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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: 10:31 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

July 30, 2024

State Board of Pharmacy
July 30, 2024

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ALSO PRESENT: (cont.)

- Cory Ulisse, PharmD, Pharmacy Clinician Services
- Nicole Scott
- Grace Fisher, Regional Pharmacy Manager, Giant Food Stores, LLC
- Charlotte Harris, Pharmacy Intern, Duquesne University
- Susan DelMonico, R.Ph., JD
- William Lebak II, PharmD, Walgreens Boots Alliance
- Jeffrey Dietrich, Pharmacy Manager, Cardinal Health
- Courtney Quattrone, PharmD, Patient Care Pharmacist, Residency and Experiential Coordinator, Albertsons Companies
- Megan Ammon, PharmD, BCMTMS, Clinical Program Coordinator at Weis Markets
- Misha Patel, M.D., Curriculum Education Assistant, Geisinger Commonwealth School of Medicine
- Judy Kutchman, R.Ph., AllianceRx Walgreens Prime
- Laura Romeo, Pharmacist-in-Charge at ConnectiveRx, Careform Pharmacy
- Vinay Arora, R.Ph., JD, Cardinal Health
- Scott Young
- Steven Zahn, Pharmacy Inspector, Bureau of Enforcement and Investigation, Department of State
- Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee
- Geoffrey Christ, Senior Pharmacy Compliance Manager, Chewy Pharmacy
- Rick Seipp, PharmD, Value Drug Company
- Joshua Finger, PharmD, Enclara Pharmacia
- Jessica Adams, PharmD, BCPS, AAHIVE, Scientific Director, Infectious Diseases at Clinical Care Options
- Joseph Milward, Senior Manager, Pharmacy Quality and Accreditation, PANTHERx Rare Pharmacy
- Muneeza Iqbal, Deputy Secretary of Health Resources and Services, Pennsylvania Department of Health
- Lindsey Walsh, MPA, Executive Advisor to the Deputy Secretary of Health Resources and Services, Pennsylvania Department of Health
- Theresa Kash, MPH, Executive Policy Specialist, Pennsylvania Department of Health
- Sarah Everingham, MJ, CCEP, CPhT, Cardinal Health
- James Reed, Pharmacy Regional Manager, Weis Markets

State Board of Pharmacy
July 30, 2024

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ALSO PRESENT: (cont.)

- Larry Jones, Pennsylvania Society of Health-System Pharmacists Member
- Anthony Bixler, Pennsylvania Society of Health-System Pharmacists
- Jennifer Sullivan, PharmD, Clinical Pharmacist, WellSpan Health
- Jill Rebuck, Executive Director, Pennsylvania Society of Health-System Pharmacists
- Victoria Elliott, RPh, MBA, CAE, Chief Executive Officer, Pennsylvania Pharmacists Association
- Natalie Klek, Executive Fellow, Pennsylvania Pharmacists Association
- Tiffany Booher, MA, LPC, CAADC, CIP, CCSM, Director, Peer Assistance Monitoring Programs; Program Director, Physicians' Health Program, Pennsylvania Medical Society
- Marcin
- Derek Richmond, Sargent's Court Reporting Service, Inc.

1 ***

2 State Board of Pharmacy

3 July 30, 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, July 30, 2024.
15 Christine Roussel, Pharm.D., BCOP, BCSCP,
16 Chairperson, called the meeting to order at
17 10:31 a.m.

18 ***

19 Introduction of the Board Members
20 [Chair Roussel requested an introduction of Board
21 members. A quorum was present.]

22 ***

23 [John R. Slagle, R.Ph., was present during Executive
24 Session but experienced technical difficulties during
25 the regular Board meeting.]

1 ***

2 [Sean C. Barrett, Esquire, Board Counsel, informed
3 everyone that the meeting was being recorded, and
4 those who continued to participate were giving their
5 consent to be recorded.

6 Mr. Barrett also noted the Board entered into
7 Executive Session for the purpose of conducting
8 quasi-judicial deliberations on a number of matters
9 that are currently pending before the Board and to
10 receive the advice of counsel.]

11 ***

12 Introduction of Attendees

13 [Chair Roussel requested an introduction of
14 attendees.]

