

**MINUTES
UTAH BOARD OF PHARMACY
ELECTRONIC MEETING
OCTOBER 27, 2020- 8:30 A.M.
HEBER M. WELLS BUILDING
SALT LAKE CITY, UT 84114**

**DUE TO COVID-19, NO PUBLIC ANCHOR LOCATION WAS PROVIDED.
PUBLIC ATTENDED ELECTRONICALLY**

CONVENED: 8:38 A.M.

ADJOURNED: 4:45 P.M.

DOPL STAFF PRESENT ELECTRONICALLY

Bureau Manager: Jennifer
Falkenrath
Board Secretary: Jennifer Johnson
Bureau Manager: Larry Marx
Chief Investigator: David Furlong
Pharmacy/Health Program
Specialist: Jim Garfield

Reg/ Compliance Officer: Deborah
Blackburn
CSD Admin: Ron Larsen
Investigator: Dan Briggs
Chief Investigator: David Furlong

BOARD MEMBERS PRESENT ELECTRONICALLY:

Chair: Carrie Dunford, PharmD
Vice Chair: Christopher Sheard, PharmD
Sepideh Daeery, PharmD
Karen Gunning, PharmD

Gary Hale, R.Ph
Autumn Hawks, Pharmacy Technician
Joseph Ligori, Public Member

BOARD MEMBERS NOT PRESENT: N/A

GUESTS ATTENDED ELECTRONICALLY

Donelle Perez
Erik Jorvig
Erin Johanson
Hali O'Malley
Matthew Higley
AJ Burnett
Bradford Williamson
TJ Evans
Anna Pham
Dave Davis

Varduhi Aleksanyan
Jessica Adams
Jared Memmott
Cliff Holt
Emily Haugh
Phillip Lawrence
Renee Petty
Dr. Marc Babitz, Department of Health
Dr. Joseph Miner, Department of Health
Mark Brinton, AMA

Lorri Walmsley, Walgreen's

Note: Other guests may have been in attendance electronically but were not identified.

ADMINISTRATIVE BUSINESS:

CALL MEETING TO ORDER

Refer to audio for specifics (Audio 1_01) (00:00 - 00:04)

Dr. Dunford called the meeting to order at 8:38 A.M.

READ AND APPROVE SEPTEMBER 22, 2020 MINUTES

Refer to audio for specifics (Audio 1_01) (00:04 - 00:08)

Mr. Ligori made a motion to approve the minutes as written.

Dr. Sheard seconded the motion.

The Board motion passed unanimously.

INVESTIGATION REPORT

Refer to audio for specifics (Audio 1_01) (00:08-00:18)

Dan Briggs, Investigation Supervisor, reviewed the investigation report as provided.

Mr. Briggs stated the investigation group is tracking pharmacy burglaries, robberies, and forgeries. Pharmacy alerts are being sent out on a weekly basis.

To request to receive pharmacy alerts email dopltech@utah.gov.

To report a robbery or forgery to investigations please email Dan Briggs at dlbriggs@utah.gov.

CONTROLLED SUBSTANCE DATABASE (CSD) UPDATE

Refer to audio for specifics (Audio 1_01) (00:18-00:29)

Mr. Larsen provided updates regarding the CSD Database.

Mr. Larsen stated 85% of the data submissions, coming through RX Gov, have been successful. Mr. Larsen stated there are 332 active submitters to the CSD. This includes those that have a CSD waiver. The CSD waiver is granted to those who hold a controlled substance license but are not currently dispensing controlled substances. The CSD will be contacting those with waivers regarding continuation with the waiver.

Mr. Larsen stated there are 930 pharmacies that hold a controlled substance license. The CSD is seeing an increase in Utah pharmacies submitting through the new RX Gov.

Dr. Dunford asked if the pharmacies have been notified if they have not registered.

Mr. Larsen stated 100% of the pharmacies have been notified.

