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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: 10:31 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

December 19, 2023

State Board of Pharmacy
December 19, 2023

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BOARD MEMBERS:

Theresa M. Talbott, R.Ph., Chairperson
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Christine Roussel, Pharm.D., BCOP, BCSCP, Vice
Chairperson
Eric Esterbrook, R.Ph., Secretary
John R. Slagle, R.Ph.
Janet Getzey Hart, R.Ph.
Tyler Ritchie, Esquire, Deputy Attorney General,
Office of Attorney General

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Senior Board Counsel
Ariel O'Malley, Esquire, Board Counsel
Megan E. Castor, Esquire, Board Counsel
Todd P. Kriner, Esquire, Board Counsel
Judith Pachter Schulder, Esquire, Board Counsel
Ray J. Michalowski, Esquire, Senior Board Prosecutor
Nathan C. Giunta, Esquire, Board Prosecution Liaison
Glenn P. Masser, Esquire, Board Prosecutor
Ashley P. Murphy, Esquire, Board Prosecutor
Caroline A. Bailey, Esquire, Board Prosecutor
Angela L. Solomon, Esquire, Board Prosecutor
Melanie Zimmerman, R.Ph., Board Administrator
Marc Farrell, Esquire, Regulatory Counsel,
Office of Chief Counsel, Department of State
Jessica Zukoski, Senior Legal Analyst, Department of
State
Michael McDonald, Policy Director, Department of
State

ALSO PRESENT:

Kevin Knipe, MSW, LSW, CCDP Diplomate, Program
Manager, Professional Health Monitoring Program
Chiara Huber, Pharmacy Student
Grace Sesi, Executive Director, Regulatory Affairs at
CVS Health/Chairperson, Michigan Board of Pharmacy
Julie Drodody, Drug and Alcohol Program Manager,
Professional Health Monitoring Program

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ALSO PRESENT: (cont.)

Heather A. Wilson, MSW, CFRE, CAE, Executive
Director of The Foundation of the Pennsylvania
Medical Society, Deputy Executive Vice President of
the Pennsylvania Medical Society
Tiffany Booher, MA, LPC, CAADC, CIP, CCSM, Director,
Peer Assistance Monitoring Programs; Program
Director, Physicians' Health Program, Pennsylvania
Medical Society
Raymond Truex Jr., MD, FACS, FAANS, Medical Director,
Physicians' Health Program, Pennsylvania Medical
Society
Victoria Elliott, RPh, MBA, CAE, CEO, Pennsylvania
Pharmacists Association
Larry Jones, Executive Director, Pennsylvania
Society of Health-System Pharmacists
Genevieve Levans, R.Ph., Hospital of the University
of Pennsylvania
Derek Smoody, Regional Medical Affairs Manager,
Braeburn Pharmaceuticals
Charlotte Harris, Pharmacy Intern, Duquesne University
Dave Wrzesniewski, Regional Manager, Pharmacy
Operations, The GIANT Company
Susan DelMonico, R.Ph., JD
Edward Foote, Pharm.D., FCCP, BCPS, Dean,
Philadelphia College of Pharmacy at the University
of Sciences
Sarah Everingham, MJ, CCEP, CPhT, Cardinal Health
Joshua Finger, Pharm.D., Enclara Pharmacia
Geoffrey Christ, Senior Pharmacy Compliance Manager,
Chewy
Jacquelyn Sassaman, Pentec Health
Megan Ammon, PharmD, BCMTMS, Clinical Program
Coordinator at Weis Markets
Christopher Miller, PharmD, Giant Eagle
Joseph Milward, Senior Manager, Pharmacy Quality and
Accreditation, PANTHERx Rare Pharmacy
Nicole Fidler, Associate, Malady & Wooten
Misha Patel, M.D., Curriculum Education Assistant,
Geisinger Commonwealth School of Medicine
Jim Reed, Health Outcomes Supervisor/Strategic
Partnerships Leader, Walgreens
Laura Romeo, Pharmacist-in-Charge at ConnectiveRx,
Careform Pharmacy

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ALSO PRESENT: (cont.)

Jennifer Smeltz, Republican Executive Director,
Senate Consumer Protection & Professional
Timothy Black, R.Ph., Pharmacy Inspector, Bureau of
Enforcement and Investigation, Department of State
Steven Zahn, Pharmacy Inspector, Bureau of
Enforcement and Investigation, Department of State
Stephanie Monteiro, Specialist, Engineering at
Merck & Company
Patrick Lavella, R.Ph., President, Pennsylvania
Pharmacist Association
Rhonda Thomas, PharmD, MBA, BSPS, BCSCP, Director of
Pharmacy, Lehigh Valley Health Network
Raymond Vellky, PharmD, Delta 9 PA by Keystone
Integrated Care
Valerie Pentland, PharmD, ConnectiveRx
Andy
Leah Castelnovo, Pharmacy Student at the University
of Pittsburgh
Matthew Ford

1 ***

2 State Board of Pharmacy

3 December 19, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m., the Board entered into Executive
7 Session with Ariel E. O'Malley, Esquire, Board
8 Counsel, for the purpose of conducting quasi-judicial
9 deliberations and to receive the advice of Board
10 Counsel. 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, December 19,
15 2023. Theresa M. Talbott, R.Ph., Chairperson, called
16 the meeting to order at 10:31 a.m.

17 ***

18 Introduction of the Board Members/Audience
19 [Theresa M. Talbott, R.Ph., Chairperson, requested
20 the introduction of Board members and the audience.]

