

**MINUTES**

**UTAH  
BOARD OF PHARMACY  
MEETING**

**June 25, 2013**

**Room 210, 2nd floor – 8:30 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 8:34 A.M.**

**ADJOURNED: 3:48 P.M.**

**Bureau Manager:  
Board Secretary:**

Richard Oborn  
Lee Avery

**Board Members Present:**

Derek Garn, R.Ph., Acting Chairperson  
Jan Bird, CPhT, pharmacy technician  
Kelly Lundberg, Ph.D  
Andrea Kemper, Pharm D  
Greg Jones, R.Ph.  
Carl “Trip” Hoffman, Pharm D

**Board Members Excused:**

David Young

**DOPL Staff Present:**

Ray Walker, Division Enforcement Counsel  
Jake Corsi, DOPL Investigator  
Ashleigh Nye, DOPL Investigator  
Brittany Butsch, DOPL Investigator  
Lynn Hooper, DOPL Investigator

**Guests:**

Jonathan Newbold  
Jamie Peterson, Walgreens  
Dean Moncur, OmniCare  
Kavish Choudhary, U of U  
Megan Holsopple, U of U  
John Wendt, Medquest  
Dave Davis, URMA/UFIA  
Erin Johanson, Roseman Univ., COP  
Matthew Trump, Roseman Univ.  
Betty Yamashita, Intermountain Health Care  
Jennifer Polloca, SLCC  
Missy Duke, USHP  
Mark Munger  
Bill Stilling

**ADMINISTRATIVE BUSINESS:**

**Minutes:**

The Board reviewed the minutes dated May 28, 2013. Dr. Lundberg made a motion to accept the minutes with changes. The motion was seconded by Mr. Hoffman and carried unanimously.

**APPOINTMENTS:**

Presentation from Megan Holsopple regarding biologicals and biosimilars.

Ms. Holsopple met with the Board and gave a presentation regarding biologicals and biosimilars. Ms. Holsopple outlined the difference between biologicals and biosimilars, how each is currently being used, and their future interchangeability.

Report from Compounding Task Force

Mr. Hoffman reviewed a letter to Senator Hatch and Senator Lee regarding Senate Bill 959. The Compounding Task Force representatives expressed concern regarding Senate Bill 959. This bill seeks to establish significant oversight of pharmacy compounding at the federal level. The task force is encouraging Utah leaders to keep oversight of pharmacy compounding at the state level. The task force members would like the Board to approve the letter before it is delivered and if possible have the letter on DOPL letterhead. Mr. Oborn stated there is a Board letterhead that he used for other Boards that may be used for this. After reviewing the letter, the Board would like this letter to come from the taskforce, in conjunction with the Board. Mr. Jones made a motion to make the following changes in the letter:

1. Sign the letter from the task force, with support from the Board.
2. Shorten the last paragraph by removing the acronyms and make two sentences.
3. Recommend that pharmacy compounding is to be kept at the state level.
4. Add "patient specific compounding"
5. Eliminate the word compounding manufacturing.

The motion was seconded by Dr. Lundberg and carried unanimously. Mr. Oborn will have Mr. Steinagel review the letter.

1. S.B. 194: Pharmacy Practice Act Amendments

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a. Definition of when pharmacy technician can do

a. Definition of when pharmacy technicians can do final review of prescribed drugs prepared for dispensing (tech-check-tech)

b. Establishment of pharmacy technician programs criteria

final review of prescribed drug prepared for dispensing (tech-check-tech).

Ms. Duke stated that the task force is doing some research regarding the technician check program. At this time they decided to focus on writing rules to include a class B pharmacy that provides acute care services vs. a class B pharmacy that does not. The task force would like to include the following five major requirements for the tech-check-tech.

1. Sufficient automation technology to ensure the accuracy of medications being distributed.
2. The technician check must meet pre-specified eligibility requirements in terms of years of experience.
3. Clearly defined pharmacist in charge rules and responsibilities
4. Medications that are considered high risk medications and shortage medications.
5. Only medications that do not require manipulation. This would exclude compounding products, IV products.

The task force is moving forward in doing the research and would like input from the Board regarding a few questions:

1. Should rules require a specific number of years of training for pharmacy technicians to be eligible for tech-check-tech or should pharmacies be left to develop their own requirements?
2. Should the PIC assume the responsibility/liability of the actions of the pharmacy technician or should it fall on the supervising pharmacist on site and/or the PIC?
3. Should there be a clear list of medications that are excluded or should the list be inclusive?
4. Should there be a provision requiring all pharmacists have an AAE tracking system and continuous quality of improvement programs if they have the technician checking program?
5. Include a provision that time saved by the pharmacist is used to assist other areas of clinical services. The tech-check-tech program is not intended to cut back on employees.
6. Is DOPL interested in having a registry of

institutions or a list of those who provide this service?

