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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: 9:00 A.M.

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

May 22, 2018

1 ***

2 State Board of Pharmacy

3 May 22, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Pharmacy was held on Tuesday, May 22, 2018.

7 Janet Getzey Hart, R.Ph., Chairperson, called the
8 meeting to order at 9:03 a.m. The Pledge of
9 Allegiance was recited.

10 ***

11 Introduction of Board Members/Audience

12 [Chairperson Hart requested the introduction of Board,
13 Board staff, and audience members in attendance. She
14 also requested that all cell phones and pagers be
15 turned off. A quorum was noted to be present.]

16 ***

17 Evacuation Announcement

18 [Melanie Zimmerman, R.Ph., Executive Secretary,
19 reviewed the emergency evacuation procedures for One
20 Penn Center.]

21 ***

22 Approval of Agenda

23 MS. TALBOTT:

24 Madam Chair, there are a couple things
25 for Executive Session, but other than

1 05539.

2 Mr. Greene recused and was not present for the
3 discussion on the matter.]

4 ***

5 Report of Board Counsel

6 [Kerry E. Maloney, Esquire, Board Counsel, noted final
7 changes to the General Revisions before the Board's
8 vote. He stated the naloxone regulation was moving
9 forward as final omitted.

10 Mr. Maloney noted that the compounding regulation
11 was also moving forward and should be leaving the
12 building.

13 Mr. Maloney noted the Food and Drug
14 Administration's (FDA) request for a confidentiality
15 agreement so information on compounding pharmacies can
16 be exchanged. The proposed agreement has been
17 forwarded up the chain of command.

18 Mr. Maloney stated the Department of Health
19 intends to conduct regional meetings on pandemic
20 influenza response planning and he will be attending
21 these meetings. Mr. Maloney stated the Army War
22 College was offering pandemic planning for a federal
23 response and reviewing the Federal Emergency
24 Management Agency's (FEMA) annexes and responses. He
25 had not gotten a pharmacy-specific response plan as

1 yet.

2 Mr. Maloney noted that the Board's cases are
3 caught up, and there are no outstanding A&Os or
4 outstanding proposed A&Os.

5 Mr. Maloney discussed an amended complaint that
6 was filed and a Motion to Dismiss to be submitted by
7 the Office of Attorney General in response. He stated
8 the Petition for Allowance of Appeal to the Supreme
9 Court was still pending.]

10 ***

11 [Ray Michalowski, Esquire, Board Prosecution Liaison,
12 noted a number of meetings with the Department of
13 Health and Prescription Drug Monitoring Program (PDMP)
14 staff regarding enforcement issues.

15 Mr. Michalowski stated their referral of
16 pharmacies that were not submitting reports at all was
17 limited to only five pharmacies.

18 Mr. Michalowski discussed using PDMP for
19 informational purposes, such as determining delegates
20 for doctors. He stated the Board's current computer
21 does not connect a delegate to a specific physician.
22 He stated the Department of Health (DOH) can be
23 contacted to obtain such information. Ms. Talbott
24 suggested that pharmacy technicians may also be linked
25 to pharmacies.

1 Mr. Michalowski explained the part of the Act
2 that allows for the referral of prescribers, not
3 pharmacies, that are overprescribing or over-
4 dispensing based on criteria.

5 Mr. Michalowski discussed the need for delegates
6 to register all pharmacy staff. A pharmacy may have
7 two or three pharmacists who are not registered, but
8 the techs and the pharmacy manager are registered. He
9 noted instances where a patient has visited five
10 different physicians in a week, and the patient cannot
11 be connected to a single physician.

12 Mr. Michalowski noted Temple University's study
13 on continuity of care when physician licenses are
14 revoked. The University is attempting to create a
15 patient advocacy program to be the intermediary to
16 finding a new doctor.]