21 ***

22 [Theresa M. Talbott, R.Ph., Chairperson, noted that
23 the meeting was being recorded, and those who
24 continued to participate were giving their consent to
25 be recorded.]

1 ***

2 Evacuation Announcement

3 [Melanie Zimmerman, R.Ph., Board Administrator,
4 reviewed the emergency evacuation procedures for 2525
5 North 7th Street.]

6 ***

7 Approval of the Agenda

8 CHAIRPERSON TALBOTT:

9 I will entertain a motion to accept the
10 agenda as presented.

11 MR. ESTERBROOK:

12 So moved.

13 MS. GETZEY HART:

14 Second.

15 CHAIRPERSON TALBOTT:

16 Any discussion? Call the vote.

17
18 Hart, aye; Esterbrook, aye; Ritchie, aye;
19 Claggett, aye; Talbott, aye; Roussel,
20 aye; Slagle, aye.

21 [The motion carried unanimously.]

22 ***

23 Approval of Minutes

24 CHAIRPERSON TALBOTT:

25 At item 4, we have the minutes from the

1 November 7 meeting. Did anybody have any
2 concerns about the minutes?

3 MR. ESTERBROOK:

4 Motion to accept the minutes.

5 MS. GETZEY HART:

6 Second.

7 CHAIRPERSON TALBOTT:

8 Any further discussion? Call the vote.

9

10 Hart, aye; Esterbrook, aye; Ritchie, aye;
11 Claggett, aye; Talbott, aye; Roussel,
12 aye; Slagle, aye.

13 [The motion carried unanimously.]

14

15 Report of Board Prosecution

16 [Glenn P. Masser, Esquire, Board Prosecutor,
17 presented the Consent Agreement for Case Nos. 22-54-
18 016048 & 22-54-016588.]

19

20 [Glenn Masser experienced technical difficulties at
21 10:37 a.m.]

22

23 [Theresa M. Talbott, R.Ph., Chairperson, exited the
24 meeting at 10:37 a.m. for recusal purposes.]

25

1 VICE CHAIR ROUSSEL ASSUMED THE CHAIR

2 ***

3 [Ashley P. Murphy, Esquire, Board Prosecutor,
4 presented the Consent Agreement for Case Nos. 21-54-
5 018991 & 22-54-010724.]

6 ***

7 [Theresa M. Talbott, R.Ph., Chairperson, reentered
8 the meeting at 10:38 a.m.]

9 ***

10 CHAIRPERSON TALBOTT RESUMED THE CHAIR

11 ***

12 [Glenn P. Masser, Esquire, Board Prosecutor,
13 continued the presentation for the Consent Agreements
14 at Case Nos. 22-54-016048 & 22-54-016588, Case No.
15 23-54-011156, and Case Nos. 23-54-010874 & 23-54-
16 014562.]

17 ***

18 [Eric Esterbrook, R.Ph., Secretary, exited the
19 meeting at 10:43 a.m. for recusal purposes.]

20 ***

21 [Glenn P. Masser, Esquire, Board Prosecutor,
22 presented the Consent Agreement for Case Nos. 22-54-
23 015271 & 22-54-015272.]

24 ***

25 [Eric Esterbrook, R.Ph., Secretary, reentered the

1 meeting at 10:44 a.m.]

2

3 [Nathan C. Giunta, Esquire, Board Prosecution
4 Liaison, presented the Consent Agreement for Case No.
5 23-54-010283.]

6

7 [Janet Getzey Hart, R.Ph., exited the meeting at
8 10:47 a.m. for recusal purposes.]

9

10 [Nathan C. Giunta, Esquire, Board Prosecution
11 Liaison, presented the Consent Agreement for
12 Case No. 23-54-015426.]

13

14 [Janet Getzey Hart, R.Ph., reentered the meeting at
15 10:49 a.m.]

16

17 [Ray J. Michalowski, Esquire, Senior Board
18 Prosecutor, presented the VRP Agreements for Case No.
19 23-54-013663 and Case No. 23-54-013664.]

20

21 Appointment - Introduction

22 [Michael McDonald, Policy Director, Department of
23 State, introduced himself and provided a brief
24 history of his personal and professional background.
25 He informed everyone that the policy office works

1 with all of the program areas, including all of the
2 licensing boards and commissions, to help set policy.

3 Mr. McDonald noted working closely with Board
4 Counsel; to draft or review proposed regulations. He
5 noted the policy office researches policies in other
6 jurisdictions that may impact Pennsylvanians or
7 licensees. He stated the policy office is a resource
8 for new ideas and offered to assist with implementing
9 policies and new regulations.

10 Mr. McDonald also mentioned working closely with
11 Acting Commissioner Claggett and Deputy Policy
12 Director Andrew LaFratte, who would also be available
13 to answer any questions or concerns.

14 Mr. McDonald thanked Board members for their
15 service to the licensees and citizens of the
16 Commonwealth of Pennsylvania.

17 Chair Talbott informed Mr. McDonald that the
18 regulatory process in Pennsylvania is horrible, where
19 some regulations have taken seven years to be
20 promulgated. She offered the Board's assistance to
21 help with anything that could be done with the
22 antiquated regulatory process.

23 Mr. McDonald was aware of the slow regulatory
24 process, noting the Policy Office is always looking
25 at ways to streamline the processes in place for

1 internal review and looking at ways to move things
2 along quickly.]

