

MINUTES
UTAH STATE BOARD OF PHARMACY
August 22, 2023 | 8:30 A.M.
Room 474, 4th Floor
160 E 300 S Salt Lake City UT
Hybrid Meeting- In Person and Electronic

Electronic attendance was available.

CONVENED 8:33 A.M.

ADJOURNED: 1:32 P.M.

DOPL STAFF PRESENT:

Bureau Manager: Lisa Martin
Board Secretary: Maree Christensen
Division Director: Mark Steinagel
Assistant Director: Deborah Blackburn
Division Analyst: Randall Rees
Lead Investigator: Camille Farley

Chief Investigator: David Furlong
Pharmacy Specialist: Jim Garfield
Investigator: Kaila Silcox
Investigator: Jo Evans
Investigator: Travis Drebing
CSD Admin: Jeff Henrie

BOARD MEMBERS PRESENT:

Chair: Carrie Dunford, Pharm-D
Vice Chair: Christopher Sheard, Pharm-D
Sepidah Daery, Pharm-D
Shaun Curran, PA CS, Public Member

Karen Gunning, Pharm-D
Gary Hale, R.Ph.
Autumn Hawks, Pharmacy Technician

BOARD MEMBERS NOT PRESENT:

GUESTS IN ATTENDANCE ELECTRONICALLY

Adam Gee -Walgreens
Bill Stilling
Cindy Wynette - Department of Health and Human Services
Clinton Redd – University of Utah
Chris Christensen – Stapley Pharmacy
Danielle DiCiolla
Dave Davis - Utah Retail Merchants Association
Donelle Perez –Petersons Pharmacy
Erin Johanson – Roseman University
Grace LaFluer - University of Utah
Greg Jones – Harmons
Jared Memmott
Jennifer Healey
Johnathan Hoffman – US Dept of VA
Justin Macy - NABP
Kathy Varley – MedQuest Pharmacy

Lisa Kallas
Maimuna Bruce
Mark Johnston – CVS Health
Michelle Wood – Meds for Vets
Michelle McOmber
Nathan Hagen - University of Utah Health
Pejmann Mesdaghi – Pharm D, MBA
Peter Boam
Rocky Parker – University of Utah Hospital
Rich Larkin - Department of Health and Human Services
Rich Bishop – Smith’s Food & Drug
Rey Alonzo- Utah Medical Association
Ryker Blair – MedQuest Pharmacy
Ryan Young – MedQuest Pharmacy
Sahiba Bedi
Shelby Phelps
Tim Drake – Intermountain Health

Todd Smith
Tyler Casperson

Victoria Kroeger

Note: Other guests may have been in attendance electronically but were not identified.

ADMINISTRATIVE BUSINESS:

CALL MEETING TO ORDER

Dr. Dunford called the meeting to order at 8:33 A.M.

REVIEW AND APPROVE June 23, 2023 MINUTES (*Audio 00:04:25*)

Dr. Gunning made a motion to approve the minutes, with corrections.

Dr. Sheard seconded the motion.

The Board motion passed unanimously.

DISCUSSION ITEMS:

INVESTIGATIVE REPORT—CAMILLE FARLEY (*Audio 00:10:45*)

Ms. Farley presented the investigation report for June/July 2023, as provided.

Ms. Farley stated there were 12 new cases received, 97 cases closed, 93 inspections which consisted of new and random, along with 7 citations issued.

CSD UPDATE—JEFF HENRIE (*Audio 00:20:49*)

Mr. Henrie stated the Controlled Substance Database (CSD) has slowed down communications regarding compliance due to staff changes. Mr. Henrie stated the CSD is still working with the national drug tables from national vendors to approve names and dosages, the communication has quieted down a little, however it is still moving forward. Mr. Henrie stated the CSD will have a small outage on Sunday August 27, 12am – 6am for a major update.

