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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF PHARMACY
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

December 21, 2021

State Board of Pharmacy
December 21, 2022

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Juan A. Ruiz, Esquire, Board Counsel
Ray Michalowski, Esquire, Senior Board Prosecution
Liaison
Glenn P. Masser, Esquire, Board Prosecutor
Melanie Zimmerman, R.Ph., Executive Secretary
Carolyn DeLaurentis, Esq., Deputy Chief Counsel
Marc Farrell, Deputy Director of Policy

ALSO PRESENT:

Michelle Witmer, Fiscal Management Specialist, Bureau
of Finance and Operations, Department of State
Amanda Richards, Acting Chief, Fiscal Management,
Bureau of Finance and Operations, Department of
State
Jacquelyn Sassaman, Pentec Health, Inc.
Christine Renfer, Pharm.D., Director of Professional
Practices & Pharmacist in Charge, CVS/Caremark
Pharmacy
Alexia Westerhausen
Alicia Palombo
Barbara Knightly
Catherine Lutz, Bureau of Enforcement and
Investigation
Cheryl McChesney
Courtney Quattrone
(Audience continued)
David Mihalic
Elizabeth Shipula
James Kutz

State Board of Pharmacy
December 21, 2022
(Continued)

- 1
- 2
- 3
- 4
- 5 Jen Smeltz
- 6 Jenna McCarthy
- 7 Jennifer Welch
- 8 Jim Reed
- 9 Judy Kutchman
- 10 Justin Mills
- 11 Kellie Leonard
- 12 Kerri Johnson
- 13 Kim Mehta
- 14 Larry Jones
- 15 Laura Romeo
- 16 Matthew Jensen
- 17 Nicholas Nigro
- 18 Nicole Fidler
- 19 Jessica Adams
- 20 Patrick Lavella
- 21 Paul Drake
- 22 Rob Frankil
- 23 Ryan Burke
- 24 Steve Sheaffer
- 25 Tejal Patel
- 26 Victoria Elliott
- 27 Katie (last name unknown)
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1 ***

2 State Board of Pharmacy

3 December 21, 2021

4 ***

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

11 ***

12 The regularly scheduled meeting of the State
13 Board of Pharmacy was held on Tuesday, December 21,
14 2021. Janet Getzey Hart, R.Ph., Chairperson, called
15 the meeting to order at 10:30 a.m.

16 ***

17 Introduction of the Board Members

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

20 ***

21 Introduction of Attendees

22 [Melanie Zimmerman, R.Ph., Executive Secretary,
23 referred to the list of those in attendance.]

24 ***

25 Meeting Instructions

1 [Melanie Zimmerman, R.Ph., Executive Secretary,
2 provided instructions to be followed during the
3 virtual meeting such as muting your microphone when
4 not speaking and identifying yourself when speaking.]

5 ***

6 [Juan A. Ruiz, Esquire, Board Counsel, reminded
7 everyone that the meeting was being recorded, and
8 those who continued to participate were giving their
9 consent to being recorded.]

10 ***

11 Approval of Agenda

12 CHAIRPERSON HART:

13 I need a motion to approve the agenda.

14 MS. TALBOTT:

15 So moved.

16 COMMISSIONER JOHNSON:

17 Second.

18 CHAIRPERSON HART:

19 All in favor, aye? Any opposed? Any
20 abstained?

21 [The motion carried unanimously.]

22 ***

23 Approval of Minutes

24 CHAIRPERSON HART:

25 The next part of the agenda would be the

1 approval of the meeting minutes from the
2 August 31 meeting.

3 [The Board discussed corrections to the minutes.]

4 MS. TALBOTT:

5 If we could make that amendment to the
6 August 31 minutes, I would make a motion
7 to approve the August 31 minutes and
8 November 2 minutes as they are.

9 MR. GREENE:

10 Second.

11 CHAIRPERSON HART:

12 Any discussion? All in favor of
13 approving the minutes as outlined, aye?
14 Opposed? Abstentions?

15 [The motion carried unanimously.]

16 ***

17 Report of Prosecutorial Division

18 [Glenn P. Masser, Esquire, Board Prosecutor, presented
19 the Consent Agreement for Case No. 20-54-013040.

