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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**

March 19, 2024

State Board of Pharmacy  
March 19, 2024

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Senior Board Counsel  
Ariel O'Malley, Esquire, Board Counsel  
Tyesha C. Miley, Esquire, Board Counsel  
Ray J. Michalowski, Esquire, Senior Board Prosecutor  
Nathan C. Giunta, Esquire, Board Prosecution Liaison  
Glenn P. Masser, Esquire, Board Prosecutor  
Ashley P. Murphy, Esquire, Board Prosecutor  
Christina Townley, Interim 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

ALSO PRESENT:

Kanda Patel, Pennsylvania Pharmacists Association,  
Advanced Pharmacy Practice Experiential Student  
Victoria Elliott, RPh, MBA, CAE, CEO, Pennsylvania  
Pharmacists Association  
Taylor Legette, Pharm.D., Postdoctoral Fellow,  
Pennsylvania Pharmacists Association  
Tiffany Booher, MA, LPC, CAADC, CIP, CCSM, Director,  
Peer Assistance Monitoring Programs; Program  
Director, Physicians' Health Program, Pennsylvania  
Medical Society  
Geoffrey Christ, Senior Pharmacy Compliance Manager,  
Chewy Pharmacy

State Board of Pharmacy  
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ALSO PRESENT: (cont.)

Larry Jones, Executive Director, Pennsylvania Society of Health-System Pharmacists  
Genevieve Levans, R.Ph., Hospital of the University of Pennsylvania  
Nicole Fidler, Associate, Malady & Wooten  
Lauren McKenzie, Regional Pharmacy Manager, The GIANT Company  
Neal Watson, Member Relations and Government Affairs Director, National Association of Boards of Pharmacy  
Erin R. Kawa, Principal, Commercial Litigation, Regulatory & Administrative Agency Law, and Professional Licensure Practice Groups, Post & Schell  
Ghada Ayad, Pharm.D., Adjunct Faculty, St. Joseph's University Philadelphia College of Pharmacy  
Steven Zahn, Pharmacy Inspector, Bureau of Enforcement and Investigation, Department of State  
Misha Patel, M.D., Curriculum Education Assistant, Geisinger Commonwealth School of Medicine  
Sarah Everingham, MJ, CCEP, CPhT, Cardinal Health  
Kaitlyn Moss  
Victoria Y. Chen, Pharm.D., Penn Medicine  
Grace Sesì, Executive Director, Regulatory Affairs at CVS Health/Chairperson, Michigan Board of Pharmacy  
Joshua Finger, Pharm.D., Enclara Pharmacia  
Loan Nguyen, Pharm.D.  
Laura Romeo, Pharmacist-in-Charge at ConnectiveRx, Careform Pharmacy  
Christopher Miller, Pharm.D., Giant Eagle  
David Klinger, System Director, Operations & Compliance, Geisinger Health System  
Charlotte Harris, Pharmacy Intern, Duquesne University  
Jessica Adams, Pharm.D., BCPS, AAHIVE, Scientific Director, Infectious Diseases at Clinical Care Options  
Sara Trimmer, Pharm.D., Green Thumb Industries  
Timothy Black, R.Ph., Pharmacy Inspector, Bureau of Enforcement and Investigation, Department of State  
Laura Lenart, Pharm.D., Pharmacist Supervisor, Vetsource  
Samantha Chessie, Policy Manager, Animal Policy Group, LLC

State Board of Pharmacy  
March 19, 2024

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ALSO PRESENT: (cont.)

Jennifer Smeltz, Republican Executive Director,  
Senate Consumer Protection & Professional Licensure  
Committee  
Shannon Fitzpatrick, Pharm.D., Lehigh Valley Health  
Network  
Anthony Bixler, Pennsylvania Society of Health-System  
Pharmacists  
James Reed, Health Outcomes Supervisor/Strategic  
Partnerships Leader, Walgreens  
Sean  
Madeline Helmstetter, Sargent's Court Reporting  
Service, Inc.

1 \*\*\*

2 State Board of Pharmacy

3 March 19, 2024

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5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 9:00 a.m., the Board entered into Executive  
7 Session with Ariel E. O'Malley, Esquire, Board  
8 Counsel, for the purpose of conducting quasi-judicial  
9 deliberations and to receive the advice of Board  
10 Counsel. The Board returned to open session at  
11 10:30 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Pharmacy was held on Tuesday, March 19,  
15 2024. Christine Roussel, Pharm.D., BCOP, BCSCP,  
16 Chairperson, called the meeting to order at  
17 10:30 a.m.

18 \*\*\*

19 Introduction of the Board Members/Audience Members  
20 [Chair Roussel requested an introduction of Board  
21 members and audience members.]

22 \*\*\*

23 Approval of the Agenda

24 CHAIRPERSON ROUSSEL:

25 At this time, are there any motions to

1 make for approval of the current agenda?

2 MR. ESTERBROOK:

3 Motion to approve.

4 MS. GETZEY HART:

5 Second.

6 CHAIRPERSON ROUSSEL:

7 Any discussion? We'll call the vote.

8

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

12 [The motion carried unanimously.]

13

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14 [Chair Roussel noted the meeting was being recorded,  
15 and those who continued to participate were giving  
16 their consent to be recorded.]

