

MINUTES

UTAH BOARD OF PHARMACY MEETING

January 25, 2022

Held Electronically, No Anchor Location

Salt Lake City, UT 84114

CONVENED: 8:31 A.M.

ADJOURNED: 2:53 P.M.

DOPL STAFF PRESENT:

Division Director: Mark Steinagel
Bureau Manager: Larry Marx
Assistant Director: Deborah Blackburn
Bureau Manager: Jennifer Falkenrath
Board Secretary: Julie Pulsipher
Pharmacy/Health Program Specialist:
Jim Garfield

Chief Investigator: David Furlong
Investigator: Travis Debring
Investigator: Jennifer Healey
CSD Admin: Jeff Henrie
Compliance Manager: Tracy Naff
Compliance Specialist: Bernice Palama

BOARD MEMBERS PRESENT ELECTRONICALLY:

Carrie Dunford, Pharm D, Chairperson
Christopher Sheard, Pharm D, Vice
Chairperson
Karen Gunning, PharmD

Sepideh Daeery, PharmD
Gary Hale, R.Ph.
Autumn Hawks, Pharmacy Technician

BOARD MEMBERS NOT PRESENT:

Public Member—Position Vacant

GUESTS IN ATTENDANCE ELECTRONICALLY:

Vincent Anella
Stephanie Arceneaux
Ryker Blair
Brian Bothwell
Mark Brinton, UMA
AJ Burnett
Crystal Calarusse, ABHES
Christopher Christensen
Dustin Christensen-Grant, Roseman
Jacob Corsi
Dave Davis
Lisa Dimick
Deeb Eid
RJ Evans, MedQuest
Camille Farley
Adam Gee, Walgreens

Allison Hill
Erin Johanson
Adam Jones
Greg Jones, Harmon's
Amy Kiley
Michael Kiley
Jason L
Adalyn Lee
Lisa Lifshin
Jared Memmott
Jaime Montuoro
Hali O'Malley, APCEC
Donelle Perez
Janet Silvester
Christopher Stanley
Bill Stilling

Representative Norm Thurston	1_801_***_**00
India Tips, ABHES	1_801_***_**11
Kathy Varley	1_801_***_**22
Lorri Walmsley, Walgreens	1_801_***_**25
James Herron	1_801_***_**37
Jim Ruble	1_801_***_**37
Lisa Miller	1_801_***_**54
Mark Johnston	1_801_***_**54
1 617_***_**00	1_801_***_**58
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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 8:31 A.M.

REVIEW AND APPROVE DECEMBER 14, 2021 MINUTES

(See Audio for Specifics 00:05:15-00:06:37)

Dr. Sheard motioned to approve Minutes for December 14, 2021 meeting.

Ms. Hawks seconded the motion.

Motion passed unanimously.

INVESTIGATION REPORT—DAN BRIGGS

(See Audio for Specifics 00:06:45-00:00:17)

Chief Investigator David Furlong stated he would be giving the Investigation Report.

Chief Investigator David Furlong introduced Camille Farley to the meeting. Camille Farley has been promoted to the position of Lead Investigator, directly below Chief Investigator Dan Briggs, in the Health Conduct Unit. Chief Investigator Furlong stated the year 2021 was a rough year for the Investigations unit with having two Investigators pass away. One of the Investigators, Lynn Hooper, was particularly involved in Pharmacy. Chief Investigator Furlong stated Lead Investigator Farley is a licensed Pharmacy Technician, and has worked for DOPL for over seven years. Lead Investigator Farley is Critical-Point trained in sterile and non-sterile compounding inspections. Lead Investigator Farley transferred from the Clinical Mental Health Investigative Unit.

Lead Investigator Farley stated she was pleased to be working with the Pharmacy field.

Chief Investigator Furlong presented the 2020-2021 comparison statistics for Pharmacy Investigations, as provided. Administrative Filings, Letters of Concern, PR Outreach, Citations, and Pharmacy Alerts were discussed.

Chief Investigator Furlong stated the majority of inspections and bulk of the work were performed by Investigator Travis Drebing and Investigator Alicia Moran. Chief Investigator Furlong stated Investigator Jennifer Healey helped with some of the investigations as well. Chief Investigator Furlong stated work titles have changed to *Investigator* for both Investigator Debring and Investigator Moran.

Chief Investigator Furlong opened the discussion for questions.

Mr. Hale asked if there were any trends the Board needed to be made aware.

Chief Investigator Furlong stated Safety in the Workplace--a subject Investigator Moran presented in the last meeting--has been of concern. Pharmacies have been doing a lot of COVID testing and giving shots; the occurrence of mis-fills have also been happening.

Chief Investigator Furlong stated Lead Investigator Farley would now be the lead over the entire team, and will supervise Nursing Investigations as well. Chief Investigator Furlong stated this pharmacy report will be given by Lead Investigator Farley in the future.

CSD UPDATE—JEFF HENRIE

(See Audio 1 for Specifics (00:17:43-00:24:43))

Mr. Henrie presented the CSD Update, as provided. Mr. Henrie stated the Database is still working on RX 3.0 to update the hub to the version required. Mr. Henrie stated the project is on target to be finished in April. Mr. Henrie stated there have been no updates with the medical Cannabis group.