15 ***

16 Approval of Minutes

17 CHAIR ROUSSEL:

18 With regard to the minutes, were there
19 any edits or amendments that anybody
20 knows?

21 I'd like to see if anyone has a
22 motion to approve the minutes?

23 MR. ESTERBROOK:

24 I'll make a motion to approve the minutes
25 from June 18.

1 MS. GETZEY HART:

2 Second.

3 CHAIR ROUSSEL:

4 Any discussion? We'll call a vote.

5

6 Esterbrook, aye; Hart, aye; Ritchie, aye;

7 Claggett, aye; Roussel, aye; Talbott,

8 aye.

9 [The motion carried unanimously.]

10

11 Report of Board Prosecution

12 [Caroline A. Bailey, Esquire, Board Prosecutor,

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

14 016423.]

15 MR. BARRETT:

16 Based on the report of prosecution, does
17 any Board member wish to return to
18 Executive Session for further discussion?
19 Hearing none.

20 For the record, Board member Talbott
21 is recused in the consideration and will
22 recuse on voting on this matter as well.

23 Based on Executive Session
24 deliberations, I believe the Board Chair
25 would entertain a motion to approve the

1 Consent Agreement at Case No. 23-54-
2 016423.

3 MR. ESTERBROOK:

4 So moved.

5 MS. GETZEY HART:

6 Second.

7 CHAIR ROUSSEL:

8 Any discussion? Let's call for the vote.

9

10 Esterbrook, aye; Hart, aye; Ritchie, aye;
11 Claggett, aye; Roussel, aye; Talbott,
12 recuse.

13 [The motion carried. Theresa Talbott recused herself
14 from deliberations and voting on the motion. John
15 Slagle did not vote due to technical difficulties.
16 The Respondent's name is Pennsylvania CVS Pharmacy,
17 LLC, DBA CVS Pharmacy #1379.]

18 ***

19 [Ashley P. Murphy, Esquire, Board Prosecutor,
20 presented the Consent Agreement for Case No. 23-54-
21 008921.]

22 ***

23 MR. BARRETT:

24 Based on the report of prosecution, does
25 any Board member wish to return to

1 Executive Session for further discussion?
2 Hearing none.

3 Based on Executive Session
4 deliberations, I believe the Board Chair
5 would entertain a motion to approve the
6 Consent Agreement at Case No. 23-54-
7 008921.

8 MR. ESTERBROOK:

9 So moved.

10 MS. GETZEY HART:

11 Second.

12 CHAIR ROUSSEL:

13 Any discussion? Let's call the vote.

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

18 [The motion carried. John Slagle abstained from
19 voting on the motion due to technical difficulties.

20 The Respondent's name is ASPN Pharmacies, LLC.]

21 ***

22 [Nathan C. Giunta, Esquire, Board Prosecution
23 Liaison, presented the Consent Agreement for Case
24 Nos. 22-54-002468, 21-54-013947, & 22-54-002470.

25 Ms. Getzey Hart asked why there was no time frame

1 to sell or to indicate the license would become
2 inactive in the agreement.

3 Mr. Giunta explained that the reason there was
4 not a specific date was because the time frame is
5 unknown, other than him receiving information that
6 there is a broker involved and the process is ongoing
7 with selling the pharmacy.

8 Ms. Getzey Hart also requested information
9 regarding the inactive license for the pharmacist.

10 Mr. Giunta explained that the Respondent will be
11 able to inactivate the license once the pharmacy is
12 sold.

13 Mr. Michalowski further explained that the
14 Respondent will remain on probation while it is
15 inactivated.

16 Mr. Barrett referred to the probationary terms
17 under paragraph (b) on the Consent Agreement, where
18 it looks like the probation would only be on the
19 pharmacy license and not the pharmacist's license.

20 Mr. Giunta explained that it would be if he
21 reactivates. He believed it was included in the
22 beginning part but is an error on his part if it was
23 not included. He noted waiting for the sale of the
24 pharmacy based on the numerous violations and
25 inspection attempts.

1 Chair Roussel requested clarification as to
2 whether the language will include the pharmacist's
3 license is also suspended.

