MINUTES

UTAH
BOARD OF PHARMACY
MEETING

April 23, 2013
Room 474 (fourth floor) – 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 8:34 A.M.

ADJOURNED: 2:25 P.M.

Bureau Manager: Richard J. Oborn
Board Secretary: Lee Avery

Board Members Present:
David Young, Pharm D., Chair
Kelly Lundberg, Ph.D.
Jan Bird, CPhT, pharmacy technician
Derek Garn, R.Ph.
Andrea Kemper, Pharm D
Greg Jones, R.Ph.
Carl "Trip" Hoffman, Pharm D

DOPL Staff Present:
Ray Walker, Division Enforcement Counsel
Jake Corsi, DOPL Investigator
Ashleigh Nye, DOPL Investigator
Lynn Hooper, DOPL Investigator
David Furlong, Chief Investigator

Guests:
Greg Jensen, Target
Doug Huntington, Associated Food Stores
Megan Holsopple, U of U
Dallas Moore, Intermountain Healthcare
Kelly Hansen, HCA
Yu Way
Jamie Petersen, Walgreens
Linda Sandberg
Kavish Choudhary, U of U
Betty Yamashita, Intermountain Healthcare
Jared Memmott, MCP
Matt Bauer, USPA
Nate Davis, Amerisource Bergen
Missy Duke, USHP
Mike Isham, student pharmacist, U of U
Judy Groth, student pharmacist, University of FL
Dave Cheney, Associated Food Stores

TOPICS FOR DISCUSSION	DECISIONS AND RECOMMENDATIONS
Minutes:	Dr. Lundberg made a motion to approve the minutes dated March 26, 2013, with corrections. Mr. Garn seconded the motion. All Board members voted in favor of the motion.
APPOINTMENTS:	
8:45 A.M. – Proposal from Parallon Supply Chain Solutions (Class C Pharmacy Distributor) for waiver of pedigree requirement	Mr. Jack Kelly, Parallon Supply Chain Solutions, met with the Board. Mr. Kelly stated that Parallon Supply is a Class C pharmacy and supplies hospitals with medical research supplies, IV solutions, sutures, etc. They need to be able to order drugs from their wholesaler into the warehouse. They plan to do unit dose packaging medications. They also have emergency kits kept in the warehouse for emergencies. When moving meds from distributor to another distributor, they are required to pass on a pedigree. The supplier will not pass on the drugs because they are not a wholesale distributor. Mr. Kelly is asking the Board for a letter stating the Utah Board will not require a pedigree to pass on to them. The Board suggested Mr. Kelly consider changing their pharmacy to a Class B pharmacy within the next few weeks, noting that the Board will be working on defining and clarifying the rules due to statutory amendments made during the 2013 legislation.
9:00 A.M. – Consideration of Approval of Central Utah Clinic Pharmacy Technician Training Program	The Board requested that Ms. Kemper and Ms. Bird review this program and report recommendations to the Board at the May Board meeting. The Board noted this will be the last training program the Board will review because of statutory changes that become effective on May 14.
Rule Amendments For Consideration 1.S.B. 14: Research Using Pharmaceuticals a. Definition of "research facility", see line 345	Mr. Oborn noted that S.B 14, Research Using Pharmaceuticals is a bill that passed and amends the Pharmacy Practice Act (Utah Code 58-17b). Specifically, this bill defines "research using pharmaceuticals"; exempts research using pharmaceuticals from licensure to engage in the practice of pharmacy, telepharmacy, or the practice of a pharmacy technician; exempts research using pharmaceuticals from licensure to act as a pharmacy. The Board needs to define the term "research facility." The definition should be very broad to ensure

university research facilities are not left out. The Board reviewed the proposed language and decided to obtain input from the universities regarding the following proposed definition "research facility": facility in which research takes place and has policies and procedures describing such research." Mr. Oborn will email the proposed language to the Board and to university representatives.

2.S.B. 194: Pharmacy Practice Act Amendments
- a. Definition of what a "pharmaceutical wholesaler or distributor" does not include, lines 258-266
- b. Definition of when pharmacy technician can do final review of prescribed drug prepared for dispensing (tech-check-tech), line 313
- c. Establishment of pharmacy technician program criteria, line 427

The Board reviewed S.B.194 Pharmacy Practice Act Amendments, noting the changes.

a. Definition of a "pharmaceutical wholesaler or distributor" does not include the sale, purchase or trade of a prescription drug or device, or an offer to sell, purchase or trade a prescription or device, if the activity is carried out between one or more of the following entities under common ownership or common administrative control. The Board discussed incorporating the following proposed definitions into R156-17b-102:

(1) "Entities under common administrative control" means an entity holds the power, actual as well as legal, to influence the management, direction, or functioning of a business or organization.

(2) "Entities under common ownership" means entity assets are held indivisibly rather than in the names of individual members.

