

**MINUTES
UTAH BOARD OF PHARMACY
ELECTRONIC MEETING
JANUARY 26, 2021 | 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: 8:31 A.M.

ADJOURNED: 4:01 P.M.

DOPL STAFF PRESENT ELECTRONICALLY

Executive Director: Margaret Busse
Division Director: Mark Steinagel
Bureau Manager: Larry Marx
Bureau Manager: Jennifer Falkenrath
Board Secretary: Thomas Togisala

Program Specialist: Jim Garfield
CSD Admin: Ron Larsen
Investigator: Dan Briggs
Chief Investigator: David Furlong
Compliance Specialist: Sicily Hill

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

Evan Vickers – Utah Senator
Adam Jones – Utah Pharmacy Association
Yuhong Liu – Intermountain Healthcare
Ashley Jackson – University of Utah, Student
Alan Chang – Roseman University, Student
Chance Warr – Roseman University, Student
Donelle Perez – Petersen Pharmacy
Lorri Walmsley – Walgreens
Alexander Brewster
Brian Bothwell
Christopher Christensen
Diana Palandri
Emily Haugh
Greg Jones – Harmons
Ha Phi
David Young

Jared Memmott
Jennifer Healy
Lauren Paul
Mark Brinton – Utah Medical Association
Pal Klomp
Presley Whetman
Mark Munger
Rance Hutchings
Renee Petty
Shane Gurley
Sharilee McIntyre – DOPL
Tiffani Castro
Trevor Hawkins
Tricia Johnson
Tuyet Lien Lam

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

ADMINISTRATIVE BUSINESS:

CALL MEETING TO ORDER

Dr. Dunford called the meeting to order at 8:30 A.M.

READ AND APPROVE DECEMBER 15, 2020 MINUTES

Mr. Ligori made a motion to approve the minutes with the approved edits.

Dr. Sheard seconded the motion.

The Board motion passed unanimously.

INVESTIGATION REPORT

Refer to audio for specifics (Audio Part 1) (09:08 – 14:33)

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

Questions and comments were discussed.

CONTROLLED SUBSTANCE DATABASE (CSD) UPDATE

Refer to audio for specifics (Audio Part 1) (14:35 – 43:35)

Mr. Larsen provided a CSD update.

Mr. Larsen explained the process of how a case is investigated within the database. Under the current statute, DOPL is the agency that can provide data to an individual. Also, DOPL is able to allow the provider at the pharmacy to take a snapshot of a person's data history and place it into the patient's record. However the pharmacist may not provide a copy of the report to the patient but the information may be discussed with the patient as part of their care. Under HIPAA, this information is still protected. The allowance to add CSD information to the patient's medical record is allowed by statute if the health care provider deems it is necessary.

The big spike in cases are due to the RxGov platform. DOPL staff members are going through the licensing system to determine and to identify the usage of the individual's controlled substance license. Vendors not reporting in the database has been another reason for the high volume of cases. Pharmacists are encouraged to contact the CSD for assistance to have an error corrected. The CSD will work with the pharmacy or the provider to correct the issue.

DISCUSSION ITEMS:

MOU DISCUSSION

Refer to audio for specifics. (Audio Part 1) (43:40 – 57:22)

The Board reviewed the FDA MOU.

Dr. Higley explained that the Pharmacy Compounding Education Advisory Committee is asking for public participation to gain more feedback for the MOU. The Committee has until October of 2021 to approve it. The Committee will send out a pharmacy alert in regards to this matter.

Mr. Jones from UPA stated that he will include information and updates regarding the compounding meetings in their newsletters to gain more traction and attendance.

MOU PHARMACY ALERT

Refer to audio for specifics. (Audio Part 1) (57:22 – 01:04:26)

Dr. O'Malley reviewed the pharmacy alert with the Board.

Dr. Gunning motioned to approve the pharmacy alert.

Mr. Hale seconded the motion.

The vote in favor was unanimous.

INSANITARY CONDITIONS

Refer to audio for specifics. (Audio Part 1) (01:04:30 – 01:22:00)

Dr. Higley the guidance document with the Board. The Committee wants to incorporate this document into the quarterly newsletter to educate and engage the staff within pharmacies on updates within field.

Dr. Dunford suggested to revise the statement to align with the FDA guidelines.

Dr. Higley will work with the Committee to rewrite the statement.

Questions and comments were discussed.

FLAVORING RULE PROPOSAL UTAH ADMIN CODE: R156-17B-102

Refer to audio for specifics. (Audio Part 1) (01:22:03 – 01:27:15)

The Board reviewed the definition on Compounding in Section 58-17b-102(18).

The Committee made a revision to this section and is seeking approval from the Board.

Dr. Gunning motioned to approve this language as written.

