

**MINUTES
UTAH
BOARD OF PHARMACY
MEETING**

**January 20, 2015
Heber M. Wells Bldg.
Room 210, 2nd Floor – 8:30 A.M.
Salt Lake City, UT 84114**

CONVENED: 8:29 A.M.

ADJOURNED: 12:00 P.M.

**Bureau Manager:
Board Secretary:**

Richard Oborn
Lee Avery

Board Members Present:

Derek Garn, R.Ph., Chairperson
David Young, PharmD
Andrea Kemper, PharmD
Jan Bird, CPhT
Kelly Lundberg, Ph.D.
Carl "Trip" Hoffman, PharmD
Greg Jones, R.Ph.

DOPL Staff Present:

Connie Call, Compliance Specialist
Jenny Johnson, Licensing Specialist
Ray Walker, Div. Enforcement Counsel
Dan Briggs, Investigation Supervisor
Dave Furlong, DOPL Chief Investigator
Lynn Hooper, Lead Investigator
Sharilee McIntyre, DOPL Investigator
Travis Drebing, Pharmacy Inspector
Camille Farley, DOPL Investigator
Jennifer Healey, Pharmacy Inspector

Guests:

Jamie Petersen, Walgreens
Alex Miller, Davis Hospital
Renec Petty, Salt Lake Regional
Gary Olsen, Davis Hospital
Allison Arterbury, Univ. of Utah Hospital
Nick Cox, University Pharmacy
Donelle Perez
Shaylynn Iverson, Jordan Valley Medical Center
Amanda Le, Walgreens
Greg Jensen, Target
Karen Kellogg, Cardinal Health
Bill Stilling, Parsons Bahle & Latimer
Adam Jones, UPHA
David Nay, ESI

Annie Torosyan, Roseman University
Kavish Choudhary, U of U
Sepideh Daeery, Walmart
David Cheney, Associated Food Stores

ADMINISTRATIVE BUSINESS:

Rule hearing: Pharmacy Practice Act Rule
R156-17b, Controlled Substances Act Rule
R156-37, and Controlled Substances Database
Act Rule R156-37f

Ms. Jonsson officiated the rule hearing.

Minutes

The Board reviewed the minutes dated December 16, 2014. Dr. Lundberg made a motion to accept the minutes with changes. The motion was seconded by Mr. Young and carried unanimously.

DISCUSSION ITEMS:

1. Investigation report

Mr. Furlong reviewed the Pharmacy Investigation Report for December 2014. Mr. Furlong noted that during the investigations, the investigator has been emphasizing teaching what the violations are vs. issuing citations. Investigations continues to work toward the goal of inspecting all Utah pharmacies once every two years. Investigators still see issues with cleanliness, outdated medications, inventories and labeling on compounding. Mr. Furlong encouraged the Board to contact him with any questions.

2. Compounding Task Force report

Mr. Hoffman advised the Board that the Compounding Task Force Committee did not have a meeting this past month; however, the next meeting is February 17, 2015 and will be held in the North Conference Room of the Heber M. Wells Bldg. at 7:00 am. Mr. Hoffman stated that there have been questions regarding pre-printed prescription pads in the physician's offices. It is unclear what is legal and what is not. The Board requested this topic be added to the agenda for further discussion.

3. Compounding labeling standards

Mr. Oborn reviewed the proposed language change in R156-17b-614a. Operating Standards Class A and B Pharmacy. Mr. Oborn noted that these changes are to be consistent with USP 795/797 and establish standards for labeling for compounding product. The changes are highlighted and are not included in the current rule filing. Mr. Hoffman stated that the

Compounding Task Force is not sure if there is a need to have a label with all the ingredients, inactive and active, on it. There is an insert for the inactive ingredients. The Compounding Task Force's recommendation is to leave the current rule as is and do not add page 3, delete paragraph (f). Mr. Hoffman noted that if you have a lot number, this lot number will have all of the active and inactive ingredients. The formula is captured in 795 in other ways, dosage, prep date, beyond use date if needed.

Mr. Oborn stated that he would like to see the Board and Task Force review these proposed changes in more detail. Mr. Oborn and Mr. Young will check with NABP to see how other states are handling USP 1075.

The Board noted that USP representatives stated that 1075 is no longer published in their database because the information is incorporated into the revision of 795/797 and Utah statutes already require compliance with these.

The Board noted that there is no definition of the term "batch." Because hospitals batch medications for patient specific purposes, the rule should include a definition. Mr. Oborn and Mr. Young will research with NABP to see what they recommend regarding defining batch and will bring it before the Board at the meeting in February.

The Board noted that there has been some confusion regarding tablet splitting. There have been questions if it is unprofessional conduct to split and repackage a tablet if it is commercially available; however, this is a common practice in a Class B hospital pharmacy. Mr. Oborn will search this further for the Board meeting in February.

