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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: 10:39 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

August 29, 2023

State Board of Pharmacy
August 29, 2023

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BOARD MEMBERS:

Theresa M. Talbott, R.Ph., Chairperson
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs - Absent
Christine Roussel, Pharm.D., BCOP, BCSCP, Vice
Chairperson
Eric Esterbrook, R.Ph., Secretary
John R. Slagle, R.Ph.
Janet Getzey Hart, R.Ph.

BUREAU PERSONNEL:

Carolyn A. DeLaurentis, Esquire, Executive Deputy
Chief Counsel, Department of State
Carole Clarke Smith, Esquire, Senior Board Counsel
Ariel O'Malley, Esquire, Board Counsel
Ray J. Michalowski, Esquire, Senior Board Prosecutor
and Prosecution Liaison
Nathan C. Giunta, Esquire, Board Prosecutor
Glenn P. Masser, Esquire, Board Prosecutor
Caroline A. Bailey, Esquire, Board Prosecutor
Ashley P. Murphy, Esquire, Board Prosecutor
Melanie Zimmerman, R.Ph., Board Administrator
Marc Farrell, Esquire, Regulatory Counsel,
Office of Chief Counsel, Department of State
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State
Jessica Zukoski, Senior Legal Analyst, Department of
State
Kevin Knipe, MSW, LSW, CCDP Diplomate, Program
Manager, Professional Health Monitoring Program
Jason E. McMurry, Esquire, Assistant Counsel, Office
of Chief Counsel, Department of State

ALSO PRESENT:

Larry Jones, Executive Director, Pennsylvania
Society of Health-System Pharmacists
Victoria Elliott, RPh, MBA, CAE, CEO, Pennsylvania
Pharmacists Association
Timothy Black, R.Ph., Pharmacy Inspector, Bureau of
Enforcement and Investigation, Department of State

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ALSO PRESENT: (cont.)

Joann Megon, RN, Executive Director, Secundum Artem Reaching Pharmacists with Help and Pennsylvania Nurse Peer Assistance Program
Teresa Moore, Case Manager, Secundum Artem Reaching Pharmacists with Help Nurse Peer Assistance Program
Wesley J. Rish, Esquire, Rish Law Office, LLC
Geoffrey Christ, Senior Pharmacy Compliance Manager, Chewy
Jeffrey Kaufhold, R.Ph., Dartmouth-Hitchcock Telepharmacy
Colleen Kuzy, Kuzy's Drug Store, Inc.
Anthony Gabriel, Director, Clinical Pharmacy Services, Lehigh Valley Health Network
Alison Apple, R.Ph., MS, Chief Pharmacy Officer, Hospital of the University of Pennsylvania
R. Bruce Crelin, Esquire, Scaringi Law
Charlotte Harris, Pharmacy Intern, Duquesne University
Jessica Clancy, PharmD, PGY1/MS HSPAL Resident, Hospital of the University of Pennsylvania
David Shailja
Susan DelMonico, R.Ph., JD
Desiree M.
Jacquelyn Sassaman, Pentec Health
Jessica Adams, PharmD, BCPS, AAHIVE, Scientific Director, Infectious Diseases at Clinical Care Options
Matt
Christopher Miller, PharmD, Giant Eagle
Naghham Abdulsattar
Nicole Fidler, Associate, Malady & Wooten
Misha Patel, M.D., Curriculum Education Assistant, Geisinger Commonwealth School of Medicine
Patrick McGowan
Rhonda Thomas, PharmD, MBA, BSPS, BCSCP, Director of Pharmacy, Lehigh Valley Health Network
Laura Romeo, Pharmacist-in-Charge at ConnectiveRx, Careform Pharmacy
Robert B. Frankil, R.Ph., Executive Director, Philadelphia Association of Retail Druggists
Grace Sesì, Executive Director, Regulatory Affairs at CVS Health/Chairperson, Michigan Board of Pharmacy
Steven L. Sheaffer, Retired, Pennsylvania Society of Health-System Pharmacists

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ALSO PRESENT: (cont.)

Taylor Legette, PharmD, Postdoctoral Fellow,
Pennsylvania Pharmacists Association
Traci Holler, Operations Director, Secundum Artem
Reaching Pharmacists with Help Nurse Peer
Assistance
Program
Steven Zahn, Pharmacy Inspector, Bureau of
Enforcement and Investigation, Department of State
Jose Manuel Pascoa
Joseph Millward, Pharmacy Quality and Accreditation,
PANTHERx Rare Pharmacy
Sarah Rombauer, Project Manager, Systems Pharmacy
Technology at UPMC
Ryan Porter, Director of Pharmacy Operations, UPMC
Central PA Region
Rev. Thomas Gillespie, M.D., St. Oscar Romero Parish
Valerie Pentland, PharmD, ConnectiveRx
Sophia Mahoney
Andrew Kuzy, R.Ph.
Phone numbers ending in:
0856
5828
7264
8049
1745
8879

1 ***

2 State Board of Pharmacy

3 August 29, 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 10:30
11 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Pharmacy was held on Tuesday, August 29,
15 2023. Theresa M. Talbott, R.Ph., Chairperson, called
16 the meeting to order at 10:39 a.m.

17 ***

18 Pledge of Allegiance

19 [The Pledge of Allegiance was recited.]