20 Board member Patrick Greene was recused from all
21 deliberations on that matter.]

22 ***

23 [Ray Michalowski, Esquire, Senior Board Prosecution
24 Liaison, on behalf of Caroline A. Bailey, Esquire,
25 Board Prosecutor, presented the Consent Agreement for

1 Case No. 21-54-008067.

2 Board member Terry Talbott was recused from all
3 deliberations on that matter.]

4 ***

5 [Glenn P. Masser, Esquire, Board Prosecutor, on behalf
6 of Alice Glasser, Esquire, Board Prosecutor, presented
7 the Consent Agreements for Case No. 20-54-002960 and
8 Case No. 21-54-007730.

9 Board member Terry Talbott was recused from all
10 deliberations regarding Case No. 21-54-007730.]

11 ***

12 [Ray Michalowski, Esquire, Senior Board Prosecution
13 Liaison, presented the VRP Consent Agreements for Case
14 No. 21-54-016662 and Case No. 21-54-017458.

15 Mr. Michalowski thanked Ms. Zimmerman for
16 catching a missed redaction.

17 Mr. Michalowski addressed the Prescription Drug
18 Monitoring Program (PDMP) vendor transition switchover
19 starting in January. He mentioned sharing the notice
20 and the link from PDMP's website with Ms. Zimmerman,
21 if the Board wished to place it on their website.

22 Mr. Michalowski reported cases of misfills in
23 pharmacies. He noted a rare misfill will usually
24 result in a warning letter. He also reported a few
25 cases of mistakenly administered vaccines, where

1 individuals were given a flu vaccine instead of the
2 COVID vaccine or vice versa or given another version
3 of a requested COVID vaccine. He reminded all those
4 who administer injectables to speak to the recipient
5 and confirm information before a vaccine is given.

6 Mr. Michalowski recently received a booster and
7 the person followed best practice by identifying the
8 patient and vaccine. He stated prosecution had not
9 seen any incident with any harm or the matter had been
10 resolved.

11]

12

13 Appointment - Bureau of Finance and Operations Annual
14 Budget Presentation

15 [Michelle Witmer, Fiscal Management Specialist, Bureau
16 of Finance and Operations, Department of State,
17 addressed renewable licensee population from a revenue
18 standpoint. She noted 41,011 licensees when the
19 report was prepared with an increase currently to
20 41,051.

21 Ms. Witmer addressed revenue by category and the
22 biennial total, noting 98% of revenue came from
23 renewals and applications. She noted the other 2%
24 could not be counted on as a consistent revenue source
25 because it fluctuates.

1 Ms. Witmer provided a categorical breakdown of
2 expenses. She noted expenses incur through direct
3 cost, timesheet-based cost, and licensee-based fees.
4 She reported a budget for FY21-22 and current expenses
5 as of December 9, 2021. She noted a recent increase
6 in expenses.

7 Ms. Witmer reviewed revenues and expenses for
8 FY21-22, noting the anticipated balance. She
9 mentioned projected expenses through FY24-25 were
10 starting to exceed revenue and would schedule a time
11 to return to a future meeting to present options for
12 the Board's review on how to address this imbalance.

13 Dr. Roussel asked whether the projected revenue
14 included pharmacy technician registration.

15 Ms. Witmer believed the Bureau of Finance and
16 Operations (BFO) did not have anything for pharmacy
17 technicians but asked when that may become a new
18 license category.

19 Mr. Ruiz commented that the act just passed this
20 year, and they are still working on the regulations.
21 He noted they will have a year to register once those
22 regulations pass, but at this point, it would not be
23 something BFO would be considering.

24 Ms. Witmer reviewed Board member expenses, noting
25 a breakdown of expenses by expense type. She provided

1 an overview of actual expenses for FY19-20, FY20-21,
2 and the current expenses for FY21-22. She noted the
3 \$25,000 travel budget was enough to cover the cost of
4 Board Member travel.

5 Ms. Witmer stated any funds not used go back into
6 the Board's restricted account for the Board's use.

7]

8

9 Report of Board Counsel - Exposure Draft of Proposed
10 Pharmacy Technician Regulations and Public Comments
11 [Juan A. Ruiz, Esquire, Board Counsel, noted a
12 Regulatory Work Session at the end of this meeting to
13 discuss the exposure draft of the proposed pharmacy
14 technician regulations and the comments received.

