

**MINUTES**  
**UTAH STATE BOARD OF PHARMACY**  
**November 28, 2023 | 8:30 A.M.**  
**Room 474, 4<sup>th</sup> Floor**  
**160 E 300 S Salt Lake City UT**  
**Hybrid Meeting- In Person and Electronic**

**Electronic attendance was available.**

**CONVENED 8:35 A.M.**

**ADJOURNED: 3:22 P.M.**

**DOPL STAFF PRESENT:**

**Division Director:** Mark Steinagel  
**Bureau Manager:** Lisa Martin  
**Board Secretary:** Maree Christensen  
**Bureau Manager:** Larry Marx  
**CSD Admin:** Jeff Henrie  
**Outreach Manager:** Ashley Beyer  
**Lead Investigator:** Camille Farley  
**Investigator:** Kaila Silcox

**Investigator:** Silmara Charlesworth  
**Investigator:** Alicia Moran  
**Investigator:** Travis Drebing  
**Investigator:** Jo Evans  
**Compliance Specialist:** Bernice Palama  
**Licensing Specialist:** Tina Marshall  
**Licensing Specialist:** Henele Tupou

**BOARD MEMBERS PRESENT:**

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

Shaun Curran, PA CS, Public Member  
Karen Gunning, Pharm-D  
Autumn Hawks, Pharmacy Technician

**BOARD MEMBERS NOT PRESENT:**

**GUESTS IN ATTENDANCE ELECTRONICALLY**

Adam Gee -Walgreens  
Adam Jones – Utah Pharmacy Association  
AJ Burnett  
Bill Stilling (DR)  
Brian Burnham  
Carol Paglis  
Cheyenne Mauldin  
Chris Christensen – Stapley Pharmacy  
Christina Stephens – Ogden-Weber  
Technical College  
Cindy Wynette – Department of Health and  
Human Services  
Dave Davis - Utah Retail Merchants  
Association

Donelle Perez - Peterson's Fresh Market  
Erin Johanson – Roseman University  
Grace Swanson  
Greg Jones - Harmons Pharmacy  
Jordan Gray - Southwest Utah Community  
Health Center  
Kathy Varley – MedQuest Pharmacy  
Kelly Barland- University of Utah Redstone  
Pharmacy  
Kevin Jones - Southwest Utah Community  
Health Center  
Lori Wright  
Mark Johnston- CVS Health

Matthew Higley- Advisory Pharmacy  
Compounding Education Committee Chair  
Michael Kiley- Utah College of Pharmacy  
Michelle McOmber – Utah Medical  
Association  
Representative Raymond P. Ward  
Rey Alonzo- Utah Medical Association

Rich Bishop- Smith's Food & Drug  
Ryan Young – MedQuest Pharmacy  
Ryker Blair - MedQuest Pharmacy  
Sara Watson - Critical Access Hospital  
Tiffany Nguyen  
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 8:35 A.M.**

**REVIEW AND APPROVE OCTOBER 17, 2023 MINUTES** *(Audio Part 1 00:03:29)*

**Mr. Hale made a motion to approve the minutes, as written.**

**Dr. Gunning seconded the motion.**

**The Board motion passed unanimously.**

**OPEN MEETING ACT** *(Audio Part 1 00:04:54)*

Ms. Martin reviewed the Open Meeting Act

**INVESTIGATIVE REPORT—CAMILLE FARLEY** *(Audio Part 1 00:05:54)*

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

Ms. Farley stated there were 2 new cases received, 34 cases closed, 25 inspections which consisted of new and random, along with 9 citations issued for inspection violations relating to inventories and unlicensed personnel.

**CSD UPDATE—JEFF HENRIE** *(Audio Part 1 00:14:43)*

Mr. Henrie stated no reports were generated for Controlled Substance Database (CSD) trends for the month of October.

**DISCUSSION ITEMS:**

**EDUCATIONAL & ENFORCEMENT FUNDS** *(Audio Part 1 00:32:02)*

Division Director Mark Steinagel and DOPL Outreach Manager Ashley Beyer discussed financial fund availability for the Board to use for pharmacy outreach from the Division's dedicated credits from fines received.

Dr. Gunning stated other states have used such funds to support pharmacy students in rural areas.