Mr. Henrie reported on E-prescribing codes received over the last year, as provided. Mr. Henrie stated Electronic prescriptions increased throughout 2021, and written prescription numbers decreased. Mr. Henrie stated there is a pause in the requirements as the Rule is being finalized.

Mr. Henrie stated a soft roll-out of the DSP12 was sent out, and it will last until March 30, 2022. Mr. Henrie stated a hard roll-out will then go into effect following March 30, 2022.

DISCUSSION ITEMS:

REPRESENTATIVE THURSTON--TAMIFLU

(See Audio 1 for Specifics 01:01:24-01:12:39) (Out of Order)

Ms. Falkenrath stated Representative Thurston had joined the meeting.

Representative Thurston expressed appreciation for the opportunity of working on prescribing authority, and felt very good ideas were created. Representative Thurston stated he has been asked to please include in the consideration Tamiflu or similar medicines to Tamiflu. Representative Thurston stated there is a CLIA Waived test to determine if a person needs the medication; the pharmacist could then skip a step of having to send the patient back to the physician by being able to prescribe Tamiflu to treat the illness. Representative Thurston stated the goal was to decrease the delay and price in treatment.

Dr. Gunning stated this is a clear national guideline from the CDC enabling pharmacists to prescribe all 6 agents similar to Tamiflu. Dr. Gunning stated there are some pharmacies in the state of Utah where collaborative practice has been occurring, and there may be data available to see if it is something to be able to move forward.

Dr. Sheard stated he is aware of pharmacies doing on-site flu screenings. Dr. Sheard stated it becomes a time and a cost saver for pharmacists to be able to dispense Tamiflu or its similar generic. Dr. Sheard stated it is a good direction of what pharmacists can provide--especially in a pharmacy retail setting.

Representative Thurston stated he has submitted a request for appropriation for Medicaid coverage through MTM. The appropriation will be used for Medicaid reimbursement to pharmacists for providing MTM to patients. Representative Thurston stated there wasn't need for legislation. Discussion of the \$576,000 appropriation will be in the Social Services Appropriations section of the Legislative Session happening possibly this week or next.

Dr. Gunning said she would love to speak to the Legislature to support the process of this bill.

Representative Thurston stated the political challenge is to convince his colleagues regarding the priority of this appropriation.

Dr. Sheard stated support for Representative Thurston, and expressed appreciation for his work.

Representative Thurston thanked the Board for their time.

The Board thanked Representative Thurston for his time.

ABHES PRESENTATION—CRYSTAL CALARUSSE AND INDIA TIPS

(See Audio 1 for Specifics 00:55:33-01:01:33)(Out of Order)

Ms. Tips and Ms. Calarusse presented a PowerPoint presentation on the accreditation process through ABHES—pronounced “ab-hes”.

Ms. Tips stated ABHES had been in existence since 1964. ABHES is a non-profit institute, and has been recognized by the Department of Education since 1968. ABHES is recognized by PTCB, and National Career Health Association--the Pharmacy Technician program.

(See Audio 1 for Specifics 01:12:39-01:41:00)(Out of Order)

ABHES Accreditation Process has two pathways for accreditation.

Pathway #1 An institutional application

Pathway #2 New Program

Pathway #1

- **Multi-step process is application acceptance**
- **Workshop attendance**
- **Draft SER require INS Required; PRG optional**
- **Preliminary Visit INS Required, PRG Optional**
- **SER Submission**
- **On-site Team Visit**
- **School response**
- **Commission action, considers those documents (if needed more information)**

Pathway #2:

- **Application for new program approval submitted**
- **Program approved**
- **On-site team visitation**
- **School response—due 3 weeks upon receipt of final visit reports**
- **Commission action to approve inclusion**
- **School is notified of inclusion**
- **Annual reporting on outcomes**
- **Renewal review during institution's regular cycle**

Ms. Tips and Ms. Calarusse opened the time for questions.

Comments, Questions, and Concerns were discussed.

Ms. Tips stated they would be happy to email a copy of their PowerPoint presentation to the Board for reference.

Dr. Dunford stated she would be speaking with Ms. Falkenrath to collaborate language regarding the Rule.

**SB 177 BILL DISCUSSION—PHARMACY TECHNICIAN TRAINING UTAH ADMIN.
CODE R156-17b-303a**

(See Audio 1 for Specifics 01:41:01-02:21:46)

Ms. Falkenrath stated she had attached the PT Rule (Pharmacy Tech Rule) discussed from the last meeting.

Ms. Falkenrath stated she separated qualifications for licensure education requirements into three sections rather than being in one section for Pharmacists, Pharmacy Interns, and Pharmacy Technicians.

Ms. Falkenrath shared her screen with draft language indicating highlighted language:

R156-17b-303e. Qualifications for Licensure – Education Requirements, Pharmacy Technician.

