

## MINUTES

### UTAH STATE BOARD OF PHARMACY

August 27, 2024 | 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: 8:32 A.M.**

**ADJOURNED: 12:10 P.M.**

#### **DOPL STAFF PRESENT:**

**Bureau Manager:** Lisa Martin

**Bureau Manager:** Larry Marx

**Bureau Manager:** Jim Garfield

**Board Secretary:** Tina Marshall

**Pharmacy Specialist:**

**Legal Analyst:** Matt Johnson

**CSD Admin:** Jeff Henrie

**Investigator:** Travis Drebing

**Investigator:** Kaila Silcox

**Compliance Specialist:** Bernice Palama

#### **BOARD MEMBERS PRESENT:**

**Chair:** Christopher Sheard, Pharm-D

**Vice Chair:** Gary Hale, R.Ph

Karen Gunning, Pharm-D

Shaun Curran, PA CS, Public Member

Autumn Hawks, Pharmacy Technician

Carrie Dunford, Pharm-D

#### **BOARD MEMBERS NOT PRESENT:**

#### **GUESTS IN ATTENDANCE ELECTRONICALLY:**

Donelle Perez, Peterson's Fresh Market  
Pharmacy

Ryan Young, MedQuest Pharmacy

Kathy Varley, MedQuest Pharmacy

Brian Burnham, Utah Cancer Specialists

Melanie Hall, Commerce Comms Director

Nathan Hagen, U of Utah Health

LaWanda Esquibel, DHHS

Grace LaFeur, U of U College of Pharmacy

Ken Whittemore Jr, Surescripts, LLC

Rosalin Acosta

Kristol Chirsm, Optum Insight

Dave Young, U of U College of Pharmacy

Stephen McGee, TransferMyRx

Nabil Hallak, TransferMyRx

Andrew Brown, Cardinal Health

Christopher Christensen, Stapley Pharmacy

Jeann Brennan

Sami Bushnell, DHHS

*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 June 25, 2024 MINUTES** *(Audio 00:3:55)*

**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—Travis Drebing** *(Audio 00:7:03)*

Mr. Drebing stated for the month of June there were six new cases received, 40 cases closed, 48 inspections were completed and six citations issued. For the month of July there were two new cases, 26 cases closed, 28 inspections completed and eight citations issued.

Dr. Hale asked if there were any trends.

Mr. Drebing stated that there is an increase of late Change of PIC/DR forms for Out of State facilities and issues concerning temperature logs.

**CSD UPDATE—JEFF HENRIE** *(Audio 00:09:30)*

Mr. Henrie stated that there was an outage due to a code, which has since been fixed.

Mr. Henrie stated in August, the CSD was able to release a deceased label. The deceased information provided in conjunction with the Department of Health. If a patient has the deceased label and is not deceased, the pharmacy should contact the CSD to get this resolve the discrepancy.

Mr. Henrie stated The National Drug Codes have been updated.

Mr. Henrie stated HB576 would have required a decrease reporting time from next day reporting to end of business day reporting. However, the bill did not pass. Mr. Henrie asked if the Board had feedback to the end of day reporting option.

Dr. Dunford stated that there is some concern for hospitals dispensing at discharge and rural pharmacies due to systems that are currently being used.

Dr. Sheard asked if there was an issue with the lag time and recognizing weekends and holidays increase the delay in reporting.

Mr. Henrie stated that there have been questions about why the data is older and if that data is still relevant. Having the data submitted sooner would allow for more relevant data to be provided. Mr. Henrie suggested an exemption section added for rural pharmacies and hospitals.

Mr. Henrie reported information provided to the Controlled Substance Advisory Committee for Gabapentin, including a decrease of prescriptions seen in the top prescribers and dispensers.

Dr. Dunford stated that some software companies are only allowing six months of medication because Gabapentin has become a controlled substance. Dr. Dunford expressed concern about patients being able to access their medication after six months instead of one year and the workload it would put on providers.

**STAFF CHANGES** *(Audio 00:31:58)*

Ms. Martin stated that she will no longer be Bureau Manager over Pharmacy. Jim Garfield will be Bureau Manager and Tina Marshall will be Board Secretary. Mr. Drebing stated that the Investigation Supervisor has changed to Kevin Nitzel.

## **DISCUSSION ITEMS:**

### **Healthy Environments Active Living Program, DHHS (Audio 00:52:38)**

Ms. Bushnell stated that HB475 created a standing order for Albuterol and a standing order for Epinephrine that went into effect on August 1<sup>st</sup>, 2024. Ms. Bushnell explained a rule needs to be put into place and that needs to be done by the Division.

Dr. Sheard stated that both the Board of Pharmacy and Medical Licensing Board along with the Division need to write the rule.

Ms. Bushnell stated that DHHS started writing a rule and would provide what has been completed. Ms. Bushnell stated that Albuterol would be the order that pharmacists would see the most of, as Epinephrine is covered by another program. Ms. Bushnell stated that pharmacists would be required to report the standing orders that are filled to DHHS.