15 Mr. Ruiz noted the Board discussed two final
16 adjudications and orders and four proposed
17 adjudications and orders during Executive Session
18 prior to the start of this meeting.]

19

20 Report of Board Chairperson - Elections

21 [Janet Getzey Hart, R.Ph., Chairperson, noted prior
22 Board discussion during Executive Session regarding
23 the election of officers and committee assignments.]

24 MS. TALBOTT:

25 I make a motion that our officers for the

1 year of 2022 will be Janet Hart, chair;
2 Christine Roussel, vice chair; and
3 Patrick Greene, secretary.

4 CHAIRPERSON HART:

5 I need a second.

6 MR. GREENE:

7 Second.

8 CHAIRPERSON HART:

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

10 Opposed? Abstained?

11 [The motion carried unanimously.]

12 ***

13 Report of Board Chairperson - Committee Assignments
14 [Terry M. Talbott, R.Ph., noted that Chairperson Hart
15 appointed Board Members to committees so the Board
16 could continue operations.

17 Ms. Zimmerman stated that the ADA Committee will
18 consist of Board Chairperson Hart with alternate,
19 Terry Talbott; Probable Cause Screening Committee,
20 Patrick Greene as the chairman, alternate Christine
21 Roussel; Pharmacy Application Review Committee,
22 Christine Roussel, John Slagle, Terry Talbott with
23 Chairperson Hart serving as an alternate;
24 CPR/Injectable Training Program Approval Committee,
25 Terry Talbott; Act 41 Committee, Chairperson Hart;

1 Medical Marijuana Advisory Board, Chairperson Hart
2 with Christine Roussel as an alternate; and
3 Regulations Committee, Terry Talbott as the
4 chairperson, Chairperson Hart, and Christine Roussel.]

5 ***

6 Report of Probable Cause Screening Committee
7 [Patrick M. Greene, Esquire, Office of Attorney
8 General, noted signing one Petition for Immediate
9 Temporary Suspension.]

10 ***

11 Report of Commissioner
12 [K. Kalonji Johnson, Commissioner, Bureau of
13 Professional and Occupational Affairs, reminded
14 everyone that the virtual platform would continue
15 until March 31, 2022. He mentioned that many of the
16 forms and approvals with respect to in-state travel
17 were still procedurally the same.

18 Commissioner Johnson advised everyone that out-
19 of-state travel would be through the Commonwealth Out-
20 of-State Travel Application (COSTA) portal, which
21 requires a Commonwealth user ID and password, where a
22 travel request would be submitted and then forwarded
23 through the appropriate channels for administrative
24 approval. He encouraged everyone to reach out to Ms.
25 Zimmerman with respect to accessing and navigating the

1 portal.

2 Ms. Talbott asked Commissioner Johnson whether
3 there were any updates on when the Board might get
4 another Board member. Commissioner Johnson did not
5 have an update for the Board but was optimistic of
6 some movement on appointments in January.]

7

8 Report of Executive Secretary

9 [Melanie Zimmerman, R.Ph., Executive Secretary,
10 informed the Board that continuing education (CE)
11 audit notices went out and were being reviewed. She
12 stated it would take a few months to review all of the
13 materials and they were giving licensees adequate time
14 to respond to any discrepancies.]

15

16 New Business/Old Business

17 [Melanie Zimmerman, R.Ph., Executive Secretary,
18 referred to the Accreditation Council for Pharmacy
19 Education (ACPE) Call for Comments on Pharm.D.
20 Accreditation Standards 2025 and DEA seeking comments
21 on telepharmacy practice and transfer of electronic
22 prescriptions for controlled substances, noting the
23 Board is not going to publically comment as a whole at
24 this point.

25 Ms. Zimmerman commented that the Board discussed

1 the letter from Kathleen Garrett requesting the
2 development of a Pharmacist Workload Advisory
3 Committee. The Board thanked her for her comments and
4 are going to take her request under advisement and
5 consider what the Board can do in terms of amending or
6 modifying any regulations.

7 Ms. Zimmerman mentioned the invitation to provide
8 a presentation at the 2022 Pennsylvania Pharmacists
9 Association's Mid-Year Conference and the intern
10 hours' waiver that is set to expire on 1/1/2022.]