~~{(3)}~~ ~~(1)~~ In accordance with Subsection 58-17b-305(1)(f), an applicant for licensure as a pharmacy technician shall complete a training program that is:

(a) accredited by ASHP; ~~{of}~~

(b) conducted by:

(i) the National Pharmacy Technician Association;

(ii) Pharmacy Technicians University; or

~~{(iii)}~~ (c) a branch of the Armed Forces of the United States, and

~~{(e)}~~ (d) meets the following standards:

(i) while licensed as a pharmacy technician trainee, completion of at least 180 hours of directly supervised practical training in a licensed pharmacy ~~[as determined appropriate]~~ by a licensed pharmacist in good standing. ~~[;and~~

~~(iii) written protocols and guidelines for the teaching pharmacist outlining the utilization and supervision of pharmacy technician trainees that address:~~

Comments, Questions, and Concerns were discussed.

Dr. Dunford shared her screen with draft language concerning completion deadline and testing requirements:

“(b)A student in a program described in Subsection ~~(4)~~ ~~{(5)(a)}~~ shall comply with the program completion deadline and testing requirements in Subsection **R156-17b-303c(4)** ~~{(4)}~~, except that the license application shall be submitted to the Division no later than December 31, 202 ~~{H}~~.”

(c) a program in ASHP candidate status shall notify a student prior to enrollment that if the program is denied accreditation status while the student is enrolled in the program, the student will be required to complete education in another program with no assurance of how many credits will transfer to the new program.

(d) A program in ASHP candidate status that is denied accreditation shall immediately notify the Division, enrolled students and student practice sites, of the denial. The notice shall instruct each student and practice site that:

(i) the program no longer satisfies the pharmacy technician license education requirement in Utah; and

(ii) enrollment in a different program meeting requirements established in Subsection **R156-17b-303(a)(e)(1)** ~~{(3)}~~ is necessary for the student to complete training and to satisfy the pharmacy technician license education requirement in Utah.”

Dr. Dunford shared her screen that provided language regarding the dates in question:

(4)(a) Pharmacy technician training programs described in ~~R156-17b-303e-(1)(b)~~ that received Division approval on or before April 30, 2014 are exempt from satisfying ASHP accreditation standards in Subsection ~~R156-17b303a(3)~~ for students enrolled on or before December 31, 2018.

(b) A student in a program described in Subsection ~~(4)~~(5)(a) shall comply with the program completion deadline and testing requirements in Subsection ~~R156-17b-303c(4)~~ (4), except that the license application shall be submitted to the Division no later than December 31, 2024.

Dr. Dunford stated the intent of the law is to push people to get accredited.

Dr. Sheard motioned for R156-17b-303e-(4)(a), Pharmacy Technician Training Program, to be enrolled in the program before 12/31/2024.

Dr. Gunning and Mr. Hale both 2nded the motion.

Motion passed unanimously.

Dr. Sheard made the motion in R156-17b-303e-(4)(b), to include the language Pharmacy Technician License. The Pharmacy Technician License application shall be submitted to the Division no later than 12/31/2025.

Ms. Hawks seconded the motion.

Motion passed unanimously.

Ms. Falkenrath stated she would bring the revised draft Rule to the next Board meeting for one final review.

Comments, Questions, and Concerns were discussed.

Mr. Hale stated the need for good Pharmacy Technicians, and to protect them so they can be successful in their career. Mr. Hale stated there was need to provide room for growth, in the event circumstances changed quickly.

Ms. Hawks motioned to strike the language *NPTA* from the document.

Mr. Hale seconded the motion.

Motion passed unanimously.

Mr. Hale made a motion to change the language in the Pharmacy Technician University or Pharmacy Training Program section to *Prior to Dec 31, 2025*.

Ms. Hawks seconded the motion.

Motion passed unanimously.

Dr. Sheard motioned to add the language “ABHES” to section 1(a) to read: (a) accredited by ASHP and/or ABHES;

Dr. Gunning seconded the motion.

Motion passed unanimously.

BREAK: 10:53 A.M.-11:00 A.M.

PHARMACY INTERN LICENSURE

(See Audio 2 for Specifics 00:01:10-01:06:53)

Ms. Falkenrath stated she researched other states' policies for Pharmacy Intern Licensure. Ms. Falkenrath presented information from other states, as provided.

Dr. Gunning stated she reached out to Roseman and others to give some insight into this discussion.

Mr. Jim Ruble stated he looked at several states' Rules as well. Mr. Ruble stated many states have the word *enrolled* in their definition; Utah has the word *admitted*.

Mr. Dustin Grant, from Roseman College of Pharmacy, stated students admitted have completed prerequisites in the year they are expected to start, and can begin the process of getting their intern license. Mr. Grant stated students could begin the process as early as January as long as they have completed their prerequisite coursework. Mr. Grant stated students are being pressured into asking to get an intern license.

Comments, Question, and Concerns were discussed.

Dr. Gunning stated harmonizing language of the Statute, Rule, and the Application process will be very important.

Ms. Falkenrath clarified the language *Current Pharmacy Student* comes from the Statute Utah Code 58-17b-304-6(a). Ms. Falkenrath acknowledged her understanding that the Statute language is different from language in the Rule.

