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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: 10:34 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**

November 7, 2023

State Board of Pharmacy  
November 7, 2023

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Senior Board Counsel  
Ariel O'Malley, 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  
Melanie Zimmerman, R.Ph., Board Administrator  
Marc Farrell, Esquire, Regulatory Counsel,  
Office of Chief Counsel, Department of State  
Jessica Zukoski, Senior Legal Analyst, Department of  
State

ALSO PRESENT:

Heather A. Wilson, MSW, CFRE, CAE, Executive  
Director, Foundation of the Pennsylvania Medical  
Society Physician's Health Program  
Tiffany Booher, MA, CADC, CIP, CCSM, Director, Peer  
Assistance Monitoring Programs, Foundation of the  
Pennsylvania Medical Society  
Peter Hlavinka, Pharmacy Director, St. Luke's  
University Health Network  
Matthew Mauro, Director of Pharmacy, Allentown  
Campus, St Luke's University Health Network  
Larry Jones, Executive Director, Pennsylvania  
Society of Health-System Pharmacists  
Jim Reed, Health Outcomes Supervisor/Strategic  
Partnerships Leader, Walgreens

State Board of Pharmacy  
November 7, 2023

ALSO PRESENT: (cont.)

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7 Michael Brinton, Student, Philadelphia College of  
8 Pharmacy  
9 Abraham Gutman, Health Reporter, The Philadelphia  
10 Inquirer  
11 Andrew Kuzy  
12 Alison Apple, R.Ph., MS, Chief Pharmacy Officer,  
13 Hospital of the University of Pennsylvania  
14 B. Johnson  
15 Timothy Black, R.Ph., Pharmacy Inspector, Bureau of  
16 Enforcement and Investigation, Department of State  
17 Charlotte Harris, Pharmacy Intern, Duquesne University  
18 Sarah Everingham, MJ, CCEP, CPhT, Cardinal Health  
19 Joshua Finger, Pharm.D., Enclara Pharmacia  
20 Frank Konzelman Jr., PharmD, BCPS, Director of  
21 Pharmacy Services, Pennsylvania Pharmacists  
22 Association  
23 Jacquelyn Sassaman, Pentec Health  
24 Jennifer Kline  
25 Jennifer Raibley, Division Pharmacy Manager, ACME  
26 Markets  
27 Julie  
28 David Klinger, System Director, Operations  
29 & Compliance, Geisinger Health System  
30 Judy Kutchman, R.Ph., AllianceRx Walgreens Prime  
31 Kerry E. Maloney, Esquire, Post & Schell, P.C.  
32 Matthew Roesch, R.Ph., Pharmacist-in-Charge,  
33 Vetsource Pharmacy  
34 Michael Porr, Immunizing Student Pharmacist, Giant  
35 Company  
36 Christopher Miller, PharmD, Giant Eagle  
37 Joseph Millward, Senior Manager, Pharmacy Quality and  
38 Accreditation, PANTHERx Rare Pharmacy  
39 Nicole Fidler, Associate, Malady & Wooten  
40 Patrick Lavella, R.Ph., President, Pennsylvania  
41 Pharmacist Association  
42 Misha Patel, M.D., Curriculum Education Assistant,  
43 Geisinger Commonwealth School of Medicine  
44 Valerie Pentland, PharmD, ConnectiveRx  
45 Rhonda Thomas, PharmD, MBA, BSPS, BCSCP, Director of  
46 Pharmacy, Lehigh Valley Health Network  
47 Kristofer Rivers, Clinical Supervisor, UPMC Pinnacle  
48 Laura Romeo, Pharmacist-in-Charge at ConnectiveRx,  
49 Careform Pharmacy  
50

State Board of Pharmacy  
November 7, 2023

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ALSO PRESENT: (cont.)

- Grace Sesi, Executive Director, Regulatory Affairs at CVS Health/Chairperson, Michigan Board of Pharmacy
- Steven Zahn, Pharmacy Inspector, Bureau of Enforcement and Investigation, Department of State
- Geoffrey Christ, Senior Pharmacy Compliance Manager, Chewy
- Edward Foote, Pharm.D., FCCP, BCPS, Dean, Philadelphia College of Pharmacy at the University of Sciences
- Maimuna Bruce, PharmD, MBA, MS, Pharmacy Advocacy/Regulatory Affairs Manager
- Karen Kozachyn, EdD, Vice President, Delaware County Community College
- John Stevenson
- Lisa Jones
- Diane
- Devin Nunemaker
- Thomas Fortunato

1 \*\*\*

2 State Board of Pharmacy

3 November 7, 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  
11 10:30 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Pharmacy was held on Tuesday, November 7,  
15 2023. Theresa M. Talbott, R.Ph., Chairperson, called  
16 the meeting to order at 10:34 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 \*\*\*

11 Approval of the Agenda

12 CHAIRPERSON TALBOTT:

13 I'll accept a motion to approve the  
14 agenda, noting our appointment at  
15 10:50 a.m. has canceled, and we are  
16 removing item 31.

17 Eric, would you like to make that  
18 motion?

19 MR. ESTERBROOK:

20 So moved.

21 MS. GETZEY HART:

22 Second.

23 CHAIRPERSON TALBOTT:

24 Any other discussion? Call the vote.

25

1           Esterbrook, aye; Hart, aye; Claggett,  
2           aye; Talbott, aye; Roussel, aye; Ritchie,  
3           aye; Slagle, aye.

4 [The motion carried unanimously. Item 31 was CVS  
5 Pharmacy 5726.]