3

4 Appointment - Physicians' Health Program

5 [Tiffany Booher, MA, LPC, CAADC, CIP, CCSM, Director,
6 Peer Assistance Monitoring Programs; Program
7 Director, Physicians' Health Program, Pennsylvania
8 Medical Society, presented to the Board to discuss
9 the Physicians' Health Program.

10 Raymond Truex Jr., MD, FACS, FAANS, Medical
11 Director, Physicians' Health Program, The Foundation
12 of the Pennsylvania Medical Society, and Heather A.
13 Wilson, MSW, CFRE, CAE, Executive Director of The
14 Foundation of the Pennsylvania Medical Society,
15 Deputy Executive Vice President of the Pennsylvania
16 Medical Society, introduced themselves.

17 Ms. Booher addressed the history of the
18 Physicians' Health Program. She noted their program
19 to be one of the oldest and well-established
20 physicians' health programs in the nation and being a
21 member of the Federation of State Physician Health
22 Programs.

23 Ms. Booher noted the program started as a hotline
24 in the 1970s by volunteer physicians willing to take
25 calls from physicians who had substance abuse or

1 mental health problems and needed support. She
2 stated it developed into an official program in 1986
3 and then recognized by the Board of Medicine in 1989
4 to provide peer assistance in the Commonwealth.

5 Ms. Booher noted being a 501(c)(3) charitable
6 affiliate of the Pennsylvania Medical Society and
7 being funded by charitable donations from hospital
8 systems, the public, and other physicians and
9 healthcare professionals interested in supporting
10 their peers. She mentioned also being funded by the
11 monthly monitoring fees from participants and
12 charitable donations from associations.

13 Ms. Booher addressed foundation core values
14 regarding the operation of the program and staff with
15 the highlight on quality and confidentiality, noting
16 the Physicians' Health Program (PHP) does not release
17 any information without a release of information from
18 their participants.

19 Ms. Booher noted that the mission of PHP is to
20 work with professionals who have substance abuse
21 disorders, mental health disorders, and other
22 behavioral concerns that may be interfering with them
23 being able to practice. She stated PHP provides case
24 management services and refers individuals for
25 evaluation and treatment with a trusted independent

1 provider in the treatment and evaluation of
2 healthcare professionals.

3 Ms. Booher noted PHP provides monitoring and
4 advocacy services, including custody hearings. She
5 provided a list of people PHP serves and highlighted
6 that they have students from all professions. She
7 noted building relationships with pharmacy schools
8 and being grateful for the outreach of leadership.
9 She reported having a couple of referrals from some
10 of the pharmacy schools and noted the importance of
11 continuing that collaborative relationship as they
12 move forward.

13 Ms. Booher stated the Physicians' Health Program
14 uses a success first model to get individuals the
15 treatment they need at the highest level of care to
16 achieve the best outcomes possible. She mentioned
17 that people are more likely to be referred to
18 inpatient treatment for the initial evaluation so all
19 avenues of what is best for them could be addressed.
20 She noted they work with participants regarding the
21 evaluation expense.

22 Ms. Booher addressed the importance of early
23 detection and educating the public to hopefully get
24 individuals early on in the process before they ruin
25 their careers and potentially endanger the public.

1 She reported that individuals are more successful
2 throughout the process than if they send them for
3 outpatient evaluation. She emphasized that thorough
4 assessment is the gateway to really helping someone
5 be successful in recovery.

6 Ms. Booher noted having an abstinence-based
7 program model but allowing people on medication for
8 opioid use disorder (MOUD) or other medications to
9 assist them in their recovery and that they do not
10 prohibit anybody from entering into their program.
11 She noted those individual may require neurocognitive
12 assessment to make sure that they are not impaired as
13 they move back to practice.

14 Ms. Booher noted having an initial five-year
15 long-term monitoring program and a shorter period of
16 time for individuals who are in a mental health
17 situation without the co-occurring substance use
18 disorder. She also addressed other long-term
19 monitoring agreements, including a 20-year agreement
20 in monitoring called a lifetime agreement with no end
21 date that is free of charge.

22 Ms. Booher explained that the agreements are
23 voluntary, where after completing their Professional
24 Health Monitoring Program (PHMP) responsibilities,
25 they can leave with no penalties or consequences as

1 long as they are in good compliance with their
2 monitoring agreement.

3 Ms. Booher addressed the collection of
4 documentation, including psychiatric reports,
5 medications, drug testing results, CME, and coaching
6 experience. She noted PHP pairs each individual in
7 the program with a peer monitor who provides a
8 quarterly report, along with reports collected from
9 the workplace monitor quarterly. She mentioned also
10 having a liaison so an individual at their workplace
11 could stop them from practicing if necessary.

12 Ms. Booher provided statistics from 2022 and the
13 current caseload as well. She offered to provide any
14 specific statistics the Board would like to see each
15 year. She reported currently monitoring 39
16 pharmacists out of 304 cases.

17 Ms. Booher noted being in business for over 35
18 years and helping over 5000 cases. She reported
19 receiving 148 referrals in 2022 and signing 70
20 monitoring agreements last year with an average of
21 333 active participants each month. She mentioned
22 having a very large staff to handle those cases.

23 Ms. Booher addressed participants by profession,
24 noting the majority are physicians with one pharmacy
25 student in active monitoring and the rest in the

1 pending evaluation phase but have not moved through
2 the process.