The Board noted that DOPL does not want to be in the position of pre-approving these pharmacies. Mr. Oborn stated that DOPL may be able to implement an online notification system. This would need to be on an individual basis. A big chain cannot do a notification for all pharmacies under their chain. The Board stated that having the different definitions listed under the scope of practice would be best. The Board is interested in learning what other states are doing.

Establishment of pharmacy technician program criteria will be discussed at the next Board meeting.

**Not on the agenda:**

Dr. Lundberg reviewed a list of medications used by a prescriber from June 6, 2012 to June 3, 2013. Dr. Lundberg noted that these were forged prescriptions for a patient. Mr. Oborn stated DOPL provides training at no cost to physicians regarding the CS database. Mr. Walker stated there are physicians and pharmacists who frequently search the database and will start a complaint for DOPL to investigate. Mr. Oborn will contact the manager working with the physicians and ask for recommendations.

**APPOINTMENTS:**  
Compliance Report

Dr. Lundberg made a motion to close the Board meeting at 10:45 A.M. to discuss the character, professional competence, or physical or mental health of an individual. The motioned was seconded by Mr. Jones and carried unanimously. The Board meeting opened at 11:20 A.M.

11:00 A.M. Michael Wright, probation interview

Mr. Wright met with the Board. Dr. Lundberg conducted the interview. Mr. Wright stated he is not working full time in the field right now. His bad back is causing him to rethink going into the pharmacy field. He is scheduled to graduate in seven weeks and will continue until after graduation, take the NAPLEX exam and then make a decision. Mr. Wright stated he pled guilty to impaired driving. He had been advised that cocaine metabolite was found in his UA. He does

not know why or how a cocaine metabolite would be in his system and has asked for additional testing for the blood draw that was done in March 2012. He claims this information was not in the police report and it was not brought out at the arraignment or pretrial. He completed an assessment and is required to complete a life skills values course and community service. The Board advised Mr. Wright that he will need to submit documentation to the Board showing he completed these requirements. The Board is not going to require the PIR or support group meetings at this time. The Board advised Mr. Wright that if he is not employed in September, he will need to submit the employer report stating he is not employed. Mr. Wright was advised to send the results of the additional test regarding the cocaine metabolite to Ms. Call as soon as he receives them. Mr. Wright will meet with the Board quarterly. The Board asked to see Mr. Wright September 24, 2013. **Mr. Wright is in compliance with his stipulation.**

11:20 A.M. Paul Martz, probation interview

Mr. Martz probation interview was via telephone. Ms. Kemper conducted the interview. Mr. Martz stated things are going well. He submitted his self assessment and employer report a few days late. The Board noted that his reports are positive and reminded him to submit his reports a few days early to stay in compliance with the Board. Mr. Martz stated things are also going well with the new PIC. The Board asked to see Mr. Martz September 24, 2013. **Mr. Martz is in compliance with his stipulation.**

11:40 A.M. David Barrow, probation interview

**Out of order on the agenda:**

Mr. Barrow failed to meet with the Board. The Board noted this is very unusual for him and decided to call him. A message was left for him to contact the Board. Mr. Barrow's interview was conducted via telephone at 1:05 P.M. Dr. Lundberg conducted the interview. Mr. Barrow stated he is having health issues and thought his appointment was on June 26, 2013. His physician is recommending medication and additional tests, including sleep studies. His physician prescribed pain medication. He gave the medication to his wife to give to him as she felt he needed it. Mr. Barrow stated he had obtained prescriptions from two different physicians because his physician was ill. Mr. Barrow

was advised that his 12 step, PIR or self-assessment documentation has not been received. He stated he sent these earlier this week and will resend them. The Board asked to see Mr. Barrow in September 24, 2013. **Mr. Barrow is not in compliance with his stipulation because he failed to meet with the Board.**

1:00 P.M. Colton Dale, probation interview

Mr. Dale met with the Board. Mr. Jones conducted the interview. The court has still not closed his case. The charge was underage drinking. He would like the Board to consider amending his stipulation to allow him to drink alcohol. The Board stated he could make a written request, include why he feels it is justified and have a supervisor submit a letter of support. The Board made no promises to make this change, but is willing to consider it. Mr. Dale stated he has been calling Affinity for his drug screens. Ms. Call will follow-up with Affinity. The Board noted that his employee reports are positive. He completed all requirements of his stipulation. Mr. Dale stated he is trying to obtain financial aid to start school. He plans to attend the fall quarter. The Board noted that he was out of compliance the last time he met with the Board, and encouraged him to continue staying in compliance.