4 Mr. Giunta mentioned that it was an oversight and
5 could be included but that it was mentioned in the
6 beginning with all of the licenses included with the
7 Respondent and Respondent Pharmacy.]

8 MR. BARRETT:

9 Based on the presentation of prosecution
10 discussion and questions from the Board,
11 I believe the Board Chair would entertain
12 a motion to table agenda item 5, Case No.
13 22-54-002470, Case No. 21-54-013947, &
14 Case No. 22-54-002468.

15 MR. ESTERBROOK:

16 So moved.

17 MS. GETZEY HART:

18 Second.

19 CHAIR ROUSSEL:

20 Any discussion? Let's call the vote.

21

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

25 [The motion carried unanimously. John Slagle did not

1 vote due to technical difficulties.]

2

3 [Nathan C. Giunta, Esquire, Board Prosecutor,
4 presented the Consent Agreement for Case No. 24-54-
5 005270.]

6 MR. BARRETT:

7 Based on the presentation of prosecution
8 discussion and based on Executive Session
9 deliberations, I believe the Board Chair
10 would entertain a motion to approve the
11 Consent Agreement at Case No. 24-54-
12 005270.

13 I also note for the record that
14 Board member Talbot and Board member
15 Getzey Hart were recused from any
16 discussion or deliberation in that
17 matter.

18 MR. ESTERBROOK:

19 So moved.

20 MR. RITCHIE:

21 Second.

22 CHAIR ROUSSEL:

23 Any discussion? We'll call the vote.

24

25 Esterbrook, aye; Hart, recuse; Ritchie,

1 aye; Slagle, aye.

2 [The motion carried unanimously.]

3 ***

4 Report of Board Prosecution

5 [Ray J. Michalowski, Esquire, Senior Board
6 Prosecutor, informed Board members that a new
7 attorney will be starting next Monday and eventually
8 be learning the State Board of Pharmacy to bring his
9 team to full staff.]

10 ***

11 Appointment - Pennsylvania Department of Health
12 Presentation

13 [Muneeza Iqbal, Deputy Secretary of Health Resources
14 and Services, Pennsylvania Department of Health,
15 presented to the Board to raise awareness about
16 patient access issues to medication for opioid use
17 disorder (MOUD). She stated the Department of Health
18 has received an increase in patient complaints
19 regarding controlled substance availability at
20 pharmacies since the end of 2022.

21 Ms. Iqbal reported patients had difficulty
22 filling their prescriptions with controlled
23 substances and having to call or visit multiple
24 retail pharmacies to find one that had their
25 medication in stock. She also reported individuals

1 are receiving a lower quantity than prescribed. She
2 mentioned that many of the complaints specified
3 access issues to MOUD, such as buprenorphine.

4 Ms. Iqbal informed Board members that the issue
5 is not specific to the Commonwealth and was happening
6 nationwide, noting ensuring patient access to care is
7 a top priority for the Department of Health. She
8 stated patients are at greater risk for severe
9 medication withdrawal or turning to other sources,
10 which can increase their risk for overdose when they
11 abruptly lose access to care.

12 Ms. Iqbal referred to the July 22 court-ordered
13 injunctive relief, which was part of the opioid
14 settlement agreements with three pharmaceutical
15 distributors; AmerisourceBergen, McKesson, and
16 Cardinal Health. She noted that it was their
17 understanding that in the court-ordered injunctive
18 that there was a request to place ordering
19 thresholds, which impacted how pharmacies could order
20 and stock-controlled substances.

21 Ms. Iqbal stated the Department of Health hosted
22 several listening sessions for pharmacists in October
23 2023 for patients, providers, and pharmaceutical
24 distributors to discuss the impact of controlled
25 substance ordering thresholds on day-to-day

1 operations for pharmacies. She reported over 200
2 individuals registered for the listening sessions,
3 and the Department of Health came away with numerous
4 high-level findings.

5 Ms. Iqbal noted that some pharmacies are hesitant
6 to fill out-of-area prescriptions for controlled
7 substances, including buprenorphine, due to corporate
8 policy, red flag guidance, and general uncertainty of
9 what was permitted or appropriate under state and
10 federal regulation.

