

FINAL/APPROVED

**VIRGINIA BOARD OF PHARMACY
MINUTES OF BOARD MEETING**

June 4, 2014
Second Floor
Board Room 2

Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233-1463

CALL TO ORDER: The meeting was called to order at 9:10am

PRESIDING: Jody Allen, Chairman

MEMBERS PRESENT: Crady R. Adams
Dinny Li (arrived at 9:12am)
Ryan K. Logan
Empsy Munden
Robert M. Rhodes
Ellen B. Shinaberry
Pratt P. Stelly
Rebecca Thornbury
Cynthia Warriner

STAFF PRESENT: Caroline D. Juran, Executive Director (arrived at 10:16am)
Cathy M. Reiniers-Day, Deputy Executive Director
J. Samuel Johnson, Jr., Deputy Executive Director
David E. Brown, D.C., Director, DHP
Jamie Hoyle, Deputy Director, DHP.
James Rutkowski, Assistant Attorney General
Elaine J. Yeatts, Senior Policy Analyst, DHP
Heather Hurley, Administrative Assistant

QUORUM: With ten members present, a quorum was established.

APPROVAL OF AGENDA: Staff presented a final amended agenda which included a set of additional minutes from the May 12, 2014 Regulation committee meeting. The final amended agenda was approved as presented.

APPROVAL OF MINUTES: The Board reviewed draft minutes for the March 25, 2014 (Informal Conference Committee-Innovative Pilot Application), March 26, 2014 (Full Board Meeting), April 22, 2014 (Panel Formal Hearing), April 24, 2014 (Special Conference Committee), May 6, 2014 (Informal Conference Committee- Innovative Pilot Application and May 12, 2014 (Regulation Committee). A change was made to the April 22, 2014 Panel Formal Hearing, on pages 23-24 to correct the spelling of the name "Shiliessmann" to "Schliessmann". Corrections were also made to page 33A of the May 12, 2014 Regulation committee minutes to change

“Prince William County” to “Northern Virginia”, “county” on line 7 to “region” and “645” to “644”.

MOTION:

The Board voted unanimously to approve the minutes as amended. (motion by Warriner, second by Rhodes)

PUBLIC COMMENTS:

Battalion Chief Jennie Collins with the Prince William County Department of Fire and Rescue thanked the Board for its time and assistance in amending Regulation 18VAC 110-20-500 regarding EMS agencies. She stated that Northern Virginia EMS Council is in favor of the proposed draft regulations and wants the Board to consider fast-tracking. Gill Abernathy, Pharmacy Manager for Inova Health System, stated that they also approve of the changes and would like the regulations to be fast-tracked as well. Tim Musselman, Executive Director, Virginia Pharmacist Association (VPhA), addressed the Board regarding compounding issues and offered the assistance of the VPhA Compounding Workgroup. He also stated that he has recently provided 15 law updates across Virginia. Devin Boerm with Healthcare Distribution Management Association offered comment on the draft legislative proposal in the agenda packet to require wholesale distributors to notify the Board when they cease or restrict distribution of prescription drugs based on suspicious activity. She stated that while they agreed with the process, some of the language may need to be amended and that she was going to work with some members to draft a formal letter to Ms. Juran with some possible changes that could help improve the language.

DHP DIRECTOR’S REPORT:

Dr. Brown introduced to the Board Jamie Hoyle, newly-appointed Chief Deputy Director for the Department of Health Professions (DHP). He stated that agency-wide training for employees was held May 14th and May 15th; new Board member orientation and training will be scheduled for September. Dr. Brown reported that DHP is working with the National Governor’s Association (NGA), Veterans Policy Academy regarding a pilot program that will assist veterans in crossing over to civilian jobs and finding ways to utilize the training they previously received in the military. Dr. Brown reported that he was invited to participate in the Medical Examiner’s Office Strategic Planning.

REPORTS

- Chairman’s report

Ms. Allen reported that the National Association of Boards of Pharmacy (NABP) has elected a new president, Joseph Adams, and reminded members to submit their letter of interest by June 6, 2014 if they wished to participate on an upcoming NABP committee or

taskforce. She reported that the current dean of the VCU School of Pharmacy, Victor Yanchick is retiring on July 1, 2014 and Joseph DiPiro will be taking his place. Ms. Allen expressed her thanks to the board and staff for all of their hard work and dedication during her time as Chairman. This is her last Board meeting serving as chairman and her first term as a board member expires June 30, 2014. She also recognized David Kozera, former board member and Howard Casway, former Assistant Attorney General who served several years as board counsel.

