

**MINUTES
UTAH
BOARD OF PHARMACY
MEETING**

**April 28, 2015
Heber M. Wells Bldg.
Room 474, 4th Floor – 8:30 A.M.
Salt Lake City, UT 84114**

CONVENED: 8:31 A.M.

ADJOURNED: 12:26 P.M.

**Bureau Manager
Board Secretary:**

Dane Ishihara
Lee Avery

Board Members Present:

Derek Garn, R.Ph., Chairperson
David Young, PharmD
Jan Bird, CPhT
Kelly Lundberg, Ph.D.
Carl “Trip” Hoffman, PharmD
Greg Jones, R.Ph.
Andrea Kemper, PharmD

DOPL Staff Present:

Connie Call, Compliance Specialist
Carly Valdez, Licensing Specialist
Ray Walker, Div. Enforcement Counsel
Dave Furlong, DOPL Chief Investigator
Dan Briggs, Investigation Supervisor
Lynn Hooper, Lead Investigator
Travis Drebing, Pharmacy Inspector
Jennifer Healey, Pharmacy Inspector

Guests:

David Wilson, Creighton University
Greg Jensen, Target
Donnell Perez, Petersons
Travis Cecil
Roy Payne
Cory Christianson, LECOM School of Pharmacy
Roger Fitzpatrick, Midtown RX
Matt Ence, Midtown
David Cheney, Associate Foods
Tyler Kast, U of U
Jason Jeppson, U of U
Michelle Kong, Creighton University
Lauren Holesch, U of U
Jamie Peterson, Walgreens
Carrie Dunford, Intermountain HC
Sepideh Daeery, Wal-Mart

Erin Johanson, Roseman University
George Sperry
Summer Naisbitt, Wal-Mart
Adam Jones, UPHA
Jared Memmott, MCP
Kate Bradshaw
Kyle Anderson, Medquist Pharmacy
Chris Cantwell, Medquist Pharmacy
Ashleigh Nye, Isomeric
Dean Jolley, Jolley's Compounding

ADMINISTRATIVE BUSINESS:

Minutes

The Board reviewed the minutes dated March 24, 2015. Dr. Lundberg made a motion to accept the minutes with changes. The motion was seconded by Mr. Jones and carried unanimously.

APPOINTMENTS:

Connie Call, compliance report

PROBATIONERS MEETING WITH THE BOARD

Kirtland Wray – He is requesting termination of his probation. He completed twenty-eight months of his probation. He worked at Eagle Gate from December 2012 until January 2014. He has been working at Omnicare since January 2014. He submitted all required paperwork due April 1, 2015. All drug screens have been prescription positive. Since our meeting with him about submitting his prescriptions on time, he has been 100% compliant. ***Compliant***

Cody Beaumont – The Pharmacy Board needs to review his evaluation and consider reinstatement of his license.

Dustin Olsen – Initial interview. Met with compliance staff April 23, 2015. He submitted his plan to comply with his probation.

PROBATIONERS NOT MEETING WITH THE BOARD

College Pharmacy/Jerry Gillick – Received his quarterly report. ***Compliant***

Kyle Rootsart – Received employer report on time. His self-assessment due April 1, 2015 has not been received. ***Non-Compliant***

Mark Harward – Nothing due until he gains employment in Utah.

Parkway Pharmacy/Larry Kearns – Nothing due at this time. He passed this most recent inspection.

Compliant

Discussion:

Parkway Pharmacy has completed two of three years of probation. Mr. Jones made a motion to recommend early termination of his probation. The motion was seconded by Dr. Lundberg and carried unanimously.

Reams – Nothing due at this time. They submitted a letter requesting an amendment to their Order. We will bring them in to discuss their request in May.

Compliant

Scott Williams – Received all required paperwork.

Compliant

Skyline Pharmacy/David Blackburn – Nothing due at this time. ***Compliant***

Stone Drug/Michael Stone – Nothing due at this time.

