

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

February 4, 2002  
Fifth Floor  
Conference Room 2

Department of Health Professions  
6606 West Broad Street  
Richmond, Virginia 23230

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**CALL TO ORDER:** The meeting of the Virginia Board of Pharmacy was called to order at 9:05 a.m.

**PRESIDING:** Michael C. Maloney

**MEMBERS PRESENT:** Sonny Currin  
Adina C. Krum  
Michael J. Ayotte  
Mark A. Oley  
John G. Selph  
Vernon A. Clement  
William S. Tiffany  
Mark A. Szalwinski

**QUORUM:** With nine members present, a quorum was established.

Jackson T. Ward arrived at 11:40 a.m.

**STAFF PRESENT:** Elizabeth Scott Russell, Executive Director  
Cathy M. Reiniers-Day, Deputy Executive Director  
Ralph A. Orr, Deputy Executive Director  
Howard M. Casway, Assistant Attorney General  
Elaine Yeatts, Senior Regulatory Analyst  
Heather L. Womack, Administrative Assistant

**APPROVAL OF AGENDA:** Mr. Maloney amended the agenda to include the following topics: review of legislative reports from the General Assembly, and a request from MCV concerning decentralized prescription entry in the outpatient clinics. The agenda was approved as amended.

**PUBLIC COMMENTS:** No public comments were received at this time.

**APPROVAL OF MINUTES:** The Board reviewed minutes of November 8, 2001 meeting, November 30, 2001 Regulation Committee, December 11, 2001 Robot Informal Conference Committee, October 16, 2001 Regulation Committee, September 19, 2001 subcommittee on pharmacy technicians, August 30, 2001 Regulation Committee, April 27-30, 2001 regulation review subcommittees, September 18, 2000 Regulation Committee with the ad

hoc committee on pharmacy technicians, September 27, 2001 Robot Informal Conference Committee, and June 19, 2000 Regulation Committee with the ad hoc committee on pharmacy technicians. On page four of the November 8, 2001 minutes, "Foster" was corrected to read "Farone". On page one of the September 19, 2001 minutes, the spelling of "Szalwinski" was corrected. The minutes from November 8, 2001 and September 19, 2001 were approved with corrections. The minutes from November 30, 2001, December 11, 2001, October 16, 2001, August 30, 2001, April 27-30, 2001, September 18, 2000, September 27, 2001 and June 19, 2000 were approved as presented.

**WELCOME:**

Mr. Maloney introduced Ralph A. Orr as a new member of the Board staff assuming a new position as Deputy Executive Director.

**ADOPTION OF FINAL  
PILOT REGULATIONS:**

The Board reviewed the final regulations on pilot programs. Mr. Tiffany moved, and the Board voted unanimously to adopt the final regulations for pilot programs. The final regulations will be effective on March 27, 2002. (Attachment 1)

**ADOPTION OF  
PROPOSED  
REGULATIONS FOR  
FEES:**

Ms. Yeatts presented three draft options for fee increases to be reviewed by the Board. Charles Giles from the department's finance division was present. Ms. Yeatts stated that the fee increase would not take place before the 2003 annual renewal. Mr. Szalwinski moved, and the Board voted unanimously to adopt as proposed regulations the fee increases in the third option, with the initial license fee for pharmacist increased to \$200.00. (Attachment 2)

**ADOPTION OF  
PROPOSED  
REGULATIONS FOR  
PHARMACY  
TECHNICIAN  
REGISTRARION:**

The Board reviewed draft regulations for pharmacy technician registration. Written comments that were sent to the Board were also discussed. Tom Stallings representing the Virginia Association of Chain Drug Stores; Rebecca Snead, Executive Director of the Virginia Pharmacist Association; and Alexander Macaulay representing Epic Pharmacies commented on the draft. The Chair suspended the discussion of this issue until later in the meeting to accommodate schedules of several persons waiting to address the Board.

**ADOPTION OF EXEMPT  
CHANGES TO  
REGULATIONS:**

The Board discussed exempt changes to regulations necessary because of changes to §54.1-3408 of the Drug Control Act. Mr. Selph moved, and the Board voted unanimously to adopt the exempt changes to the regulations as presented. (Attachment 3)

**VIRGINIA  
MONITORING  
INSTITUTE  
PRESENTATION:**

William McAllister and Dr. Patty Pade from Virginia Monitoring, addressed the Board and provided an update on the progress and goals of Virginia Monitoring, Inc., and answered questions of the Board.