- Report on Board of Health Professions:

Mr. Rhodes gave praise to the Board of Health Professions for the monumental job that they have done with the workforce surveys and the licensee data. He stated that he has completed another year serving on the Board of Health Professions and that it has been a great experience.

- Report on Planning of NABP/AACP Districts I & II Meeting:

Ms. Warriner gave an update on the planning for the NABP/AACP Districts I & II meeting being held in Williamsburg, Virginia. The dates are October 5, 2014 through October 7, 2014. Ms. Warriner stated that all of the speakers have been arranged and confirmed, approval has been received for continuing education credit for several of the topics, and that Ms. Juran, Sean Bates, and she have met with staff of the Williamsburg Lodge to plan the food and entertainment. She stated that the information about the District I & II meeting was well received at the NABP Annual meeting that was held in May in Phoenix, Arizona. Ms. Warriner thanked all of the board members that have been contributing to the planning such as Ms. Munden who has been working on the gift bags to give all of the attendees. There will be at least 13 boards of pharmacy and 40 schools of pharmacy that will be attending the meeting. Ms. Warriner stated that it is hoped that all of our board members will attend. She also extended the invitation to any pharmacy student who is interested in attending.

- Report on Prescription Monitoring Program:

Mr. Orr updated the Board with current information regarding the Prescription Monitoring Program (PMP). In September 2013, the PMP celebrated 10 years of being active in Virginia. Mr. Orr stated that 1.3 million requests were received in the year 2013. He reported that to date, 4,831 of the 7,818 current active pharmacists in Virginia are registered users of the PMP. Data collected just for the month of May showed there had been 142,407 requests alone and the total so far this year is around 700,000. Mr. Orr also stated that new legislation, effective July 1, 2014, will require dispensers to report the dispensing of "drugs of concern" to the PMP. The legislation specifically identified tramadol as a drug of concern which must be reported. There is also legislation, effective July 1,

2014, that has passed to allow pharmacists to use delegates to make requests to the PMP for prescription histories.

- Report on Licensure Program:

Mr. Johnson reported the board issued 1,159 licenses and registrations for the period of March 1, 2014 through May 31, 2014, including 127 pharmacists, 256 pharmacy interns, and 574 pharmacy technicians. Mr. Johnson updated the Board about that the renewal process for nonresident pharmacies. Of the 554 nonresident pharmacies due to renew by April 30, 2014, 458 were successfully renewed, 45 were not renewed due to missing or incomplete documentation, and 51 have not applied for renewal. Inspectors conducted 495 facility inspections including 245 routine inspections of pharmacies and resulted in the following: 85 (35%) inspections resulted in no deficiency; 72 (29%) inspections resulted in cited deficiencies but no monetary penalty; and, 88 (36%) inspections resulted in cited deficiencies and a consent order. This is the second consecutive quarter where deficiencies and a consent order have been below 40%. This may be attributed to amendments made to Guidance Document 110-9 at the December 12, 2013 Board meeting that modified several major deficiencies and established new minor deficiencies. Mr. Johnson reviewed the summary report of the major & minor inspection deficiencies cited over the last several quarters. A new column has been added to the report to identify when a pharmacy is cited for a “repeat” deficiency. The report identified six major and eleven minor “repeat” deficiencies. Mr. Johnson also introduced a chart providing a graphic display of inspection deficiencies by quarter since September 2012.

- Report on Disciplinary Program:

Ms. Reiniers-Day provided the Board with a handout and discussed the results from the third quarter of the DHP Patient Care Disciplinary Case Processing Times.

Further, she provided the board with a handout and discussed the board’s Open Disciplinary Case Report comparing the case stages between the four report dates of September 9, 2013; December 10, 2013; March 25, 2014; and June 3, 2014. As of June 3, 2014, there are 71 cases at the investigation stage, 74 at the probable cause stage, 13 at the administrative proceedings division stage, 21 at the informal hearing stage, one at the formal hearing stage, and 116 at the pending closure stage.