20 ***

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

25 ***

1 Evacuation Announcement

2 [Melanie Zimmerman, R.Ph., Board Administrator,
3 reviewed the emergency evacuation procedures for One
4 Penn Center.]

5 ***

6 Introduction of the Board Members/Audience

7 [Theresa M. Talbott, R.Ph., Chairperson, requested an
8 introduction of Board members, Board staff and the
9 audience.]

10 Chair Talbott announced Patrick Greene is no
11 longer with the Office of Attorney General and that
12 his replacement has been named but not yet cleared to
13 serve on the Board. She thanked Mr. Greene for his
14 service.]

15 ***

16 Amendments to the Agenda

17 CHAIRPERSON TALBOTT:

18 I do have two additions to the agenda.
19 I'd like to add a discussion about
20 sending Ariel to the American Society of
21 Pharmacy Law Conference in November.

22 I would also like to have a
23 discussion about canceling our September
24 26 Board meeting.

25 Could I have those motions made to

1 the agenda?

2 MS. ZIMMERMAN:

3 Our first appointment, Michael McDonald,
4 has been canceled, and we expect cases 11
5 through 19 will be withdrawn.

6 CHAIRPERSON TALBOTT:

7 Making those amendments, could I have a
8 motion to accept the amended agenda?

9 MR. ESTERBROOK:

10 I make a motion to accept the amended
11 agenda.

12 MS. GETZEY HART:

13 Second.

14 CHAIRPERSON TALBOTT:

15 Any discussion? Call the vote.

16

17 Slagle, aye; Talbott, aye; Hart, aye;

18 Esterbrook, aye; Roussel, aye.

19 [The motion carried unanimously.]

20

21 Approval of Minutes

22 CHAIRPERSON TALBOTT:

23 We have the minutes on the agenda from
24 June 27. Does anybody see any issues?

25 If not, I'll have a motion to accept the

1 minutes from June 27.

2 MR. ESTERBROOK:

3 Motion to accept the minutes.

4 CHAIRPERSON TALBOTT:

5 Do I have a second?

6 MS. GETZEY HART:

7 Second.

8 CHAIRPERSON TALBOTT:

9 Any discussion? Call the vote.

10

11 Slagle, aye; Talbott, aye; Hart, abstain;

12 Esterbrook, aye; Roussel, aye.

13 [The motion carried. Janet Getzey Hart abstained
14 from voting on the minutes.]

15 ***

16 Miscellaneous - Professional Health Monitoring
17 Program

18 [Jason E. McMurry, Esquire, Assistant Counsel, Office
19 of General Counsel, Department of State, informed
20 everyone that a request for proposal (RFP) went out
21 because the current contract held by Secundum Artem
22 Reaching Pharmacists with Help (SARPH) was expiring.
23 He noted that the Professional Health Monitoring
24 Program (PHMP) monitors folks, on behalf of the
25 boards, who have diagnosed impairments and/or mental

1 health issues.

2 Mr. McMurry explained that the Department of
3 State is the monitoring aspect with the emphasis on
4 protecting the public but cannot fulfill the advocacy
5 role, which is contracted out to organizations to
6 provide peer assistance and monitoring. He stated
7 proposals were received through the Procurement Code,
8 and the contract was awarded to the Pennsylvania
9 Medical Society Physicians' Health Program after
10 review of the proposals by the Scoring Committee
11 based on an overall technical score and cost
12 allocation.

13 Mr. McMurry noted that the contract was approved
14 and signed in mid-August of this year. The initial
15 term of the contract is for three years, with two
16 one-year renewals to give the department the ability
17 to exercise one-year renewals for a maximum of five
18 years. He mentioned that there would be another
19 Notice of Forthcoming Procurement issued and another
20 RFP conducted toward the close of that time period,
21 where the whole process would be repeated.

22 Mr. McMurry stated the Evaluation Committee was
23 comprised of Department of State members with
24 knowledge of the programs and procurement
25 professionals serving in their roles to help with

1 procurements, along with Department of General
2 Services (DGS) and comptroller personnel.

3 Mr. McMurry noted receiving proposals from the
4 Pennsylvania Medical Society and SARPH. He mentioned
5 that scoring consisted of 65 percent technical and 35
6 percent cost, where it was determined that the
7 Foundation of the Pennsylvania Medical Society's
8 proposal had a higher technical score. He further
9 explained that proposals are scored by the Evaluation
10 Committee, but no one knows the cost because the
11 Commonwealth operates on a best value system and that
12 does not necessarily mean the lowest cost because the
13 proposal is evaluated on the overall benefit.

14 Mr. McMurry stated the purpose of the Procurement
15 Code and the evaluation is to look at the contract
16 from a holistic standpoint and then costs are
17 revealed and applied to complete the scoring process
18 after that decision has been made for the best
19 proposal.

20 Mr. McMurry noted that it is not allowed by the
21 Procurement Code to go back and change the technical
22 score after costs are revealed. He explained that
23 the technical scoring happens first, where scores are
24 recorded, costs are revealed, totals are applied, and
25 the vendor is then selected for contract

1 negotiations. He stated they negotiate the contract
2 with the recommended selected vendor and then the
3 contract is executed if the parties can agree to the
4 terms.

