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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: 10:30 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

June 18, 2024

1 State Board of Pharmacy

2 June 18, 2024

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5 BOARD MEMBERS:

6
7 Christine Roussel, Pharm.D., BCOP, BCSCP, Chairperson
8 Arion R. Claggett, Acting Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Eric Esterbrook, R.Ph., Vice Chairperson
11 Janet Getzey Hart, R.Ph., Secretary
12 John R. Slagle, R.Ph.
13 Tyler Ritchie, Esquire, Deputy Attorney General,
14 Office of Attorney General
15 Theresa M. Talbott, R.Ph.
16
17

18 BUREAU PERSONNEL:

19
20 Shana M. Walter, Esquire, Senior Board Counsel
21 Sean C. Barrett, Esquire, Board Counsel
22 Ashley Keefer, Esquire, Board Counsel
23 Ray J. Michalowski, Esquire, Senior Board Prosecutor
24 Nathan C. Giunta, Esquire, Board Prosecution Liaison
25 Tyesha C. Miley, Esquire, Board Prosecutor
26 Caroline A. Bailey, Esquire, Board Prosecutor
27 Ashley P. Murphy, Esquire, Board Prosecutor
28 Christina Townley, Interim Board Administrator
29 Marc Farrell, Esquire, Regulatory Counsel,
30 Office of Chief Counsel, Department of State
31 Andrew LaFratte, MPA, Deputy Policy Director,
32 Department of State
33
34

35 ALSO PRESENT:

36
37 Steven Zahn, Pharmacy Inspector, Bureau of
38 Enforcement and Investigation, Department of State
39 James Reed, Pharmacy Regional Manager, Weis Markets
40 Geoffrey Christ, Senior Pharmacy Compliance Manager,
41 Chewy Pharmacy
42 Joshua Finger, Pharm.D., Enclara Pharmacia
43 Nicole Sidle, Republican Executive Director, House
44 Professional Licensure Committee
45 Jennifer Smeltz, Republican Executive Director,
46 Senate Consumer Protection & Professional Licensure
47 Committee
48 Joseph Millward, Pharmacy Quality and Accreditation,
49 PANTHERx Rare Pharmacy
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State Board of Pharmacy
June 18, 2024

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ALSO PRESENT: (cont.)

- Charlotte Harris, Pharmacy Intern, Duquesne University
- Misha Patel, M.D., Curriculum Education Assistant,
Geisinger Commonwealth School of Medicine
- Vinal Patel
- Rhonda Thomas, PharmD, MBA, BSPS, BCSCP, Director of
Pharmacy, Lehigh Valley Health Network
- Sarah Everingham, MJ, CCEP, CPhT, Cardinal Health
- Tiffany Booher, MA, LPC, CAADC, CIP, CCSM, Director,
Peer Assistance Monitoring Programs; Program
Director, Physicians' Health Program, Pennsylvania
Medical Society
- Larry Jones, Pennsylvania Society of Health-System
Pharmacists Member
- Jill Rebuck, Executive Director, Pennsylvania Society
of Health-System Pharmacists
- Allexa Buckingham, PGY-1 Pharmacy Resident, Lehigh
Valley Health Network
- Niraj Brahmhatt, District Leader CVS Health
- Frank Konzelman Jr., PharmD, BCPS, Director of
Pharmacy Services, Pennsylvania Pharmacists
Association
- Grace Fisher, Regional Pharmacy Manager, Giant Food
Stores, LLC
- Paul Green
- Jacquelyn Sassaman, Pentec Health
- Jessica Adams, Pharm.D., BCPS, AAHIVE, Scientific
Director, Infectious Diseases at Clinical Care
Options
- Joseph DuPrey, MS, RPh, Pennsylvania Society of
Health-System Pharmacists
- Sandra Leal, Pharm.D., MPH, FAPhA, Vice President of
Pharmacy Practice Innovation and Advocacy, CVS Health
- Grant McClernon, Associate, Kirkland & Ellis LLP
- Ultan McGlone, Pharmacist Clinician/ Clinical
Pharmacy Specialist
- Katherine Medei, Area Healthcare Supervisor NJ/PA,
Walgreens
- Meghan Dixon, PharmD, RPh, Clinical Pharmacy
Specialist, The GIANT Company
- Laura Romeo, Pharmacist-in-Charge at ConnectiveRx,
Careform Pharmacy
- Grace Sesì, Executive Director, Regulatory Affairs at
CVS Health/Chairperson, Michigan Board of Pharmacy

State Board of Pharmacy
June 18, 2024

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ALSO PRESENT: (cont.)

