



ALABAMA STATE BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

The Purpose of the Board of Pharmacy

The Alabama State Board of Pharmacy works diligently to protect the citizens of Alabama by enforcing the Alabama Pharmacy Practice Act (the Act) and federal requirements. The Board routinely partners with other states' boards of pharmacy and other state and federal law enforcement agencies to safeguard public health.

The Board licensing staff reviews and processes approximately 30,000 licenses, permits, and registrations per year. The investigative staff performs over 1,250 inspections and more than 300 investigations per year. The outcomes of these investigations result in practitioners' and/or entities' licenses, permits, or registrations being sanctioned by administrative fine, suspension, probation, or revocation following the administrative process with the **five-member Board making all decisions**. While many are aware of the Board addressing professional practice issues and impairment, one may not be aware of the extent to which the Board affects health care.

In 2015, the Board worked with Drug Enforcement Administration to shut down a pharmacy that proliferated the illegal sale of opioids. The pharmacist was found guilty of illegally selling prescription drugs, including oxycodone, methadone, morphine, hydrocodone, ketamine HCL, zolpidem tartrate, alprazolam, and clonazepam, and was sentenced to federal prison.

In 2016, after an exhaustive investigation and administrative hearing, the Board took disciplinary action on a pharmacy

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that was performing sterile compounding in a manner that endangered public health. The final order precluded the pharmacy from performing any sterile compounding for any Alabamian ever again.

In 2019, two pharmacies were investigated for conspiring to defraud insurance companies and dispense prescriptions that endangered public health. The pharmacies were charging insurance companies \$20,000 to \$30,000 per prescription. The owners permanently surrendered their permits, and the Board referred the case to the Alabama Attorney General's Office.

In 2020, a Birmingham pharmacy was investigated for laundering money for the Russian mob by filling fraudulent prescriptions, which resulted in the pharmacy's permit revocation. The pharmacy had received payments of over \$9 million in 28 days. The Board's initial investigation led to the Federal Bureau of Investigation (FBI) identifying the same acts occurring in multiple states across the country.

In 2022, investigators identified several Alabama pharmacies owned by an out-of-state entity that were investigated for perpetrating the sale of counterfeit diabetic test strips to the citizens of Alabama. This case involved another state's board of pharmacy, the FBI, Food and Drug Administration (FDA), the United States attorney from North Alabama, and other US attorneys. The owner of this pharmacy is now in prison after pleading guilty to health care fraud and conspiracy to commit health care fraud. The court also ordered the owner to forfeit \$7.1 million and to repay more than \$16.1 million in restitution.

Throughout these investigations and the administrative hearing and/or prosecutorial process, Board members, staff, and counsel have been, and continue to be, subject to harassment, professional defamation, and death threats. Despite these personal attacks, the entire Board organization is committed to safeguarding the health, safety, and welfare of the citizens of Alabama. The Board upholds this duty in numerous ways.

The licensing staff reviews new and renewal applications for compliance with Board statutes and rules. This includes reviews of background checks and practice history of individuals wishing to practice pharmacy for Alabama citizens. The licensing staff also reviews the practice history of entities to ensure that medications intended to be shipped into Alabama are safe for its citizens. Any individual or entity application requiring further review is escalated to compliance or investigative staff.

The compliance staff works to provide guidance to current and potential licensees, while also performing reviews of inspection reports and on-site inspections of facilities. Reviews are in depth and often require additional information and substantiating documentation before compliance staff approves an application. This is a labor-intensive process, but essential to ensuring the safety of Alabamians. Any entity not satisfying the requirements is escalated to

Board counsel for review, validation, and initiation of a statement of charges if a violation of the Act is determined. Compliance staff has identified issues with entities that have led to the denial of applications following an administrative hearing. A number of these entities have later been sanctioned by FDA or their home state for failing to safeguard public health. Due to the expertise and dedication of Board compliance staff, those entities never legally shipped into Alabama, and Alabamians were protected from potential harm.

The investigative personnel protect the public in several different ways. Investigators routinely perform inspections of Alabama-licensed facilities and, as needed, inspect licensed entities outside the state. These inspections ensure compliance with the Act and serve to aid in educating practitioners of all legal requirements. Investigative personnel investigate individual complaints received from patients, other practitioners, etc, and follow up on issues identified during inspections. Complaints and identified issues are investigated to determine if the reported actions are under the jurisdiction of the Board, and if the actions are a violation of the Act. If a violation is substantiated, the documentation and proof are provided to Board counsel for review and initiation of a statement of charges if a violation is confirmed.

Remembering Edward R. 'Eddie' Braden's Service and How His Leadership Impacted the Board

The Board is committed to thoroughly and ethically executing the duties of the office by ensuring the health, safety, and welfare of Alabamians. No one felt more strongly about this commitment than Edward R. "Eddie" Braden. Sadly, the state lost a dedicated advocate when Eddie passed on March 11, 2023.

Eddie was a graduate of the University of Alabama at Birmingham (UAB) with a master's degree in public health. He was a lifetime member of the UAB National Alumni Society and an avid UAB football and basketball fan.

Eddie had a long history of service to Alabama. He began his career as a dispatcher at the Pelham Police Department before joining the Hoover Police Department. Eddie spent 27 years with the city of Hoover, AL, where he served as a patrol officer, corporal, sergeant, and captain. In 1994, Eddie became the executive assistant to the mayor, while maintaining his Alabama Peace Officers' Standards and Training Commission certification, and he became the first public safety director of Hoover in 1997. Eddie was selected to attend the prestigious FBI National Academy in 2001, and he retired from the Hoover Police Department in 2003.

In April 2003, Eddie began his second career with the Board and was integral in the Board's investigations listed in the previous article. Eddie served as an investigator until 2015, when he was recruited to become chief investigator. In his years as chief investigator, he recruited and

mentored an investigative team of 10 dedicated investigators. Under Eddie's leadership, the Board investigators faithfully executed their duties to enforce and educate regarding the previously referenced Act. Eddie guided his team with consistency and objectivity.

He led by example, always completing a thorough and unbiased investigation and requiring the same from all investigators. Eddie was committed to ensuring the best health care and medications for the citizens of Alabama. He felt a calling to ensure that he looked out for the well-being of all Alabamians.

Eddie was a devout Catholic and lived his life caring for others much more than himself. Eddie was a loyal friend, never held a grudge, and always had great stories and an infectious sense of humor. He was a devoted family man and cared deeply for his wife, children, and grandchildren.

The Board mourns the passing of a dedicated servant for Alabama, an ambassador for the profession of pharmacy, and a beloved colleague and friend.



In honor of Eddie's commitment to education and his love for his alma mater, UAB, his family has established the Edward R. Braden Endowed Memorial Scholarship in Criminal Justice.

Gifts may be mailed to UAB Gift Records, AB 1230, 1720 2nd Avenue South, Birmingham, AL 35294-0112, or made online at go.uab.edu/bradenmemorialscholarship.

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