5 Mr. McMurry reported that the Foundation for the
6 Pennsylvania Medical Society received a higher
7 overall technical score and less costs.

8 Robert B. Frankil, R.Ph., Executive Director,
9 Philadelphia Association of Retail Druggists,
10 expressed his disappointment in the Commonwealth with
11 making the change from SARPH. He commented that
12 SARPH has a track record that spans decades of
13 helping to save lives, professions, and families and
14 feared that it would not be as good over the next few
15 years.

16 Kevin Knipe, MSW, LSW, CCDP Diplomate, Program
17 Manager, Professional Health Monitoring Program,
18 explained that the Physicians' Health Program
19 contracts with the Department of State as a peer
20 advocacy program and is currently monitoring
21 physicians, physician assistants, dental
22 professionals, and podiatrists that are involved in
23 the Professional Health Monitoring Program.

24 Mr. Knipe commented that they have had just as
25 long of a relationship with the Physicians' Health

1 Program as with SARPH in terms of the relationship
2 between PHMP and the peer assistance programs.

3 Mr. Knipe explained that a variety of things were
4 taken into consideration as far as scoring bids,
5 which included experience in providing peer
6 assistance and qualifications of staff. He mentioned
7 that the Physicians' Health Program structure is a
8 little different than what they experienced with
9 other peer assistance programs. He noted they have
10 two part-time medical directors who are trained
11 physicians in addiction medicine, a director who is a
12 certified addictions counselor, three case managers,
13 a case manager assistant, and clerical support.

14 Mr. Knipe stated PHMP has had no issues with the
15 Physicians Health Program, noting he understands
16 SARPH's importance and value to the pharmacy
17 community but that PHP has the same track record with
18 professionals they have monitored in the past.

19 Larry Jones, Executive Director, Pennsylvania
20 Society of Health-System Pharmacists, commented that
21 SARPH has been a mainstay with pharmacists for the
22 last 35 plus years. He referred to the Prescription
23 Drug Monitoring Program (PDMP) and the Drug
24 Enforcement Administration (DEA), noting physicians
25 are considered prescribers and pharmacists are

1 considered dispensers.

2 Mr. Jones stated all of their rules and
3 regulations have to deal with access to the
4 narcotics, controlled substances, and medications
5 considered very addictive. He noted that physicians
6 only write prescriptions but access is limited on a
7 personal basis. He mentioned that pharmacists,
8 students, and technicians have access to controlled
9 substances in pharmacies but access is not a
10 consideration in the physician monitoring world.

11 Mr. Jones noted that the SARPH Board has 10
12 pharmacists, most of which are peer recovering
13 pharmacists who know the meaning of mentorship, which
14 they would not have with physician-run programs. He
15 stated a board with 10 pharmacists has options, and
16 they are not going to have the same options without
17 SARPH.

18 Mr. Jones also commented that students are in the
19 mentoring program if there is an issue and students
20 are employed through their employer, where physicians
21 are independent contractors. He mentioned that
22 physicians who decide they are not going to comply
23 with their employer could leave and go to another
24 employer. He noted that students do not have that
25 option because SARPH includes the employer in the

1 contracting process for the rules and regulations for
2 the pharmacists and the students.

3 Mr. Jones stated that requirements for the
4 monitoring and testing can get very expensive, and
5 physician compliance with the monitoring and
6 regularity for testing is not apples to apples
7 because they do not require the same level of
8 testing. He addressed statistics, noting it to be
9 self-assessment and 65 percent of respondents finish
10 their monitoring agreement, also noting that is not
11 acceptable when SARPH has a completion rate of 90
12 percent.

13 Mr. Knipe stated 90 percent of pharmacists do not
14 complete PHMP.

15 Mr. Jones commented that they do not want to lose
16 students who would sign up because med students do
17 not sign up until they are in their third year doing
18 clinics, but pharmacy students could enroll in the
19 program in year one should they need assistance.

20 Mr. Knipe stated the contract only covers
21 individuals who are in the Professional Health
22 Monitoring Program, and SARPH could continue to
23 operate their own confidential program separate from
24 the State Board of Pharmacy. He mentioned that PHMP
25 does not monitor students either and would only have

1 a student referred to them once they apply for a
2 license as a pharmacist.

3 Mr. Knipe explained that a student could very
4 easily enroll in SARPH if they have issues and not
5 become known to the Board or be required to be in the
6 Physicians' Health Program.

7 Mr. Knipe commented that he understands the
8 concerns about the Physicians' Health Program not
9 having experience with pharmacists but informed
10 everyone that they hired two pharmacists to be
11 consultants to their staff to help train and educate
12 them on pharmacy issues, along with the goal of
13 having a pharmacist on their board.

14 Mr. Jones mentioned the importance that all of
15 the dollars saved to the state are nothing but cost
16 shifting back to the individual. He provided a
17 comparison of other issues, including continuing
18 education requirements, noting joint providers can
19 get a continuing education (CE) program approved
20 tomorrow if they pay an extra \$500.

21 Mr. Jones explained that pharmacist CE providers
22 require a minimum of 30 days in advance and could
23 lose accreditation if they go under 30 days. He
24 commented that 90 percent compared to a 65 percent
25 completion is not apples to apples. He noted that

1 protecting the public is what they do because they
2 have access to medications every single day that
3 could harm patients and want everybody voluntarily
4 and mandatorily involved in those programs but PHP
5 does not require that.

