

**VIRGINIA BOARD OF PHARMACY
MINUTES OF SPECIAL CONFERENCE COMMITTEE**

Tuesday, February 12, 2013
Commonwealth Conference Center
Second Floor
Board Room 1

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

CALL TO ORDER: A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:30 a.m.

PRESIDING: David C. Kozera, Committee Chair

MEMBERS PRESENT: Ellen B. Shinaberry, Committee Member

STAFF PRESENT: Cathy M. Reiniers-Day, Deputy Executive Director
Mykl D. Egan, DHP Adjudication Specialist

GENNIFER L. BARKER
Registration No. 0230-012649
Gennifer L. Barker appeared with Leonard A. Paris, her attorney, and Josephine Barker, her grandmother, to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians as stated in the September 26, 2012, Notice.

Closed Meeting: The Committee referred the matter to a Formal Hearing before the Board of Pharmacy.

PHILIP D. RICHARD
Pharmacist Reinstatement Applicant
License No. 0202 004237
Philip D. Richard appeared to discuss his petition for reinstatement of his pharmacist license and to review allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the December 21, 2012, Notice.

Closed Meeting: Upon a motion by Ms. Shinaberry, and duly seconded by Mr. Kozera, the Committee unanimously voted to convene a closed meeting pursuant to § 2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Philip D. Richard. Additionally, she moved that Cathy Reiniers-Day and Mykl D. Egan attend the closed meeting

because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene:

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

Decision:

Upon a motion by Ms. Shinaberry, and duly seconded by Mr. Kozera, the Committee made certain Findings of Facts and Conclusions of Law and unanimously voted to issue an Order reinstating Mr. Richard's pharmacist license once he complies with certain conditions.

As provided by law, this decision shall become a final Order thirty (30) days after service of such Order on Mr. Richard, unless a written request is made to the Board requesting a formal hearing on the allegations made against him is received from Mr. Richard within such time. If service of the Order is made by mail, three (3) 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.

ROY L. GARRETT
License No. 0202 003642

Roy L. Garrett appeared with Eleanor Garrett, his wife, to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the December 11, 2012, Notice.

Closed Meeting:

Upon a motion by Ms. Shinaberry, and duly seconded by Mr. Kozera, the Committee unanimously voted to convene a closed meeting pursuant to § 2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Roy L. Garrett. Additionally, she moved that Cathy Reiniers-Day and Mykl D. Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene:

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

Decision:

Upon a motion by Ms. Shinaberry, and duly seconded by Mr. Kozera, the Committee made certain Findings of Facts and Conclusions of Law and unanimously voted to issue Mr. Garrett an Order with a reprimand.

As provided by law, this decision shall become a final Order thirty (30) days after service of such Order on Mr. Garrett, unless a written request is made to the Board requesting a formal hearing on the allegations made against him is received from Mr. Garrett within such time. If service of the Order is made by mail, three (3) 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.

NOTE:

Pratt P. Stelly arrived to serve as the additional Committee Member for the following case. Ms. Shinaberry chaired the conference and Mr. Kozera recused himself from this matter. Further, Shevaun Roukous, DHP Adjudication Specialist, staffed this conference.

AMANDA OVERSTREET
Registration No. 0230-007538

Amanda Overstreet did not appear at the informal conference. The Committee chose to proceed in her absence as the notice was mailed to Ms. Overstreet's legal address of record. The Committee discussed that she may have violated certain laws and regulations governing the practice of pharmacy technicians as stated in the November 26, 2012, Notice.

Closed Meeting:

Upon a motion by Ms. Stelly, and duly seconded by Ms. Shinaberry, the Committee unanimously voted to convene a closed meeting pursuant to § 2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the

matter of Amanda Overstreet. Additionally, she moved that Cathy Reiniers-Day and Shevaun Roukous attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene:

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

Decision:

Upon a motion by Ms. Stelly, and duly seconded by Ms. Shinaberry, the Committee made certain Findings of Facts and Conclusions of Law and unanimously voted to offer Ms. Overstreet a Consent Order for the indefinite suspension of her right to renew her pharmacy technician registration.

NOTE:

Ms. Stelly departed and Mr. Kozera returned to chair the remaining conferences. Further, Mr. Egan returned to staff the remaining conferences.

JAMES V. ETTARE, II
Pharmacist Reinstatement Applicant
License No. 0202 205862

James V. Ettare appeared with Jody Ettare, his wife and a pharmacist; and J. Buckley Warden, his attorney, to discuss his petition for reinstatement of his pharmacist license and to review allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the February 1, 2013, Notice.

Closed Meeting:

Upon a motion by Ms. Shinaberry, and duly seconded by Mr. Kozera, the Committee unanimously voted to convene a closed meeting pursuant to § 2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of James V. Ettare. Additionally, she moved that Cathy Reiniers-Day and Mykl D. Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene:

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

Decision:

Upon a motion by Ms. Shinaberry, and duly seconded by Mr. Kozera, the Committee made certain Findings of Facts and Conclusions of Law and unanimously voted to issue an Order reinstating Mr. Ettare's pharmacist license once he complies with certain conditions.

As provided by law, this decision shall become a final Order thirty (30) days after service of such Order on Mr. Ettare, unless a written request is made to the Board requesting a formal hearing on the allegations made against him is received from Mr. Ettare within such time. If service of the Order is made by mail, three (3) 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.

RUTH L. GREEN
License No. 0202-207618

Ruth L. Green did not appear at the informal conference. The Committee chose to proceed in her absence as the notice was mailed to Ms. Green's legal address of record. The Committee discussed that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the December 21, 2012, Notice.

Closed Meeting:

Upon a motion by Ms. Shinaberry, and duly seconded by Mr. Kozera, the Committee unanimously voted to convene a closed meeting pursuant to § 2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Ruth L. Green. Additionally, she moved that Cathy Reiniers-Day and Mykl D. Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene:

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

Decision:

Upon a motion by Ms. Shinaberry, and duly seconded by Mr. Kozera, the Committee made certain Findings of Facts and Conclusions of Law and unanimously voted to issue Ms. Green an Order to continue her pharmacist license on probation with terms and conditions.

As provided by law, this decision shall become a final Order thirty (30) days after service of such Order on Ms. Green, unless a written request is made to the Board requesting a formal hearing on the allegations made against her is received from Ms. Green within such time. If service of the Order is made by mail, three (3) 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 4:30 p.m.

David C. Kozera, Chair

Cathy M. Reiniers-Day
Deputy Executive Director

Ellen B. Shinaberry, Chair

Date