- Executive Director's Report:

Mr. Johnson gave the Executive Director's Report on behalf of Ms. Juran since she was unable to attend this portion of the meeting. Mr. Johnson stated that Ms. Juran, Ms. Warriner, Mr. Rhodes, and former Board member Leo Ross attended the NABP Annual Meeting in Phoenix, Arizona, May 17th through May 22nd. Program topics included presentations on: Title II of the Drug Quality and Security Act, compounding and outsourcing facilities, medical marijuana, physician dispensing and pharmacist compounding in a physician's office, and medication synchronization. Resolutions that were passed included: collaborating with federal and state agencies regarding policies surrounding the illegal importation of prescription drugs, convening a task force to examine strategies for preventing and reacting to pharmacy robberies and thefts, reaffirming NABP's existing policy to encourage pharmacies to stop selling tobacco products and work towards a smoke-free society, convening a task force to develop standards to ensure regular, consistent and appropriate use of prescription monitoring program (PMP) data as well as facilitating cooperation between state PMPs, NABP PMP InterConnect®, other health care entities, and state health data exchanges, encouraging the development and availability of veterinary pharmacology education to ensure the competence of pharmacists dispensing medication for veterinary patients, and supporting the Food and Drug Administration and appropriate state agencies regarding the regulation of electronic cigarettes and liquid nicotine products. Joe Adams, former Louisiana Board member, took office as the newly elected President of the NABP. The Virginia Pharmacists Association (VPhA) has requested that staff provide a law update and host a question and answer session at the upcoming VPhA annual meeting in Virginia Beach this August. Additionally, approval will be sought in order to take one or two inspectors to the meeting to discuss the routine inspection process with a focus on explaining the type of information that is reviewed during a routine inspection and how compliance or non-compliance is determined. On March 25th, Ms. Juran provided a presentation to the students of Shenandoah College of Pharmacy. She was also recently re-elected vice-chairman of the Forensic Sciences Board. Mr. Johnson stated that he, Ms. Juran and Ms. O'Halloran will be seeking approval to attend a training session on USP chapters <797> and <795> offered by USP at their headquarters in Maryland in July.

NEW BUSINESS:

- Summary of Healthcare Workforce Surveys:

Dr. Elizabeth Carter, Executive Director and Justin Crow, Deputy Executive Director for the Board of Health Professions gave a summary to the Board of the recent pharmacist and pharmacy technician healthcare workforce surveys. Dr. Carter stated that the Board of Pharmacy's licensees were a growing population and has a large group of practitioners with a broader insurance coverage. In 2007, the Governor stated that a healthcare workforce needs to be created in order to track the supply and demand of licensure at the state level and determine a way to collect this data and ensure confidentiality of the practitioner. A standard template was created for all boards and the surveys are attached to new applications and renewals to gather practitioner information. Mr. Crow stated that the survey respondents represent 82% of the 12,732 pharmacists who are licensed in the state, 70% of the 14,262 pharmacy technicians registered in the state and 91% of renewing practitioners. Mr. Crow reported that 62% of the pharmacists are female and 71% are under 40 female. Eighty-four percent of pharmacy technicians are female and the median age of all pharmacy technicians is 34. In the data collected, it was also noted that 36% of pharmacists carry educational debt with the median debt between \$90,000 and \$100,000. There is a high percentage of employment satisfaction and low turnover. It was also determined based off the gathered information a majority of the practice was related to patient care and dispensing with a small portion being administrative. Regarding age of workforce, pharmacists and pharmacy technicians are overall younger than other healthcare professionals. The expected timeframe for retirement for one-half of the pharmacist workforce is estimated by 2038 and for one-half of the pharmacy technicians by 2043. Mr. Crow also discussed the standard survey template that is used for most professions, streamline data process and different data products used to collect information for the reports. Dr. Carter thanked the board and its licensees for participating in their surveys. The board requested adding to the survey a means for discerning if a pharmacy technician is a pharmacy student.

OLD BUSINESS:

Dr. Brown discussed with the Board his decision regarding the request from the March 26, 2014 board meeting for inspectors to give pharmacies a 24-hour notice for routine inspections. He acknowledged that this was not a small decision and that he had researched the matter. During his research of several other state agencies, he learned that none conduct announced inspections. Dr. Brown commented that providing notice, even short notice, may compromise the inspector's ability to identify non-compliance with

certain requirements such as unauthorized access to the prescription department or pharmacist to pharmacy technician ratio. Additionally, providing longer notice does not appear to offer a more efficient inspection process as it is unlikely that additional pharmacy staff will be routinely scheduled for the 3 months in which an inspection could randomly be performed. Dr. Brown stated that the goal of an inspection program is not to catch someone doing something they shouldn't, but to create a culture of compliance. He stated that communication is important for ensuring the licensees know what to expect during an inspection and that we may need to create a better system of communication and utilize the assistance of the associations for solutions.