17

18 REPORT OF BOARD CHAIRPERSON

19 [Chairperson Hart and Ms. Talbott attended the
20 National Association of Boards of Pharmacy (NABP)
21 Annual Meeting in Denver. She also received
22 invitations for the NABP/AACP District 1 & 2 Meeting
23 in Washington, DC, and the 2019 District 1 & 2 Meeting
24 in Vermont.]

25 DR. COTCHEN:

1 I move that we send Janet as our delegate
2 and Kerry as our alternate delegate (to
3 the 2018 District 1 & 2 Meeting).

4 MR. FRANKIL:

5 I'll second.

6 CHAIRPERSON HART:

7 Call for discussion. All in favor?

8 Opposed?

9 [The motion carried unanimously.]

10 ***

11 REPORT OF BOARD CHAIRPERSON - (Continued)

12 [Chairperson Hart noted the passage of resolutions at
13 the NABP Meeting. She discussed the Implementation
14 and Regulation of Technology in Pharmacy Practice,
15 where NABP brings a group together to review
16 technology and the practice of pharmacy.

17 Chairperson Hart addressed Safety Standards for
18 Compounding and Dispensing of Compounded Drug
19 Products, which is a stakeholder meeting assembled by
20 NABP.

21 Chairperson Hart noted that NABP recommended the
22 electronic transmission of prescriptions.

23 Chairperson Hart noted additional proposed
24 resolutions, such as related to veterinary
25 prescriptions, which failed.

1 Chairperson Hart noted a change in the bylaws,
2 eliminating New Zealand, which did not want to be a
3 member of NABP anymore, and will be voted on.

4 Ms. Talbott noted discussion on continuing
5 education related to opioids and standards of care.

6 She described Idaho as the bellwether state for
7 advancing pharmacy practice with tech-check-tech and
8 telepharmacy. She noted slicing and dicing statistics
9 from PDMP and the utilization of the PDMP data by
10 Virginia.

11 Ms. Talbott discussed a tour of a marijuana
12 dispensary.

13 Chairperson Hart noted her attendance at the
14 Achieving Better Care by Monitoring All Prescriptions
15 Program (ABC-MAP) Meeting.

16 Chairperson Hart is on the Medical Marijuana
17 Advisory Board. She stated the Board recommended
18 allowing leaf to be sold in Pennsylvania for vaping
19 purposes but not smoking, which was approved.

20 Mr. Michalowski stated that the ABC-MAP and PDMP
21 Office at the Department of Health have a statistician
22 and an epidemiologist on staff but could not verify if
23 any analyses were being conducted as yet.

24 Ms. Talbott offered to send a copy of the
25 presentation from Virginia to Mr. Michalowski. She

1 also mentioned Ellen Shinaberry as a point of contact
2 on the matter.]

3

4 Report of Probable Cause Screening Committee - No
5 Report

6

7 Report of Commissioner - No Report

8

9 Report of Executive Secretary

10 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
11 that newsletter articles had been received from NABP
12 on the CPE Monitor, the Children's Health Insurance
13 Program (CHIP), a naloxone article, and information on
14 CE requirements. She also noted information had not
15 yet been received from the Department of Health (DOH)
16 and the PDMP.

17 Mr. Michalowski stated PDMP was working with
18 other states and was extremely busy. He suggested
19 obtaining information from their website, with their
20 permission, to educate people.

21 Mr. Maloney stated PDMP has a procedure for
22 registration of researchers to obtain a certain higher
23 level of information, as well as a procedure for those
24 who violate the rules regarding that information, that
25 can be denied further information.

1 Ms. Zimmerman stated that there were enough
2 articles to publish in the newsletter and will
3 commence the approval process.

4 Ms. Zimmerman noted applications for discussion
5 in Executive Session.]

6 ***

7 Old Business

8 [Melanie Zimmerman, R.Ph., Executive Secretary, noted
9 that the Evaluation of the PA Multistate Pharmacy
10 Jurisprudence Exam (MPJE) Review Course will be
11 discussed in Executive Session.

