

MINUTES
UTAH STATE BOARD OF PHARMACY
January 23, 2024 | 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: 8:32 A.M.

ADJOURNED: 1:07 P.M.

DOPL STAFF PRESENT:

Bureau Manager: Lisa Martin
Board Secretary: Maree Christensen
Pharmacy Specialist: Jim Garfield
Legal Analyst: Matt Johnson
CSD Admin: Jeff Henrie
CSD Business Analyst: Zach Whitney
CSD Policy Manager: Connie Kitchens

Chief Investigator: David Furlong
Lead Investigator: Camille Farley
Investigator: Travis Drebing
Investigator: Kaila Silcox
Investigator: Silmara Charlesworth
Investigator: Jo Evans
Compliance Specialist: Bernice Palama

BOARD MEMBERS PRESENT:

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

Sepidah Daery, Pharm-D
Karen Gunning, Pharm-D
Autumn Hawks, Pharmacy Technician

BOARD MEMBERS NOT PRESENT:

Shaun Curran, PA CS, Public Member

GUESTS IN ATTENDANCE ELECTRONICALLY:

Adam Gee -Walgreens
Adam Jones-Utah Pharmacy Association
Association
Bill Stilling- Stilling & Harrison
Carol Paglis
Chris Christensen – Stapley Pharmacy
Cliff Holt – Utah Family Pharmacies
Cindy Wynette - Department of Health and
Human Services
David Call – St Mark’s Pharmacy
David Doane- Intermountain Health
Donelle Perez - Peterson’s Fresh Market

Emily Sorenson – University of Utah
Greg Jones
Kathy Varley-MedQuest Pharmacy
Kelly Barland – University of Utah
Kierra Frehner
Landon Welch – University of Utah
Mark Johnston- CVS Health
Matthew Hoffman
Michelle McOmber – Utah Medical
Nicole Scott
Nirali Patel – University of Utah

Rocky Parker-University of Utah Hospital
Ryan Young-MedQuest Pharmacy
Rey Alonzo- Utah Medical Association

Rich Bishop-Smith's Food & Drug
Ryker Blair - MedQuest Pharmacy
Sara Watson – Cardinal Health

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 8:32 A.M.

REVIEW AND APPROVE DECEMBER 19, 2023 MINUTES (Audio 00:03:34)

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

Dr. Dunford seconded the motion.

The Board motion passed unanimously.

INVESTIGATIVE REPORT—CAMILLE FARLEY (Audio 00:05:05)

Ms. Farley stated Travis Drebing has been promoted to lead investigator for her team.

Mr. Drebing presented the investigation report for December 2023, as provided.

Mr. Drebing stated there was 1 new case received, 25 cases closed, 25 inspections were completed, which consisted of new and random, and 3 citations were issued for inspection violations relating to changes of Pharmacist in Charge (PICs).

CSD UPDATE—JEFF HENRIE (Audio 00:10:20)

Mr. Henrie stated the universal claim form method will roll out an update to improve increased performance. Mr. Henrie stated state fields need to be entered as 99 for 'other' instead of OT.

Mr. Henrie stated there were approximately 9 million searches within the database and electronic health records combined. Mr. Henrie stated the trends for December were at 80%, state rules still allow pharmacists to accept paper and fax, controlled substance prescriptions.

DISCUSSION ITEMS:

UTAH PDMP OVERVIEW REPORT (Audio 00:32:20)

Dr. Matt Hoffman presented the Utah Prescription Drug Monitoring Program (PDMP) Overview Report, as provided.

DSCSA UPDATE (Audio 00:25:10)

Ms. Martin stated the Drug Supply Chain Security Act (DSCSA) tracing timelines are on track.

Dr. Sheard stated while Utah is not enforced at present, the Board strongly encourages pharmacies to follow the DSCSA guidelines.