Dr. Sheard stated rural healthcare would benefit from such initiatives.

**DSCSA UPDATE** (*Audio Part 1 00:52:29*)

Ms. Martin stated the Drug Supply Chain Security Act (DSCSA) went into full effect as of November 27, however enforcement is not in full effect just yet. Ms. Martin presented an update from the National Association of Boards of Pharmacy (NABP) Pulse meeting, as provided.

**VACCINE GUIDANCE DOCUMENT** (*Audio Part 1 00:54:36*)

Dr. Sheard stated the Department of Health and Human Services (DHHS) has provided feedback for the Vaccine Guidance Document for the Board to review.

**Mr. Hale made a motion to approve the updated vaccine guidance document.**

**Dr. Gunning seconded the motion.**

**The Board motion passed unanimously.**

**BEYFORTUS R156-17B-621A** (*Audio Part 1 01:13:27*)

Dr. Dunford stated she has heard some discussion that there would need to be a legislative change to allow pharmacists to administer Beyfortus for Respiratory Syncytial Virus (RSV) protection to a qualified patient. Dr. Dunford stated Beyfortus would fall under the allowance of administering a long-acting injectable, as found in Section R156-17b-621a.

The Board discussed the language allowance for pharmacists to administer long-acting injectables regarding Beyfortus, as found in Section R156-17b-621a.

Dr. Sheard clarified that the Board would be comfortable that Beyfortus may be administered by pharmacists to qualified patients based upon the vaccine protocol and the vaccine guidance document.

**NEWSLETTER TOPICS** (*Audio Part 1 01:50:06*)

The Board discussed possible topics for the next newsletter; e-prescribing, controlled substance database, semaglutide compounding violation concerns.

**APCEC UPDATE** (*Audio Part 1 01:36:53*)

Dr. Higley stated the Compounding Advisory Committee has recommended the adoption of U.S. Pharmacopeia (USP) <797> & <795> with caveats. Dr. Higley stated the Committee has recommended the adoption of the previously modified version of USP<800> with the implementation date of 1 year.

**NABP DISTRICT CONFERENCE REVIEW** (*Audio Part 1 01:54:27*)

Mr. Hale provided the Board with NABP district conference review. Mr. Hale stated the

conference was very well attended by a range of attendees. Mr. Hale stated NABP shared their concerns regarding the low enrollment of pharmacy students; staff shortages are anticipated. Mr. Hale stated the NABP discussed ways to increase student enrollment by assisting to remove barriers and improve the working conditions within pharmacies.

Dr. Gunning stated the NABP had a great brainstorming discussion in working better together with state Boards. Dr. Gunning stated the next annual meeting will be held in Albuquerque, New Mexico.

#### **REMOTE LOCATION REQUEST** (*Audio Part 1 02:01:35*)

Dr. Higley presented the Board with a remote pharmacy location request. Dr. Higley stated Matt's Place, an automated pharmacy supported by Primary Childrens Hospital, which will be located in Centerville Utah.

**Mr. Hale made a motion to approve the remote location request.**

**Dr. Gunning seconded the motion.**

**The Board motion passed unanimously.**

#### **FULL RULE REVIEW** (*Audio Part 1 02:07:29*); (*Audio Part 2 01:00:47*); (*Audio Part 2 01:34:50*)

Ms. Martin presented and reviewed draft rule language amendments to the Pharmacy Practice Act rule R156-17b, which had been discussed in previous meetings.

The Board provided feedback as needed.

**Dr. Gunning made a motion to approve the draft rule excluding section 617h and with revisions as discussed.**

**Mr. Hale seconded the motion.**

**The Board motion passed unanimously.**

#### **APPOINTMENT ITEMS:**

##### **COMPLIANCE REPORT—BERNICE PALAMA** (*Audio Part 1 02:41:29*) & (*Audio Part 2 00:09:42*)

Micheal Reeder, no missed check in's, 2 negative U/A's, supervisor reports on time no concerns, Self-Assessment for October reviewed, Mr. Reeder stated he is not in compliance with his stipulation as he used a CBD/low THC product the night of 9/22/2023. (no detection in U/A), therapy report received on time.

Daniel Richards, monthly supervisor reports received on time, no concerns.

