

MINUTES
UTAH STATE BOARD OF PHARMACY
October 17, 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 8:52 A.M.

ADJOURNED: 12:45 P.M.

DOPL STAFF PRESENT:

Bureau Manager: Lisa Martin
Board Secretary: Maree Christensen
Lead Investigator: Camille Farley
Pharmacy Specialist: Jim Garfield
Investigator: Kaila Silcox

Investigator: Silmara Charlesworth
Investigator: Alicia Moran
Investigator: Travis Drebing
CSD Admin: Jeff Henrie
Compliance Specialist: Jennifer Johnson

BOARD MEMBERS PRESENT:

Chair: Christopher Sheard, Pharm-D
Vice Chair: Gary Hale, R.Ph
Sepidah Daery, Pharm-D
Carrie Dunford, Pharm-D

Shaun Curran, PA CS, Public Member
Karen Gunning, Pharm-D

BOARD MEMBERS NOT PRESENT:

Autumn Hawks, Pharmacy Technician

GUESTS IN ATTENDANCE ELECTRONICALLY

Adam Gee -Walgreens
Adam Jones – Utah Pharmacy Association
Brian Burnham
Bill Stilling (DR)
Chris Christensen – Stapley Pharmacy
Dale Masten
Diane Bezzant Ogborn – Smith’s Food & Drug
Dave Davis - Utah Retail Merchants Association
Donelle Perez - Peterson’s Fresh Market
Erin Johanson – Roseman University
Greg Jones - Harmons Pharmacy

Jennifer Healey
Jeff Gatzemeier
Kathy Varley – MedQuest Pharmacy
Lisa Dimick – UpScript Pharmacy
Mia Meier
Rey Alonzo- Utah Medical Association
Ryan Young – MedQuest Pharmacy
Sara Watson
Sang Hoon Oh – Redstone Pharmacy
Shane Jensen
Trevor Hawkins
Victoria Kroeger – Walgreens

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

ADMINISTRATIVE BUSINESS:

CALL MEETING TO ORDER

Dr. Sheard called the meeting to order at 8:52 A.M.

REVIEW AND APPROVE SEPTEMBER 26, 2023 MINUTES *(Audio 00:03:05)*

Dr. Dunford made a motion to approve the minutes, as written.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

INVESTIGATIVE REPORT—CAMILLE FARLEY *(Audio 00:04:30)*

Ms. Farley presented the investigation report for September 2023, as provided.

Ms. Farley stated there were 6 new cases received, 40 cases closed, 45 inspections which consisted of new and random, along with 7 citations issued for inspection violations relating to inventories, compounding, and unlicensed practice.

CSD UPDATE—JEFF HENRIE *(Audio 00:11:44)*

Mr. Henrie presented the Controlled Substance Database (CSD) trends for September with 80% prescriptions electronically received.

DISCUSSION ITEMS:

2024 MEETING DATES *(Audio 00:14:27)*

The Board discussed the 2024 Board meeting dates.

Dr. Gunning made a motion to cancel the July 23, 2024 meeting.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

DSCSA UPDATE *(Audio 00:19:08)*

Ms. Martin stated there are no new updates with the Drug Supply Chain Security Act (DSCSA).

LEGISLATIVE UPDATE – EMERGENCY DISPENSING *(Audio 00:19:58)*

Dr. Dunford stated a legislative update is to summarize and consolidate the emergency dispensing and the opioid dispensing rule into one, which would allow a three-day supply for naloxone to be dispensed from either a hospital pharmacy or a community pharmacy. Dr. Dunford stated this would require a statute change; therefore, the Board would need to submit this change to Senator Vickers.

The Board had no concerns with the statute change.

PHARMACIST IN CHARGE RESPONSIBILITIES CHECKLIST *(Audio 00:25:40)*

The Board discussed the draft checklist which was a continued discussion from the previous meeting.

Dr. Dunford made a motion to accept the draft checklist with revisions as discussed.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

Dr. Sheard stated the finalized checklist will be posted on the Division's pharmacy webpage.