Cory Ulisse, PharmD, Pharmacy Clinician Services
Victoria Elliott, RPh, MBA, CAE, Chief Executive
Officer, Pennsylvania Pharmacists Association
Anneliese Harp, Pennsylvania Pharmacists Association
Advanced Pharmacy Practice Experience Student
Kimberly A. Burns, RPh, JD, Lake Erie College of
Osteopathic Medicine School of Pharmacy
Jessica Adams
Emily Cowfer, Sargent's Court Reporting Service, Inc.

1 ***

2 State Board of Pharmacy

3 June 18, 2024

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 Sean C. Barrett, Esquire, Board Counsel,
8 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, June 18, 2024.
15 Eric Esterbrook, R.Ph., Vice Chairperson, called the
16 meeting to order at 10:30 a.m.

17 Vice Chair Esterbrook informed everyone that
18 Chair Roussel is virtual, and he will be chairing the
19 meeting in person.]

20 ***

21 [Sean C. Barrett, Esquire, Board Counsel, informed
22 everyone that the meeting was being recorded, and
23 those who continued to participate were giving their
24 consent to be recorded.

25 Mr. Barrett also noted the Board entered into

1 Executive Session for the purpose of conducting
2 quasi-judicial deliberations on a number of matters
3 that are currently pending before the Board and to
4 receive the advice of counsel.]

5 ***

6 Introduction of the Board Members

7 [Vice Chair Esterbrook requested an introduction of
8 Board members. A quorum was present.]

9 ***

10 Introduction of Attendees

11 [Christina Townley, Interim Board Administrator,
12 provided an introduction of attendees.]

13 ***

14 Approval of Minutes

15 VICE CHAIR ESTERBROOK:

16 We have the minutes from April. Do we
17 have any additions or discussion on the
18 minutes? If not, I would entertain a
19 motion.

20 MR. RITCHIE:

21 I move to approve the minutes from April.

22 MS. GETZEY HART:

23 Second.

24 VICE CHAIR ESTERBROOK:

25 Call for a vote.

1

2

Slagle, aye; Hart, aye; Ritchie, aye;

3

Talbott, aye; Claggett, aye; Roussel,

4

aye; Esterbrook, aye.

5

[The motion carried unanimously.]

6

7

Report of Board Prosecution

8

[Ashley P. Murphy, Esquire, Board Prosecutor,

9

presented the Consent Agreement for Case No. 23-54-

10

015327.]

11

12

[Nathan C. Giunta, Esquire, Board Prosecution

13

Liaison, presented the Consent Agreements for Case

14

No. 21-54-002074, Case No. 23-54-004851, and Case No.

15

24-54-005781.]

16

MR. BARRETT:

17

Based on the presentation from

18

prosecution, does any member wish to go

19

back into Executive Session for further

20

deliberations? Hearing none.

21

Based on Executive Session

22

deliberations and the report of Board

23

prosecution, I believe the Vice Chair

24

would entertain a motion to adopt the

25

Consent Agreements at agenda item 2, Case

1 No. 23-54-015327; agenda item 3, Case No.
2 21-54-002074; agenda item 4, Case No. 23-
3 54-004851; and agenda item 5, Case No.
4 24-54-005781.

5 VICE CHAIR ESTERBROOK:

6 We'll entertain a motion?

7 MR. RITCHIE:

8 So moved.

9 MS. GETZEY HART:

10 Second.

11 VICE CHAIR ESTERBROOK:

12 Call for a vote.

13

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

17 [The motion carried unanimously. The Respondent's
18 name at item 2 is PharmCo, LLC; item 3, Marcin Sala;
19 item 4, Gregory Holmes, R.Ph.; and item 5, Keith R
20 Geist, R.Ph.]

21

22 Report of Board Counsel - Legislative Report

23 [Sean C. Barrett, Esquire, Board Counsel, noted Ms.
24 O'Malley provided the Legislative Report on the
25 OneDrive.

1 Mr. Barrett informed Board members that House
2 Bill 1661 regarding the appropriate use of xylazine
3 was signed into law as Act 17 of 2024 on May 15,
4 2024, and is currently in effect.