6 Chair Talbott stated the Board grilled Mr.
7 McMurry and Mr. Knipe thoroughly during Executive
8 Session regarding specific aspects of the program
9 that cannot be shared in public and are accepting of
10 the RFP. She noted the Board is confident that Mr.
11 Knipe and Mr. McMurry would continue to monitor
12 progress and present any major glitches to the Board.

13 She also mentioned the Commonwealth has the ability
14 to amend or cease the contract. She stated the Board
15 has an understanding of the process and some of the
16 discrepancies but is willing to work with PHMP and
17 PHP moving forward with monitoring.

18 Victoria Elliott, R.Ph., MBA, CAE, CEO,
19 Pennsylvania Pharmacists Association, thanked the
20 Board for recognizing the concern with such a sudden
21 change in a nearly 40-year contract and program that
22 has stood by pharmacists in need. She reiterated the
23 importance of having access every day to drugs that
24 become abused and problematic and having the
25 appropriate peers available to coach individuals

1 through the program.

2 Ms. Elliott commented that testing is required
3 usually in a short period of time and getting access
4 to a test can be a challenge. She mentioned that
5 there are a lot of nuances in the pharmacy community
6 not shared across the physician community. She
7 expressed concern that cost savings and a contract
8 means cost pushed onto the individuals trying to
9 access the program.

10 Ms. Elliott stated the Pennsylvania Pharmacists
11 Association (PPA) has a long history with SARPH and
12 had been instrumental in the launch of SARPH almost
13 40 years ago. She noted their members are pretty
14 upset about the sudden change without any
15 consultation with those in the community who
16 understand the program.

17 Ms. Elliott encouraged them to verify the
18 pharmacists that were hired to consult on the
19 program, because one of them is a PPA member, noting
20 the understanding that the individual has is not what
21 was presented.

22 Mr. Knipe informed everyone that the vendor not
23 selected has the opportunity to have a debriefing
24 session. He noted that scoring members who are part
25 of the RFP are required to score based on excellent,

1 good, strengths, and weaknesses of the proposals. He
2 stated any vendor with a concern as to why they were
3 not awarded a contract could request a debriefing,
4 where staff from the Bureau of Finance and Operations
5 would go over the strengths and weaknesses.

6 Chair Talbott requested Mr. Knipe or Mr. McMurry
7 provide any information they have concerning fees.

8 Mr. McMurry noted that proposals were submitted
9 regarding the cost to the Commonwealth and cost as
10 they currently stand for their services to enrollees.
11 He reported an increase for licensees that could be
12 found on PHP's website.

13 Mr. Knipe also reported that monthly monitoring
14 fees would increase with PHP but have not doubled as
15 some individuals have stated.

16 Chair Talbott mentioned that Mr. Knipe would be
17 working with Ms. Zimmerman to get the new folks on
18 the agenda for November to provide a presentation.

19 Chair Talbott thanked Mr. Knipe and Mr. McMurry.]

20 ***

21 [The Board decided not to have the consent agreements
22 individually presented by prosecution because there
23 were no questions.

24 Mr. Michalowski formally withdrew the consent
25 agreements at items 11 through 19. This includes
26 Case No. 22-54-002293, Case No. 22-54-002561, Case No.
27 22-54-002543, Case No. 22-54-003115, Case No. 22-54-

1 003871, Case No. 22-54-004072, Case No. 22-54-004113,
2 Case No. 22-54-004669 and Case No. 22-54-005002

3]

4 ***

5 [A Formal Hearing was held from 11:14 a.m. until
6 12:15 p.m. in the Matter of the Petition for the
7 Reinstatement of the License to Practice Pharmacy and
8 to Administer Injectables to Non-Suspended Status of
9 Andrew Kuzy, Case No. 23-54-004337.]

10 ***

11 Report of Board Prosecution

12 CHAIRPERSON TALBOTT:

13 The Board met in Executive Session to
14 review cases from Board prosecution.

15 Are there any motions concerning
16 those cases?

17 MR. ESTERBROOK:

18 Motion for approval of a Consent
19 Agreement. I move to accept the Consent
20 Agreement for Case No. 22-54-008602.

21 CHAIRPERSON TALBOTT:

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

23 MR. SLAGLE:

24 Second.

25 CHAIRPERSON TALBOTT:

26 Any discussion? Call the question.

1

2

Slagle, aye; Talbott, recuse; Hart, aye;

3

Esterbrook, aye; Roussel, aye.

4

[The motion carried. Theresa Talbott recused herself

5

from discussions and voting on the motion. The

6

Respondent's name is CVS Pharmacy 4245.]

7

8

MR. ESTERBROOK:

9

Another motion for approval for a Consent

10

Agreement. I move to accept the Consent

11

Agreement for Case No. 22-54-014169.

12

CHAIRPERSON TALBOTT:

13

Second?

14

MR. SLAGLE:

15

Second.

16

CHAIRPERSON TALBOTT:

17

Any discussion? Call the vote.

18

19

Slagle, aye; Talbott, recuse; Hart, aye;

20

Esterbrook, aye; Roussel, aye.

21

[The motion carried. Theresa Talbott recused herself

22

from discussions and voting on the motion. The

23

Respondent's name is CVS Pharmacy 2447.]