TRAVEL VACCINES *(Audio 01:01:23)*

Dr. Sheard discussed the update on travel vaccines which was a continued discussion from the previous meeting, based upon a possible caveat for travel vaccines within the drafted vaccine guidance document. Dr. Sheard stated to administer travel vaccines would require official training be completed by the pharmacist.

The Board discussed concerns and feedback for travel vaccines.

The Board recommended not to allow pharmacists to administer travel vaccines unless they have undergone all the required official training.

Dr. Sheard stated the draft guidance document would be submitted to the Department of Health and Human Services (DHHS) for feedback.

RULE REVIEW - R156-17b-610 (6) *(Audio 01:20:26)*

Ms. Martin stated the Division had received a few emails regarding the definition of the term 'written' as found in Subsection R156 -17b-610(6). Ms. Martin asked the Board what the term 'written' meant.

Dr. Gunning stated she felt that the Board lacks the ability to define the term 'written', only the State of Utah has the capability to define the term 'written'.

Mr. Stilling stated if a patient consents to a Quick Response (QR) code being provided instead of a physical copy of the medication information, pharmacies should be able to provide this in the preferred method. Mr. Stilling stated there is the need for clarification in order to keep up with future technological changes.

Dr. Sheard stated an update to the definition would be quicker than rewriting the rule. Dr. Sheard stated he will investigate for further clarification with Ms. Blackburn.

Ms. Moran stated she has learnt from the National Association of Boards of Pharmacy (NABP) that a lot of states have already approved the use of artificial intelligence (AI) codes on prescription bottles.

WORK CONDITIONS *(Audio 01:43:47)*

Ms. Martin stated the Division has received emails regarding increased labor and concerns with safe work conditions within pharmacies.

Dr. Gunning recommended the Pharmacist in Charge (PIC) follow the PIC checklist to assist in ensuring safe working conditions.

Ms. Martin stated the Division has little authority over these types of concerns.

Mr. Gatzemeier stated inflation opportunities are not available in pharmacies as in other businesses, Pharmacy Benefit Managers (PBMs) place a tight squeeze on the overall costs of the day to day running of a pharmacy.

Mr. Stilling stated it is a complicated issue with no simple solution.

Dr. Gunning recommended pharmacists advocating to legislative representatives with such concerns.

APPOINTMENT ITEMS:

COMPLIANCE REPORT—JENNY JOHNSON *(Audio 02:21:16)*

Cody Allen Walker: corrective action plan and written plan received, Board to review, CE list for Board review due 11/15/2023, compliance with laws governing pharmacies due 12/16/2023. HRx Pharmacy, LLC: corrective action plan received, Board to review, compliance with governing pharmacies due 12/16/2023, quarterly payments for fine of \$22,650.00.

(Audio 02:57:42)

Shaunna Rechsteiner: intake not completed until 9/25/2023, written plan due 9/25/2023, CE 15 hours due 8/25/2024, compliant with laws governing pharmacies due 11/23/2023, corrective action plan 9/25/2023, Fine \$10,000.00 stayed until compliant with items due by 11/23/2023.

Crimson Valley Pharmacy: written plan due 9/25/2023, CE - training on proper management & compounding compliance with state laws and regulations, compliant with laws governing pharmacies due 11/23/2023, corrective action plan 9/25/2023, fine \$9,125.00 stayed upon coming into compliance by 11/23/2023.

CODY ALLEN WALKER, INITIAL PROBATIONARY INTERVIEW *(Audio 02:30:54)*

Dr. Sheard introduced the pharmacy Board members and Division staff to Mr. Walker.

Dr. Sheard informed Mr. Walker of a closed meeting option.

Dr. Sheard conducted the interview, asking Mr. Walker what brought him before the Board.

Mr. Walker stated that in May 2022 there was a random inspection completed and violations were found with documentation missing. Mr. Walker stated most of the missing documentation was corrected and submitted the very next day.

Dr. Sheard asked Mr. Walker for practice techniques that have been put in place for improved compliance.

Mr. Walker stated himself and his technicians are very aware of the improved documentation requirements for compounded medications and have been completing this correctly since.