Comments, Questions, and Concerns were discussed.

Dr. Sheard stated he researched his notes from April of 2019, and there was a challenge with the issue of intern students at that time. Dr. Sheard stated the need for balance between workforce consideration and education consideration. Dr. Sheard stated he was more in favor with the language of *enrollment* rather than *admission*.

Dr. James Herron stated he was part of the Board meeting in April 2019. He stated there was a representative from University Hospital who explained there was a need to fill 20 intern slots by the end of May, and the new intern students had filled that gap. Dr. Herron explained the difficulty to Dr. Gunning regarding students wanting licenses earlier than they had ever before.

Comments, Questions, and Concerns were discussed.

Dr. Dunford shared her screen to present draft Rule language for Pharmacy Interns:

Utah Admin. Code R156-1b-303a. Qualifications for Licensure-Education Requirements. Pharmacist and Pharmacy Interns

(1) In accordance with Subsections 58-17b-303(2) and 58-17b-304(6)(b), the credentialing agency recognized to provide certification and evaluate equivalency of a foreign educated pharmacy graduate is the Foreign Pharmacy Graduate Examination Committee (FPGEC) of the National Association of Boards of Pharmacy ~~Foundation~~.

(2) In accordance with Subsection 58-17b-304(6), an applicant for a pharmacy intern license shall demonstrate that the applicant meets one of the following education criteria:

(a) current admission and active participation in coursework at [in] a college of pharmacy accredited by the ACPE, by written verification from a dean of the college;

(b) a graduate degree from a school or college of pharmacy that is accredited by the ACPE; or

(c) a graduate degree from a foreign pharmacy school as established by a certificate of equivalency from an approved credentialing agency defined in Subsection (1).

Assistant Director Blackburn stated there would have to be a change in Statute in order to modify language for Pharmacy Interns.

Dr. Sheard made the motion to not issue any intern license for the upcoming academic year for Pharmacy Interns until further discussion in the February Board of Pharmacy meeting. Dr. Gunning seconded the motion.

Motion passed 5 to 1. Mr. Hale voted no.

Dr. Dunford suggested Discussion Item Workload Safety be discussed in February, which is after Dr. Sheard returns from the NABP Interactive Forum.

Dr. Dunford stated Discussion Item Partial Fills and Newsletter could be discussed after the lunch break.

UTAH ADMIN. CODE R156-37 ELECTRONIC PRESCRIBING FOR CONTROLLED SUBSTANCES

(See Audio 2 for Specifics 1:09:20-01:43:40)(Out of Order)

Ms. Falkenrath submitted proposed language to Board members, as provided.

Dr. Dunford stated this Rule had been discussed in previous meetings, but language had not yet been finalized.

Assistant Director Blackburn stated there was a large backstory from R156-37, and is being worked on.

Comments, Questions, and Concerns were discussed regarding R156-37 and Utah Code Section 58-37-22-2.

Assistant Director Blackburn stated she would get wording from Mr. Bill Stilling and Mr. Mark Brinton regarding the language suggested, and work with Division Director Mark Steinagel to wordsmith.

Dr. Dunford asked Board Secretary Julie Pulsipher to post on screen the meeting would resume at 1:15 P.M.

Lunch Break began at 12:43 P.M.

Afternoon Segment of the Meeting resumed at 1:15 P.M.

DEC. 10, 2021 RULE HEARING UTAH ADMIN CODE R156-17B DISCUSSION

(See Audio 3 for Specifics 01:07:48-01:25:30)(Out of Order)

Ms. Falkenrath stated she wanted the Board to be able to review the comments submitted. Ms. Falkenrath stated the Rule Hearing was on December 10, 2021, and public comments were accepted until January 14, 2022. Ms. Falkenrath stated Division Director Steinagel was reviewing comments as well. Ms. Falkenrath stated at this point, the Division Director can make a Rule effective date, comments can be considered, additional writing of the Rule can be discussed, and Board response can be considered.

Comments, Questions, and Concerns were discussed.

Ms. Falkenrath stated she would take comments back to Division Director Steinagel for review.

WORKLOAD SAFETY

(See Audio 2 for Specifics 01:07:25-01:07:37)(Out of Order) and

(See Audio 3 for Specifics 01:30:16-01:30:24)(Out of Order)

Dr. Dunford stated the Board would wait to discuss Workload Safety until after Dr. Sheard had returned from the NABP Interactive Forum.

PARTIAL FILLS UTAH ADMIN. CODE R156-17b-610.7

(See Audio 3 for Specifics 01:25:30-01:30:16)(Out of Order)

Ms. Falkenrath stated they had received a complaint regarding a partial fill. Ms. Falkenrath stated in the past if a patient was prescribed 60 pills, and the patient only wanted 20, the other 40 would be forfeited. Ms. Falkenrath stated the protocol is different now, but maybe pharmacists are not up to date on the new Rule.

Dr. Dunford asked Board members if they could do a partial fill in the software programs in their pharmacies.

Board members answered affirmatively.

Mr. Hale stated it would be a good newsletter article to address Partial Fill practices.