11 MR. GREENE:

12 I make the motion that we send Terry
13 Talbott and Juan Ruiz to be the
14 representatives to speak at the PPA Mid-
15 Year Conference January 28-30.

16 DR. ROUSSEL:

17 I second that motion.

18 CHAIRPERSON HART:

19 Call for discussion. All in favor, aye?
20 Opposed? Abstained?

21 [The motion carried unanimously.]

22 ***

23 MS. TALBOTT:

24 I make a motion that we extend the intern
25 hour waiver from 2018 and make it in

1 effect until January 1, 2024.

2 The waiver is to accept all 1,500
3 intern hours from an ACPE-accredited
4 PharmD program.

5 DR. ROUSSEL:

6 I second that.

7 CHAIRPERSON HART:

8 Any comments, discussion? Call for a
9 vote. All in favor? Opposed?
10 Abstained?

11 [The motion carried unanimously.]

12 ***

13 MOTIONS

14 CHAIRPERSON HART:

15 The Board met in executive session to
16 discuss and review consent orders and
17 other legal documents.

18 Are there any motions regarding these
19 discussions?

20 MS. TALBOTT:

21 I make a motion that we approve the
22 Consent Agreement at Case No. 20-54-
23 013040.

24 DR. ROUSSEL:

25 I second that motion.

1 CHAIRPERSON HART:

2 Any discussion? Call for a vote.

3

4 Talbott, aye; Greene, recuse; Roussel,
5 aye; Commissioner Johnson, aye; Hart,
6 aye.

7 [The motion carried. Mr. Greene recused himself from
8 deliberations and voting on the motion. The
9 Respondent's name in Case No. 20-54-013040 is Keith R.
10 Geist, R.Ph.]

11

12 MR. GREENE:

13 At agenda item 4, I make a motion that we
14 approve the Consent Agreement at Case No.
15 21-54-008067.

16 DR. ROUSSEL:

17 I second the motion.

18 CHAIRPERSON HART:

19 Any discussion? Call for a vote.

20

21 Talbott, recuse; Greene, aye; Roussel,
22 aye; Commissioner Johnson, aye; Hart,
23 aye.

24 [The motion carried. Ms. Talbott recused herself from
25 deliberations and voting on the motion. The

1 Respondent's name in Case No. 21-54-008067 is CVS
2 Pharmacy 1682.]

3 ***

4 MR. GREENE:

5 At agenda item 5, I make a motion that we
6 approve the Consent Agreement at Case No.
7 20-54-002960.

8 MS. TALBOTT:

9 Second.

10 CHAIRPERSON HART:

11 Any discussion? Call for a vote.

12

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

15 [The motion carried unanimously. The Respondent's
16 name in Case No. 20-54-002960 is Bond Pharmacy, Inc.,
17 DBA Advanced Infusion Solutions.]

18 ***

19 MR. GREENE:

20 At agenda item 6, I make a motion that we
21 approve the Consent Agreement at Case No.
22 21-54-007730.

23 DR. ROUSSEL:

24 I second that.

25 CHAIRPERSON HART:

1 Any discussion? Call for a vote.

2

3 Talbott, recuse; Greene, aye; Roussel,
4 aye; Johnson, aye; Hart, aye.

5 [The motion carried. Ms. Talbott recused herself from
6 deliberations and voting on the motion. The
7 Respondent's name in Case No. 21-54-007730 is
8 CVS/Specialty.]

9

10 MR. GREENE:

11 At agenda items 7 and 8, I make a motion
12 that we approve the following VRP
13 Agreements: Case No. 21-54-016662, Case
14 No. 21-54-017458.

15 MS. TALBOTT:

16 Second.

17 CHAIRPERSON HART:

18 Any discussion? Call for a vote.

19

20 Talbott, aye; Greene, aye; Roussel, aye;
21 Johnson, aye; Hart, aye.

22 [The motion carried unanimously.]

23

24 MR. GREENE:

25 At agenda item 10, in the Matter of Peter

1 J. Capitano, R.Ph., Case No. 21-54-
2 001180, I make a motion that we approve
3 the Final Adjudication and Order.

4 DR. ROUSSEL:

5 Second.

6 CHAIRPERSON HART:

7 Any discussion? Call for a vote.

8

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

11 [The motion carried unanimously.]