LEGAL ANALYST FOLLOW-UP (*Audio 00:27:21*) & (*Audio 01:32:25*)

Mr. Johnson stated he had researched the pharmacy audit concerns from the previous meeting. Mr. Johnson stated auditing requirements and appeals are found in Section 58-17b-622. Mr. Johnson stated it was not the Division's role to regulate the audits. Mr. Johnson encouraged pharmacists with audit concerns to contact the Insurance Division as auditors are liable under Section 58-17b-622 in accordance with Section 31a-46-401 and recommended pharmacies obtain all documentation in writing.

Mr. Johnson stated pharmacy name changes and locations, as found in Section 58-17b-614 and Section R156-17b-618 must notify the Division of such changes and submit a new application. Mr. Johnson stated the Drug Enforcement Administration (DEA) has a third option, which allows for modification, to either address or name changes. Mr. Johnson stated if the Board did want to allow such modifications, then a rule change would be required; the rule change wouldn't violate any of the current statutes.

Mr. Johnson stated the Board had asked for clarification regarding the option of providing Quick Response (QR) codes to patients instead of printed patient information leaflets, as found in Subsection R156-17b-610(6); which was discussed at a previous meeting. Mr. Johnson stated the use of such codes require additional technologies, fees, and are not delivered concurrently upon receiving medications, as found in Subsection R156-17b-610(3).

Mr. Johnson stated the current statutes and rules state any changes to ownership of more than 51%, as found in Section 58-17b-614 and Section R156-17b-618 must notify the Division of changes and submit a new application. Mr. Johnson stated the Division is only able to use their discretion authority to investigate the owners, when a new application is submitted, as found in Subsection 58-17b-306(2)(e). Mr. Johnson stated that owners are liable for the operations of the pharmacy, as found in Section 58-17b-501 & 502 and Section R156-17b-502.

Dr. Sheard asked if the written request to the DEA regarding alterations to schedule II controlled substances that had been submitted a few months prior, had received any feedback or input from the DEA to the Division.

Mr. Johnson stated not that he was aware of.

Dr. Sheard stated the Board will revisit the topic at the next Board meeting.

EPINEPHRINE GUIDANCE DOCUMENT UPDATE (*Audio 02:17:58*)

Dr. Sheard presented the draft guidance document with revisions from a previous meeting for submission to the Department of Health and Human Services (DHHS).

Ms. Hawks made a motion to approve the draft document with amendments as discussed. Mr. Hale seconded the motion. The Board motion passed unanimously.

LEGISLATIVE UPDATE *(Audio 02:25:37)*

Ms. Martin stated the current bills in session that related to pharmacy are House Bill (HB) 132, which will allow the substitute authority from the similar drug list and HB 260 which recommends scheduling gabapentin as a Scheduled V controlled substance.

Dr. Sheard stated HB340 regarding healthcare reform is also in session.

EPRESCRIBING UPDATE *(Audio 02:29:10)*

Dr. Sheard stated the enforcement discretion for prescribers to submit electronic controlled substance prescriptions ended on January 1, 2024, however there are some exceptions, which are outlined in the law. Dr. Sheard stated providers can apply for an exemption, however it is not the pharmacists' job to verify such exemptions. Dr. Sheard stated pharmacists can fill a written prescription, if all requirements and origin codes are correct; there should be no delay to patient care.

NEWSLETTER TOPICS *(Audio 02:34:51)*

Ms. Martin stated the pharmacy trainee article has been submitted.

Dr. Gunning stated she is still waiting for data from certain groups to write the Glucagon-like peptide-1 (GLP-1) article.

APPOINTMENT ITEMS:

COMPLIANCE REPORT—BERNICE PALAMA *(Audio 02:38:05)*

HRx Pharmacy LLC, Fine payments current. Mr. Walker would like to install a 797/800 sterile room, board to discuss and make recommendations. Mr. Walker would like to discuss the frequency of board meetings, and the impact on the pharmacy since probation began.

Cody Walker, CE's are due by 9/17/2024. Mr. Walker would like to discuss the frequency of board meetings, and the impact on the pharmacy since probation began.