REGULATORY ACTIONS:

- Regulatory Update:

Ms. Yeatts reviewed the update of the board's current regulatory actions found on page 34 of the agenda packet. The public hearing for the proposed regulations for administrative fees for duplicate licenses and verifications was held prior to this morning's board meeting and the comment period ends July 16, 2014. The board will adopt the final regulations on September 9, 2014. Ms. Yeatts stated that final regulations for continuous quality improvement programs are scheduled to be adopted by the board during today's meeting. The proposed regulations for addressing hours of continuous work by pharmacist is currently at the Secretary's office and has been there for 381 days. Fast-tracked regulations regarding floor stock for correctional facilities is at the Department of Planning and Budget and the final regulations governing collaborative practice agreements has a register date of March 24, 2014 with an Errata published on May 19, 2014.

REPORT FROM REGULATORY COMMITTEE:

- Continuous quality improvement programs

The Regulation committee recommended that the board amend the definition for "dispensing error" in Regulation 18VAC110-20-10 by adding "regardless of whether the patient received the drug" following the words "final verification by the pharmacist" and to adopt the proposed emergency regulations for continuous quality improvement programs as amended.

MOTION:

The Board voted unanimously to amend the definition for "dispensing error" in Regulation 18VAC110-20-10 by adding "regardless of whether the patient received the drug" following the words "final verification by the pharmacist" and to adopt the proposed emergency regulations for continuous quality improvement programs as amended.

- Reconsideration of a fast-track regulation on EMS:

The Regulation Committee recommended that the board adopt the proposed changes to the EMS regulations and requested that they be fast-tracked. The amendments to the regulation would allow for an EMS agency to conduct a 1 for 1 exchange for schedule VI drugs or devices. Ms. Juran suggested a change in the language on page 60 under section 6, line 4, to add the wording “by the pharmacy”.

MOTION:

The Board voted unanimously to adopt the change that was suggested by Ms. Juran to add the wording “by the pharmacy” on page 60, section 6, line 4. (motion by Stelly, second by Warriner)

Battalion Chief Jennie Collins with Prince William County Department of Fire and Rescue and Sam Dahl, Director of the Northern Virginia EMS Council requested that the Board consider suggested language on page 58 under 18VAC 110-20-500, section A, number 2 to add the wording “theft and loss” after “and aid in detection”. Also, changes were suggested on page 61 under section B to add at the end of the sentence “provided that the schedule II, III, IV and V drugs are in a separate, sealed container”.

MOTION:

The Board voted unanimously to adopt the amended language on page 58 that adds the wording “theft or loss” and on page 60 that adds “provided that the schedule II, III, IV and V drugs are in a separate, sealed container”. (motion by Shinaberry, second by Warriner)

MOTION:

The Board voted unanimously to adopt the proposed regulations for EMS agencies as fast-track regulations as recommended by the Regulation committee and amended by the board. (motion by Stelly, second by Rhodes)

- Adoption of NOIRA prohibiting the offering of incentives or inducements to transfer prescriptions:

Ms. Yeatts reminded the members of the petition for rule-making that was submitted by Daniel Colpo requesting that the Board amend regulations in order to prohibit the offering of incentives or inducements that would entice patients to transfer their prescriptions. The board had denied the petition for rulemaking at the March 2014 full board meeting, but referred the matter to the Regulation Committee for further consideration.

MOTION:

The Board voted unanimously to adopt a Notice of Intended Regulatory Action (NORIA), as recommended by the Regulation Committee, that would prohibit the offering of incentives or inducements to transfer prescriptions. (motion by

Shinaberry, second by Adams)

**DRAFT LEGISLATIVE
PROPOSALS:**

Ms. Yeatts reviewed the draft legislative proposals for the Board to consider and adopt. Ms. Yeatts stated that the legislative proposals need to be at the Secretary's office by the second week of September from which it will go to the Governor's office. The draft proposed legislation include: the addition of alfaxalone to schedule IV in the Drug Control Act for consistency with federal rule, the authority for the Board to issue permits to facilities for physicians selling drugs, requirements for wholesale distributors to notify the board if they cease distribution to a licensed dispenser for suspicious orders, authority for pharmacists to possess and administer epinephrine and oxygen, and the creation of a new licensing category, "outsourcing facilities", for large sterile compounding operations that predominantly compound for hospitals or medical practices for office administration. The Regulation Committee recommended the board adopt all of the proposed legislative proposals.