DSCSA: DRUG SUPPLY CHAIN SECURITY ACT (*Audio 00:25:50*)

Mr. Steinagel, Division Director stated he attended on behalf of the Division and the Board of Pharmacy the Drug Supply Chain Security Act (DSCSA) summit in Chicago. Mr. Steinagel stated a few manufacturers and distributors who were in attendance had views that the nation was in good shape to handle supply chain issues, others did not share the same views. Mr. Steinagel stated the Federal Food and Drug Administration (FDA) was not in attendance at the summit. Mr. Steinagel stated he invited Justin Macy to present some valuable information regarding the program “Pulse” created by National Association of Boards of Pharmacy (NABP) regarding the DSCSA.

Mr. Macy, National Association of Boards of Pharmacy Director of Innovation shared a presentation on Drug Supply Chain Security Act, as provided.

Mr. Steinagel stated the Division will continue to provide support with compliance until the FDA provides informant discretion policies. Mr. Steinagel recommended the Board place this topic on the next few agendas.

VACCINE PROTOCOL (*Audio 01:24:05*)

Dr. Dunford stated the Board is planning on adding Respiratory Syncytial Virus (RSV) vaccine to the protocol, this recommendation will go to the Physician's Board for approval.

Dr. Sheard recommended working with Public Health to create a guidance document for vaccines, as far as they are Advisory Committee on Immunization Practices (ACIP) approved.

Ms. Wynette, Immunization Program Manager for Department of Health and Human Services (DHHS), stated the DHHS would gladly support the idea of drafting a guidance document. Ms. Wynette asked while waiting for the physicians' Board to approve; what direction can we pass onto patients.

Dr. Dunford stated in the interim this will require a separate collaborative practice agreement or a separate prescription written for the vaccine from their provider.

Mr. Johnston recommended pharmacists follow FDA approval rather than ACIP recommendations, as there is a long-drawn-out process for vaccine specific ACIP recommendations.

Dr. Gunning recommended pharmacists follow the ACIP committee's recommendations, which are then passed onto the Centers for Disease Control and Prevention (CDC) which holds vaccine safety and effectiveness to the highest level.

Mr. Larkin, Immunization Program Manager for DHHS, stated it is highly important to follow the ACIP recommendations.

Ms. McOmber, CEO for Utah Medical Association, suggested obtaining prior approval from the physician's Board for future vaccines.

Dr. Gunning made a motion to add Respiratory Syncytial Virus (RSV) vaccine to the current vaccine protocol.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

PHARMACIST IN CHARGE RESPONSIBILITIES REVIEW (*Audio 01:46:20*)

Dr. Dunford reviewed the pharmacist in charge (PIC) responsibility checklist that is currently found under the resources tab on the pharmacy webpage. Dr. Dunford asked the Board if there were any updates that need to be made. Dr. Dunford proposed to change the name of the document from proposed checklist to formal checklist.

The Board discussed and amended the PIC responsibility checklist.

Dr. Dunford stated the edited checklist will be reviewed at the next Board meeting for approval.

PHARMACIST PRESCRIBING EPINEPHRINE AUTO-INJECTORS (*Audio 01:56:35*)

Dr. Dunford recommended working with DHHS to create a guidance document for pharmacists to prescribe epinephrine auto-injectors. Dr. Dunford stated she will reach out to Dr. Hofmann to see if she is in favor of assisting with the draft of the document. Dr. Dunford stated the Board will discuss the topic in further detail at the next meeting.

TRANSFER OF ELECTRONIC PRESCRIPTIONS SCHEDULE 2-5 (*Audio 01:59:33*)

Dr. Dunford stated January 2024 this goes live; pharmacies need to make sure software vendors will allow this capability.

Dr. Sheard clarified the change is for July 1st, 2024.

Dr. Dunford asked if the Board felt the need to add the topic to the newsletter.

Dr. Daeery stated the DEA approved the single use allowance August 28, 2023.