Dr. Dunford asked what information is to be reported and what the data would be used for.

Dr. Gunning asked if there is a better reporting method then Redcap as this can cause barriers for the medication to be filled.

Ms. Bushnell asked if there was a better way of reporting what is being filled. Ms. Bushnell explained that the schools are not reporting only the pharmacies.

Ms. Walker explained that reporting is required per the bill. They are open to ideas on how the reporting could be done.

Dr. Sheard agrees with Dr. Gunning that the school should reporting.

Ms. Walker stated that school reporting could be an option but they need to have the license number of the pharmacist who dispensed the medication to the school.

Dr. Sheard stated that once the information and it use for reporting is finalized, this will help determine the reporting solution.

### **Update to Vaccine Protocol – mpox (Audio 00:34:06)**

Dr. Sheard stated the vaccine protocol was last updated in September 2023. Dr. Sheard stated any vaccines added to the list need to be approved by the Board of Pharmacy and Medical Licensing Board. Dr. Sheard suggested adding mpox protocol.

Dr. Dunford asked if the commercial mpox vaccine is more widely available for distribution then it has been.

Dr. Gunning stated that it is not widely available for distribution. Dr. Gunning explained it is mainly through the Health Department.

Dr. Sheard stated it is only available through the Health Department in Utah.

Mr. Marx stated he will bring mpox up to the Medical Licensing Board at their next meeting. Mr. Marx discussed bringing Yellow Fever and Typhoid vaccines to both Boards attention.

Dr. Gunning stated it is important for pharmacies to investigate how the vaccine would be covered by insurances.

Dr. Sheard stated there is a smallpox/mpox vaccine and asked if smallpox should also be added to the protocol. The Board discussed and agreed that smallpox should be added to the protocol in order match the CDC guidelines.

**Dr. Dunford made a motion to add smallpox/mpox vaccine to the vaccine protocol.**

**Dr. Gunning seconded the motion.**

**The Board motion passed unanimously.**

**Update on HBC** (*Audio 01:49:00*)

Dr. Sheard explained that there was an update to the Hormonal Birth Control that was put out by the Centers for Disease Control. Dr. Sheard stated that it is required for pharmacists to use the State's questionnaire. Dr. Sheard stated that the Board will review the updated requirements and make a recommendation to add additional information to the questionnaire provided by the Department of Health

Dr. Gunning stated now is the time for feedback to come to the Board, DOPL or herself to make any updates to the questions and to make the questionnaire more inclusive.

Dr. Sheard stated the questionnaire is provided by the State.

Dr. Gunning stated the updates could be ready by November.

Dr. Sheard stated there is currently a hearing scheduled for November so it could be discussed in December.

**Therapeutically Similar Drug – HB132 - update** (*Audio 02:01:47*)

Mr. Garfield explained that Representative Ward has reached out to the Division about HB132 and his desires about the bill going forward.

Mr. Marx stated the Medical Licensing Board has reviewed the list provided by the Pharmacy. Mr. Marx stated Representative Ward would like a small work group created to discuss and refine the list.

Dr. Dunford asked about the time commitment the group would be.

Mr. Marx stated he would try to keep it to one to two meetings.

Dr. Sheard and Dr. Dunford volunteered.

**Charitable Donation – Add Class B** (*Audio 02:09:44*)

Dr. Dunford stated the Charitable Donations are limited Class A Pharmacies as stated in 58-17b-901(8). Class B Pharmacies, such as Closed Door, could donate and should not limit it to Class A Pharmacies.

Mr. Garfield asked if Dr. Dunford meant only Close Door Class B pharmacies or all Class B pharmacies.

Dr. Dunford stated that both Class A pharmacies and Class B pharmacies should be able to apply with the state to donate.

Mr. Garfield explained that Class B pharmacies have six different subtypes of pharmacies while Class A pharmacies do not have subtypes. Mr. Garfield asked if there would be subtypes that would not qualify.

Dr. Dunford stated that Pharmaceutical Administration Facility would not qualify but other subtypes might be able to donate or be able to donate in the future.

Mr. Garfield agreed that Class B pharmacies should be added but should include only subtypes that would be able to donate.

#### **58-17b-617** (*Audio 02:15:06*)

Mr. Garfield stated The Division received an email from a legislator stating the rule does not match the statute. The Division is aware of this issue and are working on the rule to match the statute.

#### **DSCSA Update** (*Audio 02:18:55*)

Dr. Sheard stated that DSCSA is set to go into effect in November 2024.

Mr. Garfield stated a letter from the FDA shows an exemption for small dispensers until 2026.

Dr. Sheard verified that compliance will be enforced beginning in November of 2024 when it goes into effect.

#### **Pharmacy Technician Training** (*Audio 02:20:17*)

Dr. Sheard stated that Board approved programs would be a simple rule update. Dr. Sheard explained a list of criteria needs to be made and that programs need to meet the minimum expectations before meeting with the Board. Reporting requirements are also being worked on.