6   \*\*\*

7 Approval of Minutes

8 CHAIRPERSON TALBOTT:

9                           At number 3, we have the minutes from  
10                           August 29. Did anybody find any  
11                           corrections to the minutes?

12 MR. ESTERBROOK:

13                           Motion to accept the minutes.

14 CHAIRPERSON TALBOTT:

15                           Second?

16 MS. GETZEY HART:

17                           Second.

18 CHAIRPERSON TALBOTT:

19                           Any discussion? Call the vote.

20

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

24 [The motion carried. Arion Claggett and Tyler  
25 Ritchie abstained from voting on the motion.]

1 \*\*\*

2 Report of Board Prosecution

3 [Glenn P. Masser, Esquire, Board Prosecutor,  
4 presented the Consent Agreements for Case Nos. 22-54-  
5 007663 & 21-54-017899, Case No. 23-54-006378, Case  
6 No. 22-54-002123, Case Nos. 21-54-004050 & 22-54-  
7 008273, and Case No. 22-54-013715.]

8 \*\*\*

9 [Theresa M. Talbott, R.Ph., Chairperson, exited the  
10 meeting at 10:47 a.m. for recusal purposes.]

11 \*\*\*

12 VICE CHAIR ROUSSEL ASSUMED THE CHAIR

13 \*\*\*

14 [Glenn P. Masser, Esquire, Board Prosecutor,  
15 presented the Consent Agreement for Case Nos. 21-54-  
16 014114 & 21-54-019176.]

17 \*\*\*

18 [Nathan C. Giunta, Esquire, Board Prosecution  
19 Liaison, presented the Consent Agreement for Case No.  
20 22-54-012329.]

21 \*\*\*

22 [Theresa M. Talbott, R.Ph., Chairperson, reentered  
23 the meeting at 10:49 a.m.]

24 \*\*\*

25 CHAIRPERSON TALBOTT RESUMED THE CHAIR



1

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2

[Ashley P. Murphy, Esquire, Board Prosecutor,

3

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

4

004066.]

5

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6

[Nathan C. Giunta, Esquire, Board Prosecutor,

7

presented the Consent Agreements for Case No. 22-54-

8

018675 and Case No. 20-54-008051.]

9

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10

[Ray J. Michalowski, Esquire, Senior Board

11

Prosecutor, presented the VRP Agreement Case No. 23-

12

54-012206 and Case No. 22-54-002561.]

13

CHAIRPERSON TALBOTT:

14

The Board of Pharmacy met in Executive

15

Session to consider Consent Agreements

16

before the Board.

17

Do we have any motions on those?

18

MR. ESTERBROOK:

19

I move to accept the Consent Agreement at

20

Case Nos. 22-54-007663 & 21-54-017899.

21

CHAIRPERSON TALBOTT:

22

We have a motion. Do we have a second?

23

MS. GETZEY HART:

24

Second.

25

CHAIRPERSON TALBOTT:

1 Any discussion? Call the vote.

2

3 Esterbrook, aye; Hart, aye; Claggett,  
4 aye; Talbott, aye; Roussel, aye; Ritchie,  
5 aye; Slagle, aye.

6 [The motion carried unanimously. The Respondents'  
7 names are Daniel Tang and Tang Pharmacy, Inc.,  
8 t/d/b/a Tang Pharmacy.]

9

\*\*\*

10 MR. ESTERBROOK:

11 I move to accept the Consent Agreement at  
12 Case No. 23-54-006378.

13 CHAIRPERSON TALBOTT:

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

15 MS. GETZEY HART:

16 Second.

17 CHAIRPERSON TALBOTT:

18 Any discussion? Call the vote.

19

20 Esterbrook, aye; Hart, aye; Claggett,  
21 aye; Talbott, aye; Roussel, aye; Ritchie,  
22 aye; Slagle, aye.

23 [The motion carried unanimously. The Respondent's  
24 name is Edwin Allen Jr., R.Ph.]

25

\*\*\*

1 MR. ESTERBROOK:

2 I move to accept the Consent Agreement at  
3 Case No. 22-54-002123.

4 MS. GETZEY HART:

5 Second.

6 CHAIRPERSON TALBOTT:

7 Any discussion? Call the vote.

8

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

12 [The motion carried unanimously. The Respondent's  
13 name is Erich Anton Engel.]

14 \*\*\*

15 MR. ESTERBROOK:

16 I move to accept the Consent Agreement at  
17 Case Nos. 21-54-004050 & 22-54-008273.

18 MS. GETZEY HART:

19 Second.

20 CHAIRPERSON TALBOTT:

21 Any discussion? Call the vote.

22

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

1 [The motion carried unanimously. The Respondent's  
2 name is PostMeds, Inc.]

3 \*\*\*

4 MR. ESTERBROOK:

5 I move to accept the Consent Agreement at  
6 Case Nos. 21-54-014114 & 21-54-019176.

7 MS. GETZEY HART:

8 Second.

9 CHAIRPERSON TALBOTT:

10 Any discussion? Call the vote.

11

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

15 [The motion carried. Theresa Talbott recused herself  
16 from deliberations and voting on the motion. The  
17 Respondents' names are CVS Pharmacy 4013 & Brandon M.  
18 Schwartz, R.Ph.]

19 \*\*\*

20 MR. ESTERBROOK:

21 I move to accept the Consent Agreement at  
22 Case No. 22-54-013715.

23 MS. GETZEY HART:

24 Second.

25 CHAIRPERSON TALBOTT:

1 Any discussion? Call the vote.

2

3 Esterbrook, aye; Hart, aye; Claggett,  
4 aye; Talbott, aye; Roussel, aye; Ritchie,  
5 aye; Slagle, aye.

6 [The motion carried unanimously. The Respondent's  
7 name is Quik-Stop Pharmacy of Barley Station, Inc.]