Dr. Dunford stated the link to the DEA reference for the allowance will be added to the next newsletter.

ALTERATIONS TO SCHEDULE II CONTROLLED SUBSTANCES (*Audio 02:04:25*)

Dr. Dunford shared the drafted document, which was drafted in a previous Board meeting, regarding changes that a pharmacist could change on a schedule 2 prescription.

The Board discussed and amended the document.

Dr. Dunford stated once the document is finalized it will be sent to Mr. Rees and Ms. Blackburn for review.

HORMONAL CONTRACEPTION QUESTIONNAIRE UPDATE (*Audio 02:09:10*)

Dr. Gunning stated Ms. Martin and her are currently working with DHHS and the Family Planning Division of the University of Utah with the draft of the questionnaire.

Ms. Martin stated the form will be available as a fillable pdf.

Mr. Johnston asked if he could pass along suggestions for the questionnaire.

Dr. Gunning stated suggestions are welcome and can be sent to her and Ms. Martin.

PEP/PREP UPDATE (Audio 02:20:07)

Mr. Hale stated there is a committee set up with DHHS to assist with drafting the language within the document to reference the CDC guidelines regarding Pre-Exposure and Post Exposure Prophylaxis of HIV (PEP and PrEP), as laws change quickly.

Ms. Martin stated the committee is thinking of having two separate documents drafted; one for PEP and one for PrEP, as combined the document is over 18 pages.

NEXT APCEC MEETING SEPTEMBER 14 (Audio 02:31:40)

Dr. Dunford stated the next Advisory Pharmacy Compounding Education meeting will be held on September 14. Dr. Dunford asked all interested parties to review the document and provide comments. Dr. Dunford asked where the document was posted.

Ms. Martin stated the USP<797> document update has been posted to the pharmacy webpage under announcements.

APPOINTMENT ITEMS:**COMPLIANCE REPORT—BERNICE PALAMA (Audio 02:34:37)**

Ms. Palama presented the compliance report.

Siena's Pharmacy: update only: fine due 9/8/2023, needs to start paying.

Derek Roylance: new employer/supervisor Art City Pharmacy - approved by Bureau Manager.

Michael Reeder: no missed check in's, 4 U/A's negative, Supervisor reports received on time, good reviews, self-assessment reports received, no concerns, therapy reports received, no concerns.

Harmony Schneider: 1 missed check in's 3 U/A's Prescription Positive, Supervisor reports received on time, good reviews, completed 8 hours of continuing education.

Cody Hymas: Supervisor Audit report due in 30 days, quarterly thereafter, continuing education 10 hours 4 in ethics- board to approve, received practice plan - board to review, fine \$15,000.00; monthly payments, employer approval: Ridgeview Pharmacy - working as a pharmacist since May- board to review, supervisor approval: Margaret Casperson and Shelby Andersen - employed by Ridgeview Pharmacy.

MICHAEL REEDER, PROBATIONARY INTERVIEW (Audio 03:29:25)

Mr. Curran conducted the interview, asking Mr. Reeder for an update.

Mr. Curran stated things were going great, growing professional through obtaining new certification.

Mr. Curran made a motion to move supervisor reports to quarterly.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

Mr. Curran made a motion to find Mr. Reeder in compliance with his stipulation and order.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

HARMONY SCHNEIDER, PROBATIONARY INTERVIEW (Audio 02:44:45)

Dr. Gunning conducted the interview, asking Ms. Schneider for an update.

Ms. Schneider stated that life had been quite stable with no changes.

Dr. Gunning asked her to explain her reason for her missed check-in.

Ms. Schneider stated she was on vacation and completely aware of missing it due to being delayed on a camping trip without phone service in the area.

Dr. Gunning asked her to summarize her recently completed continuing education.

Ms. Schneider stated she had recently completed an 8hr CE on pain management with opioids from Rhode Island University.

Dr. Gunning asked the Board if they had any questions for Ms. Schneider.

