

**Final/Approved**

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

September 30, 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 9:10 a.m.
- PRESIDING:** Sonny Currin
- MEMBERS PRESENT:** Mark A. Szalwinski  
Michael J. Ayotte  
Michelle R. Easton  
Bobby Ison  
Willie Brown  
Leo H. Ross  
Mark A. Oley  
John G. Selph  
Jackson T. Ward
- 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
- QUORUM:** With ten members of the Board present, a quorum was established.
- APPROVAL OF AGENDA:** Mr. Ward moved, and the Board voted unanimously to approve the agenda as amended.
- PUBLIC COMMENTS:** No public comments were received at this time.
- APPROVAL OF MINUTES:** Mr. Currin called for changes or corrections to the minutes of August 19, 2002. The minutes were approved with corrections.
- PUBLIC HEARING:** The Board held a public hearing on proposed regulations 18 VAC 110-20-20 et seq. for pharmacy technician registration. Thomas Stallings, representing the Virginia Association of Chain Drug Stores commented on the proposed regulation. A copy of the transcript from the public hearing is attached (Attachment 1).

**ADOPTION OF PUBLIC  
COMMENTS AND FINAL  
REGULATIONS FOR  
FEE INCREASES:**

The Board reviewed the public comments for fee increases. Ms. Yeatts presented an additional Option IV that reduces a majority of the proposed fees by 10%. The need for reduction was based on a review of the final FY 2002 budget figures and updated projections on revenue and expenditures. Mr. Ward moved, and the Board voted unanimously to adopt the Option IV revised fee increases as final regulations (Attachment 2). Mr. Ward moved, and the Board voted unanimously to adopt the draft responses to public comments that were presented by staff.

**ADOPTION OF  
PROPOSED  
REGULATIONS FOR  
CHART ORDERS,  
ALTERNATIVE SITES,  
ETC. TO REPLACE  
EMERGENCY  
REGULATIONS:**

The Board discussed comments that were received concerning the proposed regulations replacing the emergency regulations. Kevin Nicholson, National Association of Chain Drug Stores commented on striking the language in 18 VAC 110-20-400 that states, "provided such return or exchange is consistent with federal law and regulation."

Mark Cruise, Executive Director, Virginia Association of Free Clinics, addressed the Board concerning regulation 18 VAC 110-20-730(A) which requires "practitioners to inform the Board of all sources of the donated drugs". Mr. Ayotte moved, and the Board voted unanimously to strike this wording in subsection A and create a new subsection B, shifting the remaining sections down, and stating that "Drugs donated to a free clinic shall only be accepted if donated by entities licensed, registered or permitted by the Board."

Mr. Cruise also commented on old subsection B, that requiring policy and procedure for a monthly inventory review for expired drugs exceeds what is required of pharmacies. Mr. Ayotte moved to amend this subsection to read "A practitioner shall not dispense expired stock, shall segregate expired stock, and shall maintain and comply with a written procedure for inventory reviews for the removal of expired drugs." The motion was carried by a 6 to 4 hand count vote.

Also in response to a comment by Mr. Cruise, Ms. Easton moved, and the Board voted unanimously to strike "and address" in subsection D after patient name, as a requirement on prescription labels.

The Board discussed amendments to 18 VAC 110-20-240 concerning chart orders. Mr. Ison moved, and the Board voted unanimously to amend 18 VAC 110-20-240 (3)(b) to read "If a chart order contains an order for a Schedule II drug, where the Schedule II drug is dispensed pursuant to this order to the specific patient and not floor-stocked, the original order must be filed with records of Schedule II drugs and a copy of the order placed in the file for other schedules."

Mr. Ward moved, and the Board voted unanimously to adopt the regulations as amended to replace the emergency regulations (Attachment 3).

**ADOPTION OF  
PROPOSED  
REGULATIONS FOR  
TEMPORARY  
PRACTICE TO REPLACE  
EMERGENCY RULES:**

The Board discussed proposed regulation 18 VAC 110-20-75 concerning temporary practice. Mr. Ward moved, and the Board voted unanimously to adopt 18 VAC 110-20-75 for temporary practice to replace emergency regulations (Attachment 4).

**APPOINTMENTS OF  
COMMITTEES:**

Mr. Currin appointed committees for the upcoming year (Attachment 5).

**MEETING DATES:  
Including 2003 calendar:**

The Board set the following meeting dates for 2002:

- October 23, 2002 at 9:00 a.m. for a compounding committee meeting
- November 4, 2002 from 10:00 a.m. to 3:00 p.m. for a regulation committee meeting.
- December 3, 2002 at 9:00 a.m. for a full Board meeting

The Board set the following full Board meetings set for calendar year 2003:

- February 10, 2003 at 9:00 a.m.
- April 15, 2003 at 9:00 a.m.
- June 10, 2003 at 9:00 a.m.
- September 16, 2003 at 9:00 a.m.
- December 9, 2003 at 9:00 a.m.