8

\*\*\*

9 MR. ESTERBROOK:

10 I move to accept the Consent Agreement at  
11 Case No. 23-54-004066.

12 MS. GETZEY HART:

13 Second.

14 CHAIRPERSON TALBOTT:

15 Any discussion? Call the vote.

16

17 Esterbrook, aye; Hart, aye; Claggett,  
18 aye; Talbott, aye; Roussel, aye; Ritchie,  
19 aye; Slagle, aye.

20 [The motion carried unanimously. The Respondent's  
21 name is Ahmed Bachir, R.Ph.]

22

\*\*\*

23 MR. ESTERBROOK:

24 I move to accept the Consent Agreement at  
25 Case No. 22-54-012329.

1 MS. GETZEY HART:

2 Second.

3 CHAIRPERSON TALBOTT:

4 Any discussion? Call the vote.

5

6 Esterbrook, aye; Hart, aye; Claggett,

7 aye; Talbott, recuse; Roussel, aye;

8 Ritchie, 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 Lech's Pharmacy.]

12

\*\*\*

13 MR. ESTERBROOK:

14 I move to accept the Consent Agreement at

15 Case No. 22-54-018675.

16 MS. GETZEY HART:

17 Second.

18 CHAIRPERSON TALBOTT:

19 Any discussion? Call the vote.

20

21 Esterbrook, aye; Hart, aye; Claggett,

22 aye; Talbott, aye; Roussel, aye; Ritchie,

23 aye; Slagle, aye.

24 [The motion carried unanimously. The Respondent's  
25 name is Praxis Specialty Pharmacy LLC dba Praxis Rx

1 Pharmacy.]

2

\*\*\*

3 MR. ESTERBROOK:

4

I move to accept the Consent Agreement at

5

Case No. 20-54-008051.

6 MS. GETZEY HART:

7

Second.

8 CHAIRPERSON TALBOTT:

9

Any discussion? Call the vote.

10

11

Esterbrook, aye; Hart, aye; Claggett,

12

aye; Talbott, aye; Roussel, aye; Ritchie,

13

aye; Slagle, aye.

14

[The motion carried unanimously. The Respondent's

15

name is Timothy Rohrer.]

16

\*\*\*

17 MR. ESTERBROOK:

18

I move to accept the VRP Consent

19

Agreement at Case No. 23-54-012206.

20 MS. GETZEY HART:

21

Second.

22 CHAIRPERSON TALBOTT:

23

Any discussion? Call the vote.

24

25

Esterbrook, aye; Hart, aye; Claggett,

1                   aye; Talbott, aye; Roussel, aye; Ritchie,  
2                   aye; Slagle, aye.

3 [The motion carried unanimously.]

4   \*\*\*

5 MR. ESTERBROOK:

6                   I move to accept the Consent Agreement at  
7                   Case No. 22-54-002561.

8 MS. GETZEY HART:

9                   Second.

10 CHAIRPERSON TALBOTT:

11                   Any discussion? Call the vote.

12

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

16 [The motion carried unanimously. The Respondent's  
17 name is Erica L. Roberman, R.Ph.]

18   \*\*\*

19 Report of Board Counsel - Hearing

20 [A Formal Hearing was held from 11:02 a.m. until

21 11:43 a.m. in the Matter of the Petition for

22 Reinstatement of Thomas James Fortunato, R.Ph., Case

23 No. 23-54-011152.]

24   \*\*\*

25 Report of Board Counsel - Regulatory Report



1 [Theresa M. Talbott, R.Ph., Chairperson, noted the  
2 Board received comments concerning the general  
3 revisions and would be discussed at the end of the  
4 meeting.]

5

\*\*\*

6 Report of Board Counsel - Legislative Report

7 [Ariel E. O'Malley, Esquire, Board Counsel, noted  
8 Senate Bill 910 was introduced on September 14 and  
9 was referred to the Consumer Protection and  
10 Professional Licensure Committee. She explained that  
11 it would expand the Board's ability to expunge  
12 certain offenses, such as disciplinary actions under  
13 the Board's schedule of civil penalty offenses.

14 Ms. O'Malley mentioned the Board is currently  
15 limited to minor practice on lapsed license cases and  
16 continuing education violations but would be able to  
17 expunge offenses that come up on their civil penalty  
18 schedule if the legislation passes.

19 Ms. O'Malley noted House Bill 1661 was introduced  
20 on September 7 and amended on October 3, which  
21 addresses the inappropriate use of xylazine. She  
22 mentioned the bill also added language that largely  
23 amends the Drug Act and requires veterinarians to  
24 comply with Section 4 of the Pharmacy Act for the  
25 storage and protection of xylazine.

1 Ms. Getzey Hart requested more information  
2 concerning a bill that would take away the state's  
3 ability to schedule a drug differently and align them  
4 up with a federal list.

5 Ms. O'Malley offered to provide Senate Bill 959  
6 on the report for the next meeting, further  
7 explaining that Pennsylvania would not have to  
8 reschedule items on the controlled substance list and  
9 would automatically follow the federal list.]

10 \*\*\*

11 Report of Board Counsel - Matters for Deliberation

12 MS. O'MALLEY:

13 In accordance with Executive Session  
14 deliberations, I believe the Board would  
15 entertain a motion to delegate the matter  
16 at item 20, Atlas Pharmacy & Miteshkumar  
17 Laljibhai Patel, R.Ph., Case Nos. 23-54-  
18 001963 & 23-54-001964, for a hearing to  
19 be conducted by a hearing examiner and to  
20 prepare a Proposed Adjudication.