3 Ms. Booher provided referrals by source, noting
4 PHMP referrals were at 63% last year and 70% this
5 year and reported the majority of individuals are
6 coming from licensing boards and the PHMP. She also
7 reported 12% are self-referrals, 8% are from schools,
8 and 6% from hospital systems. She mentioned a small
9 portion of individuals are also from out-of-state
10 PHPs because they offer an interstate monitoring
11 agreement. She also noted receiving referrals from
12 treatment providers and residency programs. She
13 reported over 100 agreement signings in 2023 and an
14 upshoot with pharmacists in October.

15 Ms. Booher discussed the types of agreements
16 offered, including a general substance use disorder
17 agreement. She noted offering a non-advocacy
18 agreement for individuals who are financially unable
19 to follow the recommendations of typical inpatient
20 treatment and wants to go for intensive outpatient
21 treatment or partial hospitalization, which lasts
22 anywhere from 3 to 12 months.

23 Ms. Booher further explained that they would not
24 provide advocacy to those individuals until they
25 transition them into an advocacy agreement and would

1 not allow them to work during that period of time.
2 And it kind of breaks down that financial piece that
3 sometimes inhibits people from moving forward in
4 their recovery or entering into monitoring.

5 Ms. Booher addressed re-signing, where
6 individuals relapsed while in monitoring, left and
7 came back, or were done with monitoring and relapsed.
8 She also addressed long-term monitoring agreements,
9 interstate agreements, and psychiatric agreements.

10 Ms. Booher noted PHP offers a rule-out agreement
11 for one-year monitoring called a sobriety challenge,
12 where there is deep concern during the evaluation
13 process, but they do not meet diagnostic criteria for
14 a diagnosis. She explained that individuals would be
15 drug tested and have workplace monitoring but not all
16 of the other peer monitoring.

17 Ms. Booher mentioned that students are frequently
18 in the rule-out agreement because the evaluator
19 believed they are not being completely honest. She
20 noted that individuals are offered a one-year
21 monitoring agreement to give them some accountability
22 and to make sure nothing is going on. She explained
23 that the individuals are applying for their license
24 because they do not have a diagnosis and would not be
25 answering yes to the questions that would trigger

1 PHMP participation.

2 Ms. Booher reported one individual signed a
3 lifetime agreement in 2023. She also reported that
4 an occupational agreement was signed, which is for
5 individuals who have a behavioral issue at work but
6 may not meet diagnostic criteria for a mental health
7 condition. She noted PHP works collaboratively with
8 the employer to set up an agreement that supports
9 ongoing monitoring of their behavior.

10 Ms. Booher stated their medical directors and
11 case managers meet via Zoom with the participant
12 during the agreement signing to walk them through the
13 entire monitoring agreement.

14 Ms. Booher emphasized that PHP staff really cares
15 about the success of participants and their best
16 interest, noting participants are required to call
17 and check in monthly and referred to resources to
18 help with any challenges. She mentioned that they
19 spend a lot of time working with their advisory
20 committee and staff twice a week to discuss cases to
21 make sure every decision is fair and equitable and
22 support the participant's recovery and best interest.

23 Ms. Booher stated PHP utilizes best practices and
24 an evidence-based model and that they change their
25 policies and procedures regularly. She commented

1 that monitoring saves lives and offered their
2 assistance with any questions or concerns.

3 Ms. Booher informed Board members that John Kriak
4 is officially on the advisory committee as a
5 pharmacist member and is committed to supporting his
6 peers. She noted Dr. Kriak is already engaged as one
7 of their peer monitors.

8 Ms. Booher asked whether Board members were
9 interested in specific statistics and offered to
10 provide that information.

11 Chair Talbott informed Ms. Booher that the Board
12 would get back with her after further discussion at
13 the next meeting.]

14

15 Report of Board Counsel - Legislative Report

16 [Ariel E. O'Malley, Esquire, Board Counsel, informed
17 Board members that Senate Bill 910 passed and was
18 signed on December 15, which increases the ability to
19 expunge offenses and extends it to what is on the
20 schedule of civil penalties.

21 Ms. O'Malley noted House Bill 1661, which
22 addresses the inappropriate use of xylazine, passed
23 the House on October 4, 2023, went to the Senate, and
24 was then referred to the Agricultural and Rural
25 Affairs Committee, and has been with their

1 Appropriations Committee since November 15, 2023.

2 Ms. O'Malley referred to Senate Bill 959
3 regarding scheduling of controlled substances, where
4 the Secretary would follow the federal stance. She
5 explained that it essentially sets up a procedure
6 where the Secretary would get the schedules, which
7 would automatically be published in the Legislative
8 Reference Bureau, and the sets up like an appeals
9 procedure for scheduling under the Drug Act. She
10 further explained that a notice would get published
11 in the Legislative Reference Bureau and provides for
12 an opportunity to file a substantial written
13 objection and participation in the hearing.

14 Ms. O'Malley commented that this process is
15 supposed to make it easier for the scheduling of
16 substances and to follow the federal level. She
17 noted the bill was introduced on October 16, 2023,
18 and was referred to the Judiciary Committee.

19 Ms. O'Malley noted House Bill 1882 was introduced
20 on November 6, 2023, and passed the House on December
21 13, 2023, as a result of Operation Nightingale, which
22 would give the Board the ability to rescind a
23 license, registration, or permit where there is
24 probable cause that the license was obtained based on
25 false or fraudulent documentation.]

1 ***

2 Report of Board Counsel - Regulatory Report

3 [Ariel E. O'Malley, Esquire, Board Counsel, informed
4 Board members that there had not been much movement
5 with the regulations. She will be meeting with Marc
6 Farrell and provide an updated Regulatory Report at
7 the next meeting.

