(FINAL APPROVED)

VIRGINIA BOARD OF PHARMACY
FORMAL HEARING MINUTES

Wednesday, December 14, 2011
Commonwealth Conference Center
Second Floor
Board Room 2

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

Orders/Consent Orders referred to in these minutes are available upon request

CALL TO ORDER: A meeting of a panel of the Board of Pharmacy ("Board") was called to order at 2:15 p.m.

PRESIDING: Gill B. Abernathy

MEMBERS PRESENT:
Crady Adams
Dinny Li
Empsy Munden
Robert M. Rhodes
Ellen Shinaberry
Pratt P. Stelly
Brandon K. Yi

STAFF PRESENT:
Caroline Juran, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Eusebia L. Joyner, Disciplinary Program Specialist
Howard Casway, Senior Assistant Attorney General
Wayne T. Halbleib, Senior Assistant Attorney General
Mykl Egan, DHP Adjudication Specialist

QUORUM: With eight members of the Board present, a panel was established.

TAMMY H. IRBY
Pharmacy Technician
Registration No. 0230-003661

A formal hearing was held in the matter of Tammy H. Irby following the summary suspension of her pharmacy technician registration on December 14, 2011, and to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians in Virginia.

Ms. Irby was not present at the hearing. The panel proceeded in Ms. Irby's absence as the Notice of Formal Hearing dated December 14, 2011, was sent

by first class mail to the legal address or record on file with the Board of Pharmacy, and by UPS overnight mail and first class mail to a secondary address provided to the Board. Ms. Abernathy ruled that adequate notice was provided to Ms. Irby and the hearing proceeded in her absence.

Wayne T. Halbleib, Senior Assistant Attorney General, prosecuted the case with the assistance of Mykl D. Egan, DHP Adjudication Specialist.

Mitch Fletcher, Loss Prevention Manager, CVS/pharmacy, (by telephone); and Jennifer Challis, DHP Senior Investigator, testified on behalf of the Commonwealth.

Closed Meeting:

Upon a motion by Mr. Yi and duly seconded by Mr. Dabney, the panel voted 8-0, to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code"), for the purpose of deliberation to reach a decision in the matter of Tammy H. Irby. Additionally, he moved that Cathy Reiniers-Day, Caroline Juran, Eusebia Joyner and Howard Casway attend the closed meeting.

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the panel re-convened in open meeting and announced the decision.

Decision:

Upon a motion by Mr. Yi and duly seconded by Ms. Stelly, the panel voted 8-0 to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Halbleib and amended by the panel and read by Mr. Casway.

Upon a motion by Mr. Yi and duly seconded by Ms. Shinaberry, the panel voted 8-0 that Ms. Irby's pharmacy technician registration be revoked.

Adjourn:

With all business concluded, the meeting adjourned at 3:20 p.m.

Gill B. Abernathy, Chair

Cathy M. Reiniers-Day
Deputy Executive Director

13 March 2012
Date