MOTION:

The Board voted unanimously to approve the draft legislative proposal for placing alfaxalone into Schedule IV of the Drug Control Act and to include any other drug in the proposal which may be scheduled federally prior to the 2015 General Assembly session so to conform state scheduling with federal scheduling. (motion by Warriner, second by Stelly)

MOTION:

The Board voted unanimously to approve the draft legislative proposal for the authority to issue permits to facilities for practitioners of the healing arts to sell controlled substances. (motion by Warriner, second by Li)

MOTION:

The Board voted unanimously to approve the draft legislative proposal that would give pharmacists the authority to possess and administer epinephrine and oxygen. (motion by Warriner, second by Adams)

The Board discussed the draft legislative proposal for the requirement for wholesale distributors to notify the board if they cease or restrict the distribution to a licensed dispenser for suspicious ordering. Staff shared highlights of its recent discussions with HDMA and a member of the association. Based on some concerns expressed during those discussions, staff suggested that it consider the draft legislative proposal on the handout that was disseminated during the meeting which strikes the requirement to notify the Virginia State Police and the requirement to notify the board of restrictions on distributions.

MOTION:

The Board voted unanimously to adopt the legislative proposal as provided on the handout which would require wholesale distributors to notify the Board of Pharmacy when it ceases distribution of prescription drugs to a dispenser for suspicious activity and directed staff to send the proposal out to stakeholders for further comment. (motion by Warriner, second by Stelly)

While the Regulation Committee did not take action on whether the board should prohibit compounding human drugs for office administration, the board discussed a presentation provided at the NABP annual meeting in May which confirmed FDA's position that federal law prohibits pharmacies from compounding human drugs for office-use. Ms. Juran and Ms. Warriner indicated that it appears the board should consider prohibiting this activity as it has become clearer that federal law does not allow pharmacies to compound human drugs for office administration. Any organizations disagreeing with the FDA position would likely need to resolve the matter in court.

MOTION:

The Board voted unanimously to adopt the legislative proposal to create new licensing categories for "outsourcing facilities" as recommended by the Regulation Committee and to include language which would prohibit compounding human drugs for office administration. (motion by Stelly, second by Munden)

LUNCH:

The board had a working lunch at approximately 12:26pm and presented former board member Dave Kozera and former board counsel Howard Casway with plaques of appreciation for their time and service to the Board of Pharmacy.

NEW BUSINESS

(continued):

- Compounding Working Group-HB 1035:

Ms. Juran discussed with the board that the enactment clause of HB 1035 requires the Board of Pharmacy to convene a compounding workgroup to explore and clarify issues related to the compounding of drugs for human and animal use. Ms. Allen announced that she has appointed Mr. Adams, Ms. Shinaberry and herself to the workgroup. Ms. Juran stated that the stakeholders identified in the enactment clause will receive information in the near future soliciting their participation on the workgroup.

- Staff request to amend

Ms. Juran reviewed with the board staff's request to amend

Guidance Document 110-38 regarding inspections from non-resident pharmacies:

Guidance Document 110-38 regarding inspections from non-resident pharmacies. The amendments would allow a non-resident pharmacy that may have recently been licensed in their resident state to submit a “new” or “opening” inspection report with their application instead of an “operational” inspection report. This process would mirror the licensing process of in-state pharmacies. However, the non-resident pharmacy would be required to submit an “operational” inspection report during the subsequent renewal period.

MOTION:

The board voted unanimously to amend Guidance Document 110-38 as presented. (motion by Warriner, second by Thornbury)

- Board member request to amend 18VAC 110-20-200 B to allow Schedule II drugs to be dispersed, securely locked or a combination of them both:

A request was submitted by Mr. Adams to amend 18VAC 110-20-200B to allow Schedule II drugs in a pharmacy to be dispersed with other schedules of drugs on the shelves, maintained within a securely locked cabinet, drawer, or safe, or a combination of the two allowances. It was suggested to provide an interpretation of the regulation by adopting guidance on the subject and to amend the regulation during the next periodic regulatory review period.