**PRESENTATION OF THE  
“AUTHENTIPRINT”  
SYSTEM BY THE  
PULASKI POLICE  
DEPARTMENT.**

Officers Vicki Frazier and Lori Merideth representing the Pulaski Police Department presented to the Board the “Authentiprint” system, which is a finger signature that is used to combat identity fraud. Officer Frazier presented the program for use in pharmacies to help curb the diversion of narcotic prescriptions. Lydia del Rossi, President of Crimebytes, explained how the system has been used in various settings as a form of fraud control. As part of the presentation, Officer Frazier referred to a letter from the Office of the Attorney General. The Board Chair stated that while it did not appear that current law would prohibit a pharmacy from using the “Authentiprint” system, the Board would like the opportunity to review the opinion of the Attorney General before making comment. The Board took no action in this matter.

**CONTINUATION OF  
DISCUSSION ON THE  
PROPOSED  
REGULATIONS FOR  
PHARMACY  
TECHNICIAN  
REGISTRATION:**

The Board continued the review of the draft regulations for pharmacy technician registration, and made several changes. Mr. Ayotte moved, and the Board voted unanimously to change the initial registration fee in the draft from \$40.00 to \$25.00. Mr. Ward moved, and the Board voted unanimously to adopt as proposed regulations the draft regulations in the agenda packet as amended by the Board. (Attachment 4)

**LEGISLATIVE REPORT:**

Ms. Yeatts presented an update on legislation in the 2002 General Assembly that the department is tracking.

**REQUEST FROM LEO  
ROSS CONCERNING  
BIENNIAL RENEWALS:**

The Board discussed a request from Leo Ross concerning biennial renewal. Ms. Krum moved, and the Board voted unanimously to review the impact of the new fee structure on the feasibility of moving to a biennial renewal before considering a legislative proposal.

**REQUEST FROM THE  
WESTERN VIRGINIA  
EMS COUNCIL:**

The Board reviewed a request from the Western Virginia EMS Council concerning the dividing of one drug kit that is being carried on ambulances in accordance with 18 VAC110-20-500 into two kits, one with more frequently used drugs, to improve efficiency of the system. Mr. Currin moved, and the Board voted unanimously that the “splitting” of sealed drug kits into two sealed drug kits to be carried on ambulances was not inconsistent with regulations and is allowed as long as the sealed drug kits are maintained in compliance with current laws and regulations.

**FAXING OF  
PRESCRIPTIONS FROM  
OUT OF STATE  
PHARMACISTS,  
INCLUDING ECKERD  
THERAPEUTIC  
SUPPORT CENTER AND  
PHARMACARE  
QUALACHOICE OF VA:**

The Chair continued this agenda item until its next meeting at the request of Eckerd.

**REQUEST FROM ACPE:**

The Association of Council on Pharmaceutical Education requested a representative of the Board to take part in the evaluation of the Doctor of Pharmacy program at Hampton University School of Pharmacy, February 26-27, 2002. Vernon Clement will be representing the Board on the evaluation team.

**REQUEST FROM MCV:**

The Board discussed the request from MCV Hospital to allow pharmacy technicians to enter prescriptions into the pharmacy data system from the clinic along with a scanned image of the prescription which would be viewed and dispensed in the pharmacy. Ms. Russell stated that while they could apply to do this in a pilot program, MCV would prefer that the Board allow it under interpretation of current law and regulation. Andrew Wilson and Rodney Stiltner were present to respond to questions from the Board. The issues in question relate to whether a pharmacy technician could perform technician functions outside of the pharmacy and not under the personal supervision of a pharmacist, and also whether a scanned image of a prescription is consistent with the definition of an "electronically transmitted prescription". Mr. Ward moved, and the Board voted unanimously to continue this matter until the next meeting in order to obtain more information from MCV concerning this program.

**EXECUTIVE  
DIRECTOR'S REPORT:**

Ms. Russell gave a report concerning the upcoming newsletter. She stated that Mr. Orr will be organizing the newsletter, and any items that the Board members would like to be included should be submitted via email or telephone to Mr. Orr.

The next meeting which had been scheduled for May 9, 2002 meeting has been changed to April 29, 2002 at 9:00 a.m.

**CE AUDITS:**

Mr. Ayotte moved and the Board voted unanimously to conduct a two percent audit on CE hours instead of auditing during all routine inspections beginning January 2003.

**APPROVAL OF  
DISCIPLINARY  
ACTIONS:**

The Board reviewed the summary of disciplinary actions from October 2001 thru January 2002. Mr. Clement moved, and the Board voted unanimously to approve the summary of disciplinary actions as presented. (Attachment 5)

**ADJOURN:**

With all business concluded, the meeting adjourned at 4:40 p.m.

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Heather L. Womack, Administrative Assistant

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Elizabeth Scott Russell  
Executive Director

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Michael C. Maloney, Chairman

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Date