Mr. Hale asked her if she attended any meetings.

Ms. Schneider stated she attends meetings on Mondays and a couple of online meetings, which have been very helpful.

Dr. Gunning made a motion to recommend the Division move Ms. Schneider's supervisor's reports to quarterly.

Ms. Hawks seconded the motion.

The Board motion passed unanimously.

Dr. Gunning made a motion to find Ms. Schneider in compliance with her stipulation and order.

Ms. Hawks seconded the motion.

The Board motion passed unanimously.

An appointment was made for Ms. Schneider to meet again with the Board at the November 28, 2023 Board meeting.

CODY HYMAS, INITIAL PROBATIONARY INTERVIEW (Audio 02:53:53)

Dr. Dunford introduced the pharmacy Board members and Division staff to Mr. Hymas.

Dr. Dunford informed Mr. Hymas of a closed meeting option.

Mr. Hale conducted the interview, asking Mr. Hymas what brought him before the Board.

Mr. Hymas stated he graduated in 2001 as a pharmacist and had previously been under investigation for billing offences from December 2020 and concluded recently.

Mr. Hale asked him what were the reasons which led to him committing the offences.

Mr. Hymas stated a lack of oversight, execution, and supervision.

Mr. Hale asked if he has a supervisor.

Mr. Hymas stated yes, he is required to be under direct supervision at all times.

Mr. Hale asked if his health issues were under control.

Mr. Hymas stated, yes, they are under good control.

Mr. Hale asked if he was attending any meetings.

Mr. Hymas stated no, nothing like that.

Mr. Hale asked if he had investigated required continuing education topics.

Mr. Hymas stated he had submitted them for approval.

Ms. Palama shared with the Board the proposed continuing education topics.

Mr. Hale recommended to complete live, more in depth continuing education topics, relating to ethics and billing, preferably paid and in person/webinar.

Mr. Hale asked what the steps were that he would take to make sure he didn't end up in a similar situation.

Mr. Hymas stated he had already taken some steps to avoid any issues in future, resigning as the PIC was the first step.

Dr. Sheard asked what type of pharmacy Ridgeview pharmacy was and what his duties would be.

Mr. Hymas stated it is a retail pharmacy; duties are verification and counseling. Mr. Hymas stated he does not have access to any of the insurance, billing, or finances.

Dr. Sheard asked if he had continued to work in the pharmacy after signing the stipulation.

Mr. Hymas stated, yes, he had and was unaware that he was not allowed to.

Ms. Palama stated he was instructed not to work until Board approval; Mr. Hymas communicated with her that he had met with the Board and place of employment was approved. Ms. Palama stated she then reached out to Ms. Martin the Bureau Manager to

follow up to see if this had taken place, to which Ms. Martin had replied with no, he had never met with the Board. Ms. Palama stated at present Mr. Hymas is tolling.

Dr. Sheard made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence or physical or mental health of an individual.

Mr. Hale seconded the motion.

All Board members voted in favor of closing the meeting.

The meeting closed at 12:24 p.m. The meeting opened at 1:08 p.m.

Mr. Hale made a motion to deny the proposed continuing education topics, with more in-depth live continuing education on pharmacy ethics and billing.

Dr. Sheard seconded the motion.

Mr. Curran abstained.

The Board motion passed.

Mr. Hale made a motion to approve Margaret Casperson and Shelby Andersen as Mr. Hyma's direct supervisors.

Dr. Sheard seconded the motion.

The Board motion passed unanimously.

Mr. Hale made a motion to deny the submitted practice plan and present an updated practice plan to the Board at the next meeting.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

Mr. Hale made a motion for Mr. Hymas to obtain an auditing supervising pharmacist to audit the twenty 20% prescriptions outside of Ridgeview Pharmacy staff by the next Board meeting.

Ms. Hawks seconded the motion.

The Board motion passed unanimously.