21 MR. ESTERBROOK:

22 So moved.

23 MS. GETZEY HART:

24 Second.

25 CHAIRPERSON TALBOTT:

1 Any discussion on that motion? Call the  
2 vote.

3  
4 Esterbrook, aye; Hart, aye; Claggett,  
5 aye; Talbott, aye; Roussel, aye; Ritchie,  
6 aye; Slagle, aye.

7 [The motion carried unanimously.]

8 \*\*\*

9 MS. O'MALLEY:

10 Item 19 for Andrew Kuzy is being tabled  
11 for the next meeting because there was an  
12 error with the transcript, and by the  
13 time it was corrected, the Board did not  
14 have time to review the matter to  
15 appropriately deliberate.

16 \*\*\*

17 MS. O'MALLEY:

18 Item 21, Precision Pharmacy and  
19 Compounding Center, is going to be  
20 scheduled for a Board hearing.

21 \*\*\*

22 Report of Board Counsel - Draft Adjudications and  
23 Orders

24 MR. ESTERBROOK:

25 I move to approve the Draft Adjudication

1 and Order for Mark Reinhard, Case No. 21-  
2 54-019496.

3 MS. GETZEY HART:

4 Second.

5 CHAIRPERSON TALBOTT:

6 Any discussion? Call the vote.

7

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

11 [The motion carried unanimously.]

12

\*\*\*

13 MR. ESTERBROOK:

14 I move to approve the Draft Adjudication  
15 and Order for Pharmacy Services America,  
16 Inc., t/d/b/a Pharmacy Services America,  
17 Case No. 21-54-016509.

18 MS. GETZEY HART:

19 Second.

20 CHAIRPERSON TALBOTT:

21 Any discussion? Call the vote.

22

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

1 [The motion carried unanimously.]

2 \*\*\*

3 MR. ESTERBROOK:

4 I move to accept the Draft Adjudication  
5 and Order for Peter Grujich, Case No. 22-  
6 54-010022.

7 MS. GETZEY HART:

8 Second.

9 CHAIRPERSON TALBOTT:

10 Any discussion? Call the vote.

11

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

15 [The motion carried unanimously.]

16 \*\*\*

17 Report of Board Chairperson

18 [Theresa M. Talbott, R.Ph., Chairperson, informed  
19 Board members that Dr. Roussel has agreed to serve as  
20 their probable cause screening person until December  
21 when those committees are determined for next year.

22 Chair Talbott addressed her attendance, along  
23 with Dr. Roussel, Ms. Getzey Hart, and Ms. Zimmerman,  
24 at the National Association of Boards of Pharmacy  
25 (NABP) District I and II Meeting at Atlantic City in

1 September.

2 Dr. Roussel stated the interesting part of the  
3 meeting is it also has the deans of the colleges of  
4 pharmacy. She noted several different regulatory  
5 issues were presented, but one of the big things  
6 facing their profession is the lack of applicants to  
7 their pharmacy schools and the lack of people  
8 entering their profession.

9 Ms. Zimmerman mentioned that one of the most  
10 valuable things was interacting with other board  
11 members and administrative officers.

12 Ms. Getzey Hart stated District 2 did a very good  
13 job with getting the schools of pharmacy to have  
14 representation there. She mentioned that District 2  
15 had faculty or someone else attend if a dean could  
16 not and was probably one of the best meetings with  
17 the pharmacy schools present. It is important for  
18 the schools to understand what their students will  
19 face upon graduation.

20 Chair Talbott stated District 2 decided to  
21 conduct a survey about the meeting to address the  
22 non-attendance. She noted David Bowyer from West  
23 Virginia ran the task force and pursued individuals  
24 to provide a response to the survey, which was great.  
25 She mentioned that District 2 also allowed for

1 interactive discussion.

2 Dr. Roussel informed everyone that the meeting in  
3 2025 would be held in Delaware. She noted that PA  
4 pharmacy schools are stepping up to partner and to  
5 help them host their program because Delaware does  
6 not have any pharmacy schools. She also noted there  
7 was a session regarding health equity to ensure more  
8 health equity across all populations.

9 Chair Talbott addressed a discussion concerning  
10 stress in the workplace. She noted there was a  
11 summit held by the American Pharmacists Association  
12 (APhA), the American Society for Health-System  
13 Pharmacists (ASHP), and NABP in June. She stated the  
14 report could be found on any of those websites and is  
15 called Implementing Solutions Summit: Building a  
16 Sustainable, Healthy Pharmacy Workforce and  
17 Workplace.

18 Chair Talbott mentioned that she was hoping to  
19 discuss some of the regulatory hurdles the Board  
20 faces with the director of policy. She again  
21 mentioned the issue about stress in all aspects of  
22 healthcare, and the Board has taken a hard look at  
23 their day jobs and how pharmacists and staff could be  
24 assisted. She noted that one of the biggest issues  
25 is public service announcements to patients, noting

1 the incidence of violence against healthcare workers  
2 in general has increased 4000% since COVID.]

3 \*\*\*

4 Report of Acting Commissioner

5 [Arion R. Claggett, Acting Commissioner, Bureau of  
6 Professional and Occupational Affairs, informed Board  
7 members that the Policy Director would be available  
8 next month.