4. Upcoming legislative session
 - a. Hospital emergency department drug legislation.
 - b. Other

Mr. Young shared with the Board that he has been in contact with Representative Vickers regarding changes in the Pharmacy Practice Act. He requested the Board submit the changes all at once this year, and he is willing to sponsor and open a bill.

a. Hospital emergency department drug legislation:

The Board reviewed guideline for hospital pharmacies and emergency department treatment that was approved by the Pharmacy Board May 21, 2012. These guidelines were established by the Board and are listed on the DOPL website. The Board feels that the statute should be amended to clearly allow the Division to write guidelines in the rule.

Dr. Lundberg made a motion to recommend a statutory change to allow DOPL to set standards in rule for hospitals, ERs, Instacare Centers and urgent care centers to give a 72 hour supply or up to seven days supply of medications, and define standards in rule. The motion was seconded by Ms. Bird and carried unanimously.

b. Other:

Mr. Oborn stated that he will reach out to the DEA again for clarification regarding changes that a pharmacy may make to controlled substance prescriptions. Until there is clarification, pharmacies should continue current practice.

5. Study of Utah's pharmacist workforce by Utah Medical Education council (UMEC)

The Board reviewed the handout regarding a study of Utah's pharmacist workforce by Utah Medical Education Council (UMEC). Mr. Oborn noted that there is a list of recommendations made by the UMEC for the Board to review. The Board determined that further discussion of this handout is not needed at this time.

6. Compliance Report

Ms. Call reviewed the status of the following probationers:

SOS Drug/Garrett Crane is not in compliance. The pharmacy was issued a citation November 19th for having 53 medications that were either expired or had indeterminate expiration dates in their day to day stock during a follow-up inspection.

Stone Drug/Michael Stone is a new probationer. Mr. Stone met with Ms. Call, submitted his written practice plan, paid his fine and is requesting Mr.

Harold Measom as his supervisor.

James Ammon requested to meet with the Board to discuss an increase in his work hours.

The Division received special requests from:

Lloyd Thomas/ Roy Winegars. Mr. Thomas is willing to surrender his license if this will help the Board decide to release the pharmacy from probation. The probation term is 10/08/2013 to 10/08/2018. The lease will not be renewed and the pharmacy will be moving to a new location. Their last inspection was on January 14, 2015 and they passed.

Discussion:

The Board noted that the pharmacy has been on probation for one year and four months. The Board usually does not consider early termination of probation until the probationer has completed at least half of the probation term. The Board expressed concern that they were before the Board in December 2014 because they failed an inspection. Dr. Lundberg made a motion to deny the request. The motion was seconded by Mr. Jones and carried unanimously.

Days Pharmacy/Gary Moeller is requesting early termination of the pharmacy probation. The probation term is 1/29/2013 to 10/29/2016. The pharmacy has been in compliance all of this time.

Discussion:

The Board noted that in April 2015 the pharmacy will have completed half of the probation term. Dr. Lundberg made a motion to deny Mr. Moeller's current request and have him submit a written request in April 2015 for the Board's consideration. The motion was seconded by Ms. Bird and carried unanimously.

Stucki Family Pharmacy/Sam Stucki submitted a proposal for Mr. Clem McEwan to be the supervisor.

Discussion:

The Board noted that Mr. McEwan does not have compounding experience. Stucki does compounding; however, he was not disciplined because of problems with compounding. Mr. Young made a motion to have investigations do another inspection and if there are no compounding problems, the Board will make an exception and allow Mr. McEwan to supervise Stucki Pharmacy. The motion was seconded by Dr. Lundberg and carried unanimously.

Robert Smith is not in compliance with his stipulation. He has not submitted therapy reports due December 1, 2014 to January 1, 2015. He did submit an employer report for January 1, 2015 but it was late.

Bryan Nichols is not in compliance with his stipulation. He failed to pay his fine and he is not making payments either. He submitted his employer reports.

David Blackham feels the minutes from his November interview are not worded correctly. The Board requested he submit a written request to have these minutes amended and include what he feels the language should be. Mr. Oborn will then search the recordings.

4 Care Pharmacy/Pam Ahlmer wishes to surrender its license as of December 31, 2014. 4 Care Pharmacy will surrender its license and its inventory will be transferred to Shared Pharmacy Services.

Possible continued discussion regarding UMEC Study

The Board determined no further discussion is needed at this time.

