

MINUTES

UTAH STATE BOARD OF PHARMACY

February 27, 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: 12:08 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

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

Shaun Curran, PA CS, Public Member

Carrie Dunford, Pharm-D

BOARD MEMBERS NOT PRESENT:

Sepidah Daeery, Pharm-D

Karen Gunning, Pharm-D

Autumn Hawks, Pharmacy Technician

GUESTS IN ATTENDANCE ELECTRONICALLY:

Adam Gee -Walgreens

Adam Jones-Utah Pharmacy Association

Association

Austin T

Bart Smith

Bill Stilling- Stilling & Harrison

Brian Bothwell

Brittnie Gonzales

Brock Bates

Carol Paglis

Chris Christensen – Stapley Pharmacy

Cliff Holt – Utah Family Pharmacies

Donelle Perez - Peterson's Fresh Market

Emily Pinnock – Intermountain Health

Greg Jones

Jayne Garcia – Smith's Pharmacy

Jennifer Healey

Jessica Cole

Joe Romero – Intermountain Health IPC

Kathy Varley-MedQuest Pharmacy

Kierra Frehner

Lisa Dimick- UpScript Pharmacy

Rey Alonzo- Utah Medical Association

Rocky Parker-University of Utah Hospital

Ryan Young-MedQuest Pharmacy

Sandra Leal

Sara Watson – Cardinal Health

Victoria Groth Kroeger

Zach Taylor

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 JANUARY 23, 2023 MINUTES *(Audio 00:05:16)*

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

Dr. Dunford seconded the motion.

The Board motion passed unanimously.

INVESTIGATIVE REPORT—TRAVIS DREBING *(Audio 00:06:40)*

Mr. Drebing stated for January there were 6 new cases received, 23 cases closed, 15 inspections were completed, which consisted of new and random, and 3 citations were issued for inspection violations relating to late changes of Designated Representatives of Class C & E pharmacies.

CSD UPDATE—JEFF HENRIE *(Audio 00:09:21)*

Mr. Henrie stated the Controlled Substance Database (CSD) trends for January were at 82% for electronic prescriptions and 9.45% for written, as provided. Mr. Henrie stated the CSD is moving forward in updating the National Drug Codes (NDC) into a standardized format. Mr. Henrie stated software developers have been hired to update the new site, this change will take place by September 2025. Mr. Henrie stated as of May 01, 2024, the medication gabapentin will become a schedule V controlled substance; Drug Enforcement Administration (DEA) numbers will be required.

DISCUSSION ITEMS:

LEGAL ANALYST FOLLOW-UP *(Audio 00:15:17)*

Mr. Johnson stated he is currently drafting an update to the 2010 letter regarding changes allowed on electronic prescriptions; the proposed drafted letter will be discussed at the next Board meeting. Mr. Johnson stated he has been made aware that in Subsection 58-17b-627(5) Prescription Drugs & Devices, the Division shall generate a report in collaboration with certain other Boards and Department of Health and Human Services (DHHS); the 2023 report will be developed over the next few weeks, then move onto the 2024 report.

LEGISLATIVE UPDATE *(Audio 00:27:48)*

Ms. Martin stated the current bills in session that relate to pharmacy are House Bill (HB) 58; licensure by endorsement, HB 554 then addresses in more specific detail relating to HB 58.

Ms. Martin stated HB 132, Pharmacy Amendments, relating to the creation of a therapeutic substitution list, has passed. Ms. Martin stated Senate Bill (SB) 266, Medical Amendments, which impacts the controlled substance act; will not really impact pharmacy. Ms. Martin HB 340, Health Care Reform Amendments, removes certain dispensing restrictions. Mr. Henrie stated HB 576, Controlled Substance Revisions, allows certain practices to be aligned and updated.

OPIATE PRESCRIPTIONS *(Audio 00:42:22)*

Dr. Sheard stated Physicians have reached out to the Division with concerns that pharmacies are refusing to fill opiate prescriptions.

Dr. Dunford stated it is a complex issue with wholesalers needing to create a solution.

Dr. Sheard stated pharmacists should provide communication on refusals to fill.

Ms. Martin stated pharmacies are still allowed to dispense such medications with a written prescription; providing all necessary information is on the prescription.

Mr. Henrie stated providers have the option of logging into the database to locate the pharmacy who has supply stock.

APCEC RECOMMENDATION VACANCIES *(Audio 01:02:46)*

Ms. Martin stated there are currently two vacancies on the Advisory Pharmacy Compounding Education Committee that will be open; resumes can be submitted directly to her for the Board's consideration.

TRANSFERING ELECTRONIC PRESCRIPTIONS *(Audio 01:06:27)*

Dr. Sheard stated in Subsection 58-37-22(3), Electronic Prescriptions for Controlled Substances, beginning July 1, 2024, pharmacy software programs receiving electronic prescriptions for controlled substances need to be capable of electronically transferring the prescription to a different pharmacy; upon request of the patient or provider, approval of a pharmacist or if the prescription is unfilled. Dr. Sheard stated that this could possibly assist with the issue of the previously discussed opiate prescription topic. Dr. Sheard stated pharmacies will need to contact their system vendors to begin the process of allowing the transfers to happen.