11 Ms. Iqbal also reported that some pharmacies were
12 not aware of the data waiver removal, where as of
13 January 2023, the data waiver was no longer required
14 for any prescriber to treat patients with
15 buprenorphine for opioid use disorder and only
16 required a standard Drug Enforcement Administration
17 (DEA) registration number.

18 Ms. Iqbal mentioned that some pharmacies were not
19 stocking controlled substances, including
20 buprenorphine, due to low reimbursement rates. She
21 also mentioned other reasons for not stocking
22 included internal policies, independent pharmacist
23 preference, needing more information on different
24 forms of controlled substances, or lack of bandwidth
25 to manage separate sets of ever-changing regulations.

1 Ms. Iqbal stated some pharmacies are not
2 dispensing controlled substances to new patients,
3 similar to their hesitancy to serve out-of-area
4 patients and could be attributed to corporate policy,
5 personal preference, or a need for more guidance.
6 She mentioned that requesting a threshold increase is
7 a lengthy process that some pharmacies, particularly
8 independent pharmacies, do not have the capacity for.

9 Ms. Iqbal noted that pharmacists also asked for
10 more clarity and guidance on how to request a
11 threshold increase and whether there were punitive
12 measures for requesting them. She reported that both
13 parties requested more communication between
14 pharmaceutical distributors and pharmacists, noting
15 pharmacies requested more guidance and information
16 about thresholds on how they are set and how they can
17 be increased.

18 Ms. Iqbal stated the Department of Health (DOH)
19 developed an action plan to address findings that
20 included increasing access to educational resources
21 and clinical training for prescribing and dispensing
22 controlled substances and clarifying concerns and
23 questions about controlled substance ordering
24 thresholds, investigations, and punitive measures.

25 Ms. Iqbal noted DOH will also update existing

1 resources with the Patient Advocacy Program and
2 Prescription Drug Monitoring Program.

3 Ms. Iqbal stated DOH partnered with the United
4 States Drug Enforcement Administration's (USDEA)
5 Philadelphia Division to discuss MOUD prescribing
6 best practices with stakeholders across Pennsylvania
7 in April 2024. She reported nearly 700 individuals
8 registered to attend and submitted over 200 questions
9 in advance, noting many of the questions and comments
10 were regarding clearer guidance.

11 Ms. Iqbal noted pharmacists requested clarity on
12 what is considered best clinical judgment and which
13 types of MOUD should be prescribed and how much. She
14 also noted pharmacists are concerned about DEA
15 investigation and take extra precautions when
16 dispensing controlled substances, including MOUD, to
17 the point of turning away many patients.

18 Ms. Iqbal reported both providers and pharmacists
19 had unclear expectations regarding telehealth and
20 continuity of care. She noted pharmacists were
21 unclear on who is responsible for spotting red flags
22 of potential misuse and diversion and how those red
23 flags should accommodate changing telehealth and
24 continuity of care practices.

25 Ms. Iqbal informed Board members that their team

1 is now developing a report with answers to the
2 questions asked at the DEA session, as well as
3 resources from state and federal partners to assist
4 providers with clinical decision-making. She
5 mentioned that the report is in its final stages of
6 review and should be ready to publish by the end of
7 the summer.

8 Ms. Iqbal provided resources, including the
9 Centers for Disease Control Clinical Practice
10 Guideline for Prescribing Opioids for Pain, which
11 offers the most up-to-date information on opioid
12 prescribing for providers, and the National
13 Association of Boards of Pharmacy (NABP) guidelines,
14 which go into more depth for buprenorphine,
15 specifically for pharmacists.

16 Ms. Iqbal also noted the Substance Abuse and
17 Mental Health Services Administration's (SAMHSA)
18 Treatment Improvement Protocol (TIP) 63 provides a
19 more general overview on the different types of
20 medications for opioid use disorder, and DOH offers a
21 number of resources on their website, as well as the
22 pages for their Prescription Drug Monitoring Program,
23 naloxone, and Patient Advocacy Program.

24 Chair Roussel thanked the Department of Health
25 for listening to patients concerns and getting

1 stakeholders together. She believed there is an
2 opportunity for education, especially for pharmacies
3 on how to request increases in their thresholds.

