERSON TALBOTT:

19 Do I have a second?

20 MR. GREENE:

21 Second.

22 CHAIRPERSON TALBOTT:

23 Any discussion? She has agreed to go.

24 All in favor?

25 [The motion carried unanimously.]

1 ***

2 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
3 acknowledgement of correspondence from the Red Cross
4 seeking pharmacist volunteers.]

5 ***

6 Old Business

7 [Terry M. Talbott, R.Ph., Chairperson, informed the
8 Board of conflicts with 2021 Board meeting dates,
9 where some of the dates had to be modified, due to the
10 department requesting one meeting per day.]

11 ***

12 Next Meeting Dates

13 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
14 the revised 2021 Board meeting dates are January 19,
15 March 17, April 27, June 6, July 29, September 8,
16 November 2, and December 21. She will post those on
17 the Board's website.]

18 ***

19 Appointment - Schools of Pharmacy Connecting with the
20 Board of Pharmacy

21 [Melissa McGivney, Pharm.D., FCCP, FAPhA, Associate
22 Dean for Community Partnerships, Professor of Pharmacy
23 and Therapeutics, University of Pittsburgh School of
24 Pharmacy, noted she has the privilege of working
25 closely with pharmacists and pharmacy teams through

1 the Pennsylvania Pharmacists Care Network and the
2 Pennsylvania Pharmacists Association.

3 Dr. McGivney stated it had been a decade since
4 the University of Pittsburgh School of Pharmacy
5 partnered with the Pennsylvania Pharmacists
6 Association and all seven schools to be able to create
7 a training program for pharmacists to provide patient
8 care in the community.

9 Dr. McGivney mentioned recognition beyond the
10 state at the national level through the Community
11 Pharmacy Enhanced Service Network, where they have
12 been asked and grant funded to bring together schools
13 of pharmacy throughout the country. She noted it has
14 been a year and a half now that they have a nationwide
15 collaborative of schools of pharmacy with 89 schools
16 and over 260 faculty and some states with a faculty
17 liaison just there as a consultant.

18 Dr. McGivney stated there are a huge number of
19 experts in Pennsylvania and easy-access directories
20 for assistance. She noted Deans from all seven
21 schools meet regularly and experiential learning
22 directors meet every month in Pennsylvania to ensure
23 help for the preceptors and support the students.

24 Dr. McGivney commented that experts are in
25 Pennsylvania to assist with evidence, literature, or

1 general information issues and questions and could be
2 used as an outlet to share information as well.

3 Chairperson Talbott stated it is great to know
4 they are helping train future pharmacists, and the
5 Board is fortunate to have seven great schools in the
6 Commonwealth.

7 Dr. McGivney addressed immunization training,
8 where the U.S. Department of Health & Human Services
9 (HHS) guidance came out allowing student interns to be
10 a part of immunization administration. She noted
11 students are trained to go anywhere in the world and
12 are clamoring at the opportunity to immunize.

13 In summary, Dr. McGivney noted the experts are
14 available to the Board and schools are ready to help
15 with any issues.]

16

17 Appointment - 16A-5430 Proposed Rulemaking Child Abuse
18 Reporting Requirements

19 [Cynthia K. Montgomery, Esquire, Deputy Chief
20 Counsel/Regulatory Counsel, Department of State,
21 referred to proposed rulemaking 16A-5430 regarding
22 child abuse reporting requirement regulations. She
23 stated the proposed rulemaking will update the Board's
24 regulation to include all of the required provisions
25 of the Child Protective Services Law.

1 Ms. Montgomery noted the Board did not have child
2 abuse regulations, where the Child Protective Services
3 Law now requires licensed health care practitioners to
4 report suspected child abuse and this topic is being
5 added to the board regulations.

6 Ms. Montgomery stated it also incorporates Act 31
7 training requirements set forth in § 6383 of the Child
8 Protective Services Law to be implemented in 2015 for
9 all applications and renewals as of January 1, 2015.
10 She mentioned this is being incorporated in their
11 regulations to be able to enforce the requirements
12 through disciplinary actions.

13 Chairperson Talbott mentioned prior confusion of
14 whether it had to be put in the regulation or whether
15 the Board could discipline somehow through the Bureau
16 of Professional and Occupational Affairs (BPOA)
17 umbrella. She also reported the Board was dealing
18 with immunization and compounding and other
19 regulations that took precedence.]

20

21 MS. MONTGOMERY:

22 It would be appropriate to entertain a
23 motion to approve the proposed rulemaking
24 package and direct me to promulgate it
25 through the regulatory review process.