17

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18 Approval of Minutes

19 CHAIRPERSON ROUSSEL:

20 Any discussion on the minutes? Any edits  
21 required?

22 Otherwise, I will entertain  
23 approval.

24 MR. ESTERBROOK:

25 Motion to approve minutes from February

1                   6, 2024.

2     ACTING COMMISSIONER CLAGGETT:

3                   Second.

4     CHAIRPERSON ROUSSEL:

5                   Let's call the vote.

6

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

10    [The motion carried unanimously.]

11

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12    Report of Board Prosecution

13    [Ashley P. Murphy, Esquire, Board Prosecutor,  
14    presented the Consent Agreement for Case No. 22-54-  
15    012817.]

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17    [Glenn P. Masser, Esquire, Board Prosecution Liaison,  
18    presented the Consent Agreement for Case No. 23-54-  
19    008408. He informed Board members agenda item 5 had  
20    been withdrawn by prosecution.]

21

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22    [Nathan C. Giunta, Esquire, Board Prosecution  
23    Liaison, presented the Consent Agreements for Case  
24    No. 20-54-000737, Case No. 21-54-012717, Case No. 22-  
25    54-001657, and Case No. 23-54-017189.]

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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 is finally moving forward and was published as  
6 proposed on March 2, 2024. She noted receiving  
7 comments asking to change the grandfathering date and  
8 advised that the Board cannot change the date of the  
9 grandfathering period because it is part of the  
10 statute that was passed.

11 Ms. O'Malley noted regulations are on the same  
12 path, but the pharm tech reg was moving forward. She  
13 stated the regulation will come back before the Board  
14 once they receive the rest of the comments and hoped  
15 to be able to publish it as final in the near future,  
16 noting the Board will finally be able to start  
17 registering pharmacy technicians.

18 Chair Roussel noted going through general  
19 revisions last year for the first half of the  
20 chapter, and the Board will be considering the  
21 general revisions for the second half of the chapter  
22 this coming year. She strongly recommended that  
23 stakeholders and professional organizations review  
24 those sections, along with the Model Practice Act and  
25 other state regulations, and then submit suggested



1 language to the Board to assist the staff with being  
2 more efficient in their regulatory work sessions.  
3 She noted regulatory work sessions will be scheduled  
4 to work on the second half.

5 Ms. Talbott asked whether Ms. O'Malley could send  
6 the draft copy of the back half to stakeholders, and  
7 Ms. O'Malley offered to circulate the second half of  
8 the annex.

9 Ms. Talbott asked whether the Board was going  
10 final-omitted with the COVID and flu update. Ms.  
11 O'Malley noted Ms. Talbott to be correct, and it  
12 would match the legislation that passed, which does  
13 not match what is currently in their regulations.]

14

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15 Report of Board Counsel - Legislative Report

16 [Ariel E. O'Malley, Esquire, Board Counsel, noted the  
17 Legislative Report is largely the same from the prior  
18 meeting, with the addition of House Bill 2037, which  
19 was introduced February 20, 2024, and referred to  
20 Children and Youth. She stated the bill would  
21 authorize pharmacists to administer injectable  
22 medications, biologicals, and immunizations to  
23 persons 3 years or older.

24 Ms. O'Malley mentioned that it was previously 18  
25 and reduced to 5 for flu and COVID. She stated it

1 would also allow pharm techs to do the reporting for  
2 the immunizations and allow pharm techs with the  
3 appropriate training and CPR certificate to do COVID  
4 immunizations.

5 Ms. Talbott informed Ms. O'Mally that it was not  
6 just COVID vaccines for techs, noting it mirrored the  
7 Public Readiness and Emergency Preparedness (PREP)  
8 Act. She mentioned that it called out COVID in one  
9 section, but believed it to cover everything.

10 Ms. O'Malley offered to double check and report  
11 back with Ms. Talbott.]

12

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13 Report of Board Counsel - Matter for Deliberation  
14 [Ariel E. O'Malley, Esquire, Board Counsel, noted  
15 agenda item 13 was an Order to Show Cause and an  
16 Answer that had been filed in the case of Nikolas  
17 Kernich. She stated the Board reviewed the matter  
18 and would schedule that case for a hearing before the  
19 Board at a future meeting.]

20

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21 Report of Board Chairperson  
22 [Christine Roussel, Pharm.D., BCOP, BCSCP,  
23 Chairperson, stated the Board discussed the  
24 consideration of submitting draft language around  
25 regulations for the revision of the second part of

1 their regulations.]

2

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3 Report of Acting Commissioner

4 [Arion R. Claggett, Acting Commissioner, Bureau of  
5 Professional and Occupational Affairs, addressed  
6 Pennsylvania's Cancer Drug Repository Program. He  
7 wanted to promote the program, because it promotes  
8 access to lifesaving cancer drugs and treatment for  
9 Pennsylvanians, regardless of their ability to pay by  
10 permitting participating pharmacies to accept donated  
11 unused cancer drugs and dispense them to qualifying  
12 individuals.

13 Acting Commissioner Claggett reported only 2 out  
14 of 3,500 pharmacies in Pennsylvania are participating  
15 in the program. He noted recently sending an email  
16 blast trying to promote it again and reported  
17 receiving 7 applications.