Mr. Larsen stated information is available for those that need help entering or correcting information in the system.

DISCUSSION ITEMS:

STANDING ORDER EPINEPHRINE AUTO INJECTOR AND ALBUTEROL

Refer to audio for specifics (Audio 1 _ 04) (00:22 -30:20) & (Audio 1 _ 05) (00:00 – 11:03)

(Out of Order)

Dr. Marc Babitz, Department of Health, joined the meeting at 10:31 A.M.

Dr. Joseph Miner, Department of Health, joined the meeting at 10:41 A.M.

Dr. Dunford stated during the last legislative session, an allowance was made for a facility to have stock albuterol or epinephrine available. This would apply to a school, daycare center, etc.

Dr. Dunford stated the question has come up regarding who prescribes the stock prescription.

Dr. Dunford provided information regarding entering into a Standing Order for Epinephrine Auto Injector and or Albuterol. Dr. Dunford stated she understands there are leadership changes within the DOH and asked who the BOP should work with regarding the proposed Standing Order for an Epinephrine Auto Injector, and Albuterol stock prescription.

Dr. Babitz stated he had reviewed the proposed standing order and stated it was well written and put together. Dr. Babitz stated he and Dr. Miner will both be retiring after the first of the year and would not be able to sign a statewide standing order.

Dr. Babitz stated every local health department has to have a medical consultant and these individuals would be appropriate candidates to sign a standing order. Dr. Babitz stated this would have to be done with each of the 13 local health departments.

Dr. Babitz stated the other option would be to work with new Executive Director on other candidates that would be appropriate to sign standing orders. Dr. Babitz stated this may be difficult to advise on due to the DOH being heavily involved with the COVID-19 pandemic at this time.

Dr. Dunford discussed the options available at this time and asked if of the BOP could continue to work with Dr. Babitz in the meantime.

Dr. Babitz stated he would be fine working with the BOP during this time.

Dr. Dunford stated she would like to move forward and have a draft available for the November or December BOP meeting.

COVID-19 PHARMACY NOTICES

Refer to audio for specifics (Audio 1_02) (00:01-00:09) (Out of Order)

Dr. Dunford stated a link has been provided on the DOPL website regarding COVID-19 Agency Notices <https://dopl.utah.gov/covid19.html>

Ms. Falkenrath stated since fingerprint services have temporarily been suspended at the Division, a link has been provided for facilities that are providing fingerprint services. https://dopl.utah.gov/docs/fingerprint_locations_during_covid.pdf.

Ms. Falkenrath stated fingerprints are still required for pharmacy, pharmacy technician, pharmacy intern, and pharmacist licensure even though the fingerprint service is temporarily unavailable with the Division at this time.

Dr. Sheard stated important information has been provided on the Division website and he wanted to make sure individuals, especially those in a leadership role, knew where to find the information. Dr. Sheard stated the information provided covers practice exemptions during a declared emergency, Hydroxychloroquine Guidance, Standing Order for Pharmacists to Administer COVID-19 Tests, etc.

Dr. Sheard stated he has received questions regarding live CE's and stated there is information regarding the suspension of live CE's on the website.

Ms. Falkenrath stated the *Vaccine Administration Protocol* has been updated to include the *COVID-19 Vaccine*, when available. The updated protocol can be found on the Pharmacy Section of the DOPL website. It's located in the *Related Information* section under *Resources*.

https://dopl.utah.gov/pharm/vaccine_administration_protocol.pdf

Dr. Dunford stated she has been asked about changes to emergency refills. Dr. Dunford stated while it's not limited to COVID-19, the law was updated to allow a 30 day emergency refill.

NABP DISTRICT MEETING UPDATE

Refer to audio for specifics (Audio 1_02) (00:09 - 00:21) (Out of Order)

Dr. Dunford provided updates from NABP District's virtual meeting that occurred in October.