24

25

MR. ESTERBROOK:

1 Another motion for approval for a Consent
2 Agreement for Case No. 23-54-004162.

3 CHAIRPERSON TALBOTT:

4 Second?

5 MR. SLAGLE:

6 Second.

7 CHAIRPERSON TALBOTT:

8 Any discussion? Call the vote.

9

10 Slagle, aye; Talbott, recuse; Hart, aye;

11 Esterbrook, aye; Roussel, aye.

12 [The motion carried. Theresa Talbott recused herself
13 from discussions and voting on the motion. The
14 Respondent's name is CVS Pharmacy 1671.]

15 ***

16 MR. ESTERBROOK:

17 I move to accept the Consent Agreement
18 for Case Nos. 22-54-001663 & 22-54-
19 014697.

20 CHAIRPERSON TALBOTT:

21 I have a motion. Do I have a second?

22 MR. SLAGLE:

23 Second.

24 CHAIRPERSON TALBOTT:

25 Any discussion? Call the vote.

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Slagle, aye; Talbott, recuse; Hart, aye;
Esterbrook, aye; Roussel, aye.

[The motion carried. Theresa Talbott recused herself
from discussions and voting on the motion. The
Respondents are CVS Pharmacy #5762 and Autumn S.
Wedderburn, R.Ph.]

MR. ESTERBROOK:

I move to accept the Consent Agreement
for Case No. 22-54-000490.

CHAIRPERSON TALBOTT:

We have a motion. Do we have a second?

MR. SLAGLE:

Second.

CHAIRPERSON TALBOTT:

Any discussion? Call the vote.

Slagle, aye; Talbott, aye; Hart, aye;
Esterbrook, aye; Roussel, aye.

[The motion carried unanimously. The Respondent's
name is Jerika Nguyen.]

MR. ESTERBROOK:

I move to accept the Consent Agreement

1 for Case No. 21-54-016631.

2 CHAIRPERSON TALBOTT:

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

4 MR. SLAGLE:

5 Second.

6 CHAIRPERSON TALBOTT:

7 Any discussion? Call the vote.

8

9 Slagle, aye; Talbott, aye; Hart, aye;

10 Esterbrook, aye; Roussel, aye.

11 [The motion carried unanimously. The Respondent's
12 name is Stephen Kielbasa.]

13 ***

14 MR. ESTERBROOK:

15 I move to accept the Consent Agreement
16 for Case No. 22-54-002986.

17 CHAIRPERSON TALBOTT:

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

19 MR. SLAGLE:

20 Second.

21 CHAIRPERSON TALBOTT:

22 Any discussion? Call the vote.

23

24 Slagle, aye; Talbott, aye; Hart, aye;

25 Esterbrook, aye; Roussel, aye.

1 [The motion carried unanimously. The Respondent's
2 name is Central Admixture Pharmacy Services.]

3 ***

4 MR. ESTERBROOK:

5 I move to accept the VRP Consent
6 Agreements for Case Nos. 23-54-010200 and
7 Case No. 23-54-011159.

8 CHAIRPERSON TALBOTT:

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

10 MR. SLAGLE:

11 Second.

12 CHAIRPERSON TALBOTT:

13 Any discussion? Call the vote.

14

15 Slagle, aye; Talbott, aye; Hart, aye;

16 Esterbrook, aye; Roussel, aye.

17 [The motion carried unanimously.]

18 ***

19 [Ray J. Michalowski, Esquire, Senior Board Prosecutor
20 and Board Prosecution Liaison, informed Board members
21 that Nathan Giunta would be their Board liaison
22 moving forward.

23 Mr. Giunta provided a brief history of his
24 professional background, and Chair Talbott welcomed
25 Mr. Giunta.]

1 ***

2 Report of Board Counsel - Regulatory Report

3 [Ariel E. O'Malley, Esquire, Board Counsel, informed
4 Board members that the pharmacy technician regulation
5 was being reviewed internally. She will be meeting
6 with regulatory counsel to review the edits. She
7 noted it would be submitted to OGC budget and policy
8 and may be published in the late fall.

9 Ms. O'Malley noted general revisions went out for
10 an exposure draft at the end of July and any comments
11 would be discussed at the September or November
12 meeting. She noted work would then begin on the
13 preamble and the Regulatory Analysis Form (RAF).]

14 ***

15 Report of Board Counsel - Legislative Report

16 [Ariel E. O'Malley, Esquire, Board Counsel, had
17 nothing new to report except for a little bit of
18 movement on some of them, including teaching about
19 the DEA registration at the beginning of July.]

20 ***

21 Report of Board Counsel - Matters for Deliberation

22 MS. O'MALLEY:

23 Item 25, Derek Smoody at Case No. 23-54-
24 004337, would be a motion to draft an
25 Adjudication and Order in accordance with

1 discussions in Executive Session.

2 CHAIRPERSON TALBOTT:

3 Do I have a motion for that?

4 MR. ESTERBROOK:

5 So moved.

6 CHAIRPERSON TALBOTT:

7 Second?

8 MR. SLAGLE:

9 Second.

10 CHAIRPERSON TALBOTT:

11 Any discussion? Call the vote.

12

13 Slagle, aye; Talbott, aye; Hart, aye;

14 Esterbrook, aye; Roussel, aye.

15 [The motion carried unanimously.]