9 Acting Commissioner Claggett reported receiving  
10 an invitation from Larry Jones, Executive Director,  
11 Pennsylvania Society of Health-System Pharmacists, to  
12 observe automation at a hospital and pharmacy site.  
13 He informed Mr. Jones that they accept his invitation  
14 and would like to attend sometime in the afternoon on  
15 December 18 instead of December 19.

16 Acting Commissioner noted the request for  
17 proposal (RFP) for the Pennsylvania Licensing System  
18 (PALS) replacement was released on September 28, 2023  
19 and he will keep the Board updated as the process  
20 moves forward.]

21 \*\*\*

22 Report of Board Administrator

23 [Melanie Zimmerman, R.Ph., Board Administrator,  
24 informed Board members that she is working on placing  
25 some of the pharmacy business applications online. On



1 November 17, the PA Pharmacy Remodeling Application,  
2 PA Pharmacy Change in Location Application, and  
3 Pennsylvania Pharmacy Change in Manager Application  
4 would be online PALS applications available at  
5 www.pals.pa.gov and then the Board would no longer  
6 accept these as paper applications.]

7 \*\*\*

8 Discussion Items

9 CHAIRPERSON TALBOTT:

10 We met in Executive Session and discussed  
11 items 27 through 34 with item 31 being  
12 removed.

13 Do we have any motions on those  
14 items?

15 MR. ESTERBROOK:

16 I have a motion to approve discussion  
17 item 27, Dalal Kablan, to Review Intern  
18 Hours.

19 MS. GETZEY HART:

20 Second.

21 CHAIRPERSON TALBOTT:

22 Any discussion? Call the vote.

23

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

1                   aye; Slagle, aye.

2 [The motion carried unanimously.]

3   \*\*\*

4 MR. ESTERBROOK:

5                   I have a motion to approve discussion  
6                   item 28, Jennifer Kline, Review of  
7                   Pharmacist License Application.

8 MS. GETZEY HART:

9                   Second.

10 CHAIRPERSON TALBOTT:

11                   Any discussion? Call the vote.

12

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

16 [The motion carried unanimously.]

17   \*\*\*

18 MR. ESTERBROOK:

19                   I have a motion to deny item 29, Susan  
20                   Merenstein, Request to Extend USP 800  
21                   Enforcement Date.

22 MS. GETZEY HART:

23                   Second.

24 CHAIRPERSON TALBOTT:

25                   Any discussion? Call the vote.

1

2

Esterbrook, aye; Hart, aye; Claggett,

3

aye; Talbott, aye; Roussel, aye; Ritchie,

4

aye; Slagle, aye.

5

[The motion carried unanimously.]

6

\*\*\*

7

MR. ESTERBROOK:

8

I have a motion to approve item 30,

9

Santhosh Mathew, Review of Pharmacist

10

License Application.

11

MS. GETZEY HART:

12

Second.

13

CHAIRPERSON TALBOTT:

14

Any further discussion? Call the vote.

15

16

Esterbrook, aye; Hart, aye; Claggett,

17

aye; Talbott, aye; Roussel, oppose;

18

Ritchie, oppose; Slagle, aye.

19

[The motion carried. Christine Roussel and Tyler

20

Ritchie opposed the motion.]

21

\*\*\*

22

MR. ESTERBROOK:

23

I have a motion to approve discussion

24

item 32, Sahr Samuel Gbakima, Review of

25

Pharmacist License Application.

1 MS. GETZEY HART:

2 Second.

3 CHAIRPERSON TALBOTT:

4 Any discussion? Call the vote.

5

6 Esterbrook, aye; Hart, aye; Claggett,

7 aye; Talbott, aye; Roussel, oppose;

8 Ritchie, aye; Slagle, aye.

9 [The motion carried. Christine Roussel opposed the  
10 motion.]

11

\*\*\*

12 MR. ESTERBROOK:

13 I have a motion to approve discussion  
14 item 34, Walgreens Central Fill #21421,  
15 Proposed Pennsylvania Pharmacy  
16 Application.

17 MS. GETZEY HART:

18 Second.

19 CHAIRPERSON TALBOTT:

20 Any discussion? Call the vote.

21

22 Esterbrook, aye; Hart, aye; Claggett,

23 aye; Talbott, aye; Roussel, aye; Ritchie,

24 aye; Slagle, aye.

25 [The motion carried unanimously.]

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FYI Items

[Theresa M. Talbott, R.Ph., Chairperson, referred to the Well-Being Index for Pharmacy Personnel August through October 2023, noting they are in the middle as far as stress. She reported no statistical difference from a practice standpoint between someone who works in a hospital or an independent pharmacy.

Chair Talbott informed everyone that NABP took a look at the updated competency standards and remapped the Multistate Pharmacy Jurisprudence Examination (MPJE) to those standards and found the test is still psychometrically sound. She reported fees are increasing for the North American Pharmacist Licensure Examination (NAPLEX) and the MPJE, effective 3/1/2024.

Chair Talbott noted the FDA is delaying enforcement of the Drug Supply Chain Security Act (DSCSA).

Ms. Getzey Hart asked who would be responsible for enforcement in the state of Pennsylvania.

Ms. O'Malley mentioned that there are many different entities involved from the licensing and department side, and it has not been settled yet. She noted the Board has a year to get their logistics

1 straight and the government also has a year.

2 Ms. O'Malley noted her attendance at an annual  
3 legal conference in Texas. She mentioned it gave  
4 some empathy for some of the frustrations licensees  
5 feel in dealing with issues in Pennsylvania and all  
6 of the different departments and bureaus licensees  
7 need to go to address their issues. She noted the  
8 DSCSA came up multiple times.