GOALS FOR 2022

(See Audio 1 for Specifics 00:24:48-00:55:23)(Out of Order)

Dr. Dunford stated the Legislative Session often directs Rule writing. According to Governor Cox's request to decrease workload, Dr. Dunford stated Rules were possibly more detailed than they need to be, and could be simplified.

Ms. Falkenrath stated reducing word count and repetitive language from the CFR would be beneficial. Ms. Falkenrath stated work with SB178 will continue.

Dr. Dunford asked the status update and implementation procedures coming from the Rule hearing.

Ms. Falkenrath stated she sent Rule Hearing comments to the Board for review in the meeting. Ms. Falkenrath stated Division Director Steinagel had been reviewing the comments as well.

Dr. Gunning stated Patient Safety, Workload Safety, and Safety in the Work Environment would be important items to focus on for the coming year. Dr. Gunning stated different NABP meetings Board members will be attending in the near future will be helpful to gather information regarding other states' procedures.

Mr. Hale stated he agreed with Dr. Gunning's sentiment.

Dr. Gunning stated she would like to address the amount of time that can elapse between graduation and the time to start working. Dr. Gunning stated concern too much time is lapsing between graduation and when Pharmacists begin working.

Dr. Sheard stated there is an NABP Interactive Forum tomorrow and Thursday. Dr. Sheard stated there are 13 shared discussion topics--Workplace Safety and Licensing being two of them. Dr. Sheard stated he will provide a summary for the next meeting.

Dr. Dunford stated an interest in handling license portability. Dr. Dunford stated the Nursing profession has Compac, and there could possibly be options for Pharmacy. Dr. Dunford cited different states' approaches to license portability.

Dr. Dunford stated at the last NABP meeting, remote work supervision for dispensing procedures came up. Dr. Dunford stated this subject may arise in the Interactive Forum this week.

Dr. Dunford addressed the topic of pharmacy coverage at rural hospitals, and being able to fill orders at night. Dr. Dunford stated she wanted to see how other states were handling this issue.

Dr. Sheard suggested another goal was to review any COVID adjustments needing to be made, i.e.: enforcement, discretion, and guidance.

Dr. Dunford asked Bureau Manager Larry Marx or Assistant Director Deborah Blackburn to comment on DOPL goals needing consideration.

Assistant Director Blackburn stated she liked the idea to pare down wording of Rules. Assistant Director Blackburn stated they had been making great strides with improving procedures with criminal history. With Pharmacy, Assistant Director Blackburn stated there were not as many problems occurring as with other professions. She stated the Pharmacy profession was unique as there are so many rules and regulations in place.

Mr. Dustin Grant, from Roseman University, stated a movement called “Ban the Box” is developing which will aim at eliminating criminal histories from educational applications. Mr. Grant stated the goal of the movement is to give persons an opportunity to apply for higher education where they would not have been able to in the past due to a criminal history.

Assistant Director Blackburn stated DOPL has gone to great lengths to look at criminal history. When crimes are present in an applicant’s history, DOPL has looked to see when the applicant would still be able to get licensed. Assistant Director Blackburn stated DOPL looks at patterns to see if they are becoming a harm to the public. Assistant Director Blackburn stated violent criminal histories are still prohibitive.

Assistant Director Blackburn stated burglar alarm agents, security guards, etc., are in professions prohibitive to a criminal history. Assistant Director Blackburn stated DOPL has been involved in the expungement process for criminal history as well.

Ms. Falkenrath stated Pharmacy applications are on a case-by-case basis; there is not an automatic “No” answer.

Ms. Erin Johanson stated affiliation agreements are in place with each of the rotation sites. Ms. Johanson stated rotation sites have become more stringent over the past several years. Ms. Johanson stated if there is something found in their criminal history, it reflects badly on the student since there has not been transparency.

Dr. Gunning reiterated students must abide by the site; they cannot be at their rotation with their criminal background check as it is. Ultimately, it is the rotation site that gives permission to be there.

Stephanie Arceneaux, associated with the program *Influence for All*, wrote in the chat box her desire for the passing of the Rule affiliated with House bill 178 to ensure patients can get the insulin they need.

NEWSLETTER, SUBMISSIONS DUE APRIL 1, 2022 (FEBRUARY, MAY, AUGUST, NOVEMBER)

(See Audio 3 for Specifics 01:30:03-01:33:00)

Ms. Falkenrath stated she was working on a letter with the Department of Health. Ms. Falkenrath stated they are waiting on approval from the Department of Health, and it will then be posted on the website.

Dr. Dunford stated she and the Division met with the Department of Health to possibly have some help to increase the number of vaccination clinics to take some of the burden off of Pharmacy. Dr. Dunford stated the meeting was right before the Omicron variant took off. The Workforce Crisis Contingency Plan was drafted. Dr. Dunford stated pharmacies need to come up with a contingency plan if many people in the pharmacy test positive for COVID. A list of Rules and Laws have been listed that can be helpful to aid in a crisis situation.

APPOINTMENTS:

NAJME FAHAM—PHARMACY INTERN EXTENSION REQUEST—MR. HALE

(See Audio 3 for Specifics 00:00:04-00:15:32)

Interview was conducted by Mr. Hale.