16

17 MS. O'MALLEY:

18 Item 26 is U-Health Pharmacy Inc. t/d/b/a

19 Allegheny Discount Pharmacy, Case No. 23-

20 54-006922.

21 I believe the Board would entertain

22 a motion to delegate the case for a

23 hearing with a hearing examiner and to

24 prepare a Proposed Adjudication.

25 MR. ESTERBROOK:

1 So moved.

2 CHAIRPERSON TALBOTT:

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

4 MR. SLAGLE:

5 Second.

6 CHAIRPERSON TALBOTT:

7 Any discussion? Call the vote.

8

9 Slagle, aye; Talbott, aye; Hart, aye;

10 Esterbrook, aye; Roussel, aye.

11 [The motion carried unanimously.]

12

13 MS. O'MALLEY:

14 At item 27, I believe the Board would
15 entertain a motion to delegate the case
16 of Lechs Pharmacy, Case No. 22-54-012329,
17 for a hearing before the hearing examiner
18 and to prepare a Proposed Adjudication.

19 MR. ESTERBROOK:

20 So moved.

21 CHAIRPERSON TALBOTT:

22 Second?

23 MR. SLAGLE:

24 Second.

25 CHAIRPERSON TALBOTT:

1 Any discussion? Hearing none.

2

3 Slagle, aye; Talbott, recuse; Hart, aye;

4 Esterbrook, aye; Roussel, aye.

5 [The motion carried. Theresa Talbott recused herself
6 from deliberations and voting on the motion.]

7

8 Report of Board Counsel - Motions for Default

9 MR. ESTERBROOK:

10 At Case No. 21-54-014780, I move that the
11 Board grant the Motion to Enter Default
12 and Deem Facts Admitted and that Board
13 Counsel be directed to prepare an
14 Adjudication and Order in accordance with
15 our discussion in Executive Session.

16 CHAIRPERSON TALBOTT:

17 We have a motion. Second?

18 MR. SLAGLE:

19 Second.

20 CHAIRPERSON TALBOTT:

21 Any discussion? Call the vote.

22

23 Slagle, aye; Talbott, aye; Hart, aye;

24 Esterbrook, aye; Roussel, aye.

25 [The motion carried unanimously. The Respondent is

1 Anazaohealth Corporation.]

2 ***

3 MR. ESTERBROOK:

4 At Case No. 21-54-018714, I move that the
5 Board grant the Motion to Enter Default
6 and Deem Facts Admitted and that Board
7 Counsel be directed to prepare an
8 Adjudication and Order in accordance with
9 our discussion in Executive Session.

10 CHAIRPERSON TALBOTT:

11 We have a second?

12 MR. SLAGLE:

13 Second.

14 CHAIRPERSON TALBOTT:

15 Any discussion? Call the vote.

16

17 Slagle, aye; Talbott, aye; Hart, aye;

18 Esterbrook, aye; Roussel, aye.

19 [The motion carried unanimously. The Respondent's
20 name is Medicine Stop.]

21 ***

22 MR. ESTERBROOK:

23 At Case No. 22-54-005461, I move that the
24 Board grant the Motion to Enter Default
25 and Deem Facts Admitted and that Board

1 Counsel be directed to prepare an
2 Adjudication and Order in accordance with
3 our discussion in Executive Session.

4 CHAIRPERSON TALBOTT:

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

6 MR. SLAGLE:

7 Second.

8 CHAIRPERSON TALBOTT:

9 Any discussion? Call the vote.

10

11 Slagle, aye; Talbott, aye; Hart, aye;

12 Esterbrook, aye; Roussel, aye.

13 [The motion carried unanimously. The Respondent's
14 name is Mandy Masoudeh Fadakar.]

15

16 Report of Board Counsel - Proposed Adjudications and
17 Orders

18 MR. ESTERBROOK:

19 At Case No. 22-54-018692, I move that
20 Board Counsel be directed to prepare an
21 Adjudication and Order consistent with
22 our discussion in Executive Session.

23 MS. O'MALLEY:

24 The Respondent's name is Brandon Kipp
25 Pope.

1 CHAIRPERSON TALBOTT:

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

3 MR. SLAGLE:

4 Second.

5 CHAIRPERSON TALBOTT:

6 Any discussion? Call the vote.

7

8 Slagle, aye; Talbott, aye; Hart, aye;

9 Esterbrook, aye; Roussel, aye.

10 [The motion carried unanimously.]

11

12 MR. ESTERBROOK:

13 I move that the Board adopt the hearing
14 examiner's Proposed Adjudication and
15 Order at Case No. 23-54-001398 and direct
16 Board Counsel to prepare the Board's
17 Final Order.

18 MS. O'MALLEY:

19 The Respondent's name is John Hoelscher.

20 CHAIRPERSON TALBOTT:

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

22 MR. SLAGLE:

23 Second.

24 CHAIRPERSON TALBOTT:

25 Any discussion? Call the vote.

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Slagle, aye; Talbott, aye; Hart, aye;
Esterbrook, aye; Roussel, aye.

[The motion carried unanimously.]

Report of Board Counsel - Draft Adjudication and
Order

MR. ESTERBROOK:

I move that the Board adopt the
Adjudication and Order as presented by
Board Counsel at Case No. 22-54-016270
and direct Board Counsel to prepare the
Board's Final Order.