9 Ms. Getzey Hart noted it would impact pharmacies,  
10 too, because of being the pharmacy for the patient,  
11 but there is not that avenue of the wholesaler to the  
12 pharmacy because it does not rest under the Board.  
13 She again mentioned the year with no enforcement,  
14 noting there are some issues where they could not  
15 wait a year and need to keep moving forward. She  
16 suggested inviting Josh Bolin from NABP to provide a  
17 brief overview.

18 Ms. Getzey Hart commented that many independent  
19 owners have no idea about this, and much preparation  
20 is needed, including recordkeeping. She noted the  
21 importance of informing everyone of what is coming  
22 down the line.

23 Chair Talbott asked Mr. Reed to take it back to  
24 the Pennsylvania Pharmacists Association for  
25 discussion at the February meeting. She also asked

1 Mr. Jones to provide some information.

2 Chair Talbott suggested continuing the  
3 conversation for now and then inviting Mr. Bolin.

4 Ms. O'Malley noted that much education is needed  
5 on topics in general and not just the DSCSA. She  
6 also noted it was mentioned at the conference that  
7 everyone needs to do a better job of communicating  
8 with licensees and making them more aware of changes  
9 and advancements in the pharmacy field.

10 Chair Talbott commented that Mr. Bolin may  
11 already have something on the website that could be  
12 provided to Ms. Zimmerman.

13 Ms. O'Malley recommended working on a newsletter  
14 for the beginning of the year to inform licensees of  
15 things that are happening and what they need to be  
16 aware of for 2024.

17 Acting Commissioner Claggett commented that the  
18 newsletter could be placed on the Board's website,  
19 along with an email blast.]

20 \*\*\*

21 [Arion R. Claggett, Acting Commissioner, Bureau of  
22 Professional and Occupational Affairs, exited the  
23 meeting at 12:13 p.m.]

24 \*\*\*

25 Report of Board Counsel (cont.) - Regulatory Report

1 [Theresa M. Talbott, R.Ph., Chairperson, referred  
2 back to item 17 on the agenda for a regulatory  
3 discussion.

4 Ms. O'Malley informed Board Members of recent  
5 restructuring of Board Counsel, noting they now have  
6 regulatory counsel, and Mr. Farrell would be working  
7 with Board Counsel to review pharmacy regulations.

8 Chair Talbott noted a comment from the Department  
9 of Education asking for the Board to confirm the  
10 proposed language for § 27.26 pharmacy internship and  
11 §27.52, graduates of foreign schools and noncitizens  
12 pertains to pharmacists, not pharmacy technicians,  
13 noting education requirements for pharm techs is  
14 found under § 27.702 pharmacy technician. She noted  
15 that to be correct.

16 Chair Talbott noted PSHP's issues under § 27.11,  
17 where pharmacy submitted an application and should be  
18 the owner or the applicant. She referred to "when  
19 there is a change in the name of a pharmacy, the  
20 pharmacy" and suggested replacing that with "pharmacy  
21 permit holder."

22 Chair Talbott referred to (d), shall submit an  
23 application for a name change on a form approved by  
24 the Board. She noted the Board left it that way  
25 because it does not apply to just a printed form



1 because it could be an electronic form.

2       Individuals in attendance noted difficulty  
3 finding the form and suggested putting the process in  
4 the newsletter.

5       Chair Talbott moved on to the next comment  
6 received from PSHP: She noted they want the 30  
7 calendar days of the change of the name, while  
8 submission requirement is within 30 days, is a  
9 response required by the Board to approve or deny the  
10 name change.

11       Ms. Zimmerman stated the regulation does not  
12 require that and processing would fall under normal  
13 policy.

14       Ms. Getzey Hart commented that many people who  
15 apply have never looked at a blueprint and do not  
16 know what a floor plan looks like and it is a little  
17 different than processing another type of  
18 application.

19       Dr. Roussel stated a business seeking licensure  
20 for patient care deserves a timely evaluation as well  
21 because of the magnitude of what that application may  
22 stand for.

23       Ms. Getzey Hart commented that there are other  
24 circumstances where they do not get the full picture  
25 of what is being licensed, where there is something

1 else like on a floor plan that may delay that. She  
2 noted the Board approves the pharmacy building and  
3 the hospital pharmacy.

4 Mr. Jones stated they were looking for some kind  
5 of parameters for some formal response. He noted if  
6 there is an issue with the application that the Board  
7 is always responsive.

8 Ms. O'Malley addressed the next PSHP comment  
9 regarding how the regulations are written and more  
10 relevant for community pharmacies, noting any  
11 acquisition contract is going to decide the ownership  
12 and is not really a concern. She stated the  
13 regulation is not drafted to only address community  
14 pharmacies and does not exclude ownership of a  
15 hospital pharmacy, noting any kind of acquisition  
16 contract is going to decide who the owner of that  
17 pharmacy is and should not really be an issue.

18 Mr. Jones stated it is very much an issue,  
19 because if he builds a new pharmacy within his  
20 hospital, who is considered the owner, and also asked  
21 if the board changes or the CEO changes, is that  
22 considered the owner.

23 Mr. Michalowski commented that the reason for  
24 those questions in the limitations on prescribers who  
25 have ownership interests and have to ask if they have

1 more than 10% interest. He noted in some entities  
2 there would not be because it would just be a board.

3 He noted many hospitals are formed as charitable  
4 organizations and that typically applies more to  
5 retail pharmacies, where they have to ask to make  
6 sure people are not applying who are going to be  
7 self-directing care to themselves.