8 Ms. O'Malley informed Board members that the
9 pharmacy tech regulation was approved by the Office
10 of General Counsel (OGC) and then sent to the Office
11 of Attorney General (OAG) as of December 15, 2023.
12 She hoped to have that published as proposed at the
13 beginning of the year and published soon thereafter
14 as final.]

15 ***

16 Report of Board Prosecution (cont.)

17 CHAIRPERSON TALBOTT:

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

21 Are there any motions regarding
22 these discussions?

23 MR. ESTERBROOK:

24 I move to accept the Consent Agreement
25 for Case Nos. 22-54-016048 & 22-54-

1 016588.

2 CHAIRPERSON TALBOTT:

3 We have a motion. Do we have a second?

4 MS. GETZEY HART:

5 Second.

6 CHAIRPERSON TALBOTT:

7 Any discussion? Call the vote.

8

9 Hart, aye; Esterbrook, aye; Ritchie, aye;

10 Claggett, aye; Talbott, aye; Roussel,

11 aye; Slagle, aye.

12 [The motion carried unanimously. The Respondents are

13 Broad & Grange Pharmacy, Inc., and Roseland N. Ntege,

14 R.Ph.]

15

16 MR. ESTERBROOK:

17 I move to accept the Consent Agreement

18 for Case No. 23-54-011156.

19 CHAIRPERSON TALBOTT:

20 Do we have a second?

21 MS. GETZEY HART:

22 Second.

23 CHAIRPERSON TALBOTT:

24 Any discussion? Call the vote.

25

1 Hart, aye; Esterbrook, aye; Ritchie, aye;
2 Claggett, aye; Talbott, aye; Roussel,
3 aye; Slagle, aye.

4 [The motion carried unanimously. The Respondent's
5 name is Edgar R. Gonzalez.]

6 ***

7 MR. ESTERBROOK:

8 I move to accept the Consent Agreement
9 for Case Nos. 23-54-010874 & 23-54-
10 014562.

11 MS. GETZEY HART:

12 Second.

13 CHAIRPERSON TALBOTT:

14 Any discussion? Call the vote.

15

16 Hart, aye; Esterbrook, aye; Ritchie, aye;
17 Claggett, aye; Talbott, aye; Roussel,
18 aye; Slagle, aye.

19 [The motion carried unanimously. The Respondents are
20 Boothwyn Pharmacy, LLC, and Wayne Charles Sartorio,
21 R.Ph.]

22 ***

23 MR. RITCHIE:

24 I move to accept the Consent Agreement
25 for Case Nos. 22-54-015271 & 22-54-

1 015272.

2 DR. ROUSSEL:

3 Second.

4 CHAIRPERSON TALBOTT:

5 Any discussion? Call the vote.

6

7 Hart, aye; Esterbrook, recuse; Ritchie,

8 aye; Claggett, aye; Talbott, aye;

9 Roussel, aye; Slagle, aye.

10 [The motion carried. Eric Esterbrook recused himself
11 from deliberations and voting on the motion. The
12 Respondents' names are Global Pharmacy, Inc., and
13 Zachary John Schmehl.]

14

15 MR. ESTERBROOK:

16 I move to accept the Consent Agreement

17 for Case Nos. 21-54-018991 & 22-54-

18 010724.

19 MS. GETZEY HART:

20 Second.

21 CHAIRPERSON TALBOTT:

22 Any discussion? Call the vote.

23

24 Hart, aye; Esterbrook, aye; Ritchie, aye;

25 Claggett, aye; Talbott, recuse; Roussel,

1 aye; Slagle, aye.

2 [The motion carried. Theresa Talbott recused herself
3 from deliberations and voting on the motion. The
4 Respondents' names are CVS Pharmacy 1920 & Eric A.
5 Smith, R.Ph.]

6

7 MR. ESTERBROOK:

8 I move to accept the Consent Agreement
9 for Case No. 23-54-010283.

10 MS. GETZEY HART:

11 Second.

12 CHAIRPERSON TALBOTT:

13 Any discussion? Call the vote.

14

15 Hart, aye; Esterbrook, aye; Ritchie, aye;
16 Claggett, aye; Talbott, aye; Roussel,
17 aye; Slagle, aye.

18 [The motion carried unanimously. The Respondent's
19 name is Michael Robert Benzon, R.Ph.]

20

21 MR. ESTERBROOK:

22 I move to accept the Consent Agreement
23 for Case No. 23-54-015426.

24 MR. RITCHIE:

25 Second.

1 CHAIRPERSON TALBOTT:

2 Any discussion? Call the vote.

3

4 Hart, recuse; Esterbrook, aye; Ritchie,
5 aye; Claggett, aye; Talbott, aye;
6 Roussel, aye; Slagle, aye.

7 [The motion carried. Janet Getzey Hart recused
8 herself from deliberations and voting on the motion.
9 The Respondent's name is Haylie Rae Fefolt, R.Ph.]

10 ***

11 MR. ESTERBROOK:

12 I move to accept the Consent Agreement
13 for VRP Case No. 23-54-013663.

14 MS. GETZEY HART:

15 Second.

16 CHAIRPERSON TALBOTT:

17 Any discussion? Call the vote.

18

19 Hart, aye; Esterbrook, aye; Ritchie, aye;
20 Claggett, aye; Talbott, aye; Roussel,
21 aye; Slagle, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. ESTERBROOK:

25 I move to accept the Consent Agreement

1 for VRP Case No. 23-54-013664.

