(FINAL/APPROVED 12/12/2007)

VIRGINIA BOARD OF PHARMACY
MINUTES OF INFORMAL CONFERENCE COMMITTEE

October 22, 2007
Second Floor
Training Room 2

Department of Health Professions
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233

CALL TO ORDER: A meeting of an informal conference committee of the Board of Pharmacy was called to order at 10:02am.

PRESIDING: Bobby Ison, Committee Chairman

MEMBERS PRESENT: John O. Beckner

STAFF PRESENT: Elizabeth Scott Russell, Executive Director
Caroline D. Juran, Deputy Executive Director

Vanetta Owens
License # 0201-003726

Ms. Owens, Tim Koch, Allen Freeman and Virginia Tworek were present to discuss the application, received August 22, 2007, for approval of an Innovative (Pilot) program wherein filled prescriptions would be place in an automated finished prescription pick-up device at Wal-Mart Pharmacy #10-3214.

Closed meeting: Mr. Beckner moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to Section 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation and to act upon the application for approval of an Innovative (Pilot) program wherein filled prescriptions would be place in an automated finished prescription pick-up device at Wal-Mart Pharmacy #10-3214. Additionally, he moved that Caroline Juran and Scotti Russell attend the closed meeting because their presence in the closed meeting was deemed necessary.

Reconvene: Mr. Beckner moved, and the Committee voted 2-0 in favor of the motion, to reconvene an open meeting and to certify that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision: After consideration of the application and statements concerning the proposed Innovative (Pilot) program, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that the application for approval of an Innovative (Pilot) program wherein filled prescriptions would be place in an automated finished prescription pick-up device at Wal-Mart Pharmacy #10-3214 be approved contingent upon the following terms and conditions: Wal-Mart Stores East, LP shall notify the Board of the implementation date

of the program; Wal-Mart Stores East, LP shall implement the program at Wal-Mart Pharmacy #10-3214 and the device is approved for storing new prescriptions and refills; Wal-Mart Pharmacy #10-3214 may place the device outside the prescription department, but adjacent to or in close proximity for the one year period; After one year of operation, Wal-Mart Stores East, LP may apply to the Board for continuation of the program and pay a fee of $200; The Board will review the program to determine continued safety, the need for further inspections, or the need for any modifications to the order; If continued operation is approved after one year, the device at Wal-Mart Pharmacy #10-3214 shall be moved to be part of the prescription department; After 6 months of operation, Wal-Mart Stores East, LP may petition for expansion of the use of the device in other locations as listed in the Application; Any additional locations approved by the Board shall also incorporate the device into the prescription department; Any moving of the original device at Wal-Mart Pharmacy #10-3214 to be part of the prescription department, as well as the installation of these devices at additional pharmacies would most likely constitute a remodeling of the prescription department requiring an application to the Board and subsequent inspection; Reports shall be submitted to the Board quarterly, with the first report due the last day of the third month after the implementation date and shall include the following information:

a) number of prescriptions delivered to patients via the device;
b) length and dates of any downtime associated with device;
c) number of bags delivered to an incorrect patient;
d) number of delivered bags containing the wrong drug;
e) number of calls placed to a pharmacist for counseling when the prescription department is closed;
f) and number and summary of problems or complaints received regarding use of device;

Upon a device error, the Board shall be notified and use of the device shall cease until the Board reauthorizes its use; Wal-Mart Stores East, LP shall adhere to all policies and procedures listed in the attachments of the Application; Wal-Mart Stores East, LP shall be subject to one random, unannounced inspection by the Board or its designated representatives, within the first year of implementation; This inspection is independent from any routine inspection of the pharmacy; Wal-Mart Stores East, LP shall be solely responsible for the payment of an inspection fee of $150 to be paid to the Board within thirty days from the date of the inspection; Wal-Mart Stores East, LP shall notify the Board prior to implementing any modification to the approved Application and no modification shall be implemented until approved by the Board;

Reports of significant errors or other problems, or failure to comply with the terms and conditions described above shall constitute grounds for the rescission of the approval and an administrative proceeding shall be convened to determine whether the approval should be rescinded or modified.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Ms. Owens unless a written request to the Board for a formal hearing on the decision of the aforementioned Innovative (Pilot) program is received from Ms. Owen within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

ADJOURN: With all business concluded, the meeting adjourned at 11:10am.

Caroline D. Juran
Deputy Executive Director

Bobby Ison
Chair

12/12/07
Date