8 Mr. Jones asked whether the question could be  
9 asked differently, whether it is an inpatient  
10 facility versus an outpatient or retail pharmacy.

11 Ms. O'Malley explained that it is not the issue  
12 of whether it is inpatient or outpatient and is the  
13 issue of the controller and whether it is other  
14 medical practitioners, like physicians, and the  
15 standard is outlined in the Pharmacy Act.

16 Mr. Jones asked whether listing the board members  
17 to a hospital and putting zero ownership interest  
18 would suffice as meeting the ownership of the  
19 application.

20 Ms. Zimmerman stated almost 99.9% of the time  
21 individuals are not the direct owner of any pharmacy  
22 because they create entities to protect individuals  
23 from financial burdens if something would happen.  
24 She stated they do ask what the type of owner is  
25 depending on the pharmacy and then expect that they

1 list the owner, where somebody says it is hospital  
2 owned, they expect to see the owner listed as a  
3 hospital. She explained that depending on the choice  
4 of ownership, they would want to know the members of  
5 an LLC and who the officers are for a corporation.  
6 She again noted that individuals are not normally  
7 listed as the direct owner.

8 Ms. Zimmerman noted there is a question asking if  
9 anybody holds more than 10% interest or stock in the  
10 direct owner and that goes back to where they are  
11 looking to make sure there are no physicians or  
12 medical practitioners. She noted an applicant  
13 answering "no" to that question, when they look at  
14 the officer information, they expect to see no one  
15 listed there with more than 10% and zero is an  
16 acceptable number as long as it matches the response  
17 to the question regarding whether anybody holds more  
18 than 10% interest.

19 Chair Talbott referred to an issue under § 27.11  
20 and is another Board-approved form, noting it is on  
21 the website and Ms. Zimmerman would tell them how to  
22 find it.

23 Chair Talbott addressed another PSHP comment  
24 under section 27.26, regarding internship hours. She  
25 noted prior discussion with Dr. Roussel, where it is

1 an issue if they could not validate the intern hours  
2 accrued at an out of state Accreditation Council for  
3 Pharmacy Education (ACPE) accredited College. She  
4 noted they accept 1500 hours from an ACPE-accredited  
5 Pharm.D. program.

6 Ms. Zimmerman explained that there should not be  
7 an issue with intern hours for anyone graduating with  
8 a Pharm.D. degree from an ACPE-accredited school of  
9 pharmacy because when their education comes in, the  
10 Board is accepting all 1500 hours, which is part of  
11 the education verification form. She explained that  
12 the only individuals who may have issues and may have  
13 to submit hours earned outside of school are  
14 graduates of foreign pharmacy schools.

15 Chair Talbott referred to PPA's first comment  
16 under § 27.11 about change in ownership, where a  
17 joint form is filed with the board when a change in  
18 ownership occurs and none of the current owners  
19 retain any ownership interest. The PPA feels it is  
20 unnecessary to require the former owner and the new  
21 owner to submit both because that could require two  
22 submissions. The PPA suggested entertaining when a  
23 complete change in ownership occurs and none of the  
24 current owners retain any ownership interest, either  
25 the former and/or new owner.

1 Ms. Zimmerman stated they are currently only  
2 tracking the direct owners and the individuals or  
3 entities who hold stock or interest in the direct  
4 owner. She mentioned that any additional tiers in a  
5 corporate tier structure, they consider them too far  
6 removed and do not ask for any information, so the  
7 only information they transfer to other government  
8 agencies is the direct owner changes or controlling  
9 interest changes.

10 Mr. Jones explained that change in ownership and  
11 change in PIC in § 27.11 gets interpreted the same  
12 way. He stated a change in ownership to joint  
13 application makes perfect sense, but a change in PIC  
14 is not going to be a joint application because one is  
15 ceasing their liability as of such and such a date  
16 due to separation of employment or in charge of that  
17 store while the other is coming on board. He  
18 believed people interpret stuff in the statute and  
19 needs clarified.

20 Ms. Zimmerman stated the only person signing off  
21 on that application is the current owner when there  
22 is a change in controlling interest, because the  
23 current owner remains the same. She noted it is a  
24 change in ownership when there is a former owner and  
25 a new owner and that is when it is a dual

1 application.

2 Ms. O'Malley explained that it is a joint  
3 application and should stay that way.

4 Chair Talbott referred to (g), if the pharmacist  
5 in charge ceases to hold that position, the pharmacy  
6 permit holder shall inform the Board in writing on a  
7 Board-approved form of this fact and of the new  
8 pharmacist in charge not more than 30 days later. If  
9 the Board does not object within 30 days of  
10 notification, the new pharmacist in charge may be  
11 deemed approved.

12 Chair Talbott referred to PPA's comments, where  
13 30 days is limiting and potentially discriminatory in  
14 the case of a short-term disability. She stated they  
15 doubled the 15 days because they heard from licensees  
16 that it was not enough time and want to make sure to  
17 protect patient safety.

18 Chair Talbott referred to § 27.12 practice the  
19 pharmacy delegation of duty. She noted the concern  
20 is the potential interpretation (by an inspector or  
21 PIC) that this is intended to require separate  
22 protocols for each individual technician employer,  
23 rather than one protocol covering with  
24 all duties listed that a technician may perform.

25 Chair Talbott stated there are no changes to that

1 language. She commented that if she has six techs  
2 that work for her, she needs to have a protocol for  
3 each one, and if there is something that one can do  
4 that the other cannot, then there should be  
5 enumeration on that.