2 MS. GETZEY HART:

3 Second.

4 CHAIRPERSON TALBOTT:

5 Any discussion? Call the vote.

6

7 Hart, aye; Esterbrook, aye; Ritchie, aye;

8 Claggett, aye; Talbott, aye; Roussel,

9 aye; Slagle, aye.

10 [The motion carried unanimously.]

11

12 Report of Board Counsel - Matters for Deliberation

13 MR. ESTERBROOK:

14 For Case No. 23-54-009558, I move that
15 Board Counsel; be directed to prepare an
16 Adjudication and Order consistent with
17 our discussion in Executive Session.

18 MS. GETZEY HART:

19 Second.

20 CHAIRPERSON TALBOTT:

21 Any discussion? Call the vote.

22

23 Hart, aye; Esterbrook, aye; Ritchie, aye;

24 Claggett, aye; Talbott, aye; Roussel,

25 aye; Slagle, aye.

1 [The motion carried unanimously.]

2 ***

3 MR. ESTERBROOK:

4 In the case of Thomas Fortunato, Case No.
5 23-54-011152, I move that Board Counsel;
6 be directed to prepare an Adjudication
7 and Order consistent with our discussion
8 in Executive Session.

9 MS. GETZEY HART:

10 Second.

11 CHAIRPERSON TALBOTT:

12 Any discussion? Call the vote.

13

14 Hart, aye; Esterbrook, aye; Ritchie, aye;
15 Claggett, aye; Talbott, aye; Roussel,
16 aye; Slagle, aye.

17 [The motion carried unanimously.]

18 ***

19 MS. O'MALLEY:

20 In accordance with discussions in
21 Executive Session, I believe the Board
22 would entertain a motion to grant the
23 Commonwealth's Motion to Withdraw the
24 Citation.

25 MR. ESTERBROOK:

1 So moved.

2 MS. GETZEY HART:

3 Second.

4 CHAIRPERSON TALBOTT:

5 Any discussion? Call the vote.

6

7 Hart, aye; Esterbrook, aye; Ritchie, aye;
8 Claggett, aye; Talbott, aye; Roussel,
9 aye; Slagle, aye.

10 [The motion carried unanimously.]

11

12

13 Report of Board Counsel - Proposed Adjudication and
14 Order

15 MR. ESTERBROOK:

16 I move that the Board adopt the Hearing
17 Examiner's Proposed Adjudication and
18 Order in the Case of Nola Mini Market,
19 LLC, Case No. 23-54-002214, and direct
20 Board Counsel; to prepare the Board's
21 Final Order.

22 MS. GETZEY HART:

23 Second.

24 CHAIRPERSON TALBOTT:

25 Any discussion? Call the vote.

1

2

Hart, aye; Esterbrook, aye; Ritchie, aye;

3

Claggett, aye; Talbott, aye; Roussel,

4

aye; Slagle, aye.

5

[The motion carried unanimously.]

6

7

Report of Board Counsel - Draft Adjudications and

8

Orders

9

MR. ESTERBROOK:

10

I move that the Board adopt the

11

Adjudication and Order as presented by

12

Board Counsel; in the case of

13

Anazahealth Corporation, Case No. 21-54-

14

014780, and direct Board Counsel; to

15

prepare the Board's Final Order.

16

MS. GETZEY HART:

17

Second.

18

CHAIRPERSON TALBOTT:

19

Any discussion? Call the vote.

20

21

Hart, aye; Esterbrook, aye; Ritchie, aye;

22

Claggett, aye; Talbott, aye; Roussel,

23

aye; Slagle, aye.

24

[The motion carried unanimously.]

25

1 MR. ESTERBROOK:

2 I move that the Board adopt the
3 Adjudication and Order as presented by
4 Board Counsel; in the case of Derek
5 Smooty, Case No. 23-54-004337, and direct
6 Board Counsel; to prepare the Board's
7 Final Order.

8 MS. GETZEY HART:

9 Second.

10 CHAIRPERSON TALBOTT:

11 Any discussion? Call the vote.

12

13 Hart, aye; Esterbrook, aye; Ritchie, aye;
14 Claggett, aye; Talbott, aye; Roussel,
15 aye; Slagle, aye.

16 [The motion carried unanimously.]

17

18 MR. ESTERBROOK:

19 I move that the Board adopt the
20 Adjudication and Order as presented by
21 Board Counsel; in the case of Brandon
22 Pope, Case No. 22-54-018692, and direct
23 Board Counsel; to prepare the Board's
24 Final Order.

25 MS. GETZEY HART:

1 Second.

2 CHAIRPERSON TALBOTT:

3 Any discussion? Call the vote.

4

5 Hart, aye; Esterbrook, aye; Ritchie, aye;

6 Claggett, aye; Talbott, aye; Roussel,

7 aye; Slagle, aye.

8 [The motion carried unanimously.]

9

10 Report of Board Chairperson - Election of Officers

11 [Theresa M. Talbott, R.Ph., Chairperson, informed

12 everyone that her second term will end in May of 2024

13 and this was her final Board meeting as Chair. She

14 stated it had been a pleasure but looked forward to

15 passing off the gavel.]