APPOINTMENTS:

SOS Drug/Garret Crane, probation interview

Mr. Crane met with the Board regarding the SOS Drug Pharmacy probation. Mr. Jones conducted the interview. Mr. Crane reviewed the inspection report with the Board. The pharmacy failed the inspection. The report indicates that there was dust on the shelves, sink needed to be cleaned, outdated drugs on the shelves, and the medication fridge was located outside of the pharmacy design. Mr. Crane stated the fridge

has been there since before he owned the pharmacy. It is now locked. He hired a return company to come in quarterly and pull expired drugs from the shelves. The technicians put stickers on medications that are coming up on their expiration dates; however, these were not getting removed from the shelves. He has now set up a policy for the technicians to pull the medications that will expire a month in advance of the expiration date. He has also established a weekly signature log for dusting shelves and checking dates. Mr. Crane stated the sink has been there since 1909 and is old and always looks bad. He has proposed to replace the sink and countertop. Mr. Crane inquired what needs to be done to request early termination of the pharmacy probation. The Board advised him that right now the Board will not recommend early termination. In the future, he would need to submit a written request, including reasons why the Board should recommend early termination. The Board noted that SOS pharmacy supervisor reports have been positive. The Board asked to see Mr. Crane in April or July 2015 and to continue submitting supervisor reports quarterly. The next one is due April 1, 2015. The Board asked to see Mr. Crane for SOS Pharmacy probation April 28, 2015. **SOS Pharmacy is not in compliance because they failed the inspection.**

Stone Drug/Michael Stone, new probation

Mr. Stone met with the Board regarding the Stone Drug probation. Mr. Hoffman conducted the interview. The Board reviewed the probation plan Mr. Stone submitted. Mr. Stone stated they had problems with outdated medications. They have established a new policy to review the dates as the drugs are being dispensed. They have cleaned up the pharmacy and now work on the perpetual inventory of CS daily and every Saturday to resolve any discrepancies. The pharmacy licenses are all now current and displayed. The Board advised Mr. Stone that the rules will be changing soon. Licenses do not have to be displayed, but the PIC needs to maintain a list of current licensed pharmacy employees and be able to make the list available. Mr. Stone advised the Board that training is now being documented. He created a compounding training manual. All pharmacists and one technician have been trained. The Board noted the sample label looks good. It contains everything needed as outlined

in the rules. Mr. Hoffman made a motion to accept the compounding procedures Mr. Stone submitted. The motion was seconded by Mr. Jones and carried unanimously. The Board advised Mr. Stone the reports are due March 1, June 1, September 1 and December 1. The Board requested to see Mr. Stone in January 2016 as long as the pharmacy passes the next inspection and stays in compliance with the stipulation. **Stone Drug/Michael Stone is in compliance with the pharmacy stipulation.**

Dennis Mathias, applicant for pharmacist license reinstatement

Mr. Mathias met with the Board. Mr. Jones conducted the interview. Mr. Mathias advised the Board that he had been practicing for 40 years and he retired three years ago. He did not keep his license current. He now wants to work part-time and is requesting that the Board approve reinstatement of his pharmacist license. Mr. Oborn noted that he completed a bachelor's degree and was licensed in 1973. At that time, the U of U bachelor's in pharmacy programs was an ACPE accredited program. His license expired in 2011. Mr. Mathias recently completed 32 hours of CEs. Mr. Oborn noted that the concern is the Utah statutes require anyone who let their license to expire for over two years and is not currently licensed and working in another state, to submit a new application and documents showing they meet current license requirements to reinstate their expired license. By today's requirements, Mr. Mathias does not meet the education requirements because current statutes require a doctoral degree and needs to complete an internship. The Board noted that Mr. Mathias met the education and exam requirement at the time he received his license and the only thing different now is the ACPE accredited program standards changed from a bachelor's degree to a doctorate degree. Ms. Bird made a motion to require Mr. Mathias to pass the PARE exam and the MPJE exam. The motion was seconded by Mr. Hoffman and carried unanimously.

James Ammon, request to amend his stipulation

Mr. Ammon met with the Board. Mr. Ammon is requesting that the Division remove his order's limitation that he work no more than 80 hours in two weeks worked. His work shifts are 10 or 12 hours. He has been in compliance since his probation term is 01/02/2013 to 01/02/2018. His supervisor reports

can recommend the Division remove the hours worked per week limit from his stipulation. Dr. Lundberg made a motion to approve Mr. Ammon's request. The motion was seconded by Ms. Kemper and carried unanimously. The Board asked to see Mr. Ammon in February 2016 as long as he stays in compliance with his stipulation. **Mr. Ammon is in compliance with his stipulation.**

The Board discussed changing the rule regarding pharmacy inventories. There is confusion regarding the time frame of when the inventory is required. The language will need to be updated to reflect that the annual inventory shall be taken on any date that is within one year from the previous inventory date. The Board requested this be placed on the February agenda for a formal vote.

NEXT SCHEDULED MEETING:

2015 Board Meetings:

2015 Board Meetings Tentatively Scheduled

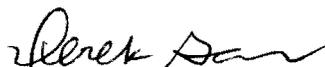
February 24, March 24, April 28, May 26, June 23, July 28, August 25, September 22, October 27, November 17, December 15

ADJOURN:

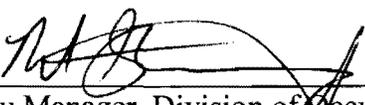
Motion to adjourn at 12:00 P.M.

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.

2-24-15
Date Approved

(ss) 
Chairperson, Utah Board of Pharmacy

2-24-15
Date Approved

(ss) 
Bureau Manager, Division of Occupational & Professional Licensing