12 Ms. Zimmerman noted the attachment on the agenda
13 to move the August 21, 2018 Board meeting to a
14 different date.]

15 MS. TALBOTT:

16 I'll make a motion that we move the
17 August 21 meeting to the 14th.

18 DR. COTCHEN:

19 I second that motion.

20 CHAIRPERSON HART:

21 Call for discussion. Call for a vote.

22 All in favor? Opposed?

23 [The motion carried unanimously.]

24 ***

25 DR. COTCHEN:

1 I make a motion that we send Terry
2 Talbott to the NABP Advisory Committee on
3 Examinations.

4 MR. FRANKIL:

5 I'll second.

6 CHAIRPERSON HART:

7 Any discussion. Call for a vote. All in
8 favor? Opposed?

9 [The motion carried unanimously.]

10 ***

11 [Chairperson Hart addressed the NABP Task Force.]

12 CHAIRPERSON HART:

13 Since we are thinking about it now, we
14 can make a motion to send anybody who
15 gets appointed to a task force to NABP.

16 DR. COTCHEN:

17 So moved.

18 CHAIRPERSON HART:

19 We had a motion.

20 MS. TALBOTT:

21 I'll second.

22 CHAIRPERSON HART:

23 Any discussion. Call for a vote. All in
24 favor? Opposed?

25 [The motion carried unanimously.]

1 ***

2 [Ms. Talbott and Dr. Cotchen noted their Board Member
3 term expiration dates.]

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:46 a.m., the Board entered into Executive Session
7 with Kerry E. Maloney, Esquire, Board Counsel, to
8 receive legal advice and engage in quasi-judicial
9 deliberations. The Board returned to open session at
10 11:00 a.m.]

11 ***

12 MOTIONS

13 CHAIRPERSON HART:

14 The Board of Pharmacy met in Executive
15 Session to discuss and review Consent
16 Orders and other legal documents. Are
17 there any motions regarding these
18 discussion?

19 DR. COTCHEN:

20 Madam Chairperson, I move that we approve
21 the Consent Agreements for File No. 18-
22 54-001567, File No. 18-54-02907, and File
23 No. 18-54-03037.

24 MR. MEHTA:

25 Second.

1 CHAIRPERSON HART:

2 Any discussion? Call for a vote.

3

4 Greene, aye; Zilner, aye; Mehta, aye;
5 Hart, aye; Cotchen, aye; Talbott, aye;
6 Frankil, aye.

7 [The motion carried unanimously.]

8

9 DR. COTCHEN:

10 I move that we approve the Consent
11 Agreement for File No. 17-54-05539.

12 MR. MEHTA:

13 Second.

14 CHAIRPERSON HART:

15 Call for discussion? Call for a vote.

16

17 Frankil, aye; Talbott, aye; Cotchen, aye;
18 Hart, aye; Mehta, aye; Zilner, aye;
19 Greene, recuse.

20 [The motion carried. Mr. Greene recused from
21 deliberations and voting on the motion.]

22 MR. MALONEY:

23 Respondent is James T. Josiah.

24

25 DR. COTCHEN:

1 I move that we approve the Motion to
2 Enter Default and Deem Facts Admitted and
3 direct Board Counsel to draft an
4 Adjudication and Order consistent with
5 those discussed during Executive Session
6 for File No. 18-54-001801, Anthony J.
7 Labashousky, R.Ph.

8 MR. MEHTA:

9 Second.

10 CHAIRPERSON HART:

11 Call for discussion? Call for a vote.

12

13 Greene, aye; Zilner, aye; Mehta, aye;
14 Hart, aye; Cotchen, aye; Talbott, aye;
15 Frankil, aye.

16 [The motion carried unanimously.]