5 Mr. Barrett noted Senate Bill 1000 is in the
6 Health and Human Services Committee and is on first
7 consideration as of June 4, 2024.

8 Mr. Barrett also noted House Bill 2363, which
9 amends the Cancer Drug Repository Program to include
10 other prescription drugs, was introduced on June 3,
11 2024.

12 Ms. Talbott expressed a concern with not knowing
13 how it was stored and how the public is protected
14 when accepting drugs.

15 Larry Jones, Member, Pennsylvania Society of
16 Health-System Pharmacists, mentioned making a comment
17 to Ms. O'Malley regarding storage not being
18 mentioned, along with informing her that certain
19 medications have to be refrigerated and some stored
20 at room temperature. He referred to the pedigree
21 requirements from the point of obtaining the
22 medication through the storage and inventory and then
23 the dispensing.

24 Mr. Barrett offered to review Ms. O'Malley's
25 notes to see if she was working on a legislative

1 report concerning the comments.

2 Ms. Townley noted there are currently 20
3 pharmacies in the repository program.

4 Mr. Jones commented that there is also the
5 concept of year-end accountability, because it
6 includes physician practices, which are not part of
7 the Pharmacy Act. He also mentioned there is a
8 handling fee.

9 Mr. Michalowski stated it was reviewed with Ms.
10 O'Malley and Ms. Montgomery, and they examined the
11 states that do have expanded versions, noting their
12 limitations, where the products cannot be
13 temperature-sensitive. He noted the noncancer drugs
14 to be a narrow field. He reported some organizations
15 run it through theirs for a few different states with
16 most likely a cost.

17 Mr. Jones mentioned that the House bill talks
18 about a pharmacy program and referred to a line that
19 says physician practice involvement, which is not
20 regulated or controlled. He commented that he does
21 not know why they are included in the Pharmacy Act
22 section. He mentioned that he would never donate to
23 a physician practice because of the lack of
24 accountability.

25 Mr. Barrett informed Board members that he would

1 research the House bills and inform them of any
2 movement.]

3 ***

4 Report of Board Counsel - Matters for Deliberation

5 MR. BARRETT:

6 For the record, I'll note on number 9,
7 Board member Talbott did recuse and was
8 not part of any deliberations for that
9 matter.

10 For number 8, Vinh D. Pham, Case No.
11 24-54-001689, I believe the Board would
12 entertain a motion to delegate that
13 matter to the hearing examiner for a
14 hearing and to issue a Proposed
15 Adjudication and Order.

16 VICE CHAIR ESTERBROOK:

17 Do we have a motion?

18 MR. RITCHIE:

19 So moved.

20 MS. GETZEY HART:

21 Second.

22 VICE CHAIR ESTERBROOK:

23 Call for a vote.

24

25 Slagle, aye; Hart, aye; Ritchie, aye;

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

3 [The motion carried unanimously.]

4 ***

5 MR. BARRETT:

6 Number 9. Board member Talbott is
7 recused for the consideration of this.

8 Based on Executive Session
9 deliberations, I believe the Vice Chair
10 would entertain a motion to delegate this
11 matter to a hearing examiner for a
12 hearing and to issue a Proposed
13 Adjudication and Order.

14 VICE CHAIR ESTERBROOK:

15 Do we have a motion?

16 MR. RITCHIE:

17 So moved.

18 MS. GETZEY HART:

19 Second.

20 VICE CHAIR ESTERBROOK:

21 Call for a vote.

22
23 Slagle, aye; Hart, aye; Ritchie, aye;
24 Talbott, recuse; Claggett, aye; Roussel,
25 aye; Esterbrook, aye.

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

3 ***

4 MR. BARRETT:

5 Number 10, United Pharmacy Upper Darby,
6 Inc., and Kayode C. Jacobs, R.Ph., Case
7 Nos. 24-54-005912 & 24-54-005971.

8 Based on Executive Session
9 deliberations, I believe the Vice Chair
10 would entertain a motion to delegate
11 these matters to a hearing examiner for a
12 hearing and a Proposed Adjudication and
13 Order.

14 VICE CHAIR ESTERBROOK:

15 Do we have a motion?

16 MR. RITCHIE:

17 So moved.

18 MS. GETZEY HART:

19 Second.

20 VICE CHAIR ESTERBROOK:

21 Call for a vote.

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

1 [The motion carried unanimously.]