Dr. Dunford stated therapeutic interchanges has been discussed. Dr. Dunford stated if this is something the BOP would like to consider it would require a law change.

Dr. Sheard stated other states were discussing technicians being able to provide vaccinations and also preparing for a COVID-19 Vaccination. Dr. Sheard stated he was happy to see Utah was already ahead with these areas.

Dr. Dunford stated several states discussed emergency preparation for response to a natural disaster. Dr. Dunford stated Utah's area of concern would be for earthquakes and stated this will need to be discussed more and may be a newsletter topic.

Examples were provided, questions and comments were discussed.

RULE REVIEW

*Refer to audio for specifics (Audio 1_ 02) (00:21 -00:29) & (Audio 1_ 03) (00:00-00:10)
(Out of Order)*

- **Pharmacy Preceptor**
Dr. Gunning discussed the proposed rule changes regarding a preceptor.

R156-17b-303b.

Dr. Gunning discussed the language changes to this section of the Rule.

R156-17b-303b.

Dr. Gunning discussed the language changes to this section of the Rule.

R156-17b-614d.

Dr. Gunning discussed the language changes to this section of the Rule.

Questions and comments were discussed.

Dr. Sheard made a motion to accept the proposed rules as written.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

- **Pharmacy Technician Trainee**
*(Refer to audio for specifics) (Audio 1_ 03) (00:11 -00:29) & (Audio 1_ 04) (00:00 – 11:50)
(Out of Order)*

Ms. Falkenrath stated the Division has started receiving pharmacy technician trainee applications from individuals who have been unable to complete their training or other requirements during the time they held the license. Ms. Falkenrath stated the Division has some concerns with applicants applying two and three times for the pharmacy technician trainee license.

Ms. Falkenrath reviewed the current requirements for licensure as established in identified in Rule and asked the Boards opinion on allowing continuous application for the pharmacy technician trainee license or putting a limitation on how many times someone can apply for the trainee license.

Questions and Comments were discussed.

Mr. Garfield stated in most cases the applicants were unable to complete their training program. The applicant was accepted into the program, however, were

unable to be placed in the program to complete the required training.

The Board expressed concerns with individuals being allowed to practice in a pharmacy without having any didactic training prior to working in the pharmacy.

Dr. Dunford made a recommendation to require an attestation stating the individual is actively completing a program and not just enrolled in one. Also, require the training be completed within two years after receiving the license or the trainee must appear before the Board with their pharmacy preceptor.

Dr. Sheard and Ms. Hawks stated they will review the issue further and propose Potential changes or updates to the language in the Rule for the pharmacy technician trainee license.

- **Change of Ownership**

Refer to audio for specifics (Audio 1_04) (11:50 -22:00), (Audio 1 _ 05) (11:33 – 30:20) & (Audio 1 _ 06) (00:00 – 27:12) (Out of Order)

Ms. Blackburn stated a question had been submitted from Attorney Bill Stilling regarding the requirement for a new application to be provided when there is an ownership change, regardless of the level of the change, and affects changes at the grandparent level.

Attorney Stilling stated the requirement is burdensome and requires a new license and new DEA registration.

Dr. Dunford stated the Board had discussed this several years ago and the question has always been if a change of ownership or location change requires a new license number.

Ms. Blackburn stated the license is specific to one address and is not interchangeable.

Additional questions and comments were discussed with the Board.

Dr. Dunford and Ms. Blackburn stated this will need to be reviewed further to determine if changes need to be made when requiring new licensure and notification of ownership changes.

Ms. Blackburn stated for the purpose of Attorney Stilling's situation, a written notification of the ownership changes can be submitted to the Division at this time.

Dr. Sheard made a motion for a break.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

The Board took a break at 10:27 A.M.

The meeting resumed 11:51 A.M.