Compliant

Robert Smith – Nothing due at this time. ***Compliant***

Jilbear Hatch – (There is a copy of his drug screen through his criminal case that we need to review to see if he can test through them rather than DOPL).

Discussion:

The Board reviewed the drug test through the court noting that the tests include all of the same checks and balances DOPL has in place. The Board has no problem in accepting these tests as long as they include the same checks and balances that DOPL depends on. Ms. Call will send him a letter.

MISCELLANEOUS ISSUES AND SPECIAL REQUESTS

Stucki Family Pharmacy – Submitted the name and resume of Travis Snow to be considered and approved to be his supervisor.

Discussion:

Mr. Jones made a motion to approve Mr. Travis Snow

as Stucki Family Pharmacy's supervisor. The motion was seconded by Mr. Hoffman and carried unanimously.

Day's Market – Submitted a letter requesting termination of their probation. They have completed 18 months of a 36 month probation. They have submitted all required paperwork and passed the inspection in October 2014.

Discussion:

The Board reviewed the initial violations that placed Day's Pharmacy on probation. Days Pharmacy has completed half of their probation. Since they started probation, they have been in compliance with few exceptions. Dr. Lundberg made a motion to approve termination of Days Pharmacy probation. The motion was seconded by Ms. Kemper and carried unanimously.

Bear Lake Community Health Center Pharmacy - Mr. Peterson is the new PIC. He sent a letter stating he is aware of the stipulation and order and plans to comply with the requirements.

Dr. Lundberg motioned to close the Board meeting at 8:56 A.M. to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded by Mr. Young and carried unanimously. The Board meeting opened at 9:15 A.M. There were no written notes taken. A recording was not made.

Kirt Wray, probation interview, requesting to terminate probation

Mr. Wray met with the Board for his probation interview. Mr. Wray is requesting to terminate his probation. Ms. Kemper conducted the interview. Mr. Wray stated things are going well. He continues to travel and is enjoying it. The Board noted that his reports are looking good. The Board reviewed his letter about early termination. Ms. Kemper made a motion to release Mr. Wray from his probation.

Additional discussion:

The Board noted that his probation started Sept. 2012 and ends Sept. 2017. He has completed over half of his probation. Mr. Wray has been in compliance with his stipulation most of the time. Mr. Wray stated he has been in recovery for ten years. Mr. Wray stated

that the primary thing he learned from this probation is he cannot be in a setting with controlled substances. He focuses on consulting and staying away from anything that would expose him to controlled substances. Despite this, Mr. Wray stated he would still like his controlled substance license reinstated with his pharmacist license. Dr. Lundberg made a motion to terminate probation. The motion was seconded by Mr. Jones and carried unanimously.

Cody Beaumont, reinstatement of license

Mr. Beaumont met with the Board to reinstate his pharmacist license. Mr. Garn conducted the interview. Mr. Beaumont stated that he has not seen the mental health/substance abuse evaluation yet. The Board advised Mr. Beaumont that the Board is considering recommending reinstating his license with the following conditions:

1. He is issued a probationary license for five years.
2. He needs to do UA testing. Mr. Beaumont stated he has been doing random UAs since October 2014.
3. He attends AA or PIR group once a week.
4. He completes a thinking errors course and let the Board know what he has learned from this course.
5. Any time during his probation the Board may recommend therapy.
6. He pass the PARE exam. The next one is in June.
7. He pass the MPJE exam.
8. He is issued a restricted/probation pharmacist license only. The Board will reconsider reinstating his controlled substance license at a later date.
9. He needs to submit employer evaluations.

The Board advised Mr. Beaumont that once he passes both exams, he will need to apply for the license. He will be sent the stipulation order to review and sign. Once this has been approved by the DOPL Director, he will receive a new probationary license in the mail and will need to meet with Ms. Call and then the Board for his first probation interview. The Board encouraged him to contact Ms. Call with any questions.