Mr. Hale asked Ms. Najme Faham to tell the Board the reason she was meeting with the Board.

Ms. Faham stated she was requesting an extension for her Pharmacy Intern license. Ms. Faham stated she finished her PharmD in 2004, in Iran, graduating at the top of her class. Physicians were not open to have pharmacists work with them, so Ms. Faham decided to do a PhD instead. She got a scholarship to attend in Germany to start her PhD program in 2010. Ms. Faham came to the United States to do her post-graduate work. Ms. Faham stated she loved doing research, particularly about cancer. Ms. Faham stated the reason she wanted to return to Pharmacy was so she could have patient interaction. Since March, Ms. Faham has been making efforts to fulfill her hours toward Pharmacy. Ms. Faham is asking for an extension to be able to take the MPJE and the NAPLEX. She has not signed up for the exams yet.

Ms. Faham stated she was instructed to get 1400 hours, and she will have over 1500 hours. Ms. Faham stated she needs an extension to be able to study for the exams, work on patient interaction, and be confident as a future Pharmacist.

Mr. Hale made a motion to extend her Pharmacy Intern license for six months.

Ms. Gunning seconded the motion.

Motion passed unanimously.

Mr. Hale stated Dr. Jim Ruble has great notes to help with the MPJE exam called “The Secret to Success”. Mr. Hale stated studying the Utah Pharmacy Act and doing Rx preparation would be helpful as well.

Ms. Faham thanked the Board for their time.

Mr. Hale thanked Ms. Faham for her time.

COMPLIANCE REPORT—BERNICE PALAMA

(See audio3 for specifics 00:15:37-00:20:43)

Ms. Bernice Palama presented the Compliance Report, as provided.

Dr. Dunford asked Ms. Palama to do quarterly reporting if fines have been paid by probationers.

JASON LANG—PROBATION INTERVIEW—DR. SHEARD

(See Audio 3 for Specifics (00:20:44-00:26:31)

Interview was conducted by Dr. Sheard.

Dr. Sheard welcomed Dr. Lang to the meeting.

Dr. Lang stated he is working with the OIG to have his name removed from the OIG list. Dr. Lang stated it would need to be an ideal situation where there was no government billing in order to get that job.

Dr. Sheard asked if Dr. Lang's time was tolling, or if it was a set two years.

Ms. Naff stated Dr. Lang does not have tolling in his stipulation. Ms. Naff stated time still counts even though he is not working.

Dr. Lang stated he appreciated the offer of Dr. Sheard's help.

Dr. Sheard stated there is still a holding pattern until Dr. Lang can get his name off of the OIG. Dr. Sheard stated for Dr. Lang to let Ms. Palama or the Division know when he is again employed.

Dr. Sheard asked input from the Board.

Dr. Dunford recommended Dr. Lang maintain his education since he is not working in the profession at this time. Dr. Dunford stated to take CE's and do preparation for exams to make himself market-able.

Dr. Sheard thanked Dr. Lang for keeping up on his stipulation requirements, and encouraged Dr. Lang to continue to do so. Dr. Sheard recommended for Dr. Lang to see the Board in six months, unless Dr. Lang became employed. Dr. Sheard stated if Dr. Lang became employed first, the Board would need to know the name of his supervisor.

DAN RICHARDS—PROBATION INTERVIEW—DR. GUNNING

(See Audio 3 for Specifics 00:30:30-00:41:01)

Dr. Gunning conducted the interview.

Dr. Gunning stated the last time Dr. Richards had met with the Board was in November of 2021. Dr. Gunning asked Dr. Richards what he had been doing since that time.

Dr. Richards stated he had been supporting operations with Musely Pharmacy. Dr. Richards stated he had been helping with orders, getting things shipped, and filling in the gaps when employees were ill with COVID. Dr. Richards stated he was metaphorically acting as the Swiss Army knife of the pharmacy.

Dr. Gunning asked the nature of Musely Pharmacy.

Dr. Richards stated Musely Pharmacy was associated with non-sterile compounding, in particular non-sterile creams. Dr. Richards stated the parent company is Musely, a telehealth company. Musely Pharmacy is affiliated with the parent company, and Dr. Richards is an employee of the Pharmacy. Dr. Richards stated he had a different job every day—managing the pieces to keep the company going. Dr. Richards stated he was working more than 40 hours per week, and working a mixture of on-site and remote work with the pharmacy.

Dr. Gunning asked Dr. Richards what things he was learning to avoid previous circumstances.

Dr. Richards stated he is learning efficiency, identifying what holes to fill in, and learning to ensure all metrics are followed throughout the expansion process. Dr. Richards stated as a forward-thinking process, he is setting up with an HVAC company the construction of a hazardous room with negative pressure. Dr. Richards stated he is having a clean room installed even though it is a non-sterile compounding pharmacy.

Dr. Gunning asked if other Board members had comments or questions for Dr. Richards.

Ms. Palama stated Dr. Richards had submitted all documentation and is in compliance with stipulation paperwork.