17

18 DR. COTCHEN:

19 I move that we approve the Final
20 Adjudication and Order for File No. 18-
21 54-00025, David L. Bartlett, R.Ph.

22 MR. MEHTA:

23 Second.

24 CHAIRPERSON HART:

25 Any discussion? Call for a vote.

1

2

Frankil, aye; Talbott, aye; Cotchen, aye;

3

Hart, aye; Mehta, aye; Zilner, aye;

4

Greene, aye.

5

[The motion carried unanimously.]

6

7

DR. COTCHEN:

8

I move that we approve the Final

9

Adjudication and Order for File No.

10

14-54-01387, Jeffrey T. Dinh, R.Ph.

11

MR. MEHTA:

12

Second.

13

CHAIRPERSON HART:

14

Any discussion? Call for a vote.

15

16

Frankil, aye; Talbott, aye; Cotchen, aye;

17

Hart, aye; Mehta, aye; Zilner, aye;

18

Greene, aye.

19

[The motion carried unanimously.]

20

21

DR. COTCHEN:

22

I move that we approve the Remodeling

23

Application for Geisinger Medical Center

24

Pharmacy.

25

MR. MEHTA:

1 Second.

2 CHAIRPERSON HART:

3 Discussion? Call for a vote.

4

5 Frankil, aye; Talbott, aye; Cotchen, aye;

6 Hart, aye; Mehta, aye; Zilner, aye;

7 Greene, aye.

8 [The motion carried unanimously.]

9

10 DR. COTCHEN:

11 I move that we provisionally deny the

12 Nonresident Pharmacy Application

13 submitted by PharmScript LLC.

14 MR. MEHTA:

15 Second.

16 CHAIRPERSON HART:

17 Any Discussion? Call for a vote.

18

19 Frankil, aye; Talbott, aye; Cotchen, aye;

20 Hart, aye; Mehta, aye; Zilner, aye;

21 Greene, aye.

22 [The motion carried unanimously.]

23

24 DR. COTCHEN:

25 I move that we decline the request for

1 MPJE Review Course submitted by Vicki Heo
2 Jung.

3 MR. MEHTA:

4 Second.

5 CHAIRPERSON HART:

6 Any Discussion? Call for a vote.

7

8 Frankil, aye; Talbott, aye; Cotchen, aye;

9 Hart, aye; Mehta, aye; Zilner, aye;

10 Greene, aye.

11 [The motion carried unanimously.]

12 ***

13 Old Business

14 [Chairperson Hart noted that the August 21, 2018
15 meeting has been changed to August 14, 2018.]

16 ***

17 Adjournment

18 DR. COTCHEN:

19 I move that we adjourn the meeting and
20 move to the regulations.

21 CHAIRPERSON HART:

22 You can. Meeting adjourned.

23 [There was no second to the motion.]

24 ***

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

1 Pharmacy Meeting adjourned at 11:06 a.m.]

2 ***

3 [A regulation work session was held at the conclusion
4 of the meeting.]

5 ***

6

7 CERTIFICATE

8

9 I hereby certify that the foregoing summary
10 minutes of the State Board of Pharmacy meeting, was
11 reduced to writing by me or under my supervision, and
12 that the minutes accurately summarize the substance of
13 the State Board of Pharmacy meeting.

14

15

16



17

Adam Beck,

18

Minute Clerk

19

Sargent's Court Reporting

20

Service, Inc.

21

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25

STATE BOARD OF PHARMACY
REFERENCE INDEX

May 22, 2018

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TIME	AGENDA
9:00	Official Call to Order
9:00	Pledge of Allegiance
9:01	Introduction of Board, Board Staff and Audience Members
9:02	Evacuation Announcement
9:02	Approval of Agenda/Minutes
9:03	Report of Prosecutorial Division
9:04	Report of Board Counsel
9:20	Report of Board Chairperson
9:28	Report of Executive Secretary
9:36	Old Business
9:46	Executive Session
11:00	Return to Open Session
11:00	Motions
11:06	Adjournment