Dustin Olsen, new probation interview

Mr. Olsen met with the Board for his probation interview. Mr. Olsen is a new probationer. Ms. Bird conducted the interview. Mr. Olsen stated he was a PIC at a small hospital. He was the sole employee and became overwhelmed with the increased workload.

Additional staff was hired and over the course of a year, shortages were discovered with the controlled substance inventory. Security protocols with the hospital and record keeping were lax. The employer discovered the losses and reported them to DOPL. The entire pharmacy staff was drug tested and terminated. New employees were hired. Mr. Olsen stated his drug test came back negative. He has no history of drug or alcohol abuse. Mr. Olsen stated he now works at Red Rock Pharmacy, a closed door pharmacy and at Tranquility Place. Mr. Olsen stated he plans to take the PARE exam in June. Dr. Lundberg made a motion to have Mr. Olsen take a thinking errors class, instead of the PARE exam. The motion was seconded by Ms. Bird and carried unanimously. Mr. Ishihara advised Mr. Olsen that he will receive an amended stipulation to remove the PARE exam and require the thinking errors class. He will need to sign this new stipulation and return it as soon as possible. The Board wants the class completed in six months. The Board will accept his probation plan with the change in the PARE exam. **Mr. Olsen is in compliance with his stipulation.**

The Board requested more details regarding the initial investigation. Mr. Furlong stated he will look into it.

Julie Dodd, telephone interview regarding MPJE exam

Ms. Dodd met with the Board regarding failing the MPJE exam two times. Ms. Dodd's interview was conducted via telephone by Mr. Garn. Ms. Dodd advised the Board that she is having difficulty passing the MPJE exam and has tried several different learning tools including flash cards. The Board suggested she read through the statutes, rules and DEA manual several times. Also, she may want to obtain a study guide Mr. Jim Ruble publishes. She can contact him at jimruble@hsc.utah.edu. The Board is okay with her taking the exam again.

George Sperry, interview regarding NAPLEX exam

Mr. Sperry met with the Board regarding failing the NAPLEX exam two times. Mr. Young conducted the interview. Mr. Sperry stated that he has decreased his workload to give him more time to study for the exam. He bought some study material online that was not very helpful to him. The Board encouraged him to obtain study material from NAPLEX. Mr. Sperry

stated he would like to take the next available exam with the Board's approval. The Board suggested he set aside time every day to review the study material. The Board approved Mr. Sperry to take the NAPLEX exam again.

Gary Ridge, DPM/Aaron Patty, review application for class C pharmacy

Mr. Ridge and Mr. Patty met with the Board regarding their application for a class C pharmacy. Mr. Garn conducted the interview. Mr. Patty stated that there is confusion regarding what type of pharmacy license their business needs, or if it needs to be licensed at all. Mr. Patty reviewed their business plan with the Board. They will lease space from a third party company. This space will be used for short term storage of medications. This third party does not own the products. Mr. Patty will provide the name and address of where the product will be shipped. Mr. Patty sells medications or drugs to physicians only. The pharmacy would be a closed door pharmacy. The Board reviewed the pharmacy statues and rules and feels that Mr. Patty's business model does not fit into any of the pharmacy classifications. The Board encouraged Mr. Patty and Dr. Ridge to send an amended model to Mr. Ishihara for the Board to review.

DISCUSSION ITEMS:

1. Compounding Task Force report

Mr. Hoffman shared that the next Compounding Task Force Committee meeting will be May 19, 7:00 A.M. in the North Conference room at the Heber M. Wells Bldg. Mr. Hoffman stated that Task Force Committee would like DOPL to prepare a letter to the pharmacies to immediately stop using domperidone. Mr. Walker suggested this letter come from the Pharmacy Board and the Compounding Task Force Committee. Dr. Lundberg made a motion to have DOPL send a letter to all pharmacies, similar in content to the letter developed by the Compounding Task Force Committee, after the Task Force Committee members have reviewed the letter. The letter is to encourage pharmacy's to discontinue using domeperidone. The motion was seconded by Mr. Jones and carried unanimously.

