

(FINAL/APPROVED)

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

Wednesday, March 22, 2017
Commonwealth Conference Center
Second Floor
Hearing Room #5

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: Rafael Saenz, Committee Chair

MEMBERS PRESENT: Melvin L. Boone, Sr., Committee Member

STAFF PRESENT: J. Samuel Johnson, Deputy Executive Director
Mykl D. Egan, DHP Adjudication Specialist
Beth L. O'Halloran, Individual Licensing Manager

RX 3
Permit# 0201003685

Christopher K. Currin, Pharmacist-In-Charge, and Nathan Kottkamp, attorney from McGuire Woods, attended the meeting to discuss allegations that RX 3 may have violated certain laws and regulations governing the conduct of pharmacy as stated in the February 22, 2017 Notice.

Closed Meeting: Upon a motion by Mr. Boone, and duly seconded by Mr. Saenz, 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 RX 3. Additionally, he moved that J. Samuel Johnson, Mykl D. Egan and Beth L. O'Halloran 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 Mr. Boone, and duly seconded by Mr. Saenz, the Committee accepts certain allegations as Findings of Facts and Conclusions of Law and unanimously voted to enter an Order that imposes a \$250 monetary penalty.

As provided by law, this decision shall become a final Order thirty (30) days after service of such Order on RX 3, unless a written request is made to the Board requesting a formal hearing on the allegations made against it is received from RX 3 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.

CARILION STONEWALL JACKSON
HOSPITAL PHARMACY DEPARTMENT
Permit #0201000993

Regina Donald, Pharmacist-In-Charge, attended the meeting to discuss allegations that Carilion Stonewall Jackson Hospital Pharmacy Department may have violated certain laws and regulations governing the conduct of pharmacy as stated in the February 22, 2017 Notice.

Closed Meeting:

Upon a motion by Mr. Boone, and duly seconded by Mr. Saenz, 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 Carilion Stonewall Jackson Hospital Pharmacy Department. Additionally, he moved that J. Samuel Johnson, Mykl D. Egan and Beth L. O'Halloran 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 Mr. Boone, and duly seconded by Mr. Saenz, the Committee found no violation of law or regulation and therefore no order was issued to Carilion Stonewall Jackson Hospital Pharmacy Department.

HOME I.V. CARE
Permit #0201002399

Wesley Gibbs Hric, Pharmacist-In-Charge, attended the meeting to discuss allegations that Home I.V. Care may have violated certain laws and regulations governing the conduct of pharmacy as stated in the February 22, 2017 Notice.

Closed Meeting:

Upon a motion by Mr. Boone, and duly seconded by Mr. Saenz, 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 Home I.V. Care. Additionally, he moved that J. Samuel Johnson, Mykl D. Egan and Beth L. O'Halloran 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 Mr. Boone, and duly seconded by Mr. Saenz, the Committee accepts certain allegations as Findings of Facts and Conclusions of Law and unanimously voted to enter an Order that imposes a \$5000 monetary penalty.

As provided by law, this decision shall become a final Order thirty (30) days after service of such Order on Home I.V. Care, unless a written request is made to the Board requesting a formal hearing on the allegations made against it is received from Home I.V. Care 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.

RUSTBURG FAMILY PHARMACY
Permit #0201004144

Edward B. Breslow, Pharmacist-In-Charge, attended the meeting to discuss allegations that Rustburg Family Pharmacy may have violated certain laws and regulations governing the conduct of pharmacy as stated in the February 22, 2017 Notice.

Closed Meeting:

Upon a motion by Mr. Boone, and duly seconded by Mr. Saenz, 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 Rustburg Family Pharmacy. Additionally, he moved that J. Samuel Johnson, Mykl D. Egan and Beth L. O'Halloran 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 Mr. Boone, and duly seconded by Mr. Saenz, the Committee accepts certain allegations as Findings of Facts and Conclusions of Law and unanimously voted to enter an Order that imposes a \$3000 monetary penalty.

As provided by law, this decision shall become a final Order thirty (30) days after service of such Order on Rustburg Family Pharmacy, unless a written request is made to the Board requesting a formal hearing on the allegations made against it is received from Rustburg Family Pharmacy 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.

APPOMATTOX DRUG STORE
Permit #0201001785

H. Broderick Pack, III, Pharmacist-In-Charge, attended the meeting to discuss allegations that Appomattox Drug Store may have violated certain laws and regulations governing the conduct of pharmacy as stated in the February 22, 2017 Notice.

Closed Meeting:

Upon a motion by Mr. Boone, and duly seconded by Mr. Saenz, 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 Appomattox Drug Store. Additionally, he moved that J. Samuel Johnson, Mykl D. Egan and Beth L. O'Halloran 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 Mr. Boone, and duly seconded by Mr. Saenz, the Committee accepts certain allegations as Findings of Facts and Conclusions of Law and unanimously voted to enter an Order that imposes a \$1750 monetary penalty. Appomattox Drug Store shall be subject to one unannounced inspection within six months from the date of entry of this Order, at the expense of the licensee, by an inspector of the Department of Health Professions. The inspection shall be conducted during normal business hours and shall include a review of the perpetual inventory.

As provided by law, this decision shall become a final Order thirty (30) days after service of such Order on Appomattox Drug Store, unless a written request is made to the Board requesting a formal hearing on the allegations made against it is received from Appomattox Drug Store 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 2:30pm



Rafael Saenz, Chair

Date

6/27/17



J. Samuel Johnson, Deputy Executive Director

Date

6/27/17