Dr. Dunford suggested a pharmacy alert be sent out regarding these updates needing to happen.

TECHNICIAN TRAINING PROGRAMS *(Audio 01:18:30)*

Dr. Sheard stated the training programs as found in R156-17b-303(a) must be accredited by American Society of Health System Pharmacists® (ASHP) or Accrediting Bureau of Health Education Schools (ABHES) by January 01, 2025; Pharmacy Technician University (PTU) is not

accredited by ASHP or ABHES and will be removed from a standalone training program option on January 01, 2025, as stated in rule. Dr. Sheard stated letters with concerns have been received to discuss possible options.

The Board discussed program concerns, options and provided feedback.

Dr. Sheard stated the Board will revisit the topic again in a future meeting.

CONTROLLED SUBSTANCE PRSCRIPTIONS *(Audio 01:12:28)*

Ms. Martin stated the January newsletter article for pharmacies to accept controlled substance written prescriptions required clarification to pharmacists.

Dr. Sheard stated the intent is not to delay patient care; pharmacies can accept written prescriptions, so long as the required information is contained, and that the correct origin code is entered within the pharmacy software.

Ms. Martin stated it is not the pharmacy's job to police the providers and their practices.

OPTUMRx BREACH *(Audio 01:48:37)*

Dr. Sheard stated as of this morning OptumRx is still reporting an outage, due to a cyber security breach; this outage may still effect Change Healthcare and the coupons that run through the system, patients that go through Utah Medicaid may also still be experiencing frustrations.

Dr. Sheard stated there is no anticipated date of resolution, however Utah Medicaid issued a statement that pharmacies may dispense up to a 30-day supply of medications to patients at no cost, with the ability to apply for reimbursement.

APPOINTMENT ITEMS:

COMPLIANCE REPORT—BERNICE PALAMA *(Audio 01:58:38)*

Michael Reeder No missed check in's, 3 Negative U/A's, received supervisor report, received therapy reports and received self-assessment reports no concerns.

Shaunna Rechsteiner, Fit for Duty report pending. Board requested to review personal CAP and written plan; no fine payments made.

MICHAEL REEDER PROBATIONARY INTERVIEW *(Audio 02:03:11)*

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

Mr. Reeder stated things are going well, he has some good projects for the year at work.

Mr. Curran made a motion to find Michael Reeder in compliance with his Stipulation and Order.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

An appointment was made for Michael Reeder to meet with the Board at the May 28, 2024 meeting.

SHAUNNA RECHSTEINER, PROBATIONARY INTERVIEW *(Audio 02:07:08)*

Dr. Dunford conducted the interview, stating the submitted corrective action plan and the written plan were still referencing Crimson Valley Pharmacy. Dr. Dunford explained how the corrective action plan and the written plan is to be written.

Dr. Dunford asked Ms. Rechsteiner for an update on payments to the fine imposed.

Ms. Rechsteiner stated she had paid the fine in full.

Ms. Palama stated as of February 20th the fine still had not been paid, however will follow up again. Ms. Palama stated that she had just received word that the personal fine was paid February 21st, which was previously stayed. Ms. Palama stated Ms. Rechsteiner rescheduled her fit for work appointment for February 12th, report has not been received; however, it is due April 06.

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

Mr. Curran seconded the motion.

The Board motion passed unanimously.

Ms. Palama stated Ms. Rechsteiner submit the corrective action plan, written plan, and the medical evaluation report by March 11, 2024.

An appointment was made for Shaunna Rechsteiner to meet with the Board at the March 26, 2024 meeting.

TYLER LISTER – EXAM ATTEMPT REQUEST *(Audio 02:39:48)*

Dr. Sheard conducted the interview, asking Mr. Lister for a brief history of MPJE exam attempts.

Mr. Lister stated he graduated in May and passed the NAPLEX in July, attempted the MPJE in around mid-August and failed. Mr. Listed stated for the second attempt he gave himself a six-week study window, however failed again, for the third attempt he reached out to Dr. Ruble for advice, felt quite confident, but unfortunately failed.

The Board asked questions and provided feedback.

Mr. Hale made a motion to approve two additional MPJE exam attempts for Tyler Lister.

**Dr. Dunford seconded the motion.
The Board motion passed unanimously.**

KENT BURK – PROGRAM REVIEW (*Audio 02:53:46*)

Dr. Sheard stated Kent Burk, who last met with the Board in March 2023 for a seventh additional NAPLEX attempt had submitted RxPrep online course information to look over by the Board to determine if this would meet the requirements of formal education instead of repeating pharmacy school in its entirety.

Mr. Burk was not present for the interview.

The Board discussed and provided feedback.

Mr. Curran made a motion to deny any additional attempts for the NAPLEX, based upon the information provided.

**Dr. Dunford seconded the motion.
The Board motion passed unanimously.**

MEETING ADJOURNED: 12:08 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 March 26, 2024*

2024 Board Meeting Scheduled:

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

Chairperson

Date

Bureau Manager

Date