All meetings dates are subject to change.

**REVIEW OF 18 VAC 110-  
20-30 CONCERNING  
PHARMACY INTERNS:**

Ms. Russell discussed 18 VAC 110-20-30 with the Board concerning pharmacy interns. The regulation states that practical experience shall only be gained after completion of the first professional year in pharmacy school. Because of this, the Board has not registered students as interns until they have completed their first year. The concern was that many students in their first professional year currently work as pharmacy technicians. With the implementation of requiring pharmacy technicians to register, these students would also have to meet requirements to register as a pharmacy technician in order to work while in their first year. Mr. Szalwinski moved, and the Board voted unanimously to allow a student to register and work as a pharmacy intern once they have begun their first professional year in pharmacy school. Practical experience credit will continue to be counted only after completion of the first professional year.

**TSE-PASSING SCORE:**

Ms. Russell stated that an applicant has requested a variance in achieving the passing score of 50 on the Test of Spoken English (TSE). She asked the Board if it wanted to consider an alternative to the current passing score set by the Board if the candidate was able to demonstrate verbal proficiency in English by another means. The consensus of the Board, after discussion, was that the passing score of 50 was established

by the National Association of Boards of Pharmacy (NABP) through a valid process. Any attempt by the Board to create an alternative passing score based on a subjective review by the Board would create inconsistency in the process and possibly invalidate the Board's criteria for licensing. Mr. Szalwinski moved, and the Board voted unanimously to continue to require a score of 50 on the TSE consistently for all applicants.

**EXECUTIVE  
DIRECTOR'S REPORT:**

- **ACPE Update:**

Ms. Russell stated that a foreign school of pharmacy, the Lebanese American University of Pharmacy, has now been accredited by the American Council for Pharmaceutical Education (ACPE). The graduates will not have to be certified by the Foreign Pharmacy Graduate Examination Committee (FPGEC) in order to be licensed in the state of Virginia. ACPE has also recognized the standards set by the Canadian Council for Accreditation of Pharmacy Programs (CCAPP) as meeting or exceeding the ACPE standards for the time period of 1993-2004. ACPE plans to publish this statement in its annual publication and reference the CCAPP published list of schools. As such, this should meet the Virginia statutory requirements for allowing graduates of the listed Canadian schools to take the North American Pharmacist Licensure Examination (NAPLEX) without the Foreign Pharmacy Graduate Equivalency Certificate (FPGEC). In 2004, ACPE moves to the six-year Pharm.D. program requirements. The Canadian standards will be reviewed again at that time to determine equivalency.

- **Travel Guidelines:**

New travel guidelines have been initiated for state employees to include Board members. Ms. Russell outlined some of the changes.

- **Update on District II:**

The upcoming NABP District II Conference will be held in Richmond, Virginia, October 19, 2003 through October 21, 2003 at the Omni Hotel.

- **Mailing of the laws and regulations:**

The Board discussed alternative ways of sending the laws and regulations to all of the pharmacies permitted in Virginia to decrease costs for copying and mailing. Ms. Russell stated that based on a survey performed by Board staff, a majority of the chain drug stores have either access to the internet or an intranet system. Another alternative is to send the information on diskette or CD-ROM to the pharmacies. The Board agreed that staff should consider other methods of making laws and regulations available, but also make paper copies available upon request.

- **Mailing of the newsletter:**

Ms. Russell suggested to the Board that the newsletter be mailed to the pharmacies instead of to individual pharmacists to reduce cost of postage. Mr. Oley moved to continue mailing the newsletter to each pharmacist licensed in Virginia. The motion was carried with a 9 to 1 hand count vote.

- **Draft pamphlet for CE requirements, John Selph:**

Mr. Selph presented to the Board a pamphlet he created to inform pharmacists about frequently asked questions on continuing education requirements. Mr. Brown moved, and the Board voted unanimously to approve Mr. Selph's draft pamphlet for CE requirements and request that staff send it out upon initial licensure of a pharmacist, publish it in a newsletter, and post it on the website.

**REVIEW OF DISCIPLINARY ACTIONS:**

The Board reviewed the list of disciplinary actions for July 2002 through September 2002 (Attachment 6). Ms. Reiniers-Day also briefed the Board on the 90 day case decision report that will be available on the agency website.

**ADJOURN:**

With all business concluded, the meeting adjourned at 12:50 p.m.

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Heather L. Womack, Administrative Assistant

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Elizabeth Scott Russell  
Executive Director

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Sonny Currin, Chairman

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Date