4 Chair Roussel noted the Pennsylvania Pharmacists
5 Association (PPA) was involved and also the
6 Pennsylvania Society of Health-System Pharmacists
7 (PSHP) in trying to communicate out some of that
8 message. She mentioned that the Board could try to
9 partner and see if there is an opportunity to do more
10 formal education, even if it is continuing-education
11 based to get more pharmacists to attend.

12 Mr. Esterbrook stated Berks County has an Opioid
13 Task Force and had a program for pharmacists for
14 naloxone nasal spray two or three years ago that had
15 a positive impact. He noted a CE program for
16 pharmacists about all the requirements for opioid
17 prescriptions.

18 Mr. Esterbrook commented that the state
19 associations reach out to pharmacists, but most
20 counties have something like the Allegheny County
21 Pharmacists Association, where smaller groups of
22 pharmacists could be reached.

23 Ms. Iqbal suggested using the county associations
24 to spread the resources the Department of Health is
25 putting together to help answer some of the

1 misinformation and some of the concerns and
2 hesitations to see what feedback is received.

3 Ms. Iqbal also mentioned working with the Board
4 on the best way to develop more CE material if
5 necessary. She noted they have no funding but
6 advocate for this issue because it is a growing
7 problem.

8 Mr. Esterbrook commented that it would be helpful
9 to have direction concerning a way to combat stigma
10 amongst healthcare professionals for patients coming
11 in for the medications.

12 Ms. Iqbal believed training on stigma is already
13 available but offered to see if anything needs
14 updated.

15 Ms. Getzey Hart noted issues with thresholds and
16 product they can get from wholesalers, noting not all
17 wholesalers have the same threshold procedure to give
18 threshold increases. She mentioned that increases
19 take at least five or six months before it is even
20 addressed through the regulatory team.

21 Ms. Getzey Hart noted there is a lot of time and
22 effort that goes into doing that, so it is accepted,
23 along with a lot of shortcomings from the standpoint
24 of getting the product into the stores, even based on
25 usage.

1 Ms. Getzey Hart agreed with Mr. Esterbrook as far
2 a stigma but also mentioned the DEA from a national
3 level has acted against pharmacists and prescribers
4 based on buprenorphine. She also mentioned there are
5 still questions around telehealth that raise some
6 concerns.

7 Ms. Iqbal requested more information about the
8 issues pharmacists face when trying to increase their
9 threshold. She noted having conversations with
10 distributors who are willing to work with pharmacists
11 but do not seem to know of specific issues.

12 Ms. Iqbal mentioned that it would be helpful to
13 have specific issues to provide to distributors to
14 see how they could be addressed. She offered to set
15 up a call to discuss the issue further. She noted
16 hearing from independent pharmacies that they do not
17 have the resources to do their regular work let alone
18 the added work.

19 Ms. Getzey Hart again mentioned that there is a
20 lot of work to requesting a threshold increase. She
21 referred to the big three that have entered into
22 injunctive relief, noting it is also with some of the
23 smaller ones as well, including ones that are
24 domiciled here in the state of Pennsylvania that have
25 certain criteria for things like that.

1 Mr. Ritchie mentioned being on the April call
2 with DOH and PPA, and he liked the way the two
3 agencies tried to do a multi-angle approach to
4 solving that issue. He noted Ms. Getzey Hart gave
5 the logistic issues, but the other issue is that when
6 they, in the field, think that there is a data
7 threshold that it is by quantity and dollar, where
8 going after one drug means wanting less of another.

9 Mr. Slagle stated in the proposal for the
10 inventory changes in their thresholds, they also tie
11 in purchasing them from the wholesalers, so if they
12 cannot get the drug, they cannot increase the
13 thresholds in the allotments.

14 Mr. Slagle referred to chain pharmacies, noting
15 they now use an interactive program that is available
16 to them to look for a drug amongst those chain
17 pharmacies that all have the same name in a 25-mile
18 radius because of the cutbacks in 24-hour pharmacies,
19 discharge prescriptions and emergency room
20 prescriptions from hospitals trying to travel to get
21 those things, and the mandate of electronic transfer
22 of the prescriptions.