MS. O'MALLEY:

The Respondent's name is Gino S.
Cordisco.

CHAIRPERSON TALBOTT:

We have a motion. Second?

MR. SLAGLE:

Second.

CHAIRPERSON TALBOTT:

Any discussion? Call the vote.

Slagle, aye; Talbott, aye; Hart, aye;
Esterbrook, aye; Roussel, aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Board Counsel - Miscellaneous

4 [Ariel E. O'Malley, Esquire, Board Counsel, provided
5 Recusal Guidelines for the Board's review.]

6 ***

7 Report of Board Chairperson

8 [Theresa M. Talbott, R.Ph., Chairperson, noted USP
9 Chapter 800 would be finalized on November 1. She
10 stated the Board has not been enforcing USP Chapter
11 800 but would start enforcing it on November 1 if it
12 becomes final and asked Victoria Elliott and Larry
13 Jones to get the word out.

14 Larry Jones, Executive Director, Pennsylvania
15 Society of Health-System Pharmacists, clarified that
16 Chapter 800 is in effect now but enforcement would
17 begin November 1.

18 Chair Talbott informed everyone that the Drug
19 Supply Chain Security Act (DSCSA) has been delayed
20 for implementation until sometime in October 2024.]

21 ***

22 Report of Acting Commissioner - No Report

23 ***

24 Report of Board Administrator

25 [Melanie Zimmerman, R.Ph., Board Administrator, noted

1 renewal ends on August 31 and reported 97 percent of
2 Pennsylvania pharmacies have renewed but only 88
3 percent of nonresident pharmacies.]

4 ***

5 Discussion Items

6 CHAIRPERSON TALBOTT:

7 At number 35, do I have a motion
8 regarding the Application of Hebah Jamleh
9 to request a reduction in the number of
10 intern hours.

11 MR. ESTERBROOK:

12 So moved.

13 CHAIRPERSON TALBOTT:

14 Motion to reduce the hours to 1000 hours.

15 Do I have a second?

16 MR. SLAGLE:

17 Second.

18 CHAIRPERSON TALBOTT:

19 Any discussion? Call the vote.

20

21 Slagle, aye; Talbott, aye; Hart, aye;

22 Esterbrook, aye; Roussel, aye.

23 [The motion carried unanimously.]

24 ***

25 Discussion Items

1 [Theresa M. Talbott, R.Ph., Chairperson, noted the
2 National Association of Boards of Pharmacy (NABP)
3 Executive Officer/Compliance Officer and Legal
4 Counsel Forum is scheduled for October 2023 and the
5 American Society of Pharmacy Law Meeting is in
6 November.]

7 CHAIRPERSON TALBOTT:

8 I would like a motion to send Ariel to
9 both and Melanie to the NABP Executive
10 Officer Forum provided their bosses
11 approve it.

12 Do I have a motion?

13 MR. ESTERBROOK:

14 So moved.

15 CHAIRPERSON TALBOTT:

16 Second?

17 MR. SLAGLE:

18 Second.

19 CHAIRPERSON TALBOTT:

20 Any discussion? Hearing no discussion.

21 Call the vote.

22

23 Slagle, aye; Talbott, aye; Hart, aye;

24 Esterbrook, aye; Roussel, aye.

25 [The motion carried unanimously.]

1 ***

2 CHAIRPERSON TALBOTT:

3 At item 37, we had a request from Prem
4 Biswa for an Extension of the
5 Authorization to Test for the PA MPJE.

6 Do we have a motion about that one?

7 MR. ESTERBROOK:

8 Motion to deny.

9 CHAIRPERSON TALBOTT:

10 Motion to deny the request. Do we have a
11 second?

12 MR. SLAGLE:

13 I'll second.

14 CHAIRPERSON TALBOTT:

15 Any discussion? Call the vote.

16

17 Slagle, aye; Talbott, aye; Hart, aye;

18 Esterbrook, aye; Roussel, aye.

19 [The motion carried unanimously.]

20

21 Discussion Items

22 [Theresa M. Talbott, R.Ph., Chairperson, noted the
23 National Association of Boards of Pharmacy (NABP)
24 District 1 and District 2 meetings would be held in
25 September. She mentioned the call for submission of

1 resolutions and requested Ms. Getzey Hart share one
2 that is going to be presented.

3 Dr. Roussel added that anyone is welcome to
4 attend NABP meetings. She mentioned that it would be
5 a joint meeting with the schools of pharmacy as well
6 as the American College of Clinical Pharmacy (ACCP)
7 in Atlantic City, NJ, September 20-22. She noted
8 topics include pharmacy practice discussion and
9 everyone would have access to state and national
10 board leaders to make suggestions concerning
11 regulations and improving of the safety of patients.

12 Ms. Getzey Hart read the resolution that is going
13 to be submitted by the NABP Executive Committee. It
14 relates to working with other groups for a forum on
15 recovery programs.]

16 ***

17 FYI Items

18 [Theresa M. Talbott, R.Ph., Chairperson, thanked Dr.
19 Roussel for her planned attendance at the virtual FDA
20 Compounding Quality Center of Excellence Conference
21 and requested she provide a report after that
22 meeting.]