Harmony Schneider, no missed check in's, 2 negative U/A's supervisor reports on time no concerns.

Cody Walker, continuing education-update only-courses submitted for Board review.

Shaunna Rechsteiner, 10/17/2023 failed to appear at board meeting, stated the invite went into her spam folder and she did not know, pending amendment "Fit for Duty.", new PIC Mark Lindhardt license current, division approved, continuing education to be approved: 15 hours. Fine \$10,000.00 stayed until compliant with items due by 11/23/2023.

Crimson Valley Pharmacy, CE - training on proper management & compounding compliance with State Laws and Regulations, compliant with Laws Governing Pharmacies received, Corrective Action Plan received, Written Plan received. Fine \$9,125.00 stayed until compliant with items due by 11/23/2023.

**CODY WALKER, CE REVIEW ONLY.** (*Audio Part 1 02:45:20*)

**Ms. Palama stated Mr. Walker could not locate continuing education courses on required topics, however submitted continuing education courses that he was interested in taking.**

**The Board discussed the continuing education course selections and recommended Mr. Walker find continuing education hours on compounding; USP<795> & <797> through the USP website.**

**MICHAEL REEDER, PROBATIONARY INTERVIEW** (*Audio Part 1 02:51:50*) & (*Audio Part 2 00:00:08*)

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

Mr. Reeder stated he has been working with his therapist to help manage stresses that have arisen.

**Mr. Curran 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. Dunford seconded the motion.**

**All Board members voted in favor of closing the meeting.**

**The meeting closed at 11:42 a.m. The meeting opened at 12:06 p.m.**

**Mr. Curran made a motion to find Mr. Reeder in compliance with his stipulation and order after a violation was admitted and counsel was given.**

**Dr. Gunning seconded the motion.**

**The Board motion passed unanimously.**

**An appointment was made for Micheal Reeder to meet with the Board on February 27, 2024 meeting.**

**DANIEL RICHARDS, PROBATIONARY INTERVIEW** (*Audio Part 2 00:02:51*)

**Dr. Gunning conducted the interview, asking Mr. Richards for an update.**

Mr. Richards stated there were no changes with employment, and currently working around 60 hours a week.

**Dr. Gunning made a motion to find Mr. Richards in compliance with his stipulation and order.**

**Mr. Hale seconded the motion.**

**The Board motion passed unanimously.**

**An appointment was made for Daniel Richards to meet with the Board on June 25, 2024 meeting.**

**HARMONY SCHNEIDER, PROBATIONARY INTERVIEW** *(Audio Part 2 00:08:33); (Audio Part 2 00:49:17); (Audio Part 2 02:05:15)*

Ms. Schneider did not appear for the scheduled interview.

Ms. Schneider joined the meeting remotely after being contacted by Ms. Palama. Ms. Schneider stated she was unaware of the scheduled appointment and apologized to the Board for her non-appearance at the scheduled time.

**Dr. Sheard stated the appointment will be rescheduled for December 19, 2023 meeting.**

**Mr. Hale made a motion to find Ms. Schneider in compliance with her stipulation and order.**

**Dr. Gunning seconded the motion.**

**The Board motion passed unanimously.**

**An appointment was made for Harmony Schneider to meet with the Board on December 19, 2023 meeting.**

**SHAUNNA RECHSTEINER & CRIMSON VALLEY, INITIAL PROBATIONARY INTERVIEW** *(Audio Part 2 00:09:44) & (Audio Part 2 00:16:29)*

Ms. Palama provided the Board with a compliance update regarding Shaunna Rechsteiner and Crimson Valley.

**The Board introduced themselves to Ms. Rechsteiner.**

**Dr. Gunning 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 12:21p.m. The meeting opened at 1:20 p.m.**

**Dr. Dunford made a motion to approve the submitted continuing education.**

**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.**

**Ms. Hawks seconded the motion.**

**The Board motion passed unanimously.**

**Dr. Dunford made a motion to recommend the Division amend Ms. Rechsteiner's Stipulation and Order to include an evaluation of fitness for duty.**

**Mr. Hale seconded the motion.**

**The Board motion passed unanimously.**

**Dr. Dunford made a motion to work with the new Pharmacist in Charge, Mark Lindhardt of Crimson Valley with the stipulation and order requirements.**