12 ***

13 MR. GREENE:

14 At agenda item 11, Sunwon So, R.Ph., Case
15 No. 19-54-004115, I make a motion that we
16 approve the Final Adjudication and Order.

17 MS. TALBOTT:

18 Second.

19 CHAIRPERSON HART:

20 Any discussion? Call for a vote.

21

22 Talbot, aye; Greene, aye; Roussel, aye;
23 Johnson, aye; Hart, aye.

24 [The motion carried unanimously.]

25 ***

1 MR. GREENE:

2 At agenda item 12, Florida Discount
3 Drugs, Inc., (Taylors Pharmacy), Case No.
4 21-54-009861, I make a motion that we
5 adopt the hearing examiner's Proposed
6 Adjudication and Order.

7 DR. ROUSSEL:

8 Second.

9 CHAIRPERSON HART:

10 Call for a vote.

11

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

14 [The motion carried unanimously.]

15 ***

16 MR. GREENE:

17 At agenda item 13, Hopkinton Drug, Inc.,
18 Case No. 21-54-009856, I make a motion
19 that we adopt the hearing examiner's
20 Proposed Adjudication and Order.

21 MS. TALBOTT:

22 Second.

23 CHAIRPERSON HART:

24 Call for discussion? Call for a vote.

25

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

3 [The motion carried unanimously.]

4 ***

5 MR. GREENE:

6 At agenda item 14, Michael Charles Joyce
7 Jr., Case No. 21-54-008179, I make a
8 motion that we adopt the hearing
9 examiner's Proposed Adjudication but
10 direct Board counsel to draft a
11 Memorandum Order consistent with
12 discussions in executive session to
13 substitute the Final Order.

14 MS. TALBOTT:

15 Second.

16 CHAIRPERSON HART:

17 Call for discussion? Call for a vote.

18

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

21 [The motion carried unanimously.]

22 ***

23 MR. GREENE:

24 At agenda item 15, Pentec Health, Inc.,
25 Case No. 19-54-014687, I make a motion

1 that we direct Board counsel to draft a
2 Final Adjudication and Order consistent
3 with discussions in executive session.

4 DR. ROUSSEL:

5 Second.

6 CHAIRPERSON HART:

7 Any discussion? Call for a vote.

8

9 Talbott, aye; Greene, aye; Roussel, aye;
10 Johnson, aye; Hart, aye.

11 [The motion carried unanimously.]

12 ***

13 MR. GREENE:

14 At agenda item 18, I make a motion that
15 we approve the Application of St. Luke's
16 Allentown - Cancer Center for a waiver of
17 construction equipment requirements.

18 DR. ROUSSEL:

19 Second.

20 CHAIRPERSON HART:

21 Any discussion? Call for a vote.

22

23 Talbott, aye; Greene, aye; Roussel, aye;
24 Johnson, aye; Hart, aye.

25 [The motion carried unanimously.]

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Adjournment

MS. TALBOTT:

I'll make the motion to adjourn the
public session of the meeting and move to
the work session.

MR. GREENE:

Second.

CHAIRPERSON HART:

All in favor, aye? Opposed? We are
adjourned.

[The motion carried unanimously.]

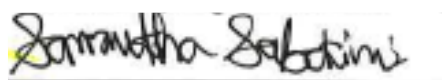
[There being no further business, the State Board of
Pharmacy Meeting adjourned at 11:18 a.m.]

[A State Board of Pharmacy Regulation Work Session was
held immediately following the regular Board meeting.]

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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.



Samantha Sabatini,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX

December 21, 2021

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7	TIME	AGENDA
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11	10:30	Return to Open Session
12		
13	10:30	Official Call to Order
14		
15	10:30	Introduction of Board Members
16		
17	10:31	Introduction of Attendees
18		
19	10:32	Meeting Instructions
20		
21	10:33	Approval of Agenda
22		
23	10:34	Approval of Minutes
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25	10:36	Report of Prosecutorial Division
26		
27	10:48	Appointment - Bureau of Finance and Operations Annual Budget Presentation
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36	11:01	Report of Commissioner
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