16 CHAIRPERSON TALBOTT:

17 Do we have a nomination for the

18 Chairperson?

19 MR. ESTERBROOK:

20 I nominate Christine Roussel.

21 CHAIRPERSON TALBOTT:

22 Do we have a second?

23 MS. GETZEY HART:

24 Second.

25 CHAIRPERSON TALBOTT:

1 Are there any other nomination?

2 DR. ROUSSEL:

3 We can move to close nominations.

4 CHAIRPERSON TALBOTT:

5 Call the vote for Christine Roussel being
6 elected Chairperson.

7

8 Hart, aye; Esterbrook, aye; Ritchie, aye;
9 Claggett, aye; Talbott, aye; Roussel,
10 aye; Slagle, aye.

11 [The motion carried unanimously.]

12

13 CHAIRPERSON TALBOTT:

14 Do we have a nomination for Vice Chair?

15 DR. ROUSSEL:

16 I would like to make a motion to nominate
17 Eric Esterbrook for Vice Chair.

18 CHAIRPERSON TALBOTT:

19 Do we have a second?

20 MS. GETZEY HART:

21 Second.

22 CHAIRPERSON TALBOTT:

23 Do we have any other nominations? If
24 not, I will entertain a motion to close
25 nominations.

1 MS. GETZEY HART:

2 Close nominations.

3 CHAIRPERSON TALBOTT:

4 We will have a vote now for Eric to be
5 Vice Chair.

6

7 Hart, aye; Esterbrook, aye; Ritchie, aye;
8 Claggett, aye; Talbott, aye; Roussel,
9 aye; Slagle, aye.

10 [The motion carried unanimously.]

11

12 CHAIRPERSON TALBOTT:

13 Do we have a nomination for Secretary?

14 MR. ESTERBROOK:

15 I make a motion to nominate Janet Hart.

16 CHAIRPERSON TALBOTT:

17 Do we have a second?

18 MR. RITCHIE:

19 Second.

20 CHAIRPERSON TALBOTT:

21 Are there any other nominations for the
22 esteemed position of Secretary?

23 MR. ESTERBROOK:

24 Motion to close nominations.

25 CHAIRPERSON TALBOTT:

1 Call the vote.

2

3 Hart, aye; Esterbrook, aye; Ritchie, aye;
4 Claggett, aye; Talbott, aye; Roussel,
5 aye; Slagle, aye.

6 [The motion carried unanimously.]

7

8 Report of Board Chairperson - Selection of Committee
9 Members

10 [Theresa M. Talbott, R.Ph., Chairperson, noted Mr.
11 Ritchie as the Chair of the Probable Cause Screening
12 Committee and Ms. Hart as the alternate; Dr. Roussel,
13 Mr. Slagle, Mr. Esterbrook, and Ms. Hart as the
14 alternate for the Pharmacy Application Review
15 Committee; herself as the Cardiopulmonary
16 Resuscitation (CPR) Injectable Training Program
17 Committee member; Ms. Hart as the Act 41 Committee
18 member; Dr. Roussel as the Medical Marijuana Advisory
19 Board member; Mr. Esterbrook, Dr. Roussel, and
20 herself as the Regulation Committee members; and Ms.
21 Hart, Mr. Ritchie, and Mr. Slagle as the Pharmacist
22 Intern Application Review Committee members.]

23 CHAIRPERSON TALBOTT:

24 I would entertain a motion to accept all
25 those committee assignments.

1 MR. ESTERBROOK:

2 So moved.

3 CHAIRPERSON TALBOTT:

4 Do we have a second?

5 MS. GETZEY HART:

6 Second.

7 CHAIRPERSON TALBOTT:

8 Any further discussion? Call the vote.

9

10 Hart, aye; Esterbrook, aye; Ritchie, aye;

11 Claggett, aye; Talbott, aye; Roussel,

12 aye; Slagle, aye.

13 [The motion carried unanimously.]

14

15 Report of Acting Commissioner

16 [Arion R. Claggett, Acting Commissioner, Bureau of
17 Professional and Occupational Affairs, informed Board
18 members of recent changes to the Criminal History
19 Records Check in the Pennsylvania Licensing System
20 (PALS). He explained that applicants were previously
21 allowed to request a Criminal History Records Check
22 through PALS or obtain and upload their own Criminal
23 History Records Check, but issues were detected with
24 the connection between the state police and how PALS
25 received the Criminal History Records Check.

1 Acting Commissioner Claggett stated applicants
2 are now only allowed to upload their own Criminal
3 History Records Check that they obtained themselves
4 and are no longer allowed to request a Criminal
5 History Records Check through PALS.]

6

7 Report of Board Administrator - No Report

8

9 Discussion Items - Proposed 2025 Meeting Dates

10 [Theresa M. Talbott, R.Ph., Chairperson, noted the
11 proposed 2025 meeting dates are January 21, March 18,
12 April 29, June 17, July 29, August 26, October 7, and
13 December 2.]

14 CHAIRPERSON TALBOTT:

15 Do we have a motion to accept those
16 dates?

17 MR. ESTERBROOK:

18 I make a motion to accept those dates as
19 proposed.

20 MS. GETZEY HART:

21 Second.

22 CHAIRPERSON TALBOTT:

23 Call the vote.

24

25 Hart, aye; Esterbrook, aye; Ritchie, aye;

1 Claggett, aye; Talbott, aye; Roussel,
2 aye; Slagle, aye.

3 [The motion carried unanimously.]

4 ***

5 Discussion Items - Selection of PA MPJE Test
6 Question Writer

7 [Theresa M. Talbott, R.Ph., Chairperson, asked for
8 nominations for the Pennsylvania Multistate Pharmacy
9 Jurisprudence Examination (MPJE) test question
10 writer.]