2 ***

3 Report of Board Counsel - Draft Adjudication and
4 Order

5 MR. BARRETT:

6 Number 11 is a Draft Adjudication and
7 Order.

8 Based upon Executive Session
9 deliberations, I believe the Board Vice
10 Chair would entertain a motion to adopt
11 the Final Adjudication and Order at
12 number 11, Thomas Fortunato, Case No. 23-
13 54-011152.

14 VICE CHAIR ESTERBROOK:

15 Do we have a motion?

16 MR. RITCHIE:

17 So moved.

18 MS. GETZEY HART:

19 Second.

20 VICE CHAIR ESTERBROOK:

21 Call for a vote.

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

1 [The motion carried unanimously.]

2 ***

3 Report of Board Counsel - Miscellaneous

4 [Sean C. Barrett, Esquire, Board Counsel, addressed
5 partial filling of Schedule II controlled substances.
6 He mentioned that there seemed to be a lack of
7 understanding as to the requirement for the timeline
8 for refilling of partial fillings for Schedule II
9 controlled substances. He mentioned that some
10 pharmacists believe they have to be filled within 72
11 hours after the date of prescription.]

12 Mr. Barrett noted the Controlled Substances Act
13 (CSA) was implemented in 2016, where remaining
14 portions must be filled no later than 30 days after
15 the date of the prescription. He also noted there is
16 an exception in an emergency oral prescription, where
17 the remainder must be filled no later than 72 hours
18 after the date of the prescription.]

19 Ms. Talbott offered to include that in the
20 newsletter and asked Ms. Elliott to also remind
21 people. She noted the newsletter will be distributed
22 through an email blast when it is ready.]

23 ***

24 Report of Board Chairperson

25 [Christine Roussel, Pharm.D., BCOP, BCSCP,

1 Chairperson, addressed her attendance, along with
2 Vice Chair Esterbrook, at the National Association of
3 Boards of Pharmacy (NABP) Annual Meeting. She noted
4 NABP approved a resolution focusing on drug shortages
5 and pushing further collaboration between the
6 industry and federal agencies, pharmacy associates,
7 and pharmacy benefit managers (PBMs) to make sure
8 they have strategies to address these with their
9 patients.

10 Chair Roussel stated there was also a resolution
11 about expanding NABP's Competency Assessment Exams,
12 where a task force was convened between NABP and
13 state boards of pharmacy to evaluate topics not
14 limited to moving from a Multistate Pharmacy
15 Jurisprudence Exam to a Uniform Pharmacy
16 Jurisprudence Exam, as well as making recommendations
17 around students being able to take these exams prior
18 to graduation.

19 Chair Roussel highlighted that just because there
20 are resolutions on an NABP level does not mean that
21 it changes anything on a state level but gives an
22 idea of where the thoughts are going.

23 Chair Roussel noted NABP approved another
24 resolution for a recommendation to develop a National
25 Forum for Pharmacy Professional Recovery Programs,

1 where there can be more uniform plans even though
2 they have recovery programs in their state. She
3 reported Pennsylvania to be advanced compared to
4 other states in terms of what they do for their
5 voluntary recovery program. She mentioned being
6 proud of the Commonwealth of Pennsylvania for having
7 such a good foresight and longstanding recognition of
8 that as a problem.

9 Chair Roussel acknowledged the honoring of
10 Kimberly Burns who received the 2024 Henry Cade
11 Memorial Award for her dedication and extensive
12 involvement in support of NABP law examinations with
13 a focus on Foreign Pharmacy Graduate Examinations
14 Committee and development of the Uniform Pharmacy
15 Jurisprudence Exam. She stated Dr. Burns is a
16 professor at Lake Erie College of Osteopathic
17 Medicine School of Pharmacy and an associate
18 professor at University of Pittsburgh School of
19 Pharmacy, along with being an adjunct at other
20 colleges of pharmacy.

21 Chair Roussel commented that they are very lucky
22 to have Dr. Burns in their state considering all her
23 commitment to putting together the Foreign Pharmacy
24 Graduate Equivalency Examination (FPGEE) and other
25 competency assessments.

1 Chair Roussel also noted NABP had a keynote
2 speaker who focused on how they handle mental health
3 in healthcare workers and prevent burnout. She
4 mentioned that one of the speakers was from the Dr.
5 Lorna Breen Heroes' Foundation and was adamant that
6 they do not ask questions about mental health when
7 professionals apply for licensure.