18 Chair Roussel encouraged Ms. Elliott and Mr.  
19 Jones to send the email blast to their members also.

20 Acting Commissioner Claggett addressed having  
21 Board meetings at pharmacy schools. He noted the  
22 schools include Wilkes-Barre, Lake Erie College of  
23 Osteopathic Medicine (LECOM), Jefferson, St. Joseph's  
24 University, University of Pittsburgh, and Duquesne  
25 University. He asked when the Board wished to set up

1 that meeting.

2 Mr. Esterbrook suggested selecting a school that  
3 has availability when school is in session to reach  
4 more students.

5 Ms. Talbott mentioned that LECOM students may go  
6 year-round and suggested going to Philadelphia in  
7 October and considering Pittsburgh next year.

8 Chair Roussel commented that visiting one school  
9 a year might be a reasonable attempt for the Board  
10 and investigate for availability for October.

11 Acting Commissioner Claggett offered to reach out  
12 to St. Joseph's first for October of 2024, and would  
13 provide an update at the next meeting.

14 Chair Roussel mentioned that Jefferson might be a  
15 good second if not St. Joseph's in October of 2024.  
16 She noted they may decide to go to Pittsburgh for  
17 October and then maybe next year look at the April  
18 time frame. She mentioned the Board can communicate  
19 with the Pittsburgh schools for maybe April of 2025.]

20 \*\*\*

21 Report of Board Administrator - No Report

22 \*\*\*

23 Report of Board Members

24 [Janet Getzey Hart, R.Ph., addressed her attendance,  
25 along with Ms. Talbott, at NABP Headquarters for a

1 Committee on Law Enforcement/Legislation

2 presentation. She explained that the committee  
3 brings together NABP members from various states to  
4 discuss certain topics or charges that NABP would  
5 like to consider. She mentioned there were three  
6 charges of this particular committee.

7 Ms. Getzey Hart noted the first one was the  
8 development of model laws and regulations based on  
9 resolutions adopted by the members of the association  
10 or reports of task forces or other committees of the  
11 association assigned by the executive committee.

12 Ms. Getzey Hart noted the second one was review  
13 and comment on existing legislation and rules  
14 governing the practice of pharmacy and the  
15 distribution of prescription medications. She noted  
16 the third one was to recommend to the executive  
17 committee model pharmacy practice or prescription  
18 drug distribution regulations, which are needed to be  
19 improved for the protection of the public.

20 Ms. Getzey Hart noted discussion involving  
21 recommendations of some of the task forces that had  
22 been convened by NABP.

23 Ms. Talbott stated the reconfiguring of the model  
24 act and regs around automation and technology was  
25 timely. She mentioned that their recommendations for

1 the task force have to go to the Executive Committee  
2 (EC) and then will be added to the model act and the  
3 model regs. She mentioned that NABP moves a little  
4 faster than the regulatory process in Pennsylvania  
5 and should be done by June of 2024.

6 Ms. Talbott noted there were other topics  
7 reviewed from different states, but one is timely.  
8 They will have to watch for the report to come after  
9 the EC's review.]

10 \*\*\*

11 Appointment - NABP Exam Eligibility Services

12 Presentation

13 [Neal Watson, Member Relations and Government Affairs  
14 Director, National Association of Boards of Pharmacy,  
15 stated NABP has been around since 1904 with the  
16 mission of protecting public health, as well as  
17 aligning with member boards of pharmacy to provide  
18 services and programs to assist all of the boards of  
19 pharmacy.

20 Mr. Watson noted that all of the boards of  
21 pharmacy are members, and the biggest part of  
22 participation is with the Electronic Licensure  
23 Transfer Program (eLTP) to ensure the information is  
24 shared from one board of pharmacy to another.

25 Mr. Watson referred to all of the programs and

1 services available to the boards of pharmacy,  
2 including their competency assessment between the  
3 North American Pharmacist Licensure Examination  
4 (NAPLEX), Multistate Pharmacy Jurisprudence  
5 Examination (MPJE) or Foreign Pharmacy Equivalency  
6 Examination Committee, eLTP, disciplinary  
7 clearinghouse, and continuing pharmacy education  
8 (CPE) monitor program.

9 Mr. Watson addressed their pharmacy wholesaler  
10 and supply chain, inspection, and compliance  
11 programs. He noted their Verified Pharmacy Program  
12 (VPP) and supply chain inspections are available for  
13 sterile compounding, nonsterile, and general and  
14 resident pharmacies, along with their supply chain  
15 inspection program and wholesale distributor  
16 inspections.

17 Mr. Watson mentioned all of that is closely tied  
18 to their accreditation with six different pharmacy  
19 accreditations and distribution accreditation,  
20 formerly known as Verified-Accredited Wholesale  
21 Distributor (VAWD), now known as Drug Distributor  
22 Accreditation.

23 Mr. Watson announced their upcoming annual  
24 meeting in May of 2024, as well as their program  
25 review and training in July of 2024 that is available

1 for board members and staff to understand everything  
2 they do to correspond and work together as a team.

