

MINUTES
UTAH STATE BOARD OF PHARMACY
December 19, 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: 12:34 P.M.

DOPL STAFF PRESENT:

Bureau Manager: Lisa Martin
Board Secretary: Maree Christensen
CSD Admin: Jeff Henrie
Lead Investigator: Camille Farley
Investigator: Kaila Silcox

Investigator: Silmara Charlesworth
Investigator: Alicia Moran
Investigator: Travis Drebing
Investigator: Jo Evans
Compliance Specialist: Bernice Palama

BOARD MEMBERS PRESENT:

Chair: Christopher Sheard, Pharm-D
Vice Chair: Gary Hale, R.Ph
Shaun Curran, PA CS, Public Member
Carrie Dunford, Pharm-D

Karen Gunning, Pharm-D
Autumn Hawks, Pharmacy Technician

BOARD MEMBERS NOT PRESENT:

Sepidah Daery, Pharm-D

GUESTS IN ATTENDANCE ELECTRONICALLY

Adam Gee -Walgreens
Alicia Fillerup
Barb Keyser
Brian Burnham
Brock Bates
Carol Paglis
Cheyenne Cunningham - Walgreens
Chris Christensen – Stapley Pharmacy
Cliff Holt – Utah Family Pharmacies
Dale Masten

Dave Davis - Utah Retail Merchants
Association
Donelle Perez - Peterson’s Fresh Market
Greg Jones - Harmons Pharmacy
Jared Memmott – Associated Foods
Jennifer Healey
Mark Johnston- CVS Health
Rey Alonzo- Utah Medical Association
Ryker Blair - MedQuest Pharmacy
Sara Watson – Cardinal Health
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 8:33 A.M.

REVIEW AND APPROVE NOVEMBER 28, 2023 MINUTES (*Audio 00:03:43*)

Mr. Curran made a motion to approve the minutes, with corrections as discussed.

Dr. Dunford seconded the motion.

The Board motion passed unanimously.

INVESTIGATIVE REPORT—CAMILLE FARLEY (*Audio 00:06:48*)

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

Ms. Farley stated there were 3 new cases received, 29 cases closed, 21 inspections which consisted of new and random, along with 6 citations issued for inspection violations relating to inventories and unlicensed personnel.

CSD UPDATE—JEFF HENRIE (*Audio 00:14:26*)

Mr. Henrie stated the Controlled Substance Database (CSD) is currently upgrading database software, so far it has been a seamless change. Mr. Henrie stated for those that handle the submission piece, he advised to log in everyday to the database, to double check that the submissions have been submitted. Mr. Henrie stated the database trends are around 91% electronic.

DIVISION LEGAL ANALYST (*Audio 00:23:30*)

Mr. Matt Johnson introduced himself to the Board as the Divisions Legal Analyst. Mr. Johnson stated he has been hired to assist with Ms. Blackburn's workload and is looking forward to working with the Board.

DISCUSSION ITEMS:

DSCSA UPDATE (*Audio 00:24:45*)

Ms. Martin presented the DSCSA update, as provided.

GUIDANCE DOCUMENT UPDATE (*Audio 00:27:27*)

Hormonal Birth Control Update – Dr. Gunning stated she had received zero feedback from pharmacists, after submissions were sent to Utah Pharmacists Association (UPhA). Dr. Gunning stated the Family Planning Division at the University of Utah has indicated of a possible change to the medical age criteria in the future. Dr. Gunning recommended holding off on the questionnaire until the change has taken place. Dr. Gunning stated it would be beneficial to know how many are using the standing order.

PEP/PrEP Update – Mr. Hale stated he is still working with the Department of Health and Human Services (DHHS) on the rule draft language.

Epinephrine Update – Dr. Sheard stated the updated feedback received from DHHS has been added to the drafted guidance document, which will be presented for approval at a future meeting.

The Board discussed and gave feedback regarding the drafted document.

AUDIT CONCERNS (*Audio 00:53:17*)

Dr. Sheard stated quite a few community and retail pharmacy groups have reached out to obtain clarification regarding third party audit reports being issued over minor technicalities found on prescriptions. Dr. Sheard stated pharmacies have mentioned that these reports are time consuming and financially burdensome to appeal against.

Mr. Davis recommended the Division investigate if they have been given rule-making authority for audit policies; if not then, rule amendments would be required.

Mr. Johnson stated he would research rule-making authority and report at the next meeting.

LEGISLATIVE UPDATE (*Audio 01:22:49*)

Dr. Sheard stated the Pharmacy Practice Act will be open for amendments in the upcoming legislative session.

Ms. Martin stated the recently discussed statute and rule amendments will be forwarded to Mr. Johnson for review in preparation for legislative submission.

NEWSLETTER TOPICS (*Audio 01:30:59*)

Dr. Sheard stated he would draft a topic on e-prescribing and the continuing education live requirement.

Dr. Gunning stated she would draft a topic on Glucagon-like peptide-1 (GLP-1) weight-loss data in collaboration with Poison Control and Camille Farley.

Ms. Martin stated she is drafting a topic on pharmacy trainees.

Dr. Sheard stated to have the newsletter items drafted and ready to submit before January 01.

APPOINTMENT ITEMS:

COMPLIANCE REPORT—BERNICE PALAMA (*Audio 01:35:12*)

Harmony Schneider, no missed check in's 3 negative U/A's Supervisor reports on time no concerns, quarterly reporting only.