8 Chair Roussel reported that many healthcare
9 professionals in the past have had concerns about
10 seeking mental health care for themselves in fear
11 that it might affect their ability to become
12 relicensed and noted Pennsylvania does not ask those
13 questions. She mentioned that Pennsylvania already
14 complies and does not need any changes to their
15 practice with regards to respecting the mental health
16 privacy of licensees.

17 Chair Roussel commented that NABP shows the
18 places to go but also validates some of their good
19 work.

20 Chair Roussel stated there was also a big focus
21 on United States Pharmacopeia (USP) and current USP
22 regulations, as well as some other hot topics from
23 the Drug Supply Chain Security Act (DSCSA) to some of
24 other things addressed. She mentioned that the
25 former Chair of USP, who is currently on the USP

1 Committee, that includes compounding USP Chapters 797
2 and 795, has offered to provide free education and
3 training to their pharmacy inspectors. She extended
4 the offer to Mr. Michalowski on Patricia Keeley's
5 behalf, noting she did train their inspectors several
6 years back.]

7 ***

8 Report of Acting Commissioner - No Report

9 ***

10 Report of Board Administrator - No Report

11 ***

12 Report of Board Members - No Report

13 ***

14 Review of Applications

15 MR. BARRETT:

16 Based on Executive Session deliberations,
17 I believe the Board Vice Chair would
18 entertain a motion to provisionally deny
19 the Application of New Vitalis Pharmacy -
20 Nonresident Pharmacy at agenda item 13.

21 VICE CHAIR ESTERBROOK:

22 Do we have a motion?

23 MR. RITCHIE:

24 So moved.

25 MS. GETZEY HART:

1 Second.

2 VICE CHAIR ESTERBROOK:

3 Call for a vote.

4

5 Slagle, aye; Hart, aye; Ritchie, aye;

6 Talbott, aye; Claggett, aye; Roussel,

7 aye; Esterbrook, aye.

8 [The motion carried unanimously.]

9

10 For the Board's Information - 2023 Annual Report

11 [Sean C. Barrett, Esquire, Board Counsel, referred to

12 the 2023 Annual Report for the Board's review.]

13

14 Discussion

15 [Christine Roussel, Pharm.D., BCOP, BCSCP,

16 Chairperson, addressed the 2024 Multistate Pharmacy

17 Jurisprudence Examination (MPJE) state-specific

18 review. She explained that the Board of Pharmacy

19 members were asked to review the law questions. She

20 noted about 3000 questions are equally divide among

21 the Board members who are pharmacists for the benefit

22 of the students to make sure they are accurate and

23 thoughtful and reflect their regulations.]

24

25 For the Board's Information - APC Memo on Stability

1 Study Delays

2 [Christine Roussel, Pharm.D., BCOP, BCSCP,
3 Chairperson, addressed the Alliance for Pharmacy
4 Compounding (APC) memorandum on stability study
5 delays. She stated it was an association wanting to
6 inform the Board of delays in stability indicating
7 assays being performed by external labs.]

8 ***

9 Old Business - Newsletter Articles

10 [Christine Roussel, Pharm.D., BCOP, BCSCP,
11 Chairperson, informed Board members that she has been
12 working on the newsletter with Ms. Talbott and Ms.
13 Townley. She asked that anyone with recommendations
14 for additional topics for the newsletter to send them
15 an email.]

16 ***

17 Report of Board Counsel - Regulatory Report

18 [Marc Farrell, Esquire, Regulatory Counsel, Office of
19 Chief Counsel, Department of State, informed Board
20 members that comments were received from the public
21 and the Independent Regulatory Review Commission
22 (IRRC) regarding the pharmacy technician regulations.
23 He noted one of the comments stated the Board is
24 overregulating pharmacy technicians. He noted the
25 Board is following the instructions the legislature

1 provided.

2 Mr. Farrell addressed another comment and
3 referred to § 27.705, noting the grandfathering
4 provision has a two-year time frame for when somebody
5 must have worked one of those two years to qualify
6 for grandfathering. He stated the goal of the
7 legislation and the Board's philosophy is to do this
8 with as little disruption to people's employment as
9 possible.

10 Mr. Farrell noted that they cannot really change
11 that date range, where there still may be people who
12 can take advantage of that who did work one of those
13 two years. He explained that the regulations do not
14 kick in until one year from their final publication.
15 He provided a scenario that starting February 2,
16 2025, for the next year until February 2, 2026, the
17 people who are currently pharmacy technicians could
18 continue to work and hopefully apply for
19 registration.

