(DRAFT/UNAPPROVED)

VIRGINIA BOARD OF PHARMACY
MINUTES OF TELEPHONE CONFERENCE CALL

Thursday, April 16, 2015

Department of Health Professions
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

Orders/Consent Orders referred to in these minutes are available upon request

TIME & PURPOSE: Pursuant to § 54.1-2408.1(A) of the Code of Virginia, a telephone conference call of the Virginia Board of Pharmacy ("TCC") was held on April 16, 2015, at 3:00 p.m., to consider two summary suspensions.

PRESIDING: Ellen B. Shinaberry, Chair

MEMBERS PRESENT:
Jody H. Allen
Dinny Li
Ryan K. Logan
Empsy Munden
Rebecca Thornbury

MEMBERS ABSENT:
Melvin L. Boone, Sr.
Michael I. Elliott
Sheila K. W. Elliott
Cindy Warriner

STAFF PRESENT:
Caroline D. Juran, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Mykl Egan, DHP Adjudication Specialist
Wayne T. Halbleib, Senior Assistant Attorney General
Jim E. Rutkowski, Assistant Attorney General

POLL OF MEMBERS: The Board members were polled as to whether they were able to attend a regular meeting at the office in a timely manner for the purpose of hearing evidence in a possible summary suspension cases. The Board members stated that they would not have been able to attend.

With six (6) members participating and four (4) members unable to participate, it was established that a quorum could not have been convened in a regular meeting to consider this matter.

WESTBURY PHARMACY Permit No. 0201-002508	Wayne T. Halbleib presented a summary of the evidence in this case.
Closed Session:	Upon a motion by Ms. Munden and duly seconded by Ms. Thornbury, the Board voted 6-0 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 Westbury Pharmacy. Additionally, he moved that Cathy M. Reiniers-Day, Caroline D. Juran and James Rutkowski participate in the closed session because their presence in the closed session was deemed necessary and would aid the Board in its deliberations.
Reconvene:	The quorum of the Board returned to open session and voted unanimously that only public business matters lawfully exempted from open session requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed session were heard, discussed or considered during the closed session.
MOTION:	Upon a motion by Ms. Munden, and duly seconded by Mr. Logan, the Board voted 6-0 in favor of the motion that, according to the evidence presented, the continued conduct of a pharmacy by Westbury Pharmacy poses a substantial danger to the public; and therefore, the permit of Westbury Pharmacy to conduct a pharmacy be summarily suspended.
FAIZ ANTHONY OLEY, JR. License No: 0202-010741	Wayne T. Halbleib presented a summary of the evidence in this case.
Closed Session:	Upon a motion by Ms. Munden and duly seconded by Ms. Thornbury, the Board voted 6-0 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 Faiz Anthony Oley, Jr. Additionally, he moved that Cathy M. Reiniers-Day, Caroline D. Juran and James Rutkowski participate in the closed session because their presence in the closed session was deemed necessary and would aid the Board in its deliberations.

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

MOTION: Upon a motion by Ms. Munden, and duly seconded by Mr. Logan, the Board voted 6-0 in favor of the motion that, according to the evidence presented, the continued practice of Faiz Anthony Oley, Jr., poses a substantial danger to the public; and therefore, the license of Faiz Anthony Oley, Jr., to practice pharmacy be summarily suspended.

ADJOURN: With all business concluded, the telephone conference call adjourned at 4:45 p.m.

Cathy M. Reiniers-Day
Deputy Executive Director

Ellen B. Shinaberry, Chair

Date