Ms. Martin stated that the rule sections could be reviewed in September 2024 meeting and the details could be reviewed in October 2024 meeting.

Ms. Hawks start putting together a list of programs in the State of Utah and the ASHP requirements for their programs.

#### **NABP October District Meeting** (*Audio 02:30:43*)

Dr. Sheard stated there is a NABP October District Meeting in New Mexico.

Dr. Gunning is going as a representative of the school of pharmacy but is unable to make the Tuesday meetings.

Dr. Sheard maybe able to go.

Mr. Garfield stated he would reach out to Board members closer to the deadline to register to see who would be able to attend.

Dr. Gunning stated that the deadline to register September 20, 2024.

#### **Newsletter Articles** (*Audio 02:33:46*)

Dr. Sheard stated the next newsletter article deadline is October 1, 2024. Dr. Sheard and Mr. Garfield discussed topic options and assignments were made.

**APPOINTMENT ITEMS:**

**COMPLIANCE REPORT—BERNICE PALAMA** *(Audio 00:00:11)*

Ms. Palama presented the compliance report.

Shaunna Rechsteiner has agreed to a limited license and has agreed not to practice as a pharmacist. License is on hold. Shaunna Rechsteiner will continue to work on continuing education as she can and will continue communicating with the Division.

Daniel Richards. There was an offence date of July 25<sup>th</sup>, 2023 when he practiced without supervision. A citation was issued on February 21<sup>st</sup>, 2024 and paid on April 22<sup>nd</sup>, 2024 of \$250.00 dollars. Supervisor reports from December through August have been received and showed no concern.

Cody Hymas. The employer report for June and July have been received. Fine payments are current.

**DANIEL RICHARDS, PROBATIONARY INTERVIEW** *(Audio 00:09:48)*

Dr. Gunning asked about the citation and fine that was issued.

Mr. Richards stated the supervising pharmacist had a family emergency and left him unsupervised but had plans to return.

Dr. Gunning asked what the plan is if this happens again

Mr. Richards said this will not happen at the moment as there are six pharmacists on staff and at the time of the issue there were only two. At the time, they did not want to send 30 employees home early and the supervising pharmacist thought they would be back.

Dr. Gunning stated part of the issue has been addressed as there are more pharmacists on staff. If this does happen again, then the pharmacy needs to close as Mr. Richards cannot work unsupervised.

Dr. Sheard stated it does not matter the time frame, the pharmacy would need to close.

Ms. Martin explained that DOPL received a complaint that prompted investigations to look into the issue.

Dr. Dunford stated the supervisor needs to either delegate the supervision if they need to leave or make the decision to close the pharmacy.

Dr. Gunning stated that the supervisor should have reported it to the Board but did not.

Dr. Sheard asked if the Board should meet with the Supervisor.

Dr. Gunning agreed that the Board should meet with the Supervisor.

**Dr. Gunning made a motion that Daniel Richards is not in compliance with his Stipulation and Order.**

**Dr. Dunford seconded the motion.**

**The Board motion passed unanimously.**

Next meeting will be December 17, 2024.



**CODY HYMAS, PROBATIONARY INTERVIEW (Audio 00:04:30)**

Dr. Hale asked how the day to day work in the pharmacy is going within the Stipulation and Order,

Mr. Hymas replied that everything is in line with the Stipulation and Order. He is not working many hours as a pharmacist.

Dr. Hale ask if the pharmacy has had any issues like the one the brought Mr. Hymas to the Board.

Mr. Hymas stated that there have been no issues.

**Dr. Hale made a motion that Cody Hymas is in compliance with his Stipulation and Order.**

**Dr. Dunford seconded the motion.**

**The Board motion passed unanimously.**

Next meeting will be December 17, 2024.

**CORRESPONDENCE:**

**FDA LETTER (Audio 00:25:22)**

Mr. Garfield state the letter was sent out by the NABP about compounding with Semaglutide or Tirzepatide. The FDA is aware of the interest of these compounded drug and to let people know that they are not FDA approved.

Mr. Drebing stated he has seen the notice and investigations has had one complaint.

Dr. Gunning stated they have heard there are issues with dosing errors and lack of counseling. She has written a newsletter article on this.

Dr. Sheard is also hearing of consumers having side effects of the drugs. Dr. Sheard stated many times, this occurs outside of the pharmacy's realm and without the pharmacist's guidance.

Dr. Gunning stated many prescribers may not have the correct training in order to prescribe or dispense the drug. Dr. Gunning explained the drug can have very dangerous side effect if not administered or taken correctly.

**MEETING ADJOURNED: 12:10 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.*

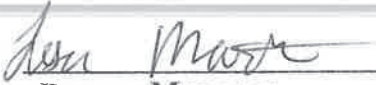
**NEXT SCHEDULED MEETING: Tuesday September 24, 2024**

**2024 Board Meeting Scheduled:**

**October 15, Hearing November 19-20, December 17.**

  
Chairperson

9/24/24  
Date

  
Bureau Manager

9/24/24  
Date