**Mr. Hale seconded the motion.**

**The Board motion passed unanimously.**

**Dr. Dunford made a motion to find Crimson Valley in non-compliance with their 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 December 19, 2023 Board meeting.**

**An appointment was made for Crimson Valley to meet with the Board at the December 19, 2023 Board meeting.**

## **SOUTHWEST UTAH COMMUNITY HEALTH CENTER INC, APPLICATION REVIEW *(Audio Part 2 00:30:05)***

Dr. Kevin Jones representing Southwest Utah Community Health Center Inc, previously had submitted an application to the Division for a remote dispensing pharmacy in Hurricane Utah, which was denied due to Subsection R156-17b-102(4), Subsection 58-17b-612(1)(b)(i), Section 26-21-13.6 and Section 17-50-501; therefore, is seeking a review request from the Board.

Dr. Sheard asked Dr. Jones for a reason behind the request for the application review.

Dr. Jones stated the application request was in aid of supporting the clinic that is located in Hurricane. Dr. Jones stated the clinic has 1700 patients with 52% living below the poverty line. The clinic currently uses contract pharmacies, however recently 25 manufacturers have placed limitations on providing 340B medications to the contract pharmacies. Dr. Jones stated the

affordable medication limitations have severely affected the low-income patients that our clinic serves; the clinic's mission is to provide the medications at the lowest cost possible for patients.

Dr. Dunford stated the remote dispensing pharmacy does not qualify based upon the remote rural area requirement.

Dr. Sheard stated remote dispensing pharmacies are approved, based upon distance between pharmacies in remote locations, not upon financial issues.

**Dr. Dunford made a motion to deny the application request for a remote dispensing pharmacy based upon the previously stated reasons.**

**Dr. Gunning seconded the motion.**

**The Board motion passed unanimously.**

**SAMANTHA BETTINO, NAPLEX EXAM ATTEMPT** *(Audio Part 2 00:50:16)*

**Dr. Sheard conducted the interview, asking Ms. Bettino for past exam attempt background.**

Ms. Bettino stated she is requesting a fourth exam attempt, due to failing three times. Ms. Bettino stated during the two exam attempts; graduated, had a baby, experienced a death of a family member, took a break then sat the third exam attempt.

**Dr. Gunning asked what her study habits would look like.**

Ms. Bettino stated she plans on getting a tutor.

**Dr. Gunning asked if she had passed the MPJE.**

Ms. Bettino stated, yes, she had.

**Dr. Gunning recommended Ms. Bettino take as many practice exams as she can.**

**Dr. Gunning made a motion to approve 1 additional exam attempt.**

**Mr. Hale seconded the motion.**

**The Board motion passed unanimously.**

**LEGISLATIVE ITEMS** *(Audio Part 2 01:11:09)*

Representative Ray Ward stated he has opened a bill file for the next legislative session regarding the allowance of therapeutic substitutions on prescriptions. Representative Ward stated the bill will allow for specific medication substitutions be placed on one of two lists, one for identical substances and one for similar substitutions created under the direction of both prescribers and pharmacists.

Mr. Hale asked if there would be an opt in option.



Representative Ward stated there would be both opt-in and opt-out options, similar to prescriber notations for generic substitutions allowed on prescriptions.

Mr. Hale asked what the best way is to get the information back to the prescriber once a substitution has taken place.

Representative Ward stated the pharmacist/prescriber could possibly use the change request form; however, software vendors would need to update electronic systems to allow this back-and-forth communication to happen for electronic prescriptions.

Dr. Dunford recommended the Board look into and amend the auditing rule language if needed to support the medication substitutions to be completed more easily and efficiently.

**MEETING ADJOURNED: 3:22 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 December 19, 2023**

**2024 Board Meeting Scheduled:**

January 23, February

\_\_\_\_\_  
**Chairperson**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Bureau Manager**

\_\_\_\_\_  
**Date**



# SWORN STATEMENT SUPPORTING CLOSURE OF BOARD MEETING

DOPL-FM-010 05/02/2006

I, Christopher Shaw as the presiding member of the Pharmacy Board,  
which met on the 28<sup>th</sup> day of November, 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

11/28/23  
Date