Mr. Hale made a motion to approve Ridgeview Pharmacy as Mr. Hymas' place of employment.

Ms. Hawks seconded the motion.

The Board motion passed unanimously.

Mr. Hale made a motion to find Mr. Hymas out of compliance with the stipulation and order.

Dr. Sheard seconded the motion.

The Board motion passed unanimously.

An appointment was made for Mr. Hymas to meet with the Board at the October 17, 2023 Board meeting.

DEREK ROYLANCE, PROBATIONARY INTERVIEW (*Audio 02:40:26*)
Dr. Sheard conducted the interview, asking Mr. Roylance for an update.

Mr. Roylance stated he is currently working six shifts a month at Art City pharmacy extra on top of working full-time at CVS pharmacy.

Dr. Sheard asked what type of pharmacy it was.

Mr. Roylance stated it is a community retail pharmacy, similar to what he is currently doing at CVS pharmacy.

Dr. Sheard asked Mr. Roylance if he had any questions for the Board.

Mr. Roylance stated, no he did not.

An appointment was made for Mr. Roylance to meet with the Board at the January, 2024 Board meeting.

NEWLETTER DEADLINE (*Audio 03:33:27*)

Ms. Martin stated the next newsletter deadline is October 1st, a topic on renewal requirements will be drafted informing licensee holders there is no live continuing education requirement until the 2025 renewal year, however full hours are still required.

COORESPONDANCE:

MEETING ADJOURNED: 1:32 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.

NEXT SCHEDULED MEETING: *Tuesday September 26, 2023*

2023 Board Meeting Scheduled:

October 17, November 28, December 19.

Chairperson

Date

Bureau Manager

Date



SWORN STATEMENT

SUPPORTING CLOSURE OF BOARD MEETING

DOPL-FM-010 05/02/2006

I, Carrie Dunford as the presiding member of the Pharmacy Board,
which met on the 22nd day of August, **2023**.

Appropriate notice was given of the Board's meeting as required by Utah Code Annotated § 52-4-202.

A quorum of the Board was present at the meeting and voted by at least a two-thirds vote, as detailed in the minutes of the open meeting, to close a portion of the meeting to discuss the following:

- The character, professional competence, or physical or mental health of an individual (§ 52-4-205(1)(a))
- Strategy regarding pending or reasonably imminent litigation (§ 52-4-205(1)(c))
- Deployment of security personnel, devices, or systems (§ 52-4-205(1)(f))
- Investigative proceedings regarding allegations of criminal misconduct (§ 52-4-205(1)(g))

The content of the closed portion of the Board meeting was restricted to a discussion of the matter(s) for which the meeting was closed.

With regard to the closed meeting, the following was publically announced and recorded, and entered on the minutes of the open meeting at which the closed meeting was approved:

- (a)** The reason or reasons for holding the closed meeting;
- (b)** The location where the closed meeting will be held; and
- (c)** The vote of each member of the public body either for or against the motion to hold the closed meeting.

If required, and/or kept or maintained, the recording and any minutes of the closed meeting will include:

- (a)** The date, time, and place of the meeting;
- (b)** The names of members present and absent; and
- (c)** The names of all others present except where such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

Pursuant to § 52-4-206(5), a sworn statement is required to close a meeting under § 52-4-205 (1)(a) or § 52-4-205(1)(f), but a record by tape recording or detailed minutes is not required.

- A record was not made

- A record was made by: Tape Recording Detailed Written Minutes

Pursuant to § 52-4-206(1), a record by tape recording is required for a meeting closed under § 52-4-205(1)(c) or § 52-4-205(1)(g), and was made.

- Detailed written minutes of the content of a closed meeting although not required, are permitted and were kept of the meeting.

I hereby swear or affirm under penalty of perjury that the above information is true and correct to the best of my knowledge.

Carrie Dunford

August 29, 2023

Board Chairman or other Presiding Member

Date