- **Electronic Prescribing**

Refer to Audio for specifics (Audio 01 _ 07) (00:00 – 00:27) (Out of Order)

HB 177

R156-37-603a

Mr. Marx stated a Rule has been drafted and stated waivers may be provided in emergency situations for those unable to E-prescribe.

Dr. Dunford stated the Division and BOP need to look at defining requirements for waivers and determine when a waiver can be considered. Otherwise, the Division will be inundated with waiver requests.

Mr. Marx stated waiver qualification will need to be defined in Rule.

Questions, comments, and concerns were discussed.

Mark Brinton, UMA, discussed concerns with the prescription transfers.

Dr. Dunford discussed looking into trying to address barriers with E-prescribing and focus on the software vendors instead of creating exceptions and waivers.

Dr. Dunford stated the Division and BOP can work with NABP.

Dr. Dunford asked what the timeline was to have Rules in place for E-prescribing.

Mr. Marx stated soon and indicated the information will need to be in the *Controlled Substances Licensing Act & Rule*. Mr. Marx stated the law went into effect May 2020, however, the requirement is not effective until January 1, 2022.

The Division and the BOP will work on any additions or language changes and have a final draft as soon as possible.

NEWSLETTER

Refer to audio for specifics (Audio 1 _ 07) (00:27- 37:27)

Ms. Falkenrath stated information for the February newsletter is due by January 1, 2020.

The Board discussed potential topics for the next newsletter.

Dr. Dunford stated she would like to have Dr. Gunning write an article regarding administering vaccinations especially through drive thru vaccination clinics.

Dr. Gunning stated there are concerns with where and how the vaccinations are being provided in the drive thru vaccination clinics.

Mr. Hale made a motion to take a lunch break.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

The Board broke for lunch at 12:28 P.M.

The meeting resumed at 1:30 P.M.

BREAK

APPOINTMENTS:

COMPLIANCE REPORT – SICILY HILL

Refer to audio for specifics (Audio 2 _ 01) (00:00 – 00:07)

Ms. Hill reviewed the compliance report as provided.

MICHAEL WRIGHT, PROBATION REVIEW

Refer to audio for specifics (Audio 2) (00:07- 00:18)

Mr. Hale conducted the interview with Dr. Wright.

Dr. Wright stated he is not currently employed in any field at this time. Dr. Wright stated he has actively been looking for a job as a pharmacist but has been unable to find an employer that can accommodate the requirements of his Order.

Mr. Hale suggested Dr. Wright reach out to former probationers to discuss how they managed to get through similar requirements. Mr. Hale did advise that it may take some time for Dr. Wright to find employment that will work with him.

The Board offered suggestions for areas regarding volunteer work and also continuing education.

An appointment was made for Dr. Wright to meet with the Board in three months. He would need to meet with the Board sooner if he receives a job in the pharmacy field.

ROCK CANYON PHARMACY, PROBATION REVIEW

Refer to audio for specifics (Audio 2) (00:18- 00:26)

Ms. Hawks conducted the interview with Brian Campbell, owner, from Rock Canyon Pharmacy.

Mr. Campbell provided information regarding the Rock Canyon Pharmacy's proposed supervisor Jayson Madson.

The Board reviewed the information provided and stated Dr. Madson would be a good fit. Unless the Division had any concerns, the Board did not have any concerns at this time.

Ms. Falkenrath stated the Division did not have any concerns.

Ms. Hawks made a motion to approve Jayson Madson as Rock Canyon Pharmacy's supervisor.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

Ms. Hawks made a motion to meet in April to review supervisor reports.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

SOUTH VALLEY PHARMACY, PROBATION REVIEW

Refer to audio for specifics (Audio 2 _ 01) (00:26- 00:37) & (Audio 2 _ 02) (00:00 – 00:07)

Mr. Hale conducted the interview with Bart Smith, PIC, from South Valley Pharmacy.

Dr. Smith provided an update regarding South Valley Pharmacy's progress. Dr. Smith stated South Valley Pharmacy has met the requirements of their Order.