Derek Roylance, No reporting.

Cody Hymas, Received 1/1/2024 Employer/Supervisor reports, audit of prescriptions. 233 prescriptions for the quarter, audited 56, all correct no concerns.

Shaunna Rechsteiner, Fit for Duty Amendment, pending. Board requested to review CAP and written plan.

HRx PHARMACY, PROBATIONARY INTERVIEW *(Audio 02:43:23)*

Dr. Sheard conducted the interview, asking for an update.

Mr. Walker stated the pharmacy is running well and is following the compliance requirements, including all staff being up to date with their training.

Dr. Sheard asked Mr. Walker for a walkthrough regarding the request for a compounding clean room added to his pharmacy.

Mr. Walker stated he currently has extra unused space and possesses a history of working in sterile compounding pharmacies. Mr. Walker stated he would be involved with a few individuals he knows who would like to join him in sterile compounding.

Dr. Sheard asked Mr. Walker for an expected timeline.

Mr. Walker stated he is months away from the setup, however, was reaching out to the Board to see if it was allowed.

Mr. Hale made a motion to find HRx Pharmacy, LLC in compliance with their Stipulation and Order.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

An appointment was made for HRx Pharmacy, LLC to meet with the Board at the May 28, 2024 meeting.

CODY WALKER, PROBATIONARY INTERVIEW *(Audio 02:57:50)*

Dr. Sheard conducted the interview, asking for an update.

Mr. Walker requested a closed meeting.

Mr. Hale 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.

Ms. Hawks seconded the motion.

All Board members voted in favor of closing the meeting.

The meeting closed at 11:44 a.m. The meeting opened at 12:01 p.m.

Dr. Sheard stated Mr. Walker has requested early termination with his stipulation and Order for him to be the PIC at his pharmacy.

The Board discussed, asked questions, and provided feedback as needed.

Ms. Martin stated the continuing education hours should be completed first before entertaining the idea of early termination.

Mr. Hale made a motion to find 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 May 28, 2024 meeting.

DEREK ROYLANCE, PROBATIONARY INTERVIEW *(Audio 03:19:15)*

Dr. Sheard conducted the interview, asking for an update.

Mr. Roylance stated he is doing well, with no changes in employment.

Dr. Sheard stated the Board will meet again around June to wrap up his probation.

Dr. Gunning made a motion to find Derek Roylance in compliance with his Stipulation and Order.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

An appointment was made for Derek Roylance to meet with the Board at the June 25, 2024 meeting.

CODY HYMAS, PROBATIONARY INTERVIEW *(Audio 03:24:09)*

Dr. Daeery conducted the interview, asking for an update.

Mr. Hymas stated he is doing well and working well with the compliant requirements in the pharmacy.

Dr. Sheard asked Mr. Hymas to walk through the audit process.

Mr. Hymas discussed the audit process with the Board.

Mr. Hale made a motion to find Cody 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 at the January 23, 2024 meeting.

SHAUNNA RECHSTEINER, PROBATIONARY INTERVIEW *(Audio 03:39:18)*

Mr. Hale conducted the interview, asking for an update.

Ms. Rechsteiner stated she has scheduled her fit for work appointment for February 06th.

Mr. Hale stated the submitted corrective action plan and the written plan were for the pharmacy and not for herself.

Ms. Martin stated from her research the Division does not have any options for fines being removed, however it does have the ability to accept payment plans.

Mr. Hale made a motion to find Shaunna Rechsteiner out of 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 February 27, 2024 meeting.

MEETING ADJOURNED: 1:07 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 February 27, 2024

2024 Board Meeting Scheduled:

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

Chairperson

Date

Bureau Manager

Date



SWORN STATEMENT SUPPORTING CLOSURE OF BOARD MEETING

DOPL-FM-010 05/02/2006

I, Christopher Sheward, as the presiding member of the Pharmacy Board,
which met on the 23rd day of January, 2024.

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.

[Signature]
Board Chairman or other Presiding Member

1/23/24
Date