Dr. Richards stated Musely had been a partner of theirs, and they brought him over because he had experience in the field.

Dr. Gunning stated Dr. Richards started his time, again, for his five-year probation roughly in November 2021. Dr. Gunning proposed quarterly meetings with the Board, and monthly employer reports. Dr. Gunning stated for Dr. Richards to plan to attend the April Board meeting. Dr. Gunning stated for any changes in employment or supervisor to please let Ms. Palama know.

Dr. Gunning and Ms. Palama thanked Dr. Richards for his time.

Dr. Richards thanked the Board for their time.

DEREK ROYLANCE—PROBATION INTERVIEW—DR. SHEARD
(See Audio 3 for Specifics 00:41:12-01:06:48)

Dr. Sheard conducted the interview for Dr. Roylance.

Dr. Sheard asked how Dr. Roylance was doing. Dr. Sheard acknowledged Dr. Roylance had submitted his CE. Dr. Sheard stated the Board would be looking for the ACPE code for the other CE courses so they know it is for a pharmacist. Dr. Sheard stated the challenging course will probably be the one for Preceptor, as there is no ACPE code available.

Dr. Roylance interrupted Dr. Sheard by saying he understood what the Board wanted, and would submit the new courses.

Dr. Sheard asked Dr. Roylance about his practice plan.

Dr. Roylance questioned what the Pharmacy Practice Plan was.

Dr. Sheard clarified in Dr. Roylance's stipulation, it was outlined Dr. Roylance would complete a Practice Plan, and asked if Dr. Roylance had received the format yet.

Dr. Roylance stated, "Maybe."

Dr. Sheard stated they could re-send the form to Dr. Roylance, reminding Dr. Roylance it is due.

Dr. Roylance interrupted Dr. Sheard before he could articulate the correct date the Practice Plan was due. Dr. Roylance questioned what a Practice Plan was.

Dr. Sheard stated a Practice Plan was designed to put some thought into Dr. Roylance's plan moving through as a pharmacist, what changes he was going to make moving forward, lessons he has learned, and to ensure those errors did not get repeated. Dr. Sheard stated it was a reflection essay on how he wants to practice as a Pharmacist. Dr. Sheard asked Ms. Falkenrath for feedback if the Practice Plan was as explained.

Ms. Falkenrath stated Dr. Sheard was doing a great job explaining what a Practice Plan is.

Dr. Sheard stated simply doing a bullet-point outline was not sufficient for the Board. Dr. Sheard stated it needed to be well-thought out, and to put into an essay form. Dr. Sheard stated the Practice Plan was not intended to just be a burden to be put upon Dr. Roylance. Dr. Sheard stated it did not need to be long in length.

Ms. Palama stated the Practice Plan was due on his first quarterly meeting.

Dr. Sheard stated to Dr. Roylance the date of the first quarterly meeting has passed, so the Board was needing to have it submitted.

Dr. Roylance stated he would have it in this week.

Dr. Sheard thanked Dr. Roylance for committing to submit the paperwork in this week. Dr. Sheard stated Dr. Roylance had submitted an email to the Board requesting a residency.

Dr. Roylance stated he has been interested in a PGY2 in Safety, and has applied to a few programs out of state. Dr. Roylance stated issues continue to come up that if the programs give Dr. Roylance program access, there is still the issue of getting licensing in other states. Dr. Roylance requested the Board suspend the Utah probation so he could get licensing in other states. Dr. Roylance stated it followed along the lines of the requirements the stipulation has in order.

Dr. Sheard stated he couldn't speak for other states, but that Dr. Roylance is welcome to apply in other states. Dr. Sheard stated Dr. Roylance would need to go through the application process in another state.

Dr. Roylance interrupted Dr. Sheard by stating Dr. Sheard did not understand what he was requesting. Dr. Roylance stated he has already applied, and has already talked with residency directors. Dr. Roylance stated what he needs help with is if residency were given, there is no guarantee that state can give him a license. Dr. Roylance stated he was wondering if the Board would petition the Division, if in the case he did get one of the residencies, to suspend the probation status. Dr. Roylance stated it would allow Dr. Roylance to get the license.

Dr. Sheard stated he understood Dr. Roylance's question, and stated as long as he has been on the Board, a license suspension or hold has never been granted. Dr. Sheard stated Dr. Roylance was welcome to apply as any other probationer may apply to any other state. If that state does not issue a license because of something on the Utah license, it is up to that state. Dr. Sheard stated he has not seen anything taken off a license to allow for licensure in another state.

Dr. Roylance stated he is trying to do what DOPL has required of him, and no one will hire him with probation on his license. Dr. Roylance stated he has applied to every place imaginable.

Dr. Roylance stated this is something he has looked at that covers everything the Board needs and wants because he will be under supervision, and he will be learning how to be a good pharmacist. Dr. Roylance stated he is asking the Board to be his advocate, instead being an obstacle for him.

Dr. Roylance stated he is sure it has never been done before, but maybe no one has ever tried to do this before. Instead of looking at it traditionally, Dr. Roylance stated he wants the Board to do it the way he has thought of it so it can be accomplished. Dr. Roylance stated another state will see the probation is on his license, and will deny his license. Dr. Roylance stated it would be good for him, and good for the Board in the respect that Dr. Roylance would be in compliance with what the Board has asked him to do, and to help him out.