6 Chair Talbott referred to § 27.18 Standards of  
7 Practice. She noted they did their best as far as  
8 when the pharmacist needed to stop filling that  
9 prescription and how they could make sure that the  
10 patient had access to medication if they needed it.  
11 She noted they tried to make sure they were taking  
12 care of the patient for up to 90 days from the date  
13 the prescriber died.

14 Chair Talbott explained that they also added that  
15 no prescription can be knowingly filled or refilled  
16 for a patient which prescription was written for use  
17 by a prescriber who no longer holds an active license  
18 to practice and provided a definition of active,  
19 active retired, or active on probation license.

20 Chair Talbott noted PPA had comments on  
21 § 27.18(j). She stated the Board was concerned with  
22 the ability to partially fill a controlled substance,  
23 so they copied 21 CFR §1306.13, which addresses  
24 multiple partial fills as long as they do not go over  
25 the full quantity. She noted their comment is it



1 cannot be refilled for more times for more than the  
2 full prescribed quantity in a six-month period from  
3 the date of the prescription and to include that  
4 because it would help to eliminate concerns. She  
5 noted they already included that because they cited  
6 CFR §1306.13 and CFR §1306.23.

7 Chair Talbott referred to § 27.19 Prospective  
8 Drug Review and Patient Counseling (d) offer to  
9 counsel, a pharmacy shall provide toll-free telephone  
10 service or other means of communicating with the  
11 pharmacist if its primary patient population is  
12 beyond the local or toll-free exchange.

13 Chair Talbott noted the comment suggested  
14 elimination of the "toll-free number" since these are  
15 mostly out of of use. She noted that would be left  
16 in, and they also have other means.

17 Chair Talbott referred to the comment for § 27.18  
18 Pharmacy Interns, noting while they do not anticipate  
19 a change in general revisions given the efforts of  
20 schools of pharmacy for this regulation, PPA  
21 expresses concern. She noted discussion at the NABP  
22 District Meeting about the lack of practical  
23 experience graduates have because all their hours are  
24 being counted from the curriculum.

25 Chair Talbott noted another comment under

1 § 27.102, statement of policy on return to stock of  
2 undelivered medication. She stated the current  
3 policy is 6 months, and they are changing the 6  
4 months to 12 months from the date the drugs were  
5 first prepared for dispensing.

6 Chair Talbott noted their concern is lack of  
7 consistency among inspectors regarding drug  
8 expiration dates within 30 days of the date of  
9 inspection visit, where there must be consideration  
10 of staffing issues, labor demands during peak hours,  
11 staff sick time, and internal pharmacy policies for  
12 regular review.

13 Chair Talbott stated is true and many of the  
14 cases she recused from revolved around expired drugs  
15 on the shelf. She thinks they should not be  
16 dispensing a drug if it expires within 30 days of an  
17 inspection visit.

18 Ms. O'Malley referred to § 27.26(i) regarding  
19 pharmacy preceptors. She noted an issue that came up  
20 recently where they realized the regs are not exactly  
21 clear about the termination of that relationship.  
22 She suggested changes to clearly delegate the  
23 responsibility either to the preceptor or the intern  
24 to submit something.

25 Ms. Zimmerman explained the current process. She

1 stated when a preceptor completes an intern  
2 experience reporting form and then the intern submits  
3 it, there are questions on the form to ask whether  
4 they need to separate the relationship or continue  
5 with the relationship and then the Board office staff  
6 ends the association, if appropriate. She noted they  
7 also have the pharmacy intern application, where they  
8 ask the preceptor if they are serving as preceptor  
9 for another student, and if they say "no" and they  
10 have an association on record, the Board office staff  
11 removes that association and notifies the other  
12 intern that they do not have a preceptor anymore.  
13 She noted if a preceptor or intern writes to them  
14 through PALS, they would end the relationship that  
15 way too. She mentioned that in the past it was more  
16 the intern experience reporting form that  
17 accomplished this, but now that they are accepting  
18 all school hours, they are not receiving as many  
19 forms.]

20 \*\*\*

21 Adjournment

22 MR. ESTERBROOK:

23 Motion to adjourn.

24 MS. GETZEY HART:

25 Second.

1 [The motion carried unanimously.]

2 \*\*\*

3 [There being no further business, the State Board of  
4 Pharmacy Meeting adjourned at 12:52 p.m.]

5 \*\*\*

6

7 CERTIFICATE

8

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

14

15

16



17

Devin Nunemaker,

18

Minute Clerk

19

Sargent's Court Reporting

20

Service, Inc.

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STATE BOARD OF PHARMACY  
REFERENCE INDEX

November 7, 2023

	TIME	AGENDA
1		
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3		
4		
5		
6		
7		
8		
9	9:00	Executive Session
10		
11	10:30	Return to Open Session
12		
13	10:34	Official Call to Order
14		
15	10:34	Pledge of Allegiance
16		
17	10:34	Emergency Announcement
18		
19	10:35	Introduction of Board Members/Board
20		Staff/Audience
21		
22	10:40	Approval to the Agenda
23		
24	10:40	Approval of Minutes
25		
26	10:41	Report of Board Prosecution
27		
28	11:02	Formal Hearing - Thomas James
29	11:43	Fortunato, R.Ph.
30		
31	11:44	Report of Board Counsel
32		
33	11:51	Report of Board Chairperson
34		
35	11:57	Report of Acting Commissioner
36		
37	11:58	Report of Board Administrator
38		
39	11:59	Discussion Items
40		
41	12:03	FYI Items
42		
43	12:13	Board Counsel (cont.)
44		
45	12:52	Adjournment
46		
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50		