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Minutes of the July 11 & 12, 2005 Meeting of the Ohio State Board of Pharmacy

MONDAY, JULY 11

8:58 a.m. The Ohio State Board of Pharmacy convened in the Harbour Room, Geneva State Park Lodge, Geneva-on-the-Lake, Ohio, with the following members present:

Suzanne R. Eastman, R.Ph., *President*; James E. Turner, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; and Dorothy S. Teater, Public Member.

Also present were William T. Winsley, *Executive Director*; Timothy Benedict, *Assistant Executive Director*; William McMillen, *Licensing Administrator*; Mark Keeley, *Legislative Affairs Administrator*; Robert Cole, *Compliance Supervisor*; David Rowland, *Legal Affairs Administrator*; and Sally Ann Steuk, *Assistant Attorney General*.

President Eastman distributed the Board committee assignments for FY 2006 as follows:

BOARD MEMBER RESPONSIBILITIES ~ FY 2006

	Braylock	Legislation/Rules
(P)	Eastman	Compliance/Enforcement
	Giacalone	Continuing Education
	Gregg	Administration/Probationary Reports
	Kost	Exams/Internship/Reciprocity
	Lipsyc	Consumer Affairs/Public Relations
	Mitchell	Licensure/Registration
	Teater	Personnel
(VP)	Turner	Budget/Finance

R-2006-001 Mr. McMillen reported that he had met with the candidates for Licensure by Reciprocity on July 7, 2005. After a discussion of pharmacy laws and rules, the following candidates were presented with their pharmacist identification cards:

Anastasia Angela Balducci	03-3-26908	South Carolina
Lysa Stephanie Baylin	03-3-26942	Maryland
Melanie Lee Harvey	03-3-26911	Indiana
William T. Lee	03-3-26909	Illinois
Octavia Angelle McCalla	03-3-26945	Tennessee
Melissa Kristen McDaniel	03-3-26913	Michigan
Jennifer Kay Walker	03-3-26899	Illinois
Nicole Ann Weimert	03-3-26808	Wisconsin

R-2006-002 Mr. Winsley reported on the results of discussions with **Medco** representatives regarding their central fill proposal that was tabled at the April, 2005 Board meeting. After discussion of the

proposal, Mrs. Gregg moved that the Board find the **Medco Central Fill** proposal to be approvable pending final inspection of the program when it is ready for implementation. The motion was seconded by Mrs. Teater and approved by the Board: *Aye – 4/Nay – 2/Abstain – 2* (Turner, Mitchell).

Mr. Keeley distributed and discussed a draft copy of some of the proposed new and changed rules that were among the results of the several Ad Hoc Rules Committees appointed by the Board this year. As these were distributed for informational purposes only, no official action by the Board was needed at this time.

R-2006-003 The Board next considered a request for an exemption from Rule 4729-5-10 (Prescription pick-up station) received from the following sites:

Teregen Laboratories (02-1235150)
Various Physician Offices contained in the letter of request

After discussion, Mrs. Gregg moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mr. Braylock and approved by the Board: *Aye – 7*.

R-2006-004 The Board then considered a request for an exemption from Rule 4729-5-10 (Pick-up station) received from the following sites:

Neighbor Care Pharmacy (02-1081200)
Beechbrook Nursing Facility (Pending)

After discussion, Mr. Braylock moved that the Board approve the request pending final licensure for the Beechbrook facility if the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mrs. Gregg and approved by the Board: *Aye – 7*.

The Board considered a request for an exemption to Rule 4729-5-11 (Responsible person) to allow **Christine Widman**, R.Ph., to be the Responsible Pharmacist for the following Terminal Distributor of Dangerous Drugs licenses:

Medicine Shoppe (02-0676450)
Bellevue Home Medical Pharmacy (02-0721200)

After discussion, this item was tabled until Board staff could obtain further information.

The Board considered a request for an exemption to Rule 4729-5-11 (Responsible person) to allow **Mark Johannigman**, R.Ph., to be the Responsible Pharmacist for the following Terminal Distributor of Dangerous Drugs licenses:

Blanchard Valley Regional Health Center (02-0850100)
Blanchard Valley Regional H. C. Retail Pharmacy (pending)

After discussion, this item was tabled until Board staff could obtain further information.

R-2006-005 The Board considered a request for an exemption to Rule 4729-5-11 (Responsible person) to allow **Louis Fairfield**, R.Ph., to be the Responsible Pharmacist for the following Terminal Distributor of Dangerous Drugs licenses:

The Pharm (02-1372700)
Chillicothe Correctional Institute (02-0296100)

After discussion, Mrs. Gregg moved that the Board approve this request for sixty (60) days. The motion was seconded by Mr. Turner and approved by the Board: *Aye – 7*.

