"What to Expect in an Informal Conference (IC)" - Transcript

00:00:00:21 - 00:00:30:04
Narrator
An Informal Conference or “IC” serves as a path to informal resolution of alleged violations of pharmacy laws and rules. It is an opportunity for an applicant or licensee to respond to the allegations and, if possible, demonstrate compliance with pharmacy laws and rules that the applicant or licensee is alleged to have violated. Applicants and licensees who are alleged to have violated pharmacy laws and rules are often referred to as respondents.

00:00:30:07 - 00:00:59:06
Narrator
Respondents have the right to be represented by an attorney during an IC. ICs are conducted virtually through a zoom video conference, where participants typically include 1 or 2 board members, the TSBP executive director, the Board's general counsel, a Board attorney, and the respondent with their attorney, if applicable. The Board's disciplinary process typically begins with the Board attorney sending the respondent a preliminary notice letter.

00:00:59:09 - 00:01:25:19
Narrator
This letter provides notice of conduct the respondent allegedly committed that violates pharmacy laws and rules, specifies the laws and rules allegedly violated, and provides evidence the board attorney intends to use. Depending on the allegations, the letter may also provide notice of a scheduled IC. If the preliminary notice letter does not include a scheduled time for an IC, it will include instructions on how the respondent may request an IC in writing.

00:01:25:22 - 00:01:49:23
Narrator
The respondent may also write to refuse an IC, and instead request that the matter be heard before an administrative law judge at the State Office of Administrative Hearings. If the respondent does not reply to the allegations in writing and fails to appear at the scheduled IC, then the board may enter a default order. A default order imposes disciplinary action without the respondent's agreement.

00:01:49:25 - 00:02:13:12
Narrator
If the respondent is an applicant for a license or registration, failure to respond to the allegations in writing or to appear at the scheduled IC may result in the application being withdrawn. If a respondent chooses to attend an informal conference, then several outcomes are possible. Remember, the goal of an IC is to discuss the allegations and evidence presented in a preliminary notice letter.

00:02:13:15 - 00:02:42:05
Narrator
The general counsel, who is the legal counsel for the panel, will conduct the meeting. The general counsel will begin by introducing the IC panel. Then the respondent will have an opportunity to introduce themselves. Next, the board attorney who sent the preliminary notice letter will

present the allegations to the IC panel. The respondent and their legal counsel, if applicable, will have the opportunity to speak to the alleged violations and present any relevant facts or mitigating information they wish to discuss.

00:02:42:08 - 00:03:05:15
Narrator
A rebuttal is an argument or evidence meant to contradict the allegations. This might include things like additional pharmacy records or the respondent's written explanation about how they complied with pharmacy laws and rules alleged to have been violated. If the respondent has documents they want to use as rebuttal evidence, those documents must be provided to board staff at least 15 days prior to the IC.

00:03:05:18 - 00:03:33:09
Narrator
This deadline will be stated in the preliminary notice letter. The General Counsel and the IC panel may have questions for the participants after discussion of the allegations. All participants other than the IC panel and the board's general counsel will be excused to a waiting room while the IC panel deliberates in private. After deliberations conclude, all participants will be added back to the zoom conference, at which time the general counsel will deliver the recommendation of the IC panel.

00:03:33:11 - 00:03:56:11
Narrator
The IC panel may recommend that the allegations be dismissed. Typically, this occurs only in cases where the IC panel determines that the respondent demonstrated compliance with the pharmacy laws and rules alleged in the preliminary notice letter. If the IC panel determines that the respondent violated the alleged pharmacy laws and rules, then the IC panel may recommend disciplinary or remedial action.

00:03:56:13 - 00:04:25:05
Narrator
If the proposed resolution is for the Board to impose a sanction or remediation, then, after the IC, the recommended resolution will be reduced to writing and offered to the respondent in the form of a proposed Agreed Board Order, A.B.O. ,or Remedial Plan, R.P. In signing an Agreed Board Order or Remedial Plan, the respondent neither admits nor denies the truth of the matter set forth in the Agreed Board Order or Remedial Plan.

00:04:25:07 - 00:04:45:12
Narrator
If the respondent rejects the proposed Agreed Board Order or Remedial Plan, then the matter will be referred for a hearing before an administrative law judge at the State Office of Administrative Hearings. If the respondent accepts and signs the proposed Agreed Board Order or Remedial Plan, then it will be presented to the full Board for entry at a regularly scheduled Board meeting.

00:04:45:18 - 00:05:10:05
Narrator

The proposed resolution does not become the final resolution unless and until it is adopted by the full Board. Once an Agreed Board Order or Remedial Plan is entered by the full Board, then the Agreed Board Order or Remedial Plan becomes effective and enforceable, and the respondent is expected to comply with its terms. Agreed Board Orders, Default Board Orders, and Remedial Plans are public information-

00:05:10:11 - 00:05:39:21
Narrator
unless a specific exception exists under applicable law. All Board Orders are reported to the National Practitioner Databank. Copies of Board Orders and Remedial Plans are posted in the agency's newsletter and on the agency's website with the exception of Board Orders made confidential by statute. All Board Orders remain on the respondent's license or registration for 75 years. If an IC is scheduled, respondents may prepare by considering the following to access the zoom meeting.

00:05:39:21 - 00:06:02:20
Narrator
The preliminary notice letter includes the zoom meeting ID and zoom password needed to join the IC. If a participant has never used zoom, then the virtual meeting platform may be downloaded on an internet browser. When using Google Chrome, a participant may click Open Zoom Meetings and join with Computer Audio after logging on to join a meeting. Participants will enter a virtual waiting room once they have opened the meeting.

00:06:02:22 - 00:06:21:27
Narrator
Occasionally, an IC takes longer than the reserved time slot. When this occurs, it can cause the start time of other ICs to be delayed. Participants should remain in the virtual waiting room until they are brought into the IC. A special note regarding technicians and technician trainee registrants and applicants: please be prepared to wait in the zoom waiting room.

00:06:21:29 - 00:06:47:18
Narrator
Multiple cases are scheduled at the same time, and cases are heard in the order that the respondents enter the zoom waiting room. When joining the zoom meeting, participants should turn off all other technology, including other programs or browser tabs, as they can interfere with the video conference. Participants should: mute their microphones unless they are speaking, be aware of their video background, and place their device on a stable surface to prevent distracting camera motion.

00:06:47:21 - 00:07:11:23
Narrator
Prior to the meeting, respondents should share an email and phone number with the agency's contact provided in the preliminary notice letter so that Board staff may contact the respondent in the event of a technical error or disconnection. For additional questions about disposition, what to expect during an IC, or the technical requirements, please contact the Board's legal team at (512) 305-8060.