23 Mr. Slagle referred to Mr. Esterbrook's point
24 about stigma, where they need to get the technical
25 and logistical pieces solved. He noted the

1 importance of making the announcement available, so
2 they can provide a copy of the announcement to the
3 wholesaler representative.

4 Mr. Slagle stated figuring out the technical,
5 logistics, and then the announcements is massive
6 education and suggested they have someone in the
7 pharmacy world review the education piece they are
8 putting out at the end of August.

9 Victoria Elliott, RPh, MBA, CAE, Chief Executive
10 Officer, Pennsylvania Pharmacists Association,
11 commented that the education piece is just one piece,
12 and the bigger issues are the obstacles. She noted
13 PSHP and PPA will be happy to discuss educational
14 opportunities for organizations.

15 Chair Roussel thanked the Pennsylvania Department
16 of Health for their effort on behalf of their
17 patients.]

18

19 Report of Board Counsel - Legislative Report
20 [Sean C. Barrett, Esquire, Board Counsel, provided a
21 Legislative Report on the OneDrive for Board members
22 to review. He noted House Bill 1993, which is now
23 Act 77 of 2024, passed on July 17 and was signed by
24 Governor Shapiro. He explained that the bill deals
25 with a lot of edits to the Pharmacy Audit Integrity

1 and Transparency Act.

2 Mr. Barrett mentioned the bill that dealt with
3 injectables with pharmacists and pharmacist
4 technicians was tacked onto this and included
5 allowing pharmacists and pharmacist technicians and
6 interns under certain conditions to administer
7 immunizations and injectables. He noted that further
8 information could be found under House Bill 1993
9 Printer's No. 3499.]

10 ***

11 Report of Board Chairperson

12 [Christine Roussel, Pharm.D., BCOP, BCSCP,
13 Chairperson, noted the importance of updating their
14 regulations. She mention their goal is to help break
15 down topics by date and be able to give a little bit
16 of guidance for which topics will be discussed on
17 what dates, so attendees can come prepared, knowing
18 that some topics are more controversial than others.]

19 ***

20 Report of Acting Commissioner

21 [Arion R. Claggett, Acting Commissioner, Bureau of
22 Professional and Occupational Affairs, announced that
23 the October 22 meeting will be held at Wilkes
24 University in person and online with Teams.

25 Acting Commissioner Claggett also informed

1 everyone that the Board website was updated.

2 Ms. Talbott asked when the portal is opening for
3 renewals.

4 Ms. Townley stated pharmacists and authorization
5 to administer injectables for pharmacist renewals
6 should be opening tomorrow evening. She mentioned
7 her work with counsel and Acting Commissioner
8 Claggett on getting a renewal guide set up on the
9 website and possibly sent out to licensees to help in
10 that process.

11 Ms. Townley reminded everyone to make sure all of
12 their continuing education was completed.]

13 ***

14 Report of Board Administrator - No Report

15 ***

16 Report of Board Members - No Report

17 ***

18 Discussion - Pharmacy Intern

19 MR. BARRETT:

20 Based on discussions in Executive
21 Session, I believe the Board Chair would
22 entertain a motion to approve the Request
23 to Backdate the Preceptor Hours of Sina
24 Dehesanti.

25 MR. ESTERBROOK:

1 So moved.

2 MR. RITCHIE:

3 Second.

4 CHAIR ROUSSEL:

5 Any discussion? Let's call the vote.

6

7 Esterbrook, aye; Hart, nay; Ritchie, aye;

8 Claggett, aye; Roussel, aye; Talbott,

9 nay; Slagle, nay.

10 [The motion carried. Janet Getzey Hart, Theresa

11 Talbott, and John Slagle opposed the motion.]

12

13 Discussion - Attendance at NABP/AACP Districts 1 & 2

14 Meeting

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

16 Chairperson, noted the National Association of Boards

17 of Pharmacy (NABP) has a joint meeting with the

18 American Association of Colleges of Pharmacy (AACP)

19 for Districts 1 & 2 October 7-9 in Boston, MA.