Cody Hymas, audit of prescriptions due 1/1/2024, October – December supervisor report received on time, no changes in review. Received CE Ethical Decision Making 10/9/2023; 15 hours; Board to review. Fine payments current.

Shaunna Rechsteiner, Fit for Duty Amendment, pending. 11/29/2023 emailed, and phoned Ms. Rechsteiner regarding the fines for herself and Crimson Valley Pharmacy, no response, until yesterday-Dec 18, 2023. There has been no communication between Ms. Rechsteiner and Compliance since the last board meeting 11/28/2023.

Crimson Valley Pharmacy, new PIC; Dr. Mark Lindhardt, self-inspection received 12/8/2023 investigations inspection completed pending report. Submitted Corrective Action Plan and Written Plan on 12/8/2023, Received Continuing Education; Board to review.

HARMONY SCHNEIDER, PROBATIONARY INTERVIEW *(Audio 01:40:43)*
Mr. Curran conducted the interview, asking for an update.

Ms. Schneider stated there have been no changes in circumstances or employment.

Mr. Curran made a motion to find Ms. Schneider in compliance with her Stipulation and Order.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

An appointment was made for Harmony Schneider to meet with the Board on March 26, 2024 meeting.

CODY HYMAS, PROBATIONARY INTERVIEW *(Audio 01:45:28)*
Dr. Sheard conducted the interview, asking for an update.

Mr. Hymas stated he has made the necessary adjustments within the pharmacy to keep him in compliance with his stipulation requirements.

Mr. Hale made a motion to find Mr. Hymas in compliance with his Stipulation and Order. Dr. Gunning seconded the motion.

The Board motion passed unanimously.

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

SHAUNNA RECHSTEINER, PROBATIONARY INTERVIEW *(Audio 01:56:18)*
Dr. Dunford conducted the interview, stating the requested items were not submitted on time, ahead of the previous meeting.

Ms. Rechsteiner stated as far as she was concerned, she was under the impression that she had submitted all required reports on time.

Ms. Palama stated Ms. Rechsteiner's written plan and corrective action plan were submitted past due date, however these were written in relation to Crimson Valley. Ms. Palama stated Ms. Rechsteiner is requesting that the fine be stayed or adjusted. Ms. Palama explained that due to a new Pharmacist in Charge (PIC) taking over Crimson Valley pharmacy, Ms. Rechsteiner is only required to pay the fine and complete 15 continuing education hours by August 25, 2024 regarding her stipulation.

Dr. Dunford recommended that the Division investigate the allocated fine regarding Ms. Rechsteiner's circumstances.

Dr. Dunford made a motion to recommend the Division stay the fine until a decision has been made regarding Ms. Rechsteiner's circumstances.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

Ms. Hawks made a motion to find Ms. Rechsteiner in compliance with her Stipulation and Order.

Dr. Dunford seconded the motion.

The Board motion passed unanimously.

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

CRIMSON VALLEY PHARMACY, PROBATIONARY INTERVIEW *(Audio 02:19:10)*

Dr. Sheard introduced the Board members to Dr. Mark Lindhardt, Pharmacist in Charge of Crimson Valley pharmacy.

Dr. Dunford conducted the interview, asking Dr. Lindhardt if he had any questions or concerns regarding Crimson Valley stipulation and order.

Dr. Lindhardt stated he has read the stipulation and order.

Dr. Dunford made a motion to recommend the Division stay the fine until a decision has been made regarding circumstances.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

Dr. Gunning made a motion to approve the submitted continuing education topics.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

Dr. Dunford made a motion that the continuing education topics be completed within a one-year timeframe.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

Dr. Dunford made a motion to accept the submitted written plan and self-inspection form.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

Dr. Dunford made a motion to approve the corrective action plan and find Crimson Valley Pharmacy in compliance with their Stipulation and Order.

Ms. Hawks seconded the motion.

The Board motion passed unanimously.

An appointment was made for Crimson Valley Pharmacy to meet with the Board at the March 26, 2024 Board meeting.

NOSHEEN HAMID, EXAM ATTEMPT REQUEST *(Audio 02:46:18)*

Dr. Sheard conducted the interview, asking Ms. Hamid what brings her before the Board.

Ms. Hamid stated she graduated from the University of Utah in 2021 and is requesting a 4th attempt on the Utah MPJE exam; a 3rd attempt on NAPLEX will be attempted after passing the Utah MPJE exam.

Mr. Hale asked Ms. Hamid what struggles she experienced during the three failed attempts.

Ms. Hamid stated the first attempt questions were too broad, the second attempt the questions studied for more geared to compounding, Ms. Hamid stated for the third attempt she did not study anymore and used the two previous failed attempts as reviews. Ms. Hamid asked the Board for recommendations and advice.

Dr. Gunning stated Ms. Hamid could set up an appointment to visit someone from the University. Dr. Gunning recommended Ms. Hamid read Utah state law, while making her own notes and ask questions.

Dr. Dunford made a motion to approve one additional exam attempt for the Utah MPJE with a deadline of August 01, 2024.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

MEETING ADJOURNED: 12:34 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 January 23, 2024

2024 Board Meeting Scheduled:

February 27, March 26, April 23, May 28, June 25, August 27, October 15, November 19, December 17.

Chairperson

Date

Bureau Manager

Date