MOTION:

The board voted unanimously to direct staff to draft a guidance document indicating the board interprets Regulation 18VAC 110-20-200 B to mean that Schedule II drugs in a pharmacy may be dispersed with other schedules of drugs on the shelves, maintained within a securely locked cabinet, drawer, or safe, or maintained in a manner which combines the two allowances and consider amending the regulation during the next periodic regulatory review period. (motion by Adams, second by Warriner)

- Staff request to amend 18VAC 110-20-20 to allow staggering renewal of non-resident pharmacies:

To ease the workload associated with the new requirement to review current inspection reports annually during renewal, staff requested the board amend Regulation 18VAC 110-20-20 to stagger the renewal of non-resident pharmacies throughout the calendar year. It was proposed that they renew by the anniversary of their initial registration date.

MOTION:

The Board voted unanimously to amend 18VAC 110-20-20 to require non-resident pharmacies to renew annually by the anniversary of their initial registration date. (motion by Warriner, second Munden)

- Staff request to amend

Ms. Juran shared observations regarding 3 suspended pharmacists

18VAC 110-20-190 to prohibit suspended or revoked pharmacists, pharmacy interns, and pharmacy technicians from accessing the prescription department and controlled substances:

during the past few years who continued to work in some capacity at the pharmacy such as running the cashier in the prescription department or delivering dispensed drugs. The board discussed whether it should consider amending 18VAC 110-20-190 to prohibit suspended or revoked pharmacists, pharmacy interns, and pharmacy technicians from accessing the prescription department and controlled substances. Concern was expressed for the pharmacist on-duty who may not feel comfortable prohibiting his employer from accessing the prescription department. Concern was also expressed for a suspended pharmacist having the ability to access controlled substances within the prescription department or by delivering controlled substances to patients' residences or alternate delivery sites.

MOTION:

The Board voted unanimously to amend 18VAC 110-20-190 to prohibit suspended or revoked pharmacists, pharmacy interns and pharmacy technicians from accessing the prescription department and controlled substances, to include the delivery of dispensed controlled substances. (motion by Munden, second by Stelly)

MOTION:

The Board voted unanimously to amend the language on page 113 to read "The PIC or pharmacist on duty shall not permit access to the prescription department or controlled substances". (motion by Adams, second by Rhodes).

- Board member request to discuss possibility of a "pharmacy assistant":

Mr. Adams stated that the board may want to consider in the future the use of "pharmacy assistants" who would be able to assist the pharmacist by performing some unsupervised duties. He stated that prescription dispensing volume will steadily increase and the pharmacists may not be able to handle it. These "pharmacy assistants" will have more education and less supervision, but still have a checks and balance system in place. Mr. Adams feels that this type of position may be necessary in a clinical setting. The Board felt that it was a good concept, but may be premature as several members believed standardization of pharmacy technician education should occur first.

ELECTION OF OFFICERS:

MOTION:

The Board voted unanimously to elect Ms. Shinaberry as Chairman for the term July 1, 2014 through June 30, 2015. (motion by Munden, second by Adams)

MOTION:

The Board voted unanimously to elect Ms. Munden as Vice Chairman for the term July 1, 2014 through June 30, 2015. (motion by Rhodes, second by Adams)

Since Ms. Shinaberry's first term expires June 30, 2014, Ms. Allen stated that should Ms. Shinaberry not be reappointed to the board, then Ms. Munden would assume the role as chairman and the board would elect a new vice-chairman at the subsequent meeting.

SUMMARY SUSPENSIONS

JESSICA G. BAILEY
Pharmacy Technician
Registration Number:
0230-014580

Cynthia Warriner recused herself from this matter.

Wayne T. Halbleib, Senior Assistant Attorney General, presented a summary of the evidence in the case for the board to consider a summary suspension. Mykl D. Egan, DHP Adjudication Specialist, was also present.

Closed Meeting:

Upon a motion by Ms. Shinaberry, and duly seconded by Ms. Munden, the Board voted 9-0 to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Jessica G. Bailey. Additionally, she moved that Cathy M. Reiniers-Day, Caroline D. Juran, Heather Hurley, James Rutkowski, and Sammy Johnson, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

Reconvene

The Board voted unanimously that only public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

MOTION:

Upon a motion by Ms. Stelly, and duly seconded by Ms. Munden, the Board voted 9-0 in favor of the motion that, according to the evidence presented, the continued practice by Jessica G. Bailey as a pharmacy technician poses a substantial danger to the public; and therefore, the registration of Jessica G. Bailey to practice as a pharmacy technician be summarily suspended. Further, a Consent Order shall be offered to Ms. Bailey for the indefinite suspension of her pharmacy technician registration for not less than two years in lieu of a hearing.