Dr. Sheard seconded the motion.

The vote in favor was unanimous.

COMPOUNDED BIO-IDENTICAL HORMONES

Refer to audio for specifics. (Audio Part 1) (01:27:50 – 01:41:20)

Dr. Gunning provided the Board an overview on this topic. The Board was asked to review and address the recommendations of the national academy of medicine report. This report was commissioned by the FDA to develop recommendations on utility safety and effectiveness of compounded bio-identical hormone products. The recommendations suggests that boards of pharmacies should take action to ensure safety and transparency with the information that is available.

The Board request the Peer Advisory Compounding Education committee to review and provide recommendations to the Board of Pharmacy.

To read each recommendation, please visit:

<https://www.nap.edu/resource/25791/cBHT%20Recommendations%20Insert.pdf>

Questions and comments were discussed.

COLLABORATIVE PRACTICE AGREEMENTS

Refer to audio for specifics. (Audio Part 2) (01:20 – 35:00)

Dr. Dunford wanted to have a discussion on the language collaborative practice agreements. It has not been updated for over 10 years. The agreements were created to be broad to allow pharmacists and other practitioners to practice within pharmacy conditions and limitations.

Dr. Gunning explained that utilizing collaborative practice agreements can be challenging for pharmacists that work in a community pharmacy that have a high volume of patients. It is being heavily utilized in the healthcare systems, but can be difficult for continued chronic care in a community setting.

Dr. Munger stated that he was on the pharmacy board when the collaborative practice agreement was created and he was the one who wrote it in 2003 - 2004. He purposely wrote the language to be broad to allow the practitioner to practice within their scope of specialties.

Dr. Young encouraged DOPL to note that the wording “may” has a purpose of vagueness in the practice of pharmacy.

Mr. Brinton stated that the broadness of the collaborative practice agreement allows primary care providers to provide the best physical care assessment for patients.

Questions and comments were discussed.

ALBUTEROL/EPINEPHRINE STANDING ORDER UPDATE – RULE PROPOSAL

Refer to audio for specifics. (Audio Part 2) (35:00 – 02:09:00)

Ms. Falkenrath reviewed the draft of the standing order, the draft of R156-17b-612.b, and the department of health’s draft of the prescription rule with the Board. The purpose of this discussion is to ensure that the drafted rules are aligned with the Utah Code.

Questions and comments were discussed.

The Board made modifications to the Rule.

Ms. Hawks motioned to approve the rule with its approved edits.

Dr. Sheard seconded the motion.
The vote in favor was unanimous.

APPOINTMENTS:

COMPLIANCE REPORT – SICILY HILL

Refer to audio for specifics (Audio Part 3) (00:25 – 05:14)

Ms. Hill reviewed the compliance report as provided.

MICHAEL WRIGHT – PROBATIONER – INTERVIEW CONDUCTED BY MR. HALE

Refer to audio for specifics (Audio Part 3) (05:15 -35:34)

Dr. Wright is seeking approval of his practice plan and supervision approval.

Dr. Wright was rehired by CVS to administer COVID-19 vaccinations. He currently helps in the pharmacy and works up to 24 hours a week. Once the COVID-19 vaccinations are available to the general public, he will work up to 40 hours a week.

Mr. Hale motioned to accept Dr. Wright’s practice plan.

Dr. Gunning seconded the motion.

The vote in favor was unanimous.

Mr. Hale motioned to approve Dr. Adam Schwed as Dr. Wright’s supervisor.

Mr. Ligorì seconded the motion.

The vote in favor was unanimous.

Dr. Wright’s next visit with the Board will in April.

**SILVANA LORENA FOWLER – PHARMACY TECHNICIAN TRAINEE
REAPPLICATION – INTERVIEW CONDUCTED BY MR. LIGORI**

Refer to audio for specifics (Audio Part 3) (35:38 – 58:18)

Ms. Falkenrath provided the Board a brief overview of Ms. Fowler’s appointment.

Ms. Fowler has attempted to apply for the pharmacy technician trainee application multiple times. She has not taken the examination for a full license.

Ms. Fowler explained that she was not aware she needed to take the exam. She claims that her employer did not inform her to take the exam.

The Board recommended for Ms. Fowler to take the exam within three months.
The Board explained that Ms. Fowler does not need to reapply for her pharmacy technician trainee license. She was advised to take and pass the exam. Once she passes the exam, she will be eligible to apply for her technician license.

Ms. Hawks motioned to deny Ms. Fowler’s pharmacy technician application.

Dr. Sheard seconded the motion.

The vote in favor was unanimous.

SENATOR VICKERS LEGISLATIVE UPDATE

Refer to audio for specifics (Audio Part 3) (58:20 – 01:26:00)

Senator Vickers provided a legislative update to the Board. He stated that the legislative session is available for the public to join virtually.