20 Mr. Farrell also noted pharmacy technicians do
21 not even have to apply for registration
22 administration until February 2026, which gives them
23 a year to take whatever Board-approved training they
24 may need and apply to get registered. He mentioned
25 that someone who cannot meet that could apply to be a

1 pharmacy technician training, which is a temporary
2 license good for two years, and could also be filed
3 in that one year.

4 Ms. Talbott agreed that the Board cannot change,
5 noted the big time period, and mentioned that the
6 pharmacy manager has the onus to show that they have
7 been trained, where something has to be onsite and is
8 how they get a license. She noted comments as to
9 whether it could be either/or as far as why they need
10 a verification from the employee and the employer and
11 a W2 or 1099.

12 Ms. Talbott suggested changing language of the
13 application to someone may qualify for registration
14 as a pharmacy tech through grandfathering if the
15 applicant practiced for at least one year and
16 provides proof acceptable to the Board, which may
17 include one of the following.

18 Victoria Elliott, RPh, MBA, CAE, Chief Executive
19 Officer, Pennsylvania Pharmacists Association,
20 commented that the law was based on the fact the
21 regulations would be done by now. She mentioned that
22 she wanted to get some feedback from members and
23 referred to the scenario that was described, where
24 February they say it is done, start the application
25 process and get it done or the trainee option. She

1 believed that would require two forms of payment on
2 the individual, which would be another burden.

3 Ms. Talbott explained that it is half and half if
4 they are training, where it is half of the final and
5 no more money.

6 Ms. Elliott agreed with changing it to either/or
7 because IRRC already asked why both are needed.

8 Mr. Jones commented that it does talk about
9 nationally certified or trained by the Pharmacy
10 Technician Certification Board (PTCB) or the other
11 group. He asked whether that could be added as a
12 third entity.

13 Ms. Talbott explained that they could not because
14 it is only if they are grandfathered. She explained
15 that someone could have been certified but not
16 working and would have to apply for a tech and show
17 national certification, where they would jump to the
18 head of the line and get their certification.

19 Ms. Talbott explained it is only if they were not
20 nationally certified, where someone has a tech who is
21 not nationally certified but have been working for 10
22 years, including that time period, where someone
23 could validate that they worked that time period.

24 Mr. Jones suggested putting the information in
25 PPA and PSHP's newsletter to get the word out. He

1 commented on being in another two-year window, which
2 is what the grandfathering specified, so it might be
3 helpful to advertise to get training completed soon
4 not done or were not eligible for the grandfathering
5 piece.

6 Mr. Farrell addressed another comment and
7 referred to § 27.11 pharmacy permit and pharmacist
8 manager, where the licensee must notify the Board of
9 termination. He noted the person suggested instead
10 of having the pharmacist manager responsible that it
11 be someone the pharmacy delegates.

12 Mr. Michalowski stated they can always delegate
13 it but are not held responsible, just like when the
14 techs do something wrong, the pharmacist is the one
15 that is responsible.

16 Mr. Farrell noted a comment asking the Board
17 remove examples of the specific activities that a
18 pharmacy tech can perform. He noted pharmacy techs
19 have been in there awhile and did not see the need
20 for additional changes.

21 Ms. Talbott mentioned that the activities are
22 broad, and it does not say that is all they can do
23 nor does it say if they have somebody maintaining
24 records that they would have to be registered as a
25 technician.

1 Mr. Farrell noted a comment, where the pharmacy
2 should not have to train people in any skills beyond
3 what that specific pharmacy does itself if a pharmacy
4 is training someone.

5 Ms. Talbott commented that a pharmacy that does
6 not do sterile compounding may just say compounding
7 exists and explain what it is, but the individual
8 will be trained by someone else in a pharmacy that
9 does sterile compounding.

10 Mr. Farrell mentioned that several people raised
11 questions concerning the renewal fee in § 27.91 as to
12 whether it could be any lower than the current \$70
13 that it set out for a pharmacy tech to renew their
14 registration every two years. He stated they were
15 able to keep the application fee as low as they could
16 but do not have room to come down any further on the
17 renewal fee at this time.