Dr. Sheard stated he wanted to clarify he did *not* say it could *not* be done.

Dr. Roylance interrupted Dr. Sheard by saying he did not like Dr. Sheard's tone. Dr. Roylance stated Dr. Sheard's tone was pretty much saying it wasn't going to happen.

Dr. Sheard stated if Dr. Roylance wanted to talk about tone, Dr. Sheard was trying to understand the situation better. Dr. Sheard stated the Board cannot speak for any other

state. If Utah needs to provide information to another state, the Board will be happy to do so.

Dr. Roylance stated he is trying to look at other avenues.

Dr. Dunford asked Board members if any members were in favor of changing the probation requirements of Dr. Roylance's stipulation at this point.

No Board members indicated affirmatively.

Dr. Dunford stated the question of the moment was that Dr. Roylance was asking the Board to change the probation requirements.

Dr. Roylance stated affirmatively, "Yes, I'm asking you to be my advocate and to help me out here."

Dr. Dunford stated she is not in support of changing any of the items in the stipulation order right now. Dr. Dunford stated her reasoning was the Board has not seen Dr. Roylance be in compliance with the current requirements in his stipulation. Dr. Dunford stated Dr. Roylance was not bringing forth the actual requirements of the stipulation, as it is written. Dr. Dunford stated she was concerned if Dr. Roylance was taking this very seriously.

Dr. Roylance interrupted Dr. Dunford saying the reason he was not compliant was because he turned in his CE's right off the bat.

Dr. Dunford stated Dr. Roylance was not being a very good participant in the meeting. Dr. Dunford stated if Dr. Roylance would let them finish their statements before he started speaking over them again, it would help this meeting.

Dr. Roylance interrupted, "My apologies."

Dr. Dunford stated Dr. Roylance was not being entirely compliant in his stipulation as written. Dr. Dunford stated with the timeline being 2018, the Board could not help the amount of time it took to go through DOPL. Dr. Dunford stated if Dr. Roylance was looking for advocates, the Board helped him to make this a lesser stipulation than it would have been. Dr. Dunford stated the Board has heard what Dr. Roylance has had to say, and she is not supportive of changing the recommendations.

Dr. Dunford asked for a verbal response from each Board member.

Dr. Daery verbalized No.

Dr. Gunning stated No. Dr. Gunning added there are people, however, who are on probation in other states who have been able to get a license in the state of Utah, and have successfully completed the probation in both states. Dr. Gunning stated she knows it sounds daunting when talking to residency directors, but there is at least one example that has been very successful in this state.

Ms. Hawks stated she needed to abstain from a recommendation in this case.

Mr. Hale reiterated to apply to other states. The state of Utah issues licenses from people in other states. Mr. Hale added states will most likely mirror the same time and status of probation that the other state has, but Dr. Roylance could still get a license. Mr. Hale stated it was a great way to further Dr. Roylance's career choice. Mr. Hale emphasized to Dr. Roylance not to think he can't get licensed in another state; it has been done before.

Dr. Sheard stated he cannot speak for other states, but it does happen.

Dr. Sheard asked Ms. Falkenrath if application with another state would be between the Division and that state. Ms. Falkenrath stated it would be between the other state and the applicant.

Ms. Falkenrath stated there would be need for a motion whether Dr. Roylance is compliant as of this meeting.

Dr. Sheard stated as of this meeting, Dr. Roylance is not in compliance with his stipulation. Dr. Sheard stated it can be quickly remedied, but as of right now, he is not in compliance. Mr. Hale and Dr. Daery seconded the motion.

Motion passed, with Ms. Hawks abstaining from the vote.

Dr. Sheard stated for Dr. Roylance to please submit the CE's and the Pharmacy Practice Plan before the next Board meeting, and to return in six months to meet with the Board. If anything changes, Dr. Roylance is to contact DOPL immediately of the change, and Dr. Roylance would then be asked to attend that following Board meeting.

Dr. Roylance stated he understood; no more questions; no more pleading; he knew exactly where the Board stood, and so he will continue on.

Dr. Dunford and Dr. Sheard both thanked Dr. Roylance for his attendance in the meeting.

Dr. Roylance responded, "Yep. Bye."

(See Audio 3 for Specifics 1:06:53-01:07:27)

Ms. Palama stated she emailed Dr. Roylance both in Spectrum and in DOPL email the requirements in his stipulation for his compliance during the meeting.

ADJOURN:

Meeting adjourned at 2:53 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.

02/22/2022

Date Approved

02/22/2022

Date Approved

Carrie Dunford

(SS) [Carrie Dunford \(Feb 22, 2022 15:32 MST\)](#)

Carrie Dunford, Chairperson, Utah Board of Pharmacy

Jennifer Falkenrath

(SS) [Jennifer Falkenrath \(Feb 22, 2022 16:18 MST\)](#)

Jennifer Falkenrath, Bureau Manager, DOPL