R-2006-006 The Board next considered a request for an exemption to Rule 4729-5-11 (Responsible person) to allow **Timothy Lanese**, R.Ph., to be the Responsible Pharmacist for the following Terminal Distributor of Dangerous Drugs licenses:

Lake West Hospital (02-0030600)
Laurelwood Hospital (02-1480550)

After discussion, Mr. Braylock moved that the Board approve this request for sixty (60) days. The motion was seconded by Mr. Turner and approved by the Board: *Aye – 7.*

R-2006-007 The Board considered an exemption request from Rule 4729-5-11 (Responsible person) to allow **Mark Sterns**, R.Ph., to be the Responsible Pharmacist for the following Terminal Distributor of Dangerous Drugs licenses:

Rite Aid/Vandalia (02-0418800)
Rite Aid/Englewood (02-0124950)

After discussion Mr. Braylock moved that the Board approve this request for one hundred twenty (120) days. The motion was seconded by Mrs. Gregg and approved by the Board: *Aye – 6/Abstain – 1 (Mitchell).*

R-2006-008 Mr. McMillen then presented a request from pharmacy intern **Ekadashi Patel** for permission to extend her internship one additional year due to extraordinary circumstances pursuant to Rule 4729-3-04 ((Pharmacy Intern Identification Card Renewal). After discussion, Mr. Turner moved that Ms. Patel be permitted to renew her Pharmacy Intern identification card one additional year. The motion was seconded by Mrs. Teater and approved by the Board: *Aye – 7.*

11:05 a.m. The Board recessed for lunch.

12:39 p.m. The Ohio State Board of Pharmacy reconvened in the Harbour Room, Geneva State Park Lodge, Geneva-on-the-Lake, Ohio, with the following members present:

Suzanne R. Eastman, R. Ph., *President*; James E. Turner, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; and Dorothy S. Teater, Public Member.

R-2006-009 The Board considered a request from **Brian Tarcha**, R.Ph., for removal of a restriction on his practice that had been made a part of his 1995 Board order. At that time, he was prohibited by the Board order from serving as a preceptor or training interns for an indefinite period of time. After discussion, Mr. Turner moved that the Board remove the restriction from Mr. Tarcha's practice due to the length of time that has passed with no further problems. The motion was seconded by Mrs. Gregg and approved by the Board: *Aye – 7.*

R-2006-010 The Board then considered a proposal from **Holzer Clinic** and **Allscripts** for an alternative method of meeting the Board's requirements for positive identification. After discussion, Mr. Braylock moved that the proposal be denied and that the parties involved be directed to follow the Board's rule on positive identification as found in Rule 4729-5-01 of the Ohio Administrative Code. The motion was seconded by Mrs. Gregg and approved by the Board: *Aye – 7.*

R-2006-011 Mr. Winsley then presented a request for Board approval to continue the Board's membership in the National Association of State Controlled Substance Authorities (NASCSA) and for authorization to pay the annual dues to that organization. Mr. Turner moved that the Board continue its membership in NASCSA and that the dues be paid. The motion was seconded by Mr. Lipsyc and approved by the Board: *Aye – 7.*

Mr. Braylock reported that there had been no meeting of the Nursing Board's Committee on Prescriptive Governance.

Mr. Keeley reported on the Medical Board's Prescribing Committee meeting.

Mr. Keeley then discussed the Legislative Report with the Board. There were no items requiring official action by the Board.

Mr. Keeley also distributed preliminary final budget figures for FY 2005 to the Board.

Mr. McMillen discussed his Licensing Report with the Board.

The Board set the FY 2007 Board meeting calendar as follows:

<u>2006</u>	<u>2007</u>
July 10-11	January 8-10
August 7-9	February 5-7
September 11-13	March 5-7
October 10-11	April 9-11
November 6-8	May 7-9
December 4-6	June 4-6

2:00 p.m. Mr. Mitchell moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code, and to confer with an attorney for the Board regarding pending or imminent court action, pursuant to Section 121.22(G)(3) of the Revised Code. The motion was seconded by Mr. Kost and a roll-call vote was conducted by President Eastman as follows: Braylock – yes; Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Teater – yes; and Turner – yes.

2:40 p.m. The Executive Session ended. The meeting recessed for the day.

TUESDAY, JULY 12

8:30 a.m. The Ohio State Board of Pharmacy convened in the Harbour Room, Geneva State Park Lodge, Geneva-on-the-Lake, Ohio, with the following members present:

Suzanne R. Eastman, R. Ph., *President*; James E. Turner, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; and Dorothy S. Teater, Public Member.

Also present were William T. Winsley, *Executive Director*; Timothy Benedict, *Assistant Executive Director*; William McMillen, *Licensing Administrator*; Mark Keeley, *Legislative Affairs Administrator*; Robert Cole, *Compliance Supervisor*; David Rowland, *Legal Affairs Administrator*; and Sally Ann Steuk, *Assistant Attorney General*.

R-2006-012 After a discussion of the Draft Minutes from the June 6-8, 2005 meeting, Mrs. Gregg moved that the Minutes be approved as amended. The motion was seconded by Mr. Braylock and approved by the Board: Aye – 8.

The Board then held a discussion of various topics of general interest to the members. There were no further issues requiring formal action by the Board.

12:06 p.m. Mrs. Teater moved that the Board receive Per Diem as follows:

<u>Per Diem</u>	<u>6/30</u>	<u>7/11</u>	<u>7/12</u>	<u>Total</u>
Braylock	-	1	1	2
Eastman	-	1	1	2
Gregg	1	1	1	3
Kost	-	1	1	2

Lipsyc	-	1	1	2
Mitchell	-	1	1	2
Teater	-	1	1	2
Turner	-	1	1	2

The motion was seconded by Mrs. Gregg and approved by the Board: *Aye – 7.*

12:07 p.m. Mrs. Gregg moved that the meeting be adjourned. The motion was seconded by Mr. Lipsyc and approved by the Board: *Aye – 7.*

<p>THE OHIO STATE BOARD OF PHARMACY APPROVED THESE MINUTES AUGUST 9, 2005</p>
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