

APPROVED/JULY 17, 2008
VIRGINIA BOARD OF PHARMACY
MINUTES OF SPECIAL CONFERENCE COMMITTEE

Wednesday, June 25, 2008
Second Floor
Board Room 4

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

- CALL TO ORDER:** A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:00 a.m.
- PRESIDING:** David C. Kozera, Committee Chairman
- MEMBERS PRESENT:** Brandon K. Yi
- STAFF PRESENT:** Cathy M. Reiniers-Day, Deputy Executive Director
Mykl D. Egan, DHP Adjudication Specialist
- MANZEL FELZER**
Registration # 0230-011874
Manzel Felzer appeared with Lisa Strucko and Martha Porter, pharmacists at Leesburg Pharmacy; to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy technicians as stated in the May 28, 2008 Notice.
- Closed Meeting:** Mr. Yi moved, and the Committee voted 2-0 in favor of the motion, 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 Manzel Felzer. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.
- Reconvene:** Mr. Yi moved, and the Committee voted 2-0 in favor of the motion, 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 evidence and statements concerning the allegations, Mr. Yi moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law

and sanctions as stated in Attachment 1.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Felzer unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Felzer 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.

MARTHA PORTER
License #0202-205070

Martha Porter appeared with Lisa Strucko, pharmacist and Manzel Felzer, pharmacy technician, at Leesburg Pharmacy; to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the May 28, 2008 Notice.

Closed Meeting:

Mr. Yi moved, and the Committee voted 2-0 in favor of the motion, 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 Martha Porter. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Yi moved, and the Committee voted 2-0 in favor of the motion, 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 evidence and statements concerning the allegations, Mr. Yi moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 2.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Ms. Porter unless a written request to the Board for a formal hearing on the allegations made against her is received

from Ms. Porter 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.

JAREN OUTLAW
Registration #0230-0048831

Ms. Outlaw was scheduled to appear at 9:00 a.m. to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians as stated in the May 28, 2008 Notice that was mailed to Ms. Outlaw's legal address of record, both regular and certified mail.

The Committee recommended that this case be heard at a formal hearing.

NELSON TIDWELL
License #0202-007302

Nelson Tidwell appeared with William Dean, current Pharmacist-In-Charge at Rx Services and William Hancock, Omnicare Area Director; to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the May 28, 2008 Notice.

Closed Meeting:

Mr. Yi moved, and the Committee voted 2-0 in favor of the motion, 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 Nelson Tidwell. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Yi moved, and the Committee voted 2-0 in favor of the motion, 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 evidence and statements concerning the allegations, Mr. Yi moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 3.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Tidwell unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Tidwell 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 4:30 p.m.

Cathy M. Reiniers-Day
Deputy Executive Director

David C. Kozera, Chair

Date

Manzel Felzer

Findings of Fact and Conclusions of Law:

- Manzel Felzer holds registration number 0230-011874 issued by the Board to practice as a pharmacy technician in the Commonwealth of Virginia.
- During the course of Mr. Felzer's employment as a pharmacy technician at Leesburg Pharmacy, Leesburg, Virginia, he violated § 54.1-3316(7), § 54.1-3321(A)(4) and (5) and § 54.1-3462(1) of the Code in that on December 21, 2007, by his own admission, he compounded Rx #155421 for amlodipine 1.25 mg/ml suspension containing 0.68 grams of amlodipine powder rather than the required 0.068 grams of amlodipine powder. The prescription bottle was mislabeled as containing amlodipine 1.25 mg/ml.
- The veterinarian reported that, due to the cat consuming ten times the amount of the medication on three occasions, it "significantly contributed" to the death of the patient.

Sanction

- It is hereby ORDERED that Manzel Felzer be issued a REPRIMAND. Further, the Board ORDERS that Mr. Felzer will successfully complete six (6) hours of continuing pharmacy education in the subject of compounding.

Martha Porter

Findings of Fact and Conclusions of Law:

- Martha Porter holds license number 0202-205070 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Ms. Porter's employment as a pharmacist at Leesburg Pharmacy, Leesburg, Virginia, she violated § 54.1-3316(7), § 54.1-3320(A)(1), and §54.1-3462(1) of the Code, and 18 VAC 110-20-270(C) of the Board of Pharmacy Regulations, in that on December 21, 2007, by her own admission, she dispensed Rx #155421 for amlodipine 1.25 mg/ml suspension containing 0.68 grams of amlodipine powder rather than the required 0.068 grams of amlodipine powder. The prescription bottle was mislabeled as containing amlodipine 1.25 mg/ml.
- The veterinarian reported that, due to the cat consuming ten times the amount of amlodipine on three occasions, it "significantly contributed" to the death of the patient.

Sanction

- It is hereby ORDERED that Martha Porter be issued a REPRIMAND. Further, the Board ORDERS that Ms. Porter shall successfully complete four (4) hours of continuing pharmacy education in the subject of compounding.

Nelson D. Tidwell

Findings of Fact and Conclusions of Law:

- Nelson D. Tidwell holds license number 0202-007302 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Mr. Tidwell's employment as the pharmacist-in-charge of Rx Services, Williamson Drug Company, Inc., Abingdon, Virginia, he violated § 54.1-3316(6) and (7), § 54.1-3320, and § 54.1-3434 of the Code, in that between May and August, 2007, he allowed an individual who was not licensed as a pharmacist to perform the duties of a pharmacist.

Sanction:

It is hereby ORDERED that Nelson D. Tidwell be issued a REPRIMAND.