2. Investigation report

Out of order on the agenda:

Mr. Furlong reviewed the Pharmacy Investigation

Report for March 2015 and encouraged the Board to contact him with any questions. Mr. Furlong noted that in April the pharmacy investigators attended and set up a booth at the Utah Pharmacy Association 2015 Annual convention in St. George, Utah. They handed out information sheets on new laws and answered questions from the attendees.

3. Branch pharmacy in a mobile clinic, Lynn Hooper

Mr. Hooper met with the Board regarding a proposal for a mobile clinic. They want to license an RV as a branch pharmacy. During the day the RV would drive to remote places in Utah and a physician would dispense medications. At the end of the day the RV would be driven back to Garfield Memorial Hospital and would be kept in a secure place. The Board reviewed the pharmacy statutes and would like to talk with Mr. Marshall before making a recommendation.

4. Data entry outsourcing and remote technicians, Lynn Hooper

Mr. Hooper shared with the Board a question presented to the Division about data entry, outsourcing and remote technicians. The Board feels that if the pharmacy technician is licensed in Utah, they can do data entry from home. It is up to the entity to make this decision based on their liability and policy. They still need to meet the supervision requirements and privacy standards established in the pharmacy practice statutes and rules.

Currently there are no rules regulating the practice if the entity doing data entry for a Utah pharmacy is out of state.

The Board will review both topics at a future Board meeting to possibly clarify in rules.

5. Compounding of placenta capsules, salve and tincture, Lynn Hooper

Mr. Hooper shared information regarding compounding of placenta capsules, salve and tincture with the Board. He tried to contact the FDA for additional information and they have not responded yet. The Board reviewed the information and feels this does not fall under the Pharmacy Practice statutes and rules.

6. Recommendation of Board member to serve on the Controlled Substance Advisory Committee when Mr. Young's term expires

Out of order on the agenda

Mr. Ishihara advised the Board that Mr. Young is currently representing the Pharmacy Board on the Controlled Substance Advisory Committee. His term will end June 30, 2015 and this Board needs to appoint

h.s replacement. Mr. Jones and Ms. Kemper will check their schedules and will work it out between them and let the Board know.

7. PIC Requirements - Add taking the MPJE to rule

The Board discussed adding the requirement to take and pass the MPJE exam to the PIC requirements. This would require pharmacists who are PICs in another State take and pass the Utah MPJE exam. The Board feels it is important for all PICs to be able to demonstrate they have the knowledge of Utah statutes and rules to practice safely. Mr. Walker stated he is not sure if the Board has rule making authority to add this requirement to the current statutes. He will need to research the current statutes and review this with Mr. Steinagel, Division Director and the AG's office.

8. Write rules relating to For Office Use Only for regular legend drugs (not compounds)

The Board discussed writing rules relating to "For Office Use Only" for regular legend drugs and questioned whether labels should read "for office use only, not for dispensing or resale." Other State Boards have added this requirement to their statutes. The Board is not sure there is a need to clarify this and opted to not make any changes at this time.

Topics for the May Board meeting:

1. Rules regarding central processing. Mr. Young will send out an email with additional information before the next Board meeting.
1. Crash kits - define standards for them
2. Change the rule regarding real time or daily reporting.

NEXT SCHEDULED MEETING:

2015 Board Meetings:

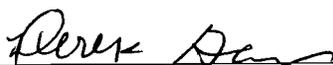
2015 Board Meetings Tentatively Scheduled
June 23, July 28, August 25, September 22, October 27, November 17, December 15

ADJOURN:

Motion to adjourn at 12:26 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

5/26/15
Date Approved

(ss) 
Chairperson, Utah Board of Pharmacy

5/26/15
Date Approved

(ss) D/h
Bureau Manager, Division of Occupational &
Professional Licensing