Dr. Dunford asked if the Board needs to do anything at this time since South Valley Pharmacy's probation ends in December 2020.

Ms. Falkenrath stated the Board will need to make a recommendation to release South Valley Pharmacy from probation once the pharmacy has completed their timeframe.

Dr. Smith provided information on what the pharmacy has learned going through the process. Dr. Smith stated he has learned a lot and the process has been beneficial. Dr. Smith stated one of the downfalls of being on probation is the potential to lose contracts because of a probationary license status.

Mr. Hale made a motion for early termination of South Valley Pharmacy's probation.

Mr. Ligori seconded the motion.

The Board motion passed unanimously.

TIBBITTS FAMILY PHARMACY, PUBLIC REPRIMAND

Refer to audio for specifics (Audio 2 _ 02) (00:07 - 00:19)

Dr. Sheard conducted the interview with Brett Tibbitts, owner and PIC, from Tibbitts Family Pharmacy.

Dr. Sheard stated the Board received the information Dr. Tibbitts provided regarding training and Policies and procedures.

Dr. Tibbitts stated training for policies and procedures, not related to compounding, will be reviewed annually. Policies and procedures for compounding will be reviewed every six months.

Dr. Sheard stated there were concerns at the last meeting regarding incomplete SOP's and stated SOP's must be complete in order to compound.

Dr. Tibbitts stated there was misunderstanding at the last meeting and the SOP's were completed, but needed updates.

Dr. Sheard asked if Tibbitts Family Pharmacy has met all their requirements.

Ms. Hill stated they had but the pharmacy still needs to pay their fine.

Dr. Tibbitts stated he understood he had until December to pay the fine.

Dr. Sheard stated at this time he does not believe that the pharmacy will need to meet with the Board again unless there are any further issues or they do not pay their fine. Dr. Sheard thanked Dr. Tibbitts for all the work that he and his pharmacy have done and coming in to compliance.

ROE RX, INC, DBA: WESTSIDE HEALTH MART, PUBLIC REPRIMAND

Refer to audio for specifics (Audio 2 _ 02) (00:20- 00:30) & (Audio 2 _ 03) (00:00 – 19:05)

Introductions were made.

Dr. Gunning conducted the interview with Mr. Roe, owner, from Roe Rx, Inc.

Dr. Gunning asked Mr. Roe to discuss what has brought the pharmacy before the Board.

Mr. Roe discussed the specifics of the circumstance as to why he was issued a public reprimand. Mr. Roe discussed the changes the pharmacy has made.

Mr. Roe discussed an area regarding labeling that he would like clarification on. Mr. Roe stated there was a discrepancy depending on what DOPL inspector or investigator he spoke with.

Dr. Dunford stated the label clarification may be an area that could be reviewed with the Advisory Pharmacy Compounding Education Committee.

Dr. Gunning reviewed the items that Mr. Roe has provided and stated he Pharmacy has met the requirements of their Order. Dr. Gunning thanked Mr. Roe for his review and his time.

Mr. Hale made a motion for a break.
Dr. Gunning seconded the motion.
The Board motion passed unanimously
The meeting resumed at 3:16 P.M.

MICHAEL HOLT, EXAM APPROVAL

Refer to audio for specifics (Audio 02 _ 04) (00:06- 00:25)

Introductions were made.

Mr. Ligori conducted the interview with Dr. Holt.

Dr. Holt met with the Board to request approval to retake the Utah MPJE exam. Dr. Holt discussed his circumstances with the Board and stated he would like to take the exam as soon as possible. Dr. Holt graduated from pharmacy school in 2017 and has passed the NAPLEX exam.

The Board provided Dr. Holt with feedback and recommendations for additional areas of study. The Board did express their concern for the amount of time Dr. Holt has been out of school and the delay in taking his exam.

Mr. Ligori made a motion to approve two more attempts on the MPJE exam within the next six months.