3 Mr. Watson addressed the exam eligibility process  
4 and referred to their competency assessment services.  
5 He noted it to be a new service within the last five  
6 years. He mentioned trying to have a paperless,  
7 seamless experience for exam candidates for new  
8 graduates, as well as individuals that are trying to  
9 transfer their license and taking the MPJE.

10 Mr. Watson stated their transcript services is a  
11 great tool for the boards of pharmacy to take  
12 advantage of. Transcripts are received directly from  
13 the school of pharmacy, which is placed in the e-  
14 Profile for each individual going through the exam  
15 process. He noted there is a secure portal that all  
16 boards of pharmacy staff may access for reviewing  
17 exam scores, the disciplinary clearinghouse, and  
18 inspections performed through VPP or supply chain  
19 inspections.

20 Mr. Watson addressed the eligibility process for  
21 Pennsylvania and explained that new graduates would  
22 go to NABP's website and apply for the NAPLEX and/or  
23 MPJE. He further explained that a request is sent  
24 and queued up through the NABP e-Profile connect  
25 system that triggers a board of pharmacy staff member



1 to log in and grant them eligible to take the exam,  
2 which then triggers an authorization to test to go to  
3 that candidate.

4 Mr. Watson addressed the new process, where the  
5 candidate applies to take the NAPLEX and/or MPJE and  
6 then NABP does that verification of the transcripts  
7 and reviews anything in their clearinghouse and then  
8 confirm or deny. He stated once NABP deems them  
9 eligible to take the NAPLEX and MPJE then the  
10 candidate receives their eligibility and can schedule  
11 their exam and get authorization to test.

12 Mr. Watson informed Board members that the State  
13 Board of Pharmacy will make all final decisions  
14 regarding the issuance of licenses. He mentioned  
15 that NAPLEX and MPJE is owned and operated by NABP,  
16 as well as administered. NABP will assist and deem  
17 individuals eligible, which then allows the boards of  
18 pharmacy to continue their efforts in making  
19 licensure decisions once those exams are passed and  
20 the information is received.

21 Mr. Watson noted the candidate would schedule and  
22 take both exams. The exam results are then sent to  
23 the same NABP e-Profile connect portal, where the  
24 State Board of Pharmacy staff can interact, collect  
25 the score, and deem the candidate eligible. He

1 emphasized that the transcripts from the schools of  
2 pharmacy are also available at that point in the same  
3 portal and again allows the Board an opportunity to  
4 download and retain that information.

5 Ms. Talbott commented that it could speed up the  
6 process of getting an Authorization to Test (ATT),  
7 but the Board staff would still have to validate some  
8 information like a background check. She mentioned  
9 the test could be taken earlier, but there could be a  
10 backup on the other side.

11 Mr. Watson stated NABP hoped there would be one  
12 less process to worry about on the Board's end, and  
13 then could hopefully free up a little more time to  
14 worry about the licensure decision and other  
15 requirements, like the background check. He reported  
16 that the 14 boards of pharmacy that utilize this now  
17 line up all of those licensure requirements, get the  
18 application background, and then match that to the  
19 passing exam score when they are alerted and it is  
20 uploaded into the portal as well as receiving the  
21 transcript.

22 Chair Roussel asked whether the Pennsylvania  
23 Licensing System (PALS) already interfaces with NABP  
24 to get test scores, because it sounds like  
25 transcripts may have to be downloaded and moved into

1 PALS.

2 Ms. Townley explained that the file is currently  
3 pulled from NABP's site, and the scores imported into  
4 PALS directly. She noted it is only a one or two  
5 step process to import the scores, and the transcript  
6 would have to be manually added to the system. She  
7 stated they currently do not accept transcripts, but  
8 complete the education verification form that also  
9 verifies the intern hours. She noted they require  
10 the education and intern hours be reviewed before  
11 eligibility.

12 Ms. Talbott commented that since they are  
13 accepting all of the intern hours through the school  
14 that it is kind of a moot point.

15 Mr. Watson stated the information would be on the  
16 transcript and staff would have access. That is  
17 where it gets intertwined between a licensure  
18 decision or a licensure process and what is required  
19 there versus what is required to take the exam. He  
20 noted the goal is to consider the administrative  
21 burden in attempting a seamless experience.

22 Mr. Watson referred to the graduation peak  
23 season, noting it eliminates much of the back and  
24 forth between NABP and the jurisdiction and confusion  
25 with a new graduate in scheduling an exam. He

1 addressed the data stream of communication between  
2 their system and the boards of pharmacy to share test  
3 scores and input of available data.

4 Mr. Watson noted there is an \$85 one-time fee per  
5 jurisdiction for both examinations, which includes  
6 failed attempts for that one-year period. He stated  
7 NABP does follow the rules for license transfer  
8 purposes provided by each board of pharmacy. He  
9 again mentioned the tie with the disciplinary  
10 clearinghouse that all boards of pharmacy report to  
11 NABP and have that information upfront to verify  
12 state license or registration and identify any prior  
13 discipline, including new graduates.

14 Mr. Watson stated NABP does contact the boards of  
15 pharmacy with any major discipline during the  
16 process, so they could make that decision jointly.