CHANTAL
M. BHOLANATH
Pharmacy Technician

Cindy Warriner recused herself from this matter.

Registration Number:
0230-021934

Wayne T. Halbleib, Senior Assistant Attorney General, presented a summary of the evidence in the case for the Board to consider a summary suspension. Mykl D. Egan, DHP Adjudication Specialist, was also present.

Closed Meeting:

Upon a motion by Ms. Shinaberry, and duly seconded by Ms. Munden, the Board voted 9-0 to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Chantel M. Bholanath. Additionally, she moved that Cathy M. Reiniers-Day, Caroline D. Juran, Heather Hurley, James Rutkowski, and Sammy Johnson, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

Reconvene

The Board voted unanimously, that only public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

MOTION:

Upon a motion by Ms. Stelly, and duly seconded by Ms. Munden, the Board voted 9-0 in favor of the motion that, according to the evidence presented, the continued practice by Chantel M. Bholanath as a pharmacy technician poses a substantial danger to the public; and therefore, the registration of Chantel M. Bholanath to practice as a pharmacy technician be summarily suspended. Further, a Consent Order shall be offered to Ms. Bholanath for the revocation of her pharmacy technician registration.

**CONSIDERATION OF A
CONSENT ORDER AND
ORDER**

Closed Meeting:

Upon a motion by Ms. Shinaberry, and duly seconded by Ms. Stelly, the Board voted 10-0 to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of a Consent Order and an Order. Additionally, she moved that Cathy M. Reiniers-Day, Caroline D. Juran, Heather Hurley, James Rutkowski, and Sammy Johnson, attend the closed meeting because their presence in the closed meeting was

deemed necessary and would aid the Board in its deliberations.

Reconvene

The Board voted unanimously that only public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

MOTION:

Upon a motion by Ms. Stelly and duly seconded by Ms. Warriner, the Board voted 10-0 in favor of accepting the Consent Order as presented by Ms. Reiniers-Day in the matter of Casey R. Frick, a pharmacy technician.

MOTION:

With Ms. Shinaberry abstaining from this matter, and upon a motion by Ms. Warriner and duly seconded by Ms. Li, the Board voted 9-0 in favor of accepting the Order entered on February 12, 2014, as presented by Mr. Rutkowski in the matter of Susan L. Windsor, a pharmacist..

**REQUEST FOR
EXAMINATION
REQUESTS:**

**MOTION FOR A CLOSED
MEETING:**

The Board voted unanimously to convene a closed meeting pursuant to § 2.2-3711(A)(15) of the Code of Virginia for the purpose of consideration and discussion of medical/mental health records contained in an accommodation request that are excluded from the Freedom of Information Act by Virginia Code Section 2.2-3705(A)(5) and that Caroline Juran, Sammy Johnson, Cathy Reiniers-Day, James Rutkowski, and Heather Hurley attend the closed meeting because their presence was deemed necessary and would aid the Board in its deliberations.

**MOTION TO CERTIFY THE
PURPOSE OF THE CLOSED
MEETING:**

The Board voted unanimously that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

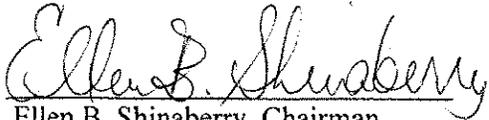
MOTION:

The Board voted unanimously to approve the following examination requests of Carla Rene Cobbs: extended time by one and a half times the normally allotted time; a desk large enough to accommodate a wheelchair ; and, a separate room for completing the exams with a proctor appropriately monitoring her testing experiences. (motion by Adams, second by Warriner)

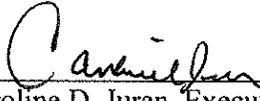
Virginia Board of Pharmacy Minutes
June 4, 2014

ADJOURN:

With all business concluded, the meeting adjourned at 3:22pm.


Ellen B. Shinaberry, Chairman

Date: September 9, 2014


Caroline D. Juran, Executive Director

Date: 9/9/14