20 Chair Roussel also mentioned that the National

21 Association of Boards of Pharmacy Districts 1 & 2

22 Annual Meeting will be held in Pennsylvania next year

23 and will announce the date when that becomes

24 available.]

25 MR. BARRETT:

1 Based on the Board's discussion, I
2 believe the Board Chair would entertain a
3 motion to send three representatives from
4 the Board to the NABP/AACP Districts 1 &
5 2 Meeting in Boston, Massachusetts
6 October 7-9, 2024.

7 MR. ESTERBROOK:

8 So moved.

9 MS GETZEY HART:

10 Second.

11 CHAIR ROUSSEL:

12 Any discussion? We'll call the vote.

13

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

17 [The motion carried unanimously.]

18

19 Old Business - Newsletter Articles

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

21 Chairperson, stated they are working on newsletter

22 articles but are open to other suggestions. She

23 mentioned that they may hear something from the

24 Department of Health and will reflect to their

25 information as they continue with further

1 considerations.]

2

3 Report of Board Counsel - Regulatory Report

4 [Marc Farrell, Esquire, Regulatory Counsel, Office of
5 Chief Counsel, Department of State, addressed Act 77
6 of 2024, noting the need for more regulatory work and
7 getting their regulations to match.

8 Mr. Farrell referred to Ms. Talbott's question
9 regarding adding some of it into the pharmacy
10 technician package. He explained that typically
11 after a proposed regulation is published that they
12 cannot broaden its scope and add new things.

13 Ms. Talbott asked whether they have to do
14 regulations since the act itself is very
15 prescriptive.

16 Mr. Farrell explained that the act will control
17 upon its effective date and then the scenario is that
18 they have a set of regulations that do not match what
19 the statute says and causes confusion.

20 Mr. Barrett commented that they may have to clean
21 some things up in their regulations to make them all
22 mesh together, but there is nothing in Act 77 that
23 requires them to create a new regulatory regime for
24 something. He mentioned there may be some minor
25 regulatory clean up.

1 Chair Roussel commented that even though it is
2 subsequent to an act and they would be taking that
3 language verbatim that it still has to go through the
4 same regulatory review process but asked whether
5 there was some type of accelerator button to speed up
6 the process.

7 Mr. Farrell explained that the final-omitted
8 route might be a possibility to remove maybe 30 to 60
9 days. He mentioned that sometimes it is better to go
10 straight proposed because of the time it takes
11 convincing the Attorney General's Office that it
12 qualifies as a final omitted.

13 Mr. Barrett stated the Board may wish to do
14 regulations around this or clarify it within their
15 regulations, noting there is nothing in the act that
16 says the Board shall pass regulations on this.

17 Mr. Farrell provided the final annex for the
18 pharmacy technician regulations that incorporates the
19 changes discussed at the last meeting. He mentioned
20 that he would also have the final preamble done for
21 the August 27 meeting and present them both for
22 further discussion.

23 Mr. Farrell addressed general revisions part 2.
24 He mentioned that stakeholders were told at a
25 previous meeting that they would be provided with

1 part 2 but was not sure whether that was sent out and
2 asked whether Board members wanted to review the
3 general revisions part 2 today without stakeholders
4 having any input.

5 Mr. Farrell mentioned that he was not sure
6 whether the document he provided was the latest
7 version of the general revisions. He also noted the
8 Board suggested putting the sections being covered on
9 certain meeting dates.

10 Chair Roussel recommended not going in depth now
11 since people have not seen a copy of what they are
12 currently doing. She mentioned that it would be
13 helpful to say which part of the regulation the
14 breakpoint is to give people a start of where to look
15 and then chop it into sections, knowing there are
16 some sections that are a little bit more
17 controversial than others.

18 Chair Roussel noted the importance of making sure
19 the Board hears whoever feels the need to speak with
20 regard to things that have an impact on practice.

21 Mr. Barrett stated it would be better to wait
22 until the next meeting on August 27, 2024, so Board
23 members can review it and have an informal
24 discussion.

25 Chair Roussel commented that the staff would

1 focus on the final annex and pharmacy technician
2 regulations to get that one reviewed and finalized on
3 August 27, 2024.