Ms. Hawks seconded the motion.

The Board motion passed unanimously.

Dr. Holt thanked the Board for their time and their advice.

ARATI PADHIAR, EXAM APPROVAL

Refer to audio for specifics (Audio 02 _ 04) (00:25- 00:30) & (Audio 02 _ 05) (00:00 – 00:10)

Introductions were made.

Mr. Ligori conducted the interview with Dr. Padhiar.

Dr. Padhiar met with Board request approval to retake the NAPLEX exam. Dr. Padhiar discussed her circumstances with the Board and stated she would like to retake the exam as soon as possible. Dr. Padhiar graduated from pharmacy school in 2019 and has not taken the Utah MPJE.

The Board provided feedback and recommended Dr. Padhiar attempt to take both the NAPLEX and Utah MPJE exams within the year.

Mr. Ligori made a motion to approve one more attempt for the NAPLEX within the next three months.

Dr. Sheard seconded the motion.

The Board motion passed unanimously.

Dr. Padhiar thanked the Board for their time.

TIFFANI NELSON, EXAM APPROVAL

Refer to audio for specifics (Audio 2 _ 05) (00:10- 00:29) & (Audio 2 _ 06) (00:00 – 00:33)

Introductions were made.

Dr. Daery conducted the interview with Dr. Nelson.

Dr. Nelson met with the Board to request approval to retake the NAPLEX exam. Dr. Nelson discussed her circumstances with the Board. Dr. Nelson graduated from pharmacy school in 2014 and has not taken the Utah MPJE.

Dr. Gunning made a motion to allow one more authorization to test for the NAPLEX in the next three months.

Mr. Hale amended the motion for Dr. Nelson to take the NAPLEX and MPJE within the next three months.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

The Board expressed concerns with the amount of time Dr. Nelson has been out of school and may recommend Dr. Nelson complete additional intern hours.

Dr. Nelson stated she does not feel three months is enough time to allow her pass her exams and get her hours.

The Board advised Dr. Nelson to focus on passing her exams first and then work on her hours.

Mr. Hale made a motion for Dr. Nelson to obtain 200 hours of additional experience before Dr. Nelson's temporary pharmacist license expires in February 2021, since she has been out of school for six years and not completed her exams.

Dr. Sheard seconded the motion.

The Board motion passed unanimously.

Dr. Nelson thanked the Board for their time.

JACKY MUNOZ-SILVA, APPLICATION

Refer to audio for specifics (Audio 2 _ 06) (00:11-00:33)

Introductions were made.

Dr. Daery conducted the interview with Ms. Munoz-Silva.

Ms. Munoz-Silva met with the Board to request a third pharmacy technician trainee license. Ms. Munoz-Silva provided information regarding her situation for the multiple attempts with the license.

The Board expressed their concerns with Ms. Munoz-Silva's situation and her multiple attempts with the pharmacy technician trainee license.

Dr. Sheard made a recommendation to issue Ms. Munoz-Silva a pharmacy technician trainee license until the end of this year.

Dr. Sheard made a motion to approve a pharmacy technician trainee license for Ms. Ms. Munoz-Silva until December 31, 2020, to allow her to complete a 180 hours and pass her exam.

Dr. Gunning seconded the motion.

The Board motion passed unanimously.

The Board provided additional feedback and advised Ms. Munoz-Silva to take the time she has been given seriously and to complete her requirements before her license expires on December 31, 2020.

Ms. Munoz-Silva thanked the Board for their time.

NEXT SCHEDULED MEETING: Tuesday, November 17, 2020

ADJOURN: Meeting adjourned at 4:45 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.

11/17/2020
Date Approved

(ss) Carrie B. Dunford
Carrie Dunford, Chairperson
Utah Board of Pharmacy

11/17/2020
Date Approved

(ss) Jennifer Falkenrath
Jennifer Falkenrath, Bureau Manager
DOPL