(3) "Other health care facilities" means any entity as defined in Utah Code 26-21-2 (13a) or Utah Administrative Code R432-1-3 (55).

Mr. Oborn indicated that he will seek input from parties potentially impacted by these proposed definitions. Input obtained from these parties will be shared with Board members at the next Board meeting.

b. Definition of when pharmacy technician can do final review of prescribed drug prepared for dispensing (tech-check-tech). The Board discussed setting standards to be included in the Pharmacy Practice Act Rule and discussed the need to establish a committee to gain input from other stakeholders. Because the military and the VA already have similar programs, the committee may want to look at what they have in place. USHP could create document that sets guidelines for "tech-check-tech" programs once the rule language is drafted becomes effective. The committee will be comprised of Jan Bird (Board Member), Missy Duke

(USHP), and other interested parties. The Board discussed the possibility that pharmacy technicians participating in a "tech-check-tech" program be required to complete at least some continuing education every two years that would make them more competent in participating in this program. The Board will continue discussion regarding this issue at the June meeting.

c. Establishment of pharmacy technician program criteria. The Board tabled discussion about this item to the May 28 meeting when Jan Bird, pharmacy technician member of the Board, will be present to participate in the discussion.

Mr. Young indicated that there is a need to amend Utah Admin. Code R156-17b-304(1)(a) that establishes standards for the temporary pharmacist license. Mr. Young described how there is a need to extend the temporary license possibility to students in pharmacy residency programs, not just graduates of ACPE programs.

3.Central fill and central order processing

The Board reviewed the 2012 NABP Model Act regarding centralized prescription filling and centralized order processing. Centralized prescription filling means the filling by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order. Centralized prescription processing means the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order or to perform processing functions such as dispensing drug utilization review (DUR), claims, adjudication, refill authorization, and therapeutic interventions. The Board discussed incorporating the standards from the 2012 NABP Model Act in the 600 section of the pharmacy rule. The Board wants to set a standard for everyone to follow. The Board reviewed section (1)(ii) and discussed adding the PIC and facility must be licensed and oversees the facility. Mr. Oborn will prepare the language for Board review.

Mr. Oborn reviewed the following stats:
Online Contract Pharmacy = 2
Pharmacist = 3,170
Pharmacy - Class A = 480
Pharmacy - Class B = 231

Pharmacy - Class C = 81
Pharmacy - Class D = 490
Pharmacy - Class E Business = 499
Pharmacy Intern = 798
Pharmacy Technician = 4,971

4.License requirements for mail order pharmacies

The Board reviewed R156-17b-616. Operating Standards - Class D Pharmacy - Out of State Mail Order Pharmacies. There is a concern that Utah is in the minority by requiring that mail order pharmacies have a current license in Utah but the PIC only needs an active license in their own state. One of the concerns is that if Utah takes disciplinary action against a Utah license the pharmacist can move to another state and obtain a license from that state and continue providing services to Utah customers while working for a mail order pharmacy or centralized fill pharmacy. The Board feels that the requirements for mail order pharmacy and centralized fill pharmacies should be consistent. At a minimum, the PIC should be required to obtain a Utah license. Mr. Oborn will research the statistics with NABP and develop language for the Board to review.

5.Guidelines for hospital pharmacies and emergency departments to dispense medications

The Board reviewed the guidelines for hospital pharmacies and emergency departments to dispense medications. Mr. Walker informed the Board that there is a need to confirm that the statute grants the Division the necessary rulemaking authority to incorporate these guidelines into rule. Mr. Oborn will research this and report back to the Board at the next meeting.

Not on the agenda:
The Board reviewed a written report the DOPL/Board of Pharmacy Task Force on Compounding. Mr. Young advised the Board that there was a hearing that included the FDA and encourages everyone to watch the hearing on the www.usp.org website. Mr. Hoffman stated the task force would like to use the DOPL website and send out emails to stakeholders regarding compounding. Mr. Oborn will review this suggestion with Mr. Steinagel.

Not on the agenda:
There has been some confusion in the field regarding

R156-17b-601 - Operating Standards - Pharmacy Technician. Mr. Corsi stated he advised licensees that the federal laws are very clear and techs cannot accept authorization over the phone for new orders if the prescription is a controlled substance. The Board reviewed subsection (2) and suggested that it be amended. The Board suggested that R156-17b-601 be amended to indicate that a new verbal prescription, as used in the statute, does not include authorization to refill a legend drug as as provided in subsection (2). The Board also identified a few incorrect rule references in this section that need to be corrected.

The Board will review proposed language at the May Board meeting.

ADJOURN: The Board meeting adjourned 2:25 P.M.

NEXT SCHEDULED MEETING: May 28, 2013

2013 Board meetings tentatively scheduled
May 28, June 25, July 30, August 27, September 24, October 22, November 26 December 17

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 were discussed.

5-28-13
Date Approved

(ss) _____
Chairperson
Pharmacy Licensing Board

5/28/13
Date Approved

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