4 Mr. Farrell stated part 2 picks up where part 1
5 left off and referred to technology and automation
6 under § 27.203, centralized prescription processing.

7 Ms. Talbott explained that the Board set up
8 automation technology because it was a big rewrite
9 with a lot of new language lifted from other states.
10 She referred to a question from Mr. Farrell regarding
11 the significance of the highlighting in the draft.
12 She explained that they were calling out the
13 difference in the definition for each section to use
14 automated medication systems in central processing
15 and in automated medication systems.

16 Ms. Talbott further explained that, in one part,
17 it does not include an automated counting device or
18 unit-based dispensing but does in the other part
19 because it deals with who has control of the machine.

20 Ms. Talbott believed it to be the most recent
21 copy from 2019 but offered to send Mr. Farrell an
22 email if she finds anything that looks different.

23 Mr. Farrell mentioned that it is difficult to
24 draw a line between where they should start and where
25 to end because there are two proposed new sections at

1 § 27.205 and § 27.206 that are new.

2 Ms. Talbott explained that a lot of it is
3 identical and is just the nuance about in house
4 versus not in house. She noted the first part is
5 expanding central fill and referred to § 27.203(2),
6 which is central drug or prescription processing; §
7 27.204 goes to automated medication systems within a
8 pharmacy on the same premises; and § 27.205 is remote
9 automated medication systems.

10 Ms. Talbott suggested making sections § 27.203(1)
11 and § 27.203(2) and then § 27.204 and § 27.205.

12 Chair Roussel suggested the technology and
13 automation section be lumped in together and to make
14 that the goal for the August meeting. She noted they
15 could announce at the August meeting what would be
16 done at the next meeting or two. She mentioned the
17 Board will be at Wilkes University in October but
18 would still like to have a regulatory session.

19 Mr. Farrell offered to send that out to
20 stakeholders this afternoon for their review, and Mr.
21 Barrett offered make sure the stakeholder list is
22 updated.

23 Ms. Talbott provided a list of sections to be
24 discussed at the August Board meeting.

25 Chair Roussel addressed a presentation from the

1 Secretary of Health discussing the barriers faced by
2 rural hospitals and healthcare entities working in
3 rural areas. She offered to send the Secretary of
4 Health a reminder that stakeholder difficulties with
5 rural health was discussed and they are doing
6 regulations.

7 Chair Roussel noted the importance of people
8 speaking on behalf of that issue to make sure they
9 can provide proper care for citizens across the
10 Commonwealth.

11 Mr. Barrett encouraged anyone who is uncertain
12 whether their organization or they personally are on
13 the stakeholder's list to email the Board or him
14 directly.

15 Chair Roussel thanked Mr. Farrell in advance for
16 all of the work he will be doing for the Board.]

17 ***

18 Public Comment

19 [Victoria Elliott, RPh, MBA, CAE, Chief Executive
20 Officer, Pennsylvania Pharmacists Association, asked
21 whether there is any indication as to when Governor
22 Shapiro may be confirming any Board appointments.

23 Acting Commissioner Claggett noted that there is
24 nothing to offer at this time.]

25 ***

1 Adjournment

2 MR. ESTERBROOK:

3 Motion to close.

4 MS. GETZEY HART:

5 Second.

6 CHAIR ROUSSEL:

7 Any discussion? We shall close the
8 agenda unless there are any other
9 objections and end the meeting.

10 ***

11 [There being no further business, the State Board of
12 Pharmacy Meeting adjourned at 11:43 a.m.]

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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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHARMACY
REFERENCE INDEX

July 30, 2024

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	TIME	AGENDA
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:31	Official Call to Order
13		
14	10:31	Introduction of Board Members/Attendees
15		
16	10:39	Approval of Minutes
17		
18	10:39	Report of Board Prosecution
19		
20	10:57	Appointment - Pennsylvania Department of Health Presentation
21		
22		
23	11:20	Report of Board Counsel
24		
25	11:21	Report of Board Chairperson
26		
27	11:22	Report of Acting Commissioner
28		
29	11:23	Discussion
30		
31	11:27	Old Business
32		
33	11:28	Report of Board Counsel (cont.)
34		
35	11:42	Public Comment
36		
37	11:43	Adjournment