Dr. Gunning made a motion to approve the corrective action plan and the written plan for Cody Walker.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

Mr. Hale found Cody Walker in compliance with his Stipulation and Order.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

An appointment was made for Cody Walker to meet with the Board at the January 23, 2024 Board meeting.

HRX PHARMACY LLC, INITIAL PROBATIONARY INTERVIEW *(Audio 02:54:30)*

Dr. Sheard asked the Board if there were any questions or concerns about the corrective action plan for HRx pharmacy.

The Board has no questions or concerns.

Dr. Gunning made a motion to approve the corrective action plan and found HRx pharmacy in compliance with their Stipulation and Order.

Dr. Dunford seconded the motion.

The Board motion passed unanimously.

An appointment was made for HRx pharmacy to meet with the Board at the January 23, 2024 Board meeting.

SHAUNNA RECHSTEINER, INITIAL PROBATIONARY INTERVIEW *(Audio 03:02:21)*

Ms. Rechsteiner did not appear for the scheduled interview.

Dr. Dunford stated her concerns from a complaint that was mentioned in the Stipulation indicating Ms. Rechsteiner has a chronic medical condition.

Dr. Dunford 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.

Dr. Gunning seconded the motion.

All Board members voted in favor of closing the meeting.

The meeting closed at 11:55 a.m. The meeting opened at 12:10 p.m.

Dr. Dunford made a motion to amend Ms. Rechsteiner's Stipulation and Order to include a request of a medical evaluation of Ms. Rechsteiner's chronic medical condition; to define if competent to practice as a pharmacist and timelines of replying to each portion of her Stipulation and Order.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

Dr. Dunford made a motion to find Shaunna Rechsteiner in non-compliance with her Stipulation and Order.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

An appointment was made for Shaunna Rechsteiner to meet with the Board at the November 28, 2023 Board meeting.

CRIMSON VALLEY PHARMACY, INITIAL PROBATIONARY INTERVIEW *(Audio 03:08:20)*

A representative from Crimson Valley pharmacy did not appear for the scheduled interview.

Ms. Martin stated the Stipulation and Order was signed on August 25th, 2023; the Division has not received a PIC change form, therefore Crimson Valley pharmacy does not have a PIC at present.

Dr. Dunford made a motion to find Crimson Valley pharmacy in non-compliance with their Stipulation and Order.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

An appointment was made for Crimson Valley pharmacy to meet with the Board at the November 28, 2023 Board meeting.

CHERNEL GUECO, 500 HR CREDIT REQUEST *(Audio 03:17:10)*

Dr. Sheard asked Ms. Gueco for an education update in relation to the 500-hour credit request.

Ms. Gueco stated in 2007 she started school in the Philippines to become a pharmacist; graduated in 2014 and moved to the United States where she was a pharmacy technician for eight years.

In 2020 she went back to school in the Philippines and graduated with a clinical pharmacy degree. Ms. Gueco stated she successfully passed the Foreign Pharmacy Graduate Examination

Committee (FPGEC) exam certification. Ms. Gueco stated in January 2023 she obtained an intern license, however, to be able to take the NABP exams she needs to have completed the 1,440 practical hours, so far, she has 700 hours. Ms. Gueco is requesting the Board grant her 500 credit hours, based upon her eight years' worth of work as a pharmacy technician. Ms. Gueco stated she currently works full-time as an intern at CVS pharmacy and University of Utah hospital pharmacy. Ms. Gueco stated she plans to take the exams around March 2024.

The Board discussed the 500-hour credit allowance, as found in Subsection R156-17b-303b(3)(b).

Dr. Dunford made a motion to approve the 500-hour credit allowance request.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

COORESPONDANCE:

MEETING ADJOURNED: 12:45 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 November 28, 2023

2023 Board Meeting Scheduled:

December 19.

Chairperson

Date

Bureau Manager

Date



SWORN STATEMENT SUPPORTING CLOSURE OF BOARD MEETING

DOPL-FM-010 05/02/2006

I, Chris Sheard as the presiding member of the Pharmacy Board,
which met on the 17th day of October, 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.


Board Chairman or other Presiding Member

10/17/23
Date