18 Mr. Farrell again referred this scenario and
19 stated they get registered between February 2, 2025
20 and February 2, 2026, noting the renewal would be due
21 in odd numbered years, so the earliest cycle of
22 renewals for these licensees would be 2027. He also
23 mentioned that the Bureau of Finance and Operations
24 will conduct multiple reviews of the Board's entire
25 budget and fee schedule between now and then, where

1 it is possible they could see a pharmacist's renewal
2 go up and that will bring others in line.

3 Mr. Farrell stated the fee would not be paid by
4 anybody for at least two and a half to three years
5 and expects things to change between now and then.
6 He noted several comments pointing out that they are
7 not doing continuing education, so there is no work
8 that needs to be done around renewal time.

9 Mr. Farrell noted renewals cover the costs of
10 review, but the renewal fee also helps fund the
11 Board's overall operations not covered by other fees
12 and costs. He mentioned that it may appear that
13 there is "nothing to do" as far as work is concerned
14 because they do not have CE requirements there,
15 noting the money is basically a catch-all.

16 Mr. Michalowski commented that enforcement costs
17 from their side of the house would vastly increase
18 when pharmacy techs come on, which is a cost to the
19 Board that has to be refilled every two years.

20 Mr. Farrell addressed several comments regarding
21 training program approval, noting concerns with
22 programs accredited by the U.S. Department of
23 Education and the State Board of Private Licensed
24 schools as to whether the Board would be able to
25 ensure they meet the Board's standards.

1 Ms. Talbott noted the Department of Education
2 stated their programs work off PTCB or the American
3 Society for Health-System Pharmacists (ASHP) syllabus
4 and their requirements.

5 Mr. Farrell stated the Board will be
6 reviewing all the transcripts that are submitted with
7 the applications from the programs and have the right
8 to deny the application if they do not meet the
9 standards.

10 Ms. Talbott commented that they have an issue if
11 an inspector pulls somebody from a vocational-
12 technical institute and says their people do not know
13 anything.

14 Mr. Jones commented that the Department of
15 Education as a state agency does not follow
16 Accreditation Council for Pharmacy Education (ACPE)
17 guidelines or requirements. He noted the college is
18 certified but individual programs are not and do not
19 necessarily follow PTCB or ASHPs because there no
20 requirement for them to do that.

21 Mr. Jones mentioned that when the Board finds out
22 a pharm tech cannot do the job, there are already
23 several hundred technicians trained through that
24 program or paid through the process. He noted the
25 importance of knowing who upfront is authorizing the

1 private schools and programs because there is nobody
2 right now.

3 Mr. Jones mentioned that a community college can
4 start a program, noting there are 56 of them online.
5 He stated there are no tech training programs in the
6 state of Pennsylvania, live or virtual in existence.
7 He further explained that there is a curriculum
8 online and is attendee number applicant-dependent
9 whether they run the program or not.

10 Mr. Jones also mentioned that there is no
11 requirement to take a test with their regulations, so
12 there is no competency at the end of whatever the
13 training is, where a pharmacist signs it and it is
14 done. He noted the best part of that training
15 program is many of the training programs are done by
16 techs but asked where the pharmacist's signature is
17 on those programs, noting there to be a fine gray.

18 Chair Roussel commented that they should focus on
19 what is written on the page and what they can change
20 within their scope.

21 Mr. Farrell addressed § 27.702.

22 Mr. Jones referred to § 27.702(6), a school
23 licensed by the State Board of Private Licensed
24 Schools.

25 Mr. Farrell referred to paragraph (3), a

1 nationally recognized pharmacy technician training
2 program, where IRRC suggested deleting, "including
3 but not limited to."

4 Mr. Farrell referred to (b)(2) and a comment as
5 to why the regulation does not include allowing a
6 tech to obtain registration if they completed an
7 ASHP- or ACPE-accredited program in another state but
8 noted it would be included.

9 Mr. Jones believed the comment was related to
10 grandfathering and going forward, which did not
11 require a nationally certified tech who went through
12 an approved program and passed go through tech
13 training in Pennsylvania because they moved to
14 Pennsylvania.

15 Ms. Talbott commented that someone who is
16 nationally certified is covered under (3) even if
17 they are not grandfathered in because they have the
18 national certification with their initial licensure.
19 She mentioned it is just a different piece of paper
20 and are applying for their registration.

21 Ms. Talbott referred to a question asking how
22 long the registration process would take and how soon
23 the individual could be employed post 2027.