1 CHAIRPERSON TALBOTT:

2 Do I have a motion to that effect?

3 DR. ROUSSEL:

4 I make a motion.

5 CHAIRPERSON TALBOTT:

6 Motion made by Christine. Second?

7 MR. FRANKIL:

8 Second.

9 CHAIRPERSON TALBOTT:

10 Any further discussion? Let's take a
11 roll call on this one.

12

13 Roussel, aye; Slagle, aye; Greene, aye;

14 Frankil, aye; Talbott, aye; Johnson, aye.

15 [The motion carried unanimously.]

16

17 Public Session

18 [Steve Sheaffer, Pharm.D., Pennsylvania Society of
19 Health-System Pharmacists, stated HHS and the Centers
20 for Disease Control and Prevention (CDC) guidance
21 lists pharmacists and pharmacy technicians as high-
22 priority health care providers to receive the vaccine
23 on the first round of release. He questioned how
24 pharmacists and pharmacy technicians in community
25 pharmacies are going to have access to the vaccine in

1 Phase 1 since it is likely that the Pfizer vaccine is
2 going to come out first and will be distributed in
3 lots of 5000 with the deep-freeze requirements.

4 Chairperson Talbott stated that pharmacists have
5 been surveyed to see if they have the capabilities and
6 what we can be done to help with the distribution.
7 She noted the CDC has tasked states with making their
8 distribution plans. She noted that many county health
9 departments had been surveying the professions for a
10 head count and then that has gone to the Department of
11 Health (DOH).

12 Chairperson Talbot requested Mr. Ruiz follow up
13 with Commissioner Johnson to provide a list of
14 licensees to assist with vaccines in Phase 1.

15 Chairperson Talbott questioned whether Mr.
16 Sheaffer had been involved with DOH with the emergency
17 points of dispensing (POD) and would that be utilized
18 for distribution of any kind of COVID vaccine.

19 Dr. Sheaffer expects Phase 1 will be closed PODs
20 run by hospitals as well as cities and counties to
21 meet their employee needs. He noted the importance of
22 ensuring pharmacists outside of those realms have
23 access to the vaccine because community pharmacies are
24 not scheduled to be accessing the vaccine until the
25 second round.

1 Dr. Sheaffer addressed POD planning in the city,
2 noting a lot of questions remain unanswered concerning
3 data collection, type of vaccine, and its distributed.
4 He mentioned staffing of cities and counties with
5 Medical Reserve Corps (MRC), which is how they get
6 their volunteers to step up and support the vaccine
7 programs and PODs.

8 Patricia A. Epple, CEO, Pennsylvania Pharmacists
9 Association, provided information from calls with the
10 American Society of Consultant Pharmacists (ASCAP),
11 American Pharmacists Association (APhA), and the
12 Department of Health. She reported the initial phase
13 to offer 200 doses at one time going to long-term care
14 facilities.

15 Ms. Epple explained that Phase 1 distribution is
16 in a state of flux because the vaccine must go to
17 places where it can make the best use due to the way
18 it is shipped.]

19

20 Act 53 of 2020 List of Offenses Directly Related to
21 Profession

22 [K. Kalonji Johnson, Commissioner, Bureau of
23 Professional and Occupational Affairs, addressed Act
24 53 of 2020 signed by the governor and effective 180
25 days from signing, which changed the way criminal

1 history information is used in the determination of
2 suitability for licensure.

3 Commissioner Johnson noted the language clarifies
4 and provides guidance for individuals seeking
5 licensure under the Department of State and the boards
6 and commissions under its purview. He explained that
7 Act 53 provides points of reference while providing
8 lists of criminal offenses that may impact suitability
9 for licensure and providing a number of tools for the
10 public and perspective and current licensees.

11 Commissioner Johnson will present tentative lists
12 to the 29 boards and commissions and provide a public
13 forum for business members and stakeholders to provide
14 feedback. He stated Board Counsel and Deputy Chief
15 Counsel Cynthia Montgomery have maintained a strict
16 schedule of providing the information to the boards
17 and preparing it for discussion.

18 Commissioner Johnson explained that the lists are
19 not necessarily adopted but have been compiled from
20 the statutory language of Act 53 and statutory
21 language of the practice act, regulations, and
22 extensive curation of past disciplinary and
23 administrative decisions. He noted his aspiration is
24 approval of the list from the Board in its current
25 form for drafting of the regulatory language.

1 Commissioner Johnson commented that the list
2 still has to go through the formal regulatory process,
3 where the public and legislature will have another
4 opportunity to provide feedback and then sent for
5 review by the Independent Regulatory Review Commission
6 (IRRC).

7 Ms. Montgomery noted now as the opportunity for
8 the Commissioner to consult with the Board regarding
9 any additions or deletions to the current list.