23 ***

24 Board Meeting Date Changes

25 CHAIRPERSON TALBOTT:

1 We talked about not having the meeting in
2 September because it is so close to this
3 meeting. We had to move this meeting
4 because we are doing the MPJE question
5 review.

6 If we are in agreement, we would
7 cancel the September 26 Board meeting. I
8 would need a motion to cancel the Board
9 meeting.

10 MR. ESTERBROOK:

11 So moved.

12 CHAIRPERSON TALBOTT:

13 We have a motion to cancel. Second?

14 MR. SLAGLE:

15 Second.

16 CHAIRPERSON TALBOTT:

17 Any further discussion? Call the vote.

18

19 Slagle, aye; Talbott, aye; Hart, aye;

20 Esterbrook, aye; Roussel, aye.

21 [The motion carried unanimously.]

22

23 [Theresa M. Talbott, R.Ph., Chairperson, noted the
24 meeting on September 26 would be canceled and the
25 next meeting is scheduled for November 7.]

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Public Session

[Jacquelyn Sassaman, Pentec Health, referred to the statement yesterday from the DEA noting electronic transfers would be allowed on a one-time basis, including Schedule II. She mentioned that the PA Act states no Schedule II and asked whether that would be considered and discussed in the future.

Chair Talbott informed Ms. Sassaman that it is not allowed on a one-time basis at this point.

Vicki Elliott requested information regarding the PROMISE ID system that relies on verification from the State Board of Pharmacy for updates. She noted there is a September 1 deadline for them to issue new IDs but mentioned there is a lag in the system. She reported one member submitted a copy of their verification but still has not heard back and mentioned pharmacies cannot get their PROMISE IDs issued without verification of address information from the State Board of Pharmacy.

Dr. Esterbrook commented that individuals have to renew their Medical Assistance provider ID number, which is the PROMISE ID, with a brand new application every five years.

Ms. Elliott explained that it is a pharmacy

1 license that will expire on September 1, and the
2 individual cannot get a PROMISE ID because of the lag
3 from the recent renewals.

4 Ms. Zimmerman mentioned that she was not aware of
5 the Board office providing information to a program
6 entitled PROMISE ID outside of referring people to
7 the online license verification website for
8 information on a pharmacy's license record. Ms.
9 Elliot indicated that she would e-mail information to
10 the Board's e-mail account.

11

12 Mr. Michalowski asked whether the Board would be
13 designating a new Probable Cause Screening Committee
14 member with Dr. Greene no longer being on that
15 committee.

16 Chairperson Talbott noted Dr. Roussel is
17 currently the backup and it would be discussed and a
18 decision made when the new Attorney General
19 representative is cleared to be on the Board.]

20

21 [Pursuant to Section 708(a)(5) of the Sunshine Act,
22 at 12:44 p.m., the Board entered into Executive
23 Session with Ariel E. O'Malley, Esquire, Board
24 Counsel, for the purpose of conducting quasi-judicial
25 deliberations and to receive the advice of Board

1 Counsel regarding item 45 on the agenda. The Board
2 returned to open session at 12:52 p.m.]

3 ***

4 CHAIRPERSON TALBOTT:

5 The Board of Pharmacy met in Executive
6 Session. Do we have any motions that
7 have come from that Executive Session?

8 MR. ESTERBROOK:

9 Yes, we do. We have a motion to grant
10 the Application for Musely Compounding
11 Pharmacy LLC - Nonresident Pharmacy
12 Application.

13 CHAIRPERSON TALBOTT:

14 Second?

15 DR. ROUSSEL:

16 Second.

17 CHAIRPERSON TALBOTT:

18 Do we have any further discussion? Call
19 the vote.

20

21 Slagle, aye; Talbott, nay; Hart, aye;

22 Esterbrook, aye; Roussel, aye.

23 [The motion carried. Theresa Talbott opposed the
24 motion.]

25 ***

1 Adjournment

2 CHAIRPERSON TALBOTT:

3 We will adjourn until November 7. Please
4 mark the calendars.

5 ***

6 [There being no further business, the State Board of
7 Pharmacy Meeting adjourned at 12:53 p.m.]

8 ***

9

10 CERTIFICATE

11

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

17

18

19



20

Sophia Mahoney,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

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25

26

STATE BOARD OF PHARMACY
REFERENCE INDEX
August 29, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:00	Executive Session
8		
9	10:30	Return to Open Session
10		
11	10:39	Official Call to Order
12		
13	10:40	Pledge of Allegiance
14		
15	10:42	Introduction of Board
16		Members/Staff/Audience
17		
18	10:44	Amendments to the Agenda
19		
20	10:45	Approval of Minutes
21		
22	10:46	Miscellaneous
23		
24	11:14	Formal Hearing - Andrew Kuzy
25	12:15	
26		
27	12:20	Report of Board Prosecution
28		
29	12:28	Report of Board Counsel
30		
31	12:32	Report of Board Chairperson
32		
33	12:33	Report of Board Administrator
34		
35	12:33	Discussion Items
36		
37	12:38	FYI Items
38		
39	12:39	Board Meeting Date Changes
40		
41	12:40	Public Comment
42		
43	12:44	Executive Session
44		
45	12:52	Return to Open Session
46		
47	12:52	Motion
48		
49	12:53	Adjournment
50		