11 CHAIRPERSON TALBOTT:

12 Do we have any nominations?

13 MR. ESTERBROOK:

14 I make a motion to appoint Richard Smiga
15 as the MPJE test writer.

16 MS. GETZEY HART:

17 Second.

18 CHAIRPERSON TALBOTT:

19 Any discussion? Call the vote.

20

21 Hart, aye; Esterbrook, aye; Ritchie, aye;
22 Claggett, aye; Talbott, aye; Roussel,
23 aye; Slagle, aye.

24 [The motion carried unanimously.]

25 ***

1 FYI Items - District II Well-being Index for November
2 2023

3 [Theresa M. Talbott, R.Ph., Chairperson, referred to
4 the District II Well-Being Index for November, noting
5 Pennsylvania remained relatively stable.]

6 ***

7 Old Business - Newsletter Articles

8 [Theresa M. Talbott, R.Ph., Chairperson, stated the
9 Board had a prior discussion concerning a newsletter
10 and would be compiling various items for the next
11 Board meeting on February 6.]

12 ***

13 Public Comment

14 [Ray J. Michalowski, Esquire, Senior Board
15 Prosecutor, referred to a recent inspection and a
16 question that arose as to whether it is still the
17 position of the Board that adding commercial
18 flavorings in a pharmacy was not to be considered
19 compounding.]

20 CHAIRPERSON TALBOTT:

21 We should have it as an official motion
22 that we do not consider that.

23 MS. GETZEY HART:

24 I make a motion that the Board does not
25 consider adding flavor into a

1 prescription to be compounding under USP
2 Standards.

3 CHAIRPERSON TALBOTT:

4 Do we have a second?

5 MR. ESTERBROOK:

6 Second.

7 CHAIRPERSON TALBOTT:

8 Any other discussion?

9 [Dr. Roussel mentioned being the Pennsylvania
10 representative for the Food and Drug Administration
11 Intergovernmental Working Meeting on Drug
12 Compounding. She mentioned Virginia also does not
13 consider conventionally manufactured products to
14 constitute compounding.]

15 CHAIRPERSON TALBOTT:

16 Any other discussion? Call the vote.

17

18 Hart, aye; Esterbrook, aye; Ritchie, aye;
19 Claggett, aye; Talbott, aye; Roussel,
20 aye; Slagle, aye.

21 [The motion carried unanimously.]

22

23 Public Comment

24 [Geoffrey Christ, Senior Pharmacy Compliance Manager,
25 Chewy, offered to help with the MPJE question writing

1 and was told to send an email and his resume to Ms.
2 Zimmerman.

3 Dr. Roussel addressed her attendance at the FDA
4 Intergovernmental Work Meeting on Compounding
5 November 7-8. She mentioned that slides from the FDA
6 are available for free on their website. She noted
7 they presented different regulations, both draft and
8 required. She also noted they reviewed the United
9 States Pharmacopeia (USP) and spent a lot of time on
10 unsanitary conditions and reviewing the difference
11 between 503A and 503B pharmacies and the regulations.

12 An unidentified SPEAKER 1:22:04 commented that
13 Ohio also has guidelines out regarding compounding
14 and asked whether the Board would consider looking at
15 what is happening in surrounding states because she
16 is getting a lot of questions from pharmacies that
17 are anticipating inspectors to come in and revisit
18 the regulations they are now acknowledging and are
19 requesting some clarification.

20 Chair Talbott requested the Ohio regulations be
21 sent to Ms. O'Malley for the Board to take a look at
22 those regulations.]

23 ***

24 Adjournment

25 [Theresa M. Talbott, R.Ph., Chairperson, wished

1 everyone happy holidays on behalf of the Board.]

2 ***

3 [The Board recessed from 11:54 a.m. until 1:19 p.m.]

4 ***

5 [A Formal Hearing was held from 1:19 p.m. until

6 2:59 p.m. in the Matter of the Petition for

7 Reinstatement of Anthony Albert Grejda, R.Ph., to

8 Non-suspended, Unrestricted Status, Case No. 23-54-

9 011183.]

10 ***

11 [There being no further business, the State Board of

12 Pharmacy Meeting adjourned at 2:59 p.m.]

13 ***

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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.



Matthew Ford,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX

December 19, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:31	Official Call to Order
13		
14	10:31	Introduction of Board Members/Audience
15		
16	10:34	Approval of Agenda
17		
18	10:35	Approval of Minutes
19		
20	10:36	Report of Board Prosecution
21		
22	10:50	Appointment - Michael McDonald, Policy Director, Department of State
23		
24		
25	11:00	Appointment - Physicians' Health Program
26		
27		
28	11:26	Report of Board Counsel
29		
30	11:31	Report of Board Prosecution (cont.)
31		
32	11:35	Report of Board Counsel (cont.)
33		
34	11:40	Report of Board Chairperson
35		
36	11:44	Report of Acting Commissioner
37		
38	11:46	Discussion Items
39		
40	11:48	FYI Items
41		
42	11:48	Old Business
43		
44	11:49	Public Comment
45		
46	11:55	Recess
47	1:19	Return to Open Session
48		
49		
50		

STATE BOARD OF PHARMACY
REFERENCE INDEX
(cont.)
December 19, 2023

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TIME	AGENDA
1:19	Formal Hearing - Anthony Albert
2:59	Grejda, R.Ph.
2:59	Adjournment