The current bills pertaining to pharmacy are:

- Senator Fillmore has a bill that is for a constituent that represents a company that would like to change the definition in the collaborative practice agreement. This bill has not been numbered yet.
- H.B. 178 – Pharmacy Practice Modifications: This is proposed by Representative Thurston and sponsored by Senator Bramble. This bill amends the definition of the practice of pharmacy to include issuing a prescription for certain prescription drugs and devices. This will define the types of prescription drugs and devices that may be prescribed by a pharmacist and authorize DOPL to make rules to implement the provisions of this bill.
- S.B. 97 – Charitable Prescription Drug Recycling Program Amendments: This is sponsored by Senator Vickers and the floor sponsor is Representative Merrill. This bill allows an individual to transfer prescription drugs to an eligible pharmacy or an eligible physician's office. It removes the requirement that only state residents receive donated drugs and requires that a medically indigent individual be located in the state when the drug is dispensed.
- Senator Vickers is currently drafting a pharmacy practice act bill that is not numbered yet, but it will pertain to the audit provisions regarding PBM.
- H.B. 15 – Controlled Substance Amendments: This is sponsored by Representative Ward and the floor sponsor is Senator Kennedy. This bill removes an exception to the seven day limit on prescriptions for certain controlled substances after surgery and requires a practitioner to check the CSD and consult with other practitioners when issuing long-term prescriptions.
- H.B. 187 – Pharmacy Benefits Amendments: This bill is sponsored by Representative Harrison and the floor sponsor is Senator Vickers. This bill precluded a pharmacy benefit manager from denying or preventing access to pharmacy benefit management services on the basis that two or more employers jointly request or plan to purchase the pharmacy benefit management service to create efficiencies or to achieve cost savings.
- H.B. 85 – Controlled Substance Database Access Amendments: This bill is sponsored by Representative Hall and the floor sponsor is Senator Vickers. This bill authorizes DOPL to provide information to a managed care organization under circumstances and creates an exception to certain restrictions on access to the controlled substance database to make technical changes.

PIC DISCUSSION

Refer to audio for specifics (Audio Part 3) (01:26:00 – 01:31:00)

Dr. Dunford reviewed a new proposed checklist of the Pharmacist-in-Charge responsibilities. Dr. Dunford asked the Board to review the checklist and to provide feedback in February's Board meeting.

NABP PROPOSED AMENDMENTS/ANNUAL MEETING

Refer to audio for specifics (Audio Part 3) (01:31:02 – 01:34:20)

This meeting will be held virtually. This will give board members the opportunity attend.

COVID-19 TECH IN TRAINING RATIO UPDATE

Refer to audio for specifics (Audio Part 3) (01:34:20 – 01:52:05)

This information has been posted on DOPLs website under the COVID-19 banner.

Dr. Sheard explained how pharmacy's participate in provide COVID-19 vaccines. Two pathways to obtain the vaccinations are the CDC and through the state and local health departments. There are requirements for a provider to meet in order to administer the vaccines.

For additional information, refer to the following links:

<https://immunize.utah.gov/covid-19-vaccine/>

<https://www.cdc.gov/vaccines/covid-19/index.html>

Dr. Gunning suggested that the CDC website should be reviewed on a weekly basis to ensure that you're updated with the most current information.

NEWSLETTER (FEBRUARY, MAY, AUGUST, NOVEMBER)

Refer to audio for specifics (Audio Part 3) (01:52:08 – 01:59:00)

Dr. Jeremy Olsen is working on the Insanitary Conditions.

Dr. Dunford will provide the PIC information.

Mr. Hale is working on the DIR for the newsletter.

PHARMACY TECHNICIAN TRAINEE DISCUSSION

Refer to audio for specifics (Audio Part 3) (02:00:30) (Audio Part 4) (00:00 – 38:25)

Dr. Sheard reviewed the proposed language change to R156-17b-303a – Qualifications for Licensure – Education Requirements. This refers to the education requirements to become licensed as a technician trainee.

The Board collectively made edits to this Rule.

Questions and comments were discussed.

NEXT SCHEDULED MEETING: Tuesday, February 23, 2021

ADJOURN: Meeting adjourned at 4:01 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.

Date Approved

(ss) *Carrie Dunford*
[Carrie Dunford \(Feb 25, 2021 15:45 MST\)](#)

Carrie Dunford, Chairperson
Utah Board of Pharmacy

Date Approved

(ss) *Jennifer Falkenrath*
[Jennifer Falkenrath \(Feb 25, 2021 15:51 MST\)](#)

Jennifer Falkenrath, Bureau Manager
DOPL