24 Mr. Farrell explained that it is just like any
25 other license application, where a person cannot work

1 until the individual receives their license, and
2 whether the individual is applying for a tech
3 registration or a tech trainee is up to them. He
4 mentioned that the trainee may be an easier process,
5 but the trainee will still have to wait until their
6 application is reviewed, just like a medical doctor
7 or accountant.

8 Ms. Talbott noted a question requesting
9 clarification of grandfathering as far as when that
10 kicks in and who it benefits.

11 Mr. Farrell explained that it benefits
12 individuals working between 2019 and 2021 for at
13 least one of those two years, which would get them
14 past the training piece.

15 Ms. Talbott further explained that the individual
16 would need either a letter from their employer or
17 their W2.

18 Mr. Farrell also mentioned that the
19 grandfathering provision officially dies one year
20 from the effective date.

21 Mr. Farrell referred to § 27.702(c), where a
22 comment was received suggesting a small language
23 alteration to the last sentence that reads,
24 documentation of the training shall be maintained at
25 the pharmacy by the pharmacist manager. He noted the

1 proposed addition would be documentation and
2 accountability of the training and accountability of
3 the training. Board members agreed.

4 Mr. Farrell referred to a comment asking whether
5 the Board could consider allowing managers to
6 authorize registration to bypass training
7 requirements and also suggested a different
8 definition for direct and immediate personal
9 supervision.

10 Ms. Talbott referred to the legislature, noting
11 the Board would not go there, because it was in the
12 statute.

13 Mr. Farrell addressed the process to become a
14 Board-approved program, noting a lot of the pre-
15 existing providers are already preapproved, and the
16 Board would look at anything else that comes in on a
17 case-by-case basis.

18 Ms. Talbott referred to language in § 27.702(c),
19 noting the Board was broad in putting the onus on the
20 employer, and the Board could go back if what the
21 documentation is not enough. She offered to study
22 other states to clean up the language in the
23 preamble. She further explained that the Board did
24 not want every program coming to the Board for
25 review. She mentioned the Board has a committee to

1 review programs.

2 Mr. Farrell referred to a question asking whether
3 it requires people to have liability insurance,
4 noting the act does not include any insurance
5 requirements.

6 Mr. Farrell referred to a comment regarding the
7 criminal history record check suggesting the Board
8 have the criminal history record check (CHRC) run by
9 the employer and then kept on file by the employer.
10 He explained that the Board does not do this for
11 other applicants, and it is the applicant's
12 responsibility to obtain the necessary CHRCs and
13 submit them to the Board.

14 Mr. Farrell informed Board members that there is
15 not much to change in the annex, and the explanatory
16 language on some of the concepts discussed would be
17 added to the preamble. He mentioned having
18 regulatory sessions at the end of future meetings
19 starting with the second half of the general
20 revisions.

21 Ms. Talbott commented that the Board would only
22 have to review and approve changes made at this
23 meeting and suggested having a regulatory session at
24 the end of the July meeting.

25 Ms. Townley stated only 4 of the 51 jurisdictions

1 in the country do not require technicians to be
2 registered. She mentioned that all the work the
3 Board did is in honor of patient safety.]

4 ***
5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 11:33 a.m., the Board entered into Executive
7 Session with Sean C. Barrett, Esquire, Board Counsel,
8 to discuss pending litigation matters and to receive
9 advice of counsel. The Board returned to open
10 session at 11:38 a.m.]

11 ***
12 Adjournment

13 VICE CHAIR ESTERBROOK:

14 Motion to adjourn.

15 MR. RITCHIE:

16 So moved.

17 MS. GETZEY HART:

18 Second.

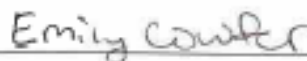
19 ***
20 [There being no further business, the State Board of
21 Pharmacy Meeting adjourned at 11:39 a.m.]

22 ***
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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.



Emily Cowfer,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX

June 18, 2024

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Introduction of Board Members/Attendees
10:32	Approval of Minutes
10:33	Report of Board Prosecution
10:38	Report of Board Counsel
10:48	Report of Board Chairperson
10:54	Review of Applications
10:55	For the Board's Information
10:55	Discussion
10:56	For the Board's Information (cont.)
10:57	Old Business
10:58	Report of Board Counsel (cont.)
11:33	Executive Session
11:38	Return to Open Session
11:39	Adjournment