10 Ms. Montgomery referred to § 3117 of Act 53, where
11 the commissioner must publish notice of the
12 availability of the list by December 26. She stated
13 it must be incorporated into a best practices guide
14 and is to be incorporated into the application
15 process, so applicants know what crimes may constitute
16 grounds for refusal to issue, suspend, or revoke a
17 license.

18 Ms. Montgomery addressed preliminary
19 determination, where individuals who may want to
20 become a pharmacist will be able to apply for a
21 preliminary determination as to whether their criminal
22 conviction may be an impediment to licensure, which
23 can be done at any time. She stated the list will be
24 used for that purpose and in making determinations for
25 applicants and making decisions on disciplinary

1 matters.

2 Ms. Montgomery stated that crimes on the list
3 directly related to the profession raises a
4 presumption that an applicant with that conviction
5 poses a significant risk to patients, clients, or the
6 public and a significant risk of further criminal
7 offenses. She explained that the applicant or
8 licensee has to overcome that presumption by
9 demonstrating to the Board's satisfaction that they do
10 not pose a risk.

11 Ms. Montgomery also stated that crimes not on the
12 list did not mean that the crime would not come to the
13 Board's attention. She commented that the prosecuting
14 attorney would have to prove to the Board that the
15 individual who has that conviction does pose a
16 substantial risk.

17 Ms. Montgomery referred to § 3113(d) regarding
18 sexual offenses, which applies to all health care
19 practitioners. She also referred to § 3113(e)
20 regarding acts of violence, where an individual could
21 receive a license if it has been at least 3 years from
22 incarceration or 3 years from imposition of the
23 sentence, the individual has remained conviction-free,
24 and demonstrates significant rehabilitation.

25 Ms. Montgomery noted the Board must be convinced

1 the individual does not pose a substantial risk to the
2 health and safety of patients, clients, or the public
3 or a substantial risk of further conviction. She
4 provided a definition of "directly related," when
5 evaluating items on the list.

6 Ms. Montgomery stated the commissioner has the
7 statutory duty to consult with the Board prior to
8 publishing notice of availability of the list of
9 crimes and has a statutory duty to promulgate the list
10 as a regulation within 2 years of the effective date
11 of the act or December 27.

12 Commissioner Johnson reiterated that the list is
13 not a terminal list and provides information upfront
14 to anybody interested in becoming a pharmacist or a
15 current licensee who may not have any familiarity with
16 the Criminal History Records Information Act.

17 Ms. Montgomery reported that the list was shared
18 with stakeholder groups on September 22 and given an
19 opportunity to provide written comments. She noted
20 the Board did not receive any written comments, so it
21 would be appropriate to ascertain whether any groups
22 at the meeting would like to address the list.]

23 ***

24 MR. GREENE:

25 I'll make the motion that we approve the

1 Act 53 list of offenses directly related
2 to the profession of pharmacy.

3 COMMISSIONER JOHNSON:

4 I wholeheartedly second the motion.

5 CHAIRPERSON TALBOTT:

6 Any further discussion? Let's call the
7 vote.

8

9 Roussel, aye; Slagle, aye; Greene, aye;
10 Frankil, aye; Talbott, aye; Johnson, aye.

11 [The motion carried unanimously.]

12 ***

13 Adjournment

14 CHAIRPERSON TALBOTT:

15 I will entertain a motion to adjourn.

16 MR. FRANKIL:

17 So moved.

18 CHAIRPERSON TALBOTT:

19 All in favor?

20 [The motion carried unanimously.]

21 ***

22 [There being no further business, the State Board of
23 Pharmacy Meeting adjourned at 11:57 a.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
REFERENCE INDEX

October 15, 2020

	TIME	AGENDA
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2		
3		
4		
5		
6		
7	TIME	AGENDA
8		
9	9:00	Executive Session
10		
11	10:30	Return to Open Session
12		
13	10:31	Official Call to Order
14		
15	10:31	Introduction of Board Members/Audience
16		
17	10:36	Approval of Minutes
18		
19	10:37	Report of Prosecutorial Division
20		
21	10:45	Report of Board Counsel
22		
23	10:50	Report of Commissioner
24		
25	10:59	Report of Probable Cause Screening Committee
26		
27		
28	11:00	Report of Board Chairperson
29		
30	11:05	Report of Executive Secretary
31		
32	11:10	New Business
33		
34	11:11	Old Business
35		
36	11:12	Next Meeting Dates
37		
38	11:13	Appointment - Melissa McGivney, Pharm.D., FCCP, FAPhA
39		
40		
41	11:22	Appointment - Cynthia Montgomery, Deputy Chief Counsel
42		
43		
44	11:29	Public Session
45		
46	11:38	Appointment - K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs
47		
48		
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50	11:57	Adjournment