The Board asked to see Mr. Dale September 24, 2013. **Mr. Dale is in compliance with his stipulation.**

1:20 P.M. Kirt Wray, probation interview

Mr. Wray met with the Board. Ms. Kemper conducted the interview. Mr. Wray gave the Board a copy of his letter requesting release from the UA portion of his order. Mr. Wray noted that he has been in recovery for eight years and has no desire to abuse any substance. The Board noted that Mr. Wray's probation started September 26, 2012 and is scheduled to end September 26, 2017. He has been on probation with the Board for less than one year. The Board would like to see a track record of negative UAs before removing this restriction. The Board reviewed the letter Mr. Wray submitted requesting early termination of his probation. The Board noted that Mr. Wray has not been in compliance with his stipulation for the first five months of his probation. The Board wants to see more of track record of him being in compliance with the requirements of his

stipulation. Mr. Wray was advised that once the Board receives six months of monthly reports, his reports will be moved to quarterly as long as he stays in compliance with his stipulation. Ms. Call will advise him once he meets this requirement and then his reports will be due quarterly. Mr. Wray stated that not much has changed since he last met with the Board. He continues struggling meeting the financial requirements of the UAs. The Board noted that he is on track and doing well. The Board encouraged him to continue this way and the Board would be willing to revisit his requests at a future Board meeting. The Board asked to see Mr. Wray on October 29, 2013. **Mr. Wray is in compliance with his stipulation.**

1:40 Skyline Pharmacy #2/David Blackham,  
probation interview

The Board contacted Mr. Blackham via telephone. The Board reviewed the practice plan and policy and procedures he submitted. The Board noted the following deficiencies:

1. Practice plan and policy and procedures needs to state he will not use anything past 30 days.
2. He needs to include who will be receiving training for compounding. He needs to document the CEs received in compounding.
3. If he is the only one practicing compounding receiving training, then the policy and procedure needs to indicate this.
4. He needs to address components selection, handling and storage. He also should indicate that the chemicals he purchases will be from PCCA or Medisca.
5. The compounding record was missing some required missing information, i.e.: preparation worksheet should be a duplicate copy from the master worksheet that includes the formula, date issued, components, quantities, expiration date.

The Board recommended he review USP 795 and complete a gap analysis. This will help identify his weaknesses. The Board wants to see a master worksheet and prep-worksheet along with the details and noted that this needs to be submitted to the Board by the next Board meeting. Mr. Oborn will send him an email regarding the deficiencies. Mr. Blackham

stated he may decide to not do compounding and will let the Board know before the next Board meeting. The Board asked to see Mr. Blackham July 30, 2013.  
**Mr. Blackham is in compliance with his stipulation**

2:00 P.M. Kyle Rootsart, informal adjudicative proceeding

Dr. Rootsart and his attorney, Mr. William Stilling, met with the Board. Mr. Oborn stated the Division is requesting that the Board recommend what actions should be taken regarding Dr. Rootsart's Utah license, i.e.; take no action, impose additional restrictions or revoke his license. Mr. Oborn noted that this is an informal adjudicative proceeding because Dr. Rootsart's Utah license is already on probation. The Division believes that Dr. Rootsart dealt with the Division and Board through the use of fraud or intentional deception, misrepresentation, or omission. He failed to disclose to the Board of Pharmacy that he had pending legal action in the State of Illinois. This violates unlawful conduct as defined in 58-1-501.

The Board reviewed the information packet including the Notice of Agency Action, Utah Stipulation and Order, DOPL Complaint from the Illinois Dept of Financial and Professional Regulation regarding violations and charges, and Mr. Rootsart's response to the Notice of Agency Action. The Board listened to the recording from Dr. Rootsart's first meeting with the Board. Dr. Rootsart stated that the Illinois Board has continued their case against him for several years. There has been a change in the Judge at one time and his attorney, in Illinois, advised him that there have been several orders for continuance over the years. Dr. Jones made a motion to find that Dr. Rootsart did not intend to deceive the Board with his comments about the Illinois proceedings at the October Board meeting. The motion was seconded by Ms. Bird and carried four to one, with Dr. Lundberg opposing. Dr. Jones made a motion to recommend to the Division to dismiss this proceeding. The motion was carried unanimously.

Dr. Rootsart stated he plans to move to California in July and will notify Ms. Call as soon as it happens. The Board advised Dr. Rootsart that as long as he stays in compliance with his stipulation the Board will

conduct his interviews via telephone.

**Not on the agenda:**

The Board reviewed possible agenda items for the next two Board meetings to include:

July 30, 2013: No probation interviews, finalize check-tech-check language, and the pharmacy tech program criteria language.

August 27, 2013: No probation interviews and invite stake holders for input regarding physican dispensing issue.

**NEXT SCHEDULED MEETING:**

July 30, 2013

**2013 Board Meetings:**

July 30, August 27, September 24, October 22, November 19, December 17

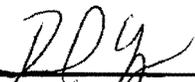
**ADJOURN:**

Motion to adjourn at 3:48 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.*

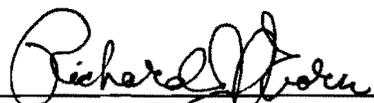
7-30-13

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Date Approved

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Chairperson, Utah Board of Pharmacy

7/30/13

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Bureau Manager, Division of Occupational & Professional Licensing