17 Mr. Watson addressed the implementation process,  
18 noting NABP requests about 40 to 60 days to  
19 implement. He mentioned that it is easier to  
20 implement prior to graduation season. He noted NABP  
21 wants to assure that any rules applied for  
22 Pennsylvania work, and the new technology rules have  
23 the quality insurance check. He mentioned NABP will  
24 also send out communication in a joint effort with  
25 the Board of Pharmacy to make sure all of the schools

1 are aware of the change and provide steps or  
2 instructions to assist new graduates on the new  
3 process.

4 Chair Roussel wanted to make it clear that it  
5 would not be for the current graduation period for  
6 any students listening, and proper notice would be  
7 given. She also noted the importance of considering  
8 an additional \$85 fee to licensees or those applying  
9 by using this service.

10 Ms. Talbott requested information regarding the  
11 current turnaround time from the time a candidate  
12 applies until obtaining their ATT for states that use  
13 the program.

14 Mr. Watson explained that it averages around 15  
15 days to process the application, noting it is  
16 decreasing rapidly with the implementation of  
17 electronic technology.

18 Chair Roussel commented that everybody graduates  
19 at once, and there is a lot of pressure to get those  
20 ATTs, but once students get the ATT, most schedule  
21 tests 30-45 days out, which gives the Board more time  
22 to process.

23 Mr. Claggett thanked Mr. Watson for his  
24 presentation. He stated the Board will evaluate what  
25 he presented in comparison to their internal process.

1 He noted the current processing time for all  
2 applications is around seven days but will reevaluate  
3 everything and get back with him.

4 Mr. Watson, on behalf of NABP, thanked everyone  
5 for their service in protecting the public health.]

6

\*\*\*

7 Discussion Items - Establishing PERC Guidelines

8 [Ariel E. O'Malley, Esquire, Board Counsel, stated  
9 the Board has had several cases on their agenda over  
10 the past year for disciplinary matters, specifically  
11 compounding cases where they review the discipline  
12 and violations but wondered whether the individuals  
13 learned to correct the problem.

14 Ms. O'Malley mentioned that after several  
15 discussions with Ms. Townley and Board members that  
16 she informed them that the State Board of Nursing has  
17 Practice, Education, Remediation, and Collaboration  
18 (PERC) agreements and do remedial education with  
19 nurses to help them remediate whatever went wrong.  
20 She noted there are confidential consent agreements,  
21 where prosecution enters into them with the  
22 respondent and come up with educational courses to  
23 help them remediate and learn from the mistakes. She  
24 explained that it is not necessarily punitive but  
25 more in line with helping to remediate what happened

1 and teaching them the correct way to do it, so it  
2 does not happen again.

3 Ms. O'Malley noted discussion with Board members  
4 to set that up for pharmacy cases, specifically  
5 giving it a test run with compounding pharmacies.

6 Carole Clarke Smith, Esquire, Senior Board  
7 Counsel, informed Board members that PERC originally  
8 stood for Practice, Education, and Remediation  
9 Committee, and the Nursing Board set up their  
10 committee around 2011 to review complaints. She  
11 mentioned the Board felt like they were getting some  
12 mandated reports from some facilities, where it might  
13 be mandated to report things.

14 Ms. Clarke Smith explained that the Nursing Board  
15 was concerned that a certain segment of their  
16 licensees were getting disciplined for things that  
17 they knew were happening all around, but they were  
18 not getting the reports. She mentioned it also came  
19 about because of the just culture movement, where one  
20 of their board members was very involved in getting  
21 just culture implemented in her facility and was one  
22 of the driving forces.

23 Ms. Clarke Smith noted that PERC now stands for  
24 Practice, Education, Remediation, and Collaboration.  
25 She mentioned that one of the things that is part of

1 the eligibility requirements for the nurse program is  
2 employers willing to work with their nursing practice  
3 advisors who work with prosecutors to help set up the  
4 remedial education.

5 Ms. Clarke Smith stated the Board could decide  
6 who they want to designate as the point person,  
7 noting they would have to recuse like the member of  
8 the Probable Cause Screening Committee. She  
9 mentioned that the Board of Nursing came up with  
10 eligibility criteria from the just culture criteria  
11 and looking at certain types of complaints that would  
12 lend themselves to this type of agreement.

13 Ms. Clarke Smith also noted they came up with  
14 exclusionary criteria and never do a PERC agreement  
15 for certain things, including drug or substance  
16 abuse, patient abuse, fraud or deceit in the practice  
17 of nursing, pending criminal charges, drug diversion,  
18 reckless conduct, deceitful behavior, sexual  
19 misconduct, and intentional misconduct.

20 Ms. Clarke Smith explained that one of the main  
21 tenets of putting someone in the PERC program is  
22 either just a knowledge deficit or system error. She  
23 believed starting with compounding pharmacies is a  
24 great idea, and the Board will need to come up with  
25 types of cases or complaints so that prosecution has



1 a guide for things being funneled into the PERC  
2 program, along with a list of exclusionary items.

3 Ms. Clarke Smith offered to help guide the Board  
4 through the process and offered to share a document  
5 that the Board of Nursing developed to help set it  
6 up.

7 Ray J. Michalowski, Esquire, Senior Board  
8 Prosecutor, also informed Board members that a  
9 similar program was set up for the Appraiser Board  
10 called a remedial diversion program and is a little  
11 different than PERC. He noted that he would like to  
12 do the same thing for the Board, where they copied  
13 off of other states that had conditional dismissals  
14 and would go to national meetings.

15 Mr. Michalowski stated it was difficult to set up  
16 in Pennsylvania because of the separation of the  
17 Board and prosecution but managed to do it to the  
18 point that they were able to get their highest rating  
19 in the federal audit of the Appraiser Board this  
20 year. He mentioned that it is basically a  
21 competency-based issue that is a first-time offense  
22 or first time within a certain number of years  
23 utilizing national guidelines to grade things.

24 Mr. Michalowski Reported that the program has  
25 been extremely successful and are able to run it

1 through just prosecution without having to include  
2 the board. He noted it is monitored by the board's  
3 Probable Cause Screening Committee to review remedial  
4 diversion agreements and offered to share those with  
5 the Board. He mentioned receiving some monetary  
6 compensation just to help the board pay for the  
7 program but that it is much less than a typical fine  
8 and is sort of a cost of the program, not even a cost  
9 of investigation.

10 Mr. Michalowski explained that they use off-the-  
11 shelf courses that are either for qualifying or  
12 continuing education. He mentioned that compounding  
13 pharmacies would be a great place to start but  
14 addressed two issues. He noted the first issue is  
15 when there is a compounding pharmacy issue that they  
16 can send the pharmacist in charge to classes and then  
17 have the pharmacy that they may need to deal with.

18 Mr. Michalowski noted the second one is the  
19 availability of compounding courses in a timely  
20 manner. He endorsed the program but believed there  
21 will be a lot of work to get it up and going. He  
22 addressed their thoughts with some of the compounding  
23 pharmacies themselves, not the pharmacists in charge,  
24 which would be remedial programming but the  
25 pharmacies that do not have the ability to handle

1 compounding properly because their pharmacist in  
2 charge may leave tomorrow and the same ownership is  
3 still in place.

4 Mr. Michalowski mentioned that some of the places  
5 that are not getting it may be made part of a future  
6 probation condition by requiring them to get  
7 accredited by NABP's compounding accreditation  
8 program. He noted that would be on the opposite side  
9 of PERC, where PERC is trying to be non-disciplinary,  
10 and would be more for the problem child pharmacies  
11 that have visited them more than a few times and need  
12 to meet that higher standard.

13 Chair Roussel commented that the Board would love  
14 to see documentation from both boards as they look  
15 toward finding a better way to improve competency.

16 Ms. Talbot asked whether Mr. Michalowski or Ms.  
17 Clarke Smith will be there to guide the Board. She  
18 also asked Mr. Watson to see if any other states do  
19 this across the country, and Mr. Watson agreed. She  
20 recommending having a task force to review the  
21 information and having a meeting between the meetings  
22 of the task force to bring the information back to  
23 the general Board.

24 Ms. O'Malley offered to work on the information  
25 Mr. Watson supplies internally, along with Ms. Clarke

1 Smith, Mr. Michalowski, and Mr. Giunta and then bring  
2 the information back to the Board.

3 Chair Roussel mentioned that the exclusion  
4 criteria from the State Board of Nursing was very  
5 consistent with what the exclusion criteria would be  
6 for the State Board of Pharmacy.]

7

\*\*\*

8 Discussion Items - Availability of Pharmacy Schools  
9 [Christine Roussel, Pharm.D., BCOP, BCSCP,  
10 Chairperson, noted the availability of pharmacy  
11 schools was addressed under the Report of Acting  
12 Commissioner.]

13

\*\*\*

14 FYI Items - Current Income Levels for Participation  
15 in the Cancer Drug Repository Program  
16 [Christine Roussel, Pharm.D., BCOP, BCSCP,  
17 Chairperson, referred for FYI items, and stated the  
18 current income levels for participation for the  
19 Cancer Drug Repository Program has been posted to the  
20 Board of Pharmacy website in support of Acting  
21 Commissioner Claggett and the Board of Pharmacy's  
22 desire to help increase enrollment and utilization of  
23 the Cancer Drug Repository Program.]

24

\*\*\*

25 FYI Items - Coalition for Responsible Compounding

1 Letter to the Board

2 [Christine Roussel, Pharm.D., BCOP, BCSCP,  
3 Chairperson, noted the Board wanted to acknowledge  
4 the receipt and reading of the Coalition for  
5 Responsible Compounding letter to the Board.]

6 \*\*\*

7 FYI Items - NABP - Redesigned Medication Safety  
8 Website for Consumers

9 [Christine Roussel, Pharm.D., BCOP, BCSCP,  
10 Chairperson, stated NABP has many resources, one of  
11 which is their medication safety website for  
12 consumers. She informed everyone that it has  
13 recently been redesigned and recommended pharmacists  
14 take a moment to review that. She also wanted to  
15 place it on the Board of Pharmacy's website, noting  
16 it is helpful for laypersons and a good resource for  
17 consumers wanting to buy medications online.

18 Larry Jones, Executive Director, Pennsylvania  
19 Society of Health-System Pharmacists, also requested  
20 the information for a posting in their newsletter,  
21 and Chair Roussel offered to send the link.]

22 \*\*\*

23 Old Business - Newsletter Articles

24 [Christine Roussel, Pharm.D., BCOP, BCSCP,  
25 Chairperson, asked whether anybody had any

1 recommendations for newsletter articles and received  
2 no reply.]

3 \*\*\*

4 MOTIONS:

5 CHAIRPERSON ROUSSEL:

6 Are there any motions to approve agenda  
7 item 3, Case No. 22-54-012817?

8 MR. ESTERBROOK:

9 So moved.

10 ACTING COMMISSIONER CLAGGETT:

11 Second.

12 CHAIRPERSON ROUSSEL:

13 Any discussion? We'll call the vote.

14

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

18 [The motion carried unanimously. The Respondent's  
19 name is Anthony Afamefuna Okonkwo.]

20 \*\*\*

21 CHAIRPERSON ROUSSEL:

22 For agenda item 4, Case No. 23-54-008408,  
23 do we have any motions to accept?

24 MR. ESTERBROOK:

25 So moved.

1 ACTING COMMISSIONER CLAGGETT:

2 Second.

3 CHAIRPERSON ROUSSEL:

4 Any discussion? Let's call the vote.

5

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

9 [The motion carried. Theresa Talbott recused herself  
10 from deliberations and voting on the motion. The  
11 Respondent's name is Pennsylvania CVS Pharmacy, LLC,  
12 d/b/a CVS Pharmacy 1321.]

13

\*\*\*

14 CHAIRPERSON ROUSSEL:

15 Moving to agenda item 6, Case No. 20-54-  
16 000737, do we have any motions to accept?

17 MR. ESTERBROOK:

18 So moved.

19 ACTING COMMISSIONER CLAGGETT:

20 Second.

21 CHAIRPERSON ROUSSEL:

22 Any discussion? I will call the vote.

23

24 Esterbrook, aye; Roussel, aye; Claggett,  
25 aye; Ritchie, aye; Talbott, aye; Hart,





1 ACTING COMMISSIONER CLAGGETT:

2 Second.

3 CHAIRPERSON ROUSSEL:

4 Any discussion? Let's call the vote.

5

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

9 [The motion carried unanimously. The Respondent's  
10 name is Phillip David Sebrell, R.Ph.]

11

\*\*\*

12 CHAIRPERSON ROUSSEL:

13 For agenda item 9, Case No. 23-54-017189,  
14 do I have a motion to accept?

15 MR. ESTERBROOK:

16 So moved.

17 ACTING COMMISSIONER CLAGGETT:

18 Second.

19 CHAIRPERSON ROUSSEL:

20 Any discussion? Let's call the vote.

21

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

25 [The motion carried unanimously. The Respondent's

1 name is Revive Rx.]

2 \*\*\*

3 CHAIRPERSON ROUSSEL:

4 Agenda item 14, Paul Carmen Scotia t/d/b/a  
5 Lehigh Pharmacy & Paul Carmen t/d/b/a  
6 Wynnefield Pharmacy, Case Nos. 23-54-  
7 010128 & 23-54-017999.

8 Do we have any motions?

9 MS. O'MALLEY:

10 I believe the Board would entertain a  
11 motion to grant the Commonwealth's motion  
12 for default and to have counsel draft an  
13 Adjudication in accordance with  
14 discussions in Executive Session.

15 MR. ESTERBROOK:

16 So moved.

17 ACTING COMMISSIONER CLAGGETT:

18 Second.

19 CHAIRPERSON ROUSSEL:

20 Any discussion? We shall call the vote.

21

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

25 [The motion carried unanimously.]

1 \*\*\*

2 CHAIRPERSON ROUSSEL:

3 Item 15, the Adjudication and Order for  
4 Mandy Fadakar, Case No. 22-54-005461. Do  
5 we have a motion to accept?

6 MR. ESTERBROOK:

7 So moved.

8 ACTING COMMISSIONER CLAGGETT:

9 Second.

10 CHAIRPERSON ROUSSEL:

11 Any discussion? Let's call the vote.

12

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

16 [The motion carried unanimously.]

17

\*\*\*

18 Review of Applications

19 CHAIRPERSON ROUSSEL:

20 Item 16, the Review of the Application of  
21 Sahr Samuel Gbakima for Review of the  
22 Pharmacist License Application.

23 The motion would be to accept his  
24 Application to retest.

25 MR. ESTERBROOK:

1 So moved.

2 ACTING COMMISSIONER CLAGGETT:

3 Second.

4 CHAIRPERSON ROUSSEL:

5 Any discussion? Let's call the vote.

6

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

10 [The motion carried unanimously.]

11

\*\*\*

12 Board Counsel - Legislative Report (cont.)

13 [Ariel E. O'Malley, Esquire, Board Counsel, noted Ms.  
14 Talbott to be correct earlier when she said it covers  
15 all of the childhood vaccines.]

16

\*\*\*

17 Report of Board Prosecution

18 [Ray J. Michalowski, Esquire, Senior Board  
19 Prosecutor, informed Board members that Tyesha Miley  
20 joined the prosecution team. He also noted Glenn  
21 Masser accepted a position with the Department of  
22 Environmental Protection but will be at the next  
23 Board meeting.]

24 Chair Roussel welcomed Ms. Miley to the State  
25 Board of Pharmacy and also noted the Board enjoyed

1 working with Mr. Masser.]

2

\*\*\*

3 Public Comment

4 [Larry Jones, Executive Director, Pennsylvania  
5 Society of Health-System Pharmacists, noted having a  
6 hospital-owned retail pharmacy inspector inspect two  
7 recent pharmacies in the same health system who wrote  
8 up the pharmacy for not having a squirt record. He  
9 believed it to be a cleaning record of the external  
10 topical products area.

11 Mr. Jones mentioned the inspector noted it to be  
12 terminology he used in all of his retail pharmacy  
13 inspections. He stated the inspector could not quote  
14 a regulation, but they satisfied some of his requests  
15 with the cleaning documentation record. He stated a  
16 squirt record is a term that has been used with  
17 controlled substances and diversion in the past. He  
18 reported the inspector to be a pharmacy inspector in  
19 the City of Philadelphia.

20 Mr. Michalowski stated a routine inspection falls  
21 on the Board side before it gets to them with a  
22 failed inspection on the prosecution side. He noted  
23 that since the pharmacy compounding rules have gone  
24 into effect that he did not know whether the Board  
25 has gotten together with the Bureau of Enforcement

1 and Investigation's (BEI) individuals in charge of  
2 the inspectors to possibly update the inspection  
3 checklist. He suggested examining whether the  
4 checklists had been updated generally with BEI and to  
5 ask for a copy of the portion that is actually graded  
6 and the questions that support it.

7 Chair Roussel asked whether the inspection  
8 checklist is universal for all pharmacies as opposed  
9 to ones that perform nonsterile compounding and  
10 sterile compounding.

11 Mr. Michalowski stated Pennsylvania only has one  
12 type of pharmacy, because they do not license  
13 separately. He reported having only one checklist  
14 with questions that would apply. He mentioned that  
15 before the compounding regs were in place that they  
16 were inspecting compounding pharmacies using the  
17 overall term that says they must have the proper  
18 equipment, facilities, and resources necessary to do  
19 the type of pharmacy work being performed.

20 Mr. Michalowski stated they now have specific  
21 regs to refer to but was not sure it has changed  
22 since the time they basically went off of that one  
23 question in the background, whether they had the  
24 right setup to do the type of pharmacy they were  
25 performing.

1 Victoria Elliott, RPh, MBA, CAE, CEO,  
2 Pennsylvania Pharmacists Association, noted their  
3 organization submitted a request for the presence of  
4 a State Board of Pharmacy member at their upcoming  
5 legislative day on April 8, 2024, to interact with  
6 some of their students. She mentioned the request  
7 did not make it on the agenda but made the request in  
8 person. She noted the visits will take place in  
9 their office right across from the Capitol.

10 Acting Commissioner Claggett informed Ms. Elliott  
11 that they could have a discussion after the meeting.]

12 \*\*\*

13 Upcoming Meeting Dates

14 [Christine Roussel, Pharm.D., BCOP, BCSCP,  
15 Chairperson, reminded everyone that the next  
16 scheduled Board meeting is April 30, 2024, in  
17 Harrisburg.

18 Chair Roussel informed students attending the  
19 meeting that the presentation from NABP about  
20 licensure was informational and does not change  
21 anything the Board is doing at this time.]

22 \*\*\*

23 Adjournment

24 CHAIRPERSON ROUSSEL:

25 I would entertain a motion to adjourn.

1 MR. ESTERBROOK:

2 Motion to close.

3 MR. ESTERBROOK:

4 Motion to close.

5 ACTING COMMISSIONER CLAGGETT:

6 Second.

7 CHAIR ROUSSEL:

8 Any discussion? Any opposed? Motion  
9 granted. Meeting adjourned.

10 \*\*\*

11 [There being no further business, the State Board of  
12 Pharmacy Meeting adjourned at 11:50 a.m.]

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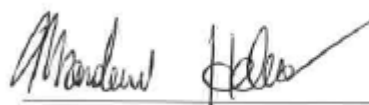
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## CERTIFICATE

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.



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Madeline Helmstetter,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PHARMACY  
REFERENCE INDEX

March 19, 2024

	TIME	AGENDA
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6		
7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:30	Official Call to Order
13		
14	10:31	Introduction of Board Members/Audience
15		
16	10:33	Approval of Agenda
17		
18	10:33	Approval of Minutes
19		
20	10:35	Report of Board Prosecution
21		
22	10:43	Report of Board Counsel
23		
24	10:48	Report of Board Chairperson
25		
26	10:49	Report of Acting Commissioner
27		
28	10:54	Report of Board Members
29		
30	10:56	Appointment - Neal Watson, Member
31		Relations and Government Affairs
32		Director, NABP Exam Eligibility
33		Services Presentation
34		
35	11:19	Discussion Items
36		
37	11:35	FYI Items
38		
39	11:35	Old Business
40		
41	11:36	Motions
42		
43	11:42	Review of Applications
44		
45	11:43	Report of Board Counsel (cont.)
46		
47	11:43	Report of Board Prosecution (cont.)
48		
49	11:45	Public Comment
50		

STATE BOARD OF PHARMACY  
REFERENCE INDEX  
(cont.)  
March 19, 2024

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TIME	